

Chapter 26

HOUSING CODE*

* **Cross References:** Buildings and building regulations, ch. 8.

State Law References: Minimum housing standards, G.L. 1956, § 45-24.2-1 et seq.; Warwick minimum standards housing act, P.L. 1958, ch. 99.

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ARTICLE I.

IN GENERAL

Sec. 26-1. Short title.

This chapter shall be known as the Minimum Standard Housing Code.
(Code 1971, § 10-1)

Sec. 26-2. Definitions.

In the interpretation and enforcement of this chapter, all words other than the terms herein specifically defined shall have the meanings implied by their context in this chapter or their ordinarily accepted meaning as generally used. The following definitions shall apply in the interpretation and enforcement of this chapter and of any rules and regulations adopted pursuant thereto:

Approved means as defined and specified by the director in rules and regulations adopted pursuant to the provisions of this chapter.

Basement means that story of a building or dwelling located wholly or partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

Board means the housing board of review.

Cellar means a portion of a building or dwelling 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, as measured from finished floor to finished ceiling.

Director means the director of the division of minimum housing standards.

Dwelling means any building or part thereof which is wholly or partly used or intended to be used for living and sleeping by one or more occupants. A dwelling may include one or more dwelling units or rooming units or a combination of both.

Dwelling premises means the land and auxiliary buildings thereon used or intended to be used in connection with the dwelling.

Dwelling unit means any room or group of rooms within a dwelling and forming a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Floorspace means the horizontally projected floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room, exclusive of that portion of the habitable room which does not have a ceiling height of at least four feet.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floorspace used or intended to be used for living, or sleeping, or cooking, or eating purposes; and excluding bathrooms, toilet rooms or compartments, laundries, pantries, foyers, communicating corridors, closets, and storage space.

Hot water means water maintained at not less than 120 degrees Fahrenheit.

Infestation means the presence, within or around a dwelling or dwelling premises, of rodents, vermin or pests.

Occupant means any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person who has charge, care or control of a multiple dwelling or roominghouse, in which dwelling units or rooming units are let or offered for occupancy.

Owner means any person who, alone or jointly, or severally with others:

- (1) Shall have legal or record title to any dwelling or dwelling premises; or
- (2) Shall have charge, care or control of any dwelling or dwelling premises as agent of the owner, executor, administrator, trustee or guardian of the estate of the owner.

Plumbing means and includes all of the following supplies, facilities, equipment and devices: gas pipes, hot water pipes and cold water pipes, toilets, lavatories, sinks, laundry tubs, installed dishwashers, garbage

disposal units, installed clothes washing machines, catchbasins, washbasins, bathtubs, showerbaths, waste pipes, cesspools, septic tanks, drains, vents, traps and any other gas-burning or water-using fixtures and appliances, together with all connections to water, waste or gas pipes.

Proper and *properly* have the meaning defined or specified herein or in rules and regulations adopted pursuant hereto; or, when not so defined or specified, in accordance with the applicable ordinances of the city.

Rooming unit means any room or group of rooms forming a single habitable unit rented or intended to be rented for living purposes.

Roominghouse means any dwelling, or part thereof, which contains one or more rooming units, in which space is rented or intended to be rented to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

Seasonal dwelling units means dwelling units regularly occupied for less than five months of the year and that are not the permanent residences of the occupants.

Supplied and *supply* means paid for, furnished by or provided by the owner or operator.
(Code 1971, § 10-2)

Cross References: Definitions generally, § 1-2.

Sec. 26-3. Findings and policy.

It is hereby declared that there exist in the city numerous dwellings which are substandard in one or more important features of structural safety, sanitary facilities and maintenance, and healthful occupancy; and that these conditions, together with the inadequate provision for light and air, insufficient protection against fire, unsanitary conditions, lack of proper heating, overcrowding of dwellings, deterioration and disrepair of dwellings and dwelling premises, and the occupancy of unfit dwellings, endanger the health, safety, morals, and general welfare of the community, and give impetus to the continuation, extension and aggravation of urban blight and decay. It is further declared that the establishment and enforcement of minimum housing standards, and the rehabilitation of housing, are essential to the public health, safety, and general welfare.

(Code 1971, § 10-3)

Sec. 26-4. Purpose.

The purpose of this chapter shall be to protect the public health, safety and welfare by establishing minimum standards governing the condition and maintenance of all dwellings and dwelling premises; establishing minimum standards governing utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, and occupants of dwellings and dwelling premises; and fixing the conditions whereby certain dwellings may be declared unfit for occupancy and condemned for human habitation; and fixing penalties for violations of the provisions of this chapter.

(Code 1971, § 10-4)

Sec. 26-5. Applicability.

Every portion of a dwelling and its premises used or intended to be used for any dwelling purpose shall comply with the provisions of this chapter and with the rules and regulations adopted pursuant thereto, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the dwelling and dwelling premises, for the construction or repair of the dwelling, or for the installation or repair of dwelling equipment or plumbing prior to the effective date of this chapter. This chapter establishes minimum standards for the initial and continued occupancy of all dwellings and does not replace or modify standards otherwise established for the construction, repair, or use of buildings or the installation of building equipment or plumbing except as they may be in conflict with the provisions of this chapter as provided by section 26-6.

(Code 1971, § 10-5)

Sec. 26-6. Conflicting provisions.

In any case where a provision of this chapter or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto, or any other ordinance, code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.

(Code 1971, § 10-6)

Sec. 26-7. Issuance of permits and licenses in conflict with chapter.

All departments, officials and employees of the city which have the duty or authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling premises or dwelling equipment or facilities shall conform to the provisions of this chapter, and no permit or license for any construction, installation, repair, use or occupancy shall be issued if such would be in conflict with the provisions of this chapter, except as provided in section 26-6. Any permit or license in conflict with the provisions of this chapter, except as provided in section 26-6, shall be null and void.

(Code 1971, § 10-7)

Sec. 26-8. Prosecution of existing violations.

This chapter shall not affect violations of any other ordinance, code, or regulation of the city existing prior to the effective date of this chapter, and such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

(Code 1971, § 10-8)

Sec. 26-9. Penalty; additional remedies; chronic violators.

(a) Any person who shall violate any provision of this chapter or any provision of any rule or regulation adopted pursuant to authority granted by this chapter shall upon conviction be punishable as provided in section 1-4, and each day's failure to comply with any such provision shall constitute a separate violation.

The city solicitor shall, upon complaint of the director, institute injunction, abatement, or other appropriate actions or proceedings at law or in equity to restrain, prevent, enjoin, abate, correct, or remove such violations. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(b) Whoever shall be found in violation of the provisions of this article on three or more occasions shall be deemed a chronic violator and shall be punishable with a mandatory fine of \$300.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Code 1971, § 10-9; Ord. No. O-99-33, § I, 7-19-99; Ord. No. O-08-3, § I, 1-15-08)

Sec. 26-10. Determination of location of utilities prior to commencement of excavation.

(a) All persons desiring to take out a building permit for any construction work on and around any and all private or public property, including, but not limited to, all streets and roadways belonging to the city, that involves excavation or earth removal are required to sign an affidavit that they have contacted Digsafe to delineate all public utilities prior to the commencement of any work and to post proof of such contact and delineation on the work site.

(b) Any person who violates the provision of this section shall be subject to a penalty of \$200.00 for the first offense, and not less than \$500.00 or more than \$1,000.00 for any subsequent offense. (Code 1971, § 10-10)

Secs. 26-11--26-30. Reserved.

ARTICLE II.

ADMINISTRATION*

* **Cross References:** Administration, ch. 2.

Sec. 26-31. Enforcement agency designated.

There shall be established in the department of building inspection a division of minimum housing standards for the purposes of enforcing the provisions of this chapter and such other matters as may appropriately be assigned to it, and the director of the division of minimum housing standards shall be the enforcing officer of this chapter. (Code 1971, § 10-16)

Sec. 26-32. Administration of division of minimum housing standards; delegation of powers by director.

(a) The division of minimum housing standards of the department of building inspection shall be operated under the general direction of the building inspector and under the immediate supervision and control of a director of the division appointed by the mayor, subject to the approval of the city council.

(b) The director of the division may delegate any of his/her powers or duties under the provisions of

this chapter to any properly qualified employee of the division.
(Code 1971, § 10-17)

Sec. 26-33. Technical advisory committee.

The mayor shall appoint a technical advisory committee to assist the department of building inspection and the division of minimum housing standards in carrying out the duties of enforcing this chapter. The committee shall consist of the city solicitor, the finance director, the director of public works, the chief of the fire department, the building inspector, the director of the planning board, a member of the city council and such other city officials as the mayor may appoint. The building inspector shall act as chairperson of the technical advisory committee.

(Code 1971, § 10-18)

Sec. 26-34. Annual report by director.

The director of the division shall annually submit a written report to the building inspector, the mayor and the city council regarding the activities of the division of minimum housing standards, and the procedures used in the administration and enforcement of this chapter, which will indicate the progress and problems experienced in improving the sanitation, safety, and rehabilitation of existing dwellings and dwelling premises.

(Code 1971, § 10-19)

Sec. 26-35. Personnel of division of minimum housing standards--Generally.

The personnel of the division of minimum housing standards shall consist of a director of the division, chief inspector of the division and such other inspectors, clerks, and other personnel as may be necessary for the proper organization of the division and for the proper enforcement of this chapter.

(Code 1971, § 10-20)

Sec. 26-36. Same--Appointment of chief inspector and other personnel; duties of chief inspector.

The chief inspector of the division shall be appointed by the director of the division in consultation with the building inspector, subject to the approval of the mayor. The chief inspector shall be the responsible head of the inspection staff and shall exercise such authority as shall be delegated to him/her by the director of the division. All other personnel of the division shall be appointed by the division director in consultation with the building inspector.

(Code 1971, § 10-21)

Sec. 26-37. Hearing officer.

The director of the division shall be the hearing officer of the division and as such shall be responsible for the scheduling, conducting and recording of hearings as provided for in this chapter; except that the director of the division may delegate these duties to the chief inspector or any other qualified employee of the division.

(Code 1971, § 10-22)

Sec. 26-38. Identification of inspectors.

Inspectors of the division of minimum housing standards shall wear such badges or insignia as may be prescribed by the ordinances of the city and shall, upon request, exhibit clear identification whenever it shall be their duty to visit private residences, buildings or premises for the purpose of making any survey, examination or inspection.

(Code 1971, § 10-23)

Sec. 26-39. Authority of director to prescribe additional rules and regulations.

The director is hereby empowered to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this chapter to interpret and to secure the intent thereof. No such rules and regulations shall be in conflict with the provisions of this chapter or any other ordinances of the city or shall have the effect of waiving any provisions of this chapter. Such rules and regulations shall have the same force and effect as the provisions of this chapter and the penalty for violation thereof shall be the same as the penalty as for violation of the provisions of this chapter, as herein provided. Such rules and regulations shall be submitted to the city council. Failure of the city council to approve, reject or modify such rules and regulations within 60 days from the date of submission shall be deemed to constitute approval thereof by the city council. Said rules and regulations approved by the city council shall be published in a newspaper of general circulation and shall be effective ten days after said publication.

(Code 1971, § 10-24)

Sec. 26-40. Tenant escrow fund.

The provisions of G.L. 1956, § 45-24.2-11, as amended, as enacted by the Public Laws of 1968, ch. 52, are hereby adopted by the city, and the division of minimum housing is authorized to establish a tenant escrow fund pursuant to said statute.

(Code 1971, § 10-25)

Sec. 26-41. Public nuisance task force.

(a) *Establishments.* A public nuisance task force is hereby established. The purpose and primary goal of the task force is to work with property owners to establish a plan to abate identified nuisances in a timely manner through a collaborative effort of task force members and the property owner. Where there is ineffective cooperation from a property owner, the task force may initiate appropriate legal remedies to abate the nuisance.

(b) *Members.* The members of the public nuisance task force shall be the minimum housing chief, the police chief, or his designee, the fire chief or his designee, the director of the city's planning department, or his/her designee, the city solicitor, or his/her designee, the city council person from the ward in which the subject property is located, and such other persons deemed necessary by the task force. Where appropriate, the department of attorney general may designate an attorney to assist the task force with continuing chronic nuisances.

(c) *Mission.* The task force shall investigate problem properties through reviewing police reports, arrest and dispatch calls, building, housing and zoning code violations, fire code violations and incidents where there are indications of hazardous conditions, with a focus on properties which present chronic problems.

(d) *Procedures.* Members of the task force shall identify properties that present chronic issues for the city and, after adequate review and investigation, notice shall be sent to the property owner to abate the identified nuisance within ten days through compliance with the relevant ordinances or codes. The property owner will also be requested to meet with the task force to discuss the nuisances on the subject property and develop an abatement plan. In the event that the nuisance is not abated within the ten-day compliance period and the property owner has failed to meet with the task force, then the property owner shall be formally cited pursuant to article III of this chapter, or by any other enforcement provision of this code of ordinances or state law by the appropriate enforcement agent of the city. The task force shall instruct the property owner as to the law regarding his or her responsibility to abate the nuisance.

(e) *Chair and meeting.* The minimum housing chief shall serve as chair of the task force. The task force shall meet regularly, as necessary, to review new referrals and to meet with property owners. (Ord. No. O-03-15, § I, 8-27-03; Ord. No. O-04-8, § I, 4-8-04; Ord. No. O-08-1, § I, 1-15-08)

Sec. 26-42. Absentee landlord enforcement--Registration of lessors of residential real estate.

Pursuant to Section 34-18-57 of the Rhode Island Residential Landlord and Tenant Act, all persons, corporations, organizations, associations or other legal entities owning and leasing residential property in the City of Warwick shall register their names, home addresses, including zip code and telephone numbers with the city clerk.

The registration shall be in the form of a sworn written statement containing the foregoing information as well as the street addresses (including assessor's plat and lot numbers) of all properties owned by said person, corporation, organization, association or other legal entity, which shall be recorded as an instrument in the city's land evidence records.

(Ord. No. O-08-24, § I, 11-12-08)

Secs. 26-43--26-60. Reserved.

ARTICLE III.

ENFORCEMENT

Sec. 26-61. Inspection of dwellings.

The director is hereby authorized and directed to make inspection to determine the condition of dwellings, dwelling units, rooming units and dwelling premises in order that he/she may perform his/her duty of safeguarding the health, safety and welfare of the occupants of dwellings and of the general public. For the purpose of making such inspections the director is hereby authorized to examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and dwelling premises.

(Code 1971, § 10-36)

Sec. 26-62. Access to dwellings.

The owner, operator or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the director free access to such dwelling, dwelling unit or rooming unit and dwelling

premises, at all reasonable times, for the purpose of such inspection, examination and survey. Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner or operator thereof, or any person designated by the owner or operator, access to any part of such dwelling, dwelling unit, or rooming unit, or dwelling premises, at all reasonable times, for the purpose of examination and for making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any rule or regulation adopted pursuant thereto or with any notice of violation pursuant to the provisions of this chapter.
(Code 1971, § 10-37)

Sec. 26-63. Notice of violation.

Whenever the director determines that there are reasonable grounds to believe that there is a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the person responsible therefor, as hereinafter provided. Such notice shall be in writing, and shall specify the alleged violation and a reasonable time to correct it, and shall be served upon the owner, operator, or the occupant, as the case may require. Such notice of violation shall be deemed to be properly served upon such owner, operator or occupant, if a copy thereof is served upon him/her personally; or if a copy thereof is sent by registered mail or certified mail, return receipt requested, to the last known address of such person; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if the responsible person is served with such notice by any other method now or hereafter authorized under the laws of this state. The notice of violation shall inform the person to whom it is directed of his/her right to apply for a hearing before the director, and the procedure by which application for such hearing can be made is pursuant to this chapter. Written entry of appearance or presence at such hearing shall fulfill the requirements for service of the notice of violation.
(Code 1971, § 10-38)

Sec. 26-64. Compliance order.

(a) Any notice of violation as provided in section 26-63 shall automatically become a compliance order if written request for a hearing is not filed in the office of the director within ten days after the service of this notice. A copy of the compliance order shall be served in the manner provided in section 26-63 and shall inform the person to whom it is directed of his/her right to appeal to the housing board of review, and the procedure by which application for such appeal can be made as provided in chapter 6, article VI. Written entry of appearance or presence at a hearing in connection with a notice of violation shall not fulfill the requirements for service of a compliance order.

(b) Whenever the director or his/her agents determine that there are reasonable grounds to believe there has been a violation of the minimum standards of this chapter within one year of final adjudication of a similar violation of this chapter, the director shall immediately cause an appropriate complaint to be brought before the municipal court of the city, and time to correct said violation pursuant to section 20-63 shall not apply.
(Code 1971, § 10-39)

Sec. 26-65. Immediate compliance order.

Whenever the director, at any stage of any proceedings instituted under the provisions of this chapter, finds that there exists a violation of this chapter which in his/her opinion requires immediate action to abate a

direct hazard or immediate peril to the health, safety or welfare of the occupants of a dwelling or of the public, he/she may, without prior notice of violation or hearing, issue an immediate compliance order reciting the existence of such violation and requiring that such action be taken as he/she deems necessary to alleviate the violation, which may include an order to vacate, as provided in section 26-104. Notwithstanding the other provisions of this chapter, the immediate compliance order shall be effective immediately upon its service or in such time as the director shall, under the circumstances, deem reasonable, necessary and proper, and any person upon whom such an immediate compliance order is served shall comply therewith immediately or otherwise as such order may specify. Such person shall have the right to appeal to the housing board of review as provided in chapter 6, article VI, and such appeal shall be given priority and conducted as soon as possible and as provided for in chapter 6, article VI.
(Code 1971, § 10-40)

Sec. 26-66. Authority of director to make repairs and recover expenses.

Whenever any violation of this chapter which in the opinion of the director causes a direct hazard or immediate peril to the health, safety or welfare of the occupants of a dwelling or of the public has not been corrected in the time specified by the immediate compliance order, he/she may, subject to the provisions of section 6-155, take such direct action as is necessary to alleviate the violation causing the direct hazard or immediate peril. When certified by the director, the costs incurred in the execution of the immediate compliance order shall be paid out of the city treasury, from funds made available for such purposes to the director. The owner, operator or occupant of the dwelling, dwelling unit, rooming unit, or dwelling premises who is responsible for immediate compliance shall be served a notice stating the amount of the expenses incurred by the director in executing the immediate compliance order. Such notice shall be served in the manner provided in section 26-63. These expenses shall be paid for by the responsible person on whom the notice is served, and, unless the expenses are paid within 30 days after such notice is served, the director shall certify the expenses to the city solicitor, who shall institute appropriate action against such person for the recovery of such expenses. In every case, certified expenses shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten percent service charge in addition thereto.
(Code 1971, § 10-41)

Sec. 26-67. Request for hearing.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this chapter or any rule or regulation adopted pursuant thereto may request and shall be granted a hearing before the director after such person shall file in the office of the director a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his/her address upon whom any notices and orders may have been served, and why such enforcement or compliance should not be effected. If this request is filed within ten days after the service of the notice of violation, compliance with the notice shall not be required while the hearing is pending. On receipt of such request, the director shall set a time and place for such hearing, and shall give the applicant at least five days' written notice thereof. At such hearing the applicant shall be given an opportunity to show cause why such notice of violation should be modified or withdrawn.
(Code 1971, § 10-42)

Sec. 26-68. Finding by director after hearing.

After a hearing held in accordance with the provisions of section 26-67 and on consideration of the evidence presented, the director shall sustain, modify or withdraw the notice. If the director, by his/her decision, sustains or modifies the notice, such decision shall be deemed a compliance order. Compliance orders shall be served on the person whom the director shall find to be responsible for the violation and in the manner provided by section 26-64.
(Code 1971, § 10-43)

Sec. 26-69. Record of hearing.

The director shall keep a record of the hearing, which shall include a copy of the notice of violation, the request for hearing, entries of appearance, findings of fact, if any, the decision of the director and a copy of any compliance order issued in connection therewith, and such record shall be maintained as a public record.
(Code 1971, § 10-44)

Sec. 26-70. Reinspection.

At the end of the time period specified in the compliance order or any extension thereof, it shall be the duty of the director to make a reinspection of the dwelling, dwelling unit, rooming unit or dwelling premises, and, if the order has not been complied with, the director shall institute proper legal action or make such further orders as the case may require.
(Code 1971, § 10-45)

Sec. 26-71. Demolition as compliance.

Any owner of a building or dwelling receiving a notice of violation or a compliance order stating that such dwelling does not comply with the provisions of this chapter or of the rules and regulations adopted pursuant thereto may demolish such building or dwelling, and such action shall be deemed compliance, except that any resulting cellar holes shall be filled to grade.
(Code 1971, § 10-46)

Sec. 26-72. Transfer of ownership.

It shall be unlawful for the owner of any dwelling or dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another until the provisions of the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee, prior to such transfer, lease or mortgage, a true copy of any notice of violation or compliance order issued by the director, and at the same time notify the director in writing of the intent to transfer, lease or mortgage either by delivering said notice of intent to the director and receiving a receipt therefor, or by registered or certified mail, return receipt requested, giving the name and address of the person to whom the transfer, lease or mortgage is proposed. A transferee, lessee or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice or order as of the date of such transfer, lease or mortgage without service of further notice upon him/her.
(Code 1971, § 10-47)

Sec. 26-73. Recording of notices and orders.

Whenever a notice of violation or a compliance order has been issued for a violation of this chapter, or any rule or regulation adopted pursuant thereto, the director may file in the office of the recorder of deeds a copy of the notice or order. Such notice or order shall be recorded in the same manner as lis pendens notices, and such recording shall be constructive notice to any purchaser or encumbrancer of the real property affected thereby. Notwithstanding any other provisions of this chapter, any person purchasing or otherwise acquiring any interest in any real property and having actual or constructive notice of any proceedings instituted under the provisions of this chapter shall be immediately subject to and bound by any such proceedings and to any compliance order entered with respect to the real property.
(Code 1971, § 10-48)

Sec. 26-74. Notice to city of rental housing vacancy for units ten years old and older.

(a) *Purpose.* The purpose of this section is to provide for notice to the city of any rental housing vacancy for units ten years old and older and approval by the city before further occupancy.

(b) *Intent.* It has been determined that the establishment and enforcement of minimum housing standards and the rehabilitation of housing are essential to the public health, safety and general welfare of the community. For this purpose the city has adopted minimum housing standards governing the condition and maintenance of all dwellings and established a division of minimum housing to enforce such standards. The division of minimum housing has determined a far greater number of violations in rental dwellings older than ten years. This law will enable the director of minimum housing to inspect each unit before it is rented, thereby providing him/her with stronger tools to enforce the existing law and achieve the housing objectives stated in the Warwick Housing Element (1973).

(c) *Notification required; procedure; inspection.* The owner of any rental housing unit is hereby required to notify the director of the termination of occupancy of any such unit and to secure the inspection and the written approval of the condition of the premises by the director before allowing any such unit to be reoccupied. The notification date may be within 15 days prior to termination of occupancy. If the director shall fail to inspect and grant or deny his/her written approval of the condition of the premises within three working days after receiving notice of the termination of occupancy, the owner of the premises shall be deemed to have complied with the requirements of this section. If such inspection reveals any violations of this Code or of the state housing maintenance and occupancy code, the director shall issue the appropriate violation notice to the tenant or to the owner of such unit pursuant to said codes. During the three-day period, it is the responsibility of the owner to make the unit available for inspection at the convenience of the director.

(d) *Exceptions.*

(1) The foregoing provisions of this section shall not apply to motel, hotel or rooming accommodations intended for temporary or seasonal use by guests.

(2) Units that have been constructed within the ten-year period prior to vacancy are exempt from the provisions of this section. This shall be determined by issuance of initial building permit.

(3) Any property owned by the city housing authority is exempt from the provisions of this section.

(Code 1971, § 10-49)

Secs. 26-75--26-100. Reserved.

ARTICLE IV.

DESIGNATION OF UNFIT STRUCTURES

Sec. 26-101. Designation of unfit dwellings.

Any dwelling or dwelling unit which shall be found by the director to have any of the following defects shall be condemned as unfit for continued occupancy and human habitation and shall be so designated by the director:

- (1) One which according to the provisions of article V, VI, or VIII of this chapter is so lacking in sanitation, heating, lighting or ventilation facilities that it creates a serious hazard to the health or safety of the occupants or of the public.
- (2) One which according to the provisions of article VII of this chapter, and which because of its general condition, number of occupants, or location, is so unsanitary, overcrowded or otherwise dangerous or detrimental that it creates a serious hazard to the health or safety of the occupants or of the public.
- (3) One which according to the provisions of article IX of this chapter is so decayed, damaged, dilapidated, unsanitary, unsafe or infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(Code 1971, § 10-59)

Sec. 26-102. Designation of unfit roominghouses or rooming units.

Any roominghouse or rooming unit which shall be found by the director to be in violation of any provisions of article XII of this chapter, which violation creates a serious hazard to the health or safety of the occupants or the public, shall be condemned as unfit for continued occupancy and human habitation and shall be so designated and placarded by the director in accordance with the provisions of sections 26-103 and 26-104.
(Code 1971, § 10-60)

Sec. 26-103. Notice of violation and intent to condemn.

Whenever the director determines that a dwelling or dwelling unit, roominghouse or rooming unit is unfit for continued occupancy as provided herein, he/she shall include within the notice of violation provided for in section 26-63 a statement of his/her intent to condemn and placard the dwelling, dwelling unit, roominghouse or rooming unit as unfit for continued occupancy and to require it to be vacated if the provisions of the notice of violation are not complied with. A copy of such notice of violation shall be served on the owner, the operator, and the occupant in the manner provided in section 26-63.
(Code 1971, § 10-61)

Sec. 26-104. Order to vacate.

Whenever a notice of violation as provided for in section 26-103 has not been complied with, the director may include within the compliance order a finding to the effect that the dwelling, dwelling unit, roominghouse or rooming unit is unfit for continued occupancy, and such finding shall be an order to vacate. Such compliance order shall be served upon the owner, operator and the occupant in the manner provided for in section 26-64 and service shall be made at least ten days prior to the effective date of the order to vacate. An appeal from such compliance order may be taken to the housing board of review in the manner provided for in chapter 6, article VI.
(Code 1971, § 10-62)

Sec. 26-105. Vacation of condemned dwelling.

Any dwelling, dwelling unit, roominghouse or rooming unit condemned as unfit for continued occupancy shall be so designated and placarded and shall be vacated within such reasonable time as the director may specify in the compliance order.
(Code 1971, § 10-63)

Sec. 26-106. Reoccupancy of condemned dwelling.

No dwelling, dwelling unit, roominghouse or rooming unit which has been condemned and placarded as unfit for continued occupancy shall again be used for habitation until written approval therefor and for removal of the placard is secured from the director.
(Code 1971, § 10-64)

Sec. 26-107. Removal of placard from condemned dwelling.

No person shall deface or remove the placard from any dwelling, dwelling unit, roominghouse or rooming unit which has been condemned as unfit for continued occupancy and placarded as such, except as provided in section 26-106.
(Code 1971, § 10-65)

Sec. 26-108. Vacated dwellings to be made secure.

The owner of every dwelling, dwelling unit, roominghouse or rooming unit which is condemned as unfit for continued occupancy and vacated shall make such dwelling, dwelling unit, roominghouse or rooming unit safe and secure in whatever manner the director may deem necessary so that the dwelling, dwelling unit, roominghouse or rooming unit shall not be dangerous to human life, and shall not constitute either a fire hazard or a public nuisance. Any such vacant dwelling open at doors and windows, if unguarded, shall be deemed dangerous to human life as a fire hazard and a public nuisance within the meaning of this provision.
(Code 1971, § 10-66)

Sec. 26-109. Notice of violation and intent to demolish.

Whenever the director determines that a dwelling or dwelling unit is unfit for human habitation and continued occupancy as provided herein, and that the cost necessary to alleviate the violation is not reasonably related to the value of the dwelling, he/she shall include within the notice of violation provided for in section 26-63 a statement of his/her intent to order the demolition of the dwelling; provided, however, that the owner at

his/her discretion may repair, alter, or improve the dwelling in order to alleviate the violation regardless of whether or not the cost is reasonably related to the value, or may demolish the dwelling at his/her own expense pursuant to the provisions of section 26-71, provided that the owner alleviates the violation within the time specified in the notice of violation. A copy of such notice shall be served on the owner, occupant, lessee, mortgagee, and all other persons having any interest in said dwelling as shown by the records of the recorder of deeds, in the manner provided for in section 26-63; provided, however, that, in the event that any such person is not identified or located, service may be made upon him/her by publication in a newspaper of general circulation in the city once a week for two successive weeks. For purposes of this section, any repair, alteration, or improvement that is determined by the director to cost more than 50 percent of the assessed valuation of the dwelling shall be deemed to be not reasonably related to the value of the dwelling.
(Code 1971, § 10-67)

Sec. 26-110. Order to demolish.

Whenever a notice of violation as provided for in section 26-109 has not been complied with, the director may include within the compliance order a finding to the effect that the dwelling is unfit for human habitation and continued occupancy, and such finding shall be an order to demolish the dwelling. Such compliance order shall be served upon the owner, occupant, lessee, mortgagee, and all other persons having any interest in the dwelling, as shown by the records of the recorder of deeds, in the manner provided for in section 26-64; provided, however, that, in the event that any such person is not identified or located, service may be made upon him/her by publication in a newspaper of general circulation in the city once a week for two successive weeks and service shall be made at least three months prior to the effective date of the demolition provisions of the order. An appeal from such compliance order may be taken to the housing board of review in the manner provided for in chapter 6, article VI.
(Code 1971, § 10-68)

Sec. 26-111. Authority of director to make repairs.

Whenever a compliance order to repair, alter or secure a dwelling found by the director to be unfit for human habitation and continued occupancy has not been complied with, the director may, at the expense of the person responsible for alleviating the violation, take such direct action as is necessary to alleviate the violation, if the cost of such action is reasonably related to the value of the dwelling. For the purposes of this section any repair, alteration or securing that is determined by the director to cost 50 percent or less of the assessed valuation of the dwelling shall be deemed to be reasonable. The power of the director to repair or alter shall be limited to the alleviation of conditions which affect occupied dwellings or dwelling units.
(Code 1971, § 10-69)

Sec. 26-112. Authority of director to demolish dwelling.

Whenever a compliance order issued pursuant to the provisions of section 26-110 and providing for the demolition of a dwelling has not been complied with, and the cost of the repair has been determined by the director to be more than 50 percent of the assessed valuation of the dwelling, the director may demolish the dwelling at the expense of the owner.
(Code 1971, § 10-70)

Sec. 26-113. Liens and charges to recover expenses.

Whenever the owner fails to comply with an order to repair, alter or improve or to demolish a dwelling which has been determined to be unfit for human habitation and continued occupancy, and the director has taken direct action pursuant to the provisions of sections 26-111 and 26-112, the costs incurred by him/her in such action shall be a lien against the real property and such lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. Such lien shall be recorded. If the dwelling is demolished by the director, he/she may sell the materials of such dwelling and the net cost of the demolition shall be charged to the owner, and if any balance remains it shall be held for the owner or any other parties entitled thereto, and, in every case, the cost of direct action shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten percent service charge in addition thereto. (Code 1971, § 10-71)

Sec. 26-114. Relocation of occupants.

Notwithstanding the other provisions of this article, no dwelling shall be vacated or demolished by the director under the powers granted to him/her by the provisions of this chapter until persons occupying the dwelling at the time the compliance order is issued have been offered housing accommodations in a decent, safe and sanitary dwelling which meets the requirements of this chapter. (Code 1971, § 10-72)

Sec. 26-115. Applicability to vacant buildings and other structures.

The provisions of this article shall also apply to all buildings and other structures which have been vacant or unused for more than 180 days, whether or not the building or structure has been boarded, guarded and/or closed at the doors and/or windows. (Code 1971, § 10-73)

Secs. 26-116--26-140. Reserved.

ARTICLE V.

SANITARY EQUIPMENT

Sec. 26-141. Kitchen sink.

Every dwelling unit shall be supplied with a kitchen sink located in the kitchen or adjacent kitchen pantry and properly connected to an approved water supply and disposal system in good working condition. (Code 1971, § 10-112)

Sec. 26-142. Flush toilet and lavatory basin.

Every dwelling unit shall be supplied within such dwelling unit with a room or compartment which affords privacy to a person therein and which shall be equipped with an approved flush toilet and lavatory basin in good working condition and connected to an approved water disposal system. (Code 1971, § 10-113)

Sec. 26-143. Bathtub or shower.

Every dwelling unit, within three years following the effective date of this chapter, shall contain within such dwelling unit, in a room or compartment which affords privacy to a person therein, a bathtub or shower in good working condition and properly connected to an approved water and disposal system.
(Code 1971, § 10-114)

Sec. 26-144. Hot water.

Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of sections 26-141, 26-142 and 26-143 shall be properly connected with both hot and cold water lines. Hot water to these facilities shall be maintained at not less than 120 degrees Fahrenheit.
(Code 1971, § 10-115)

Sec. 26-145. Impervious flooring in bathrooms.

The floor surface of every bathroom and toilet room or compartment shall be constructed of material impervious to water; or, if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the occupant.
(Code 1971, § 10-116)

Sec. 26-146. Rubbish and garbage disposal facilities.

Every dwelling unit or premises shall have adequate garbage disposal facilities or storage containers and rubbish storage facilities, the type and location of which are approved by the enforcement officers.
(Code 1971, § 10-117)

Cross References: Garbage debris and rubbish, ch. 22.

Sec. 26-147. Water-heating facilities.

Every dwelling or dwelling unit shall be supplied with water-heating facilities capable of heating water so as to permit an adequate supply of water maintained at a temperature of not less than 120 degrees Fahrenheit to be drawn at every kitchen sink, lavatory basin, bathtub or shower.
(Code 1971, § 10-118)

Secs. 26-148--26-170. Reserved.

ARTICLE VI.

LIGHTING, VENTILATION AND ELECTRICAL FACILITIES

Sec. 26-171. Generally.

No person shall own, occupy or permit to be occupied by another any dwelling or dwelling unit that does not comply with the requirements of this article.
(Code 1971, § 10-131)

Sec. 26-172. Window area.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area available for unobstructed light for every habitable room shall be no less than ten percent of the floorspace of such room. Whenever walls or portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

(Code 1971, § 10-132)

Sec. 26-173. Openable window area.

Every habitable room shall have at least one window or skylight which can easily be opened, or shall have such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 50 percent of the minimum aggregate glass area required in section 26-172, except where there is supplied some other approved device affording adequate ventilation.

(Code 1971, § 10-133)

Sec. 26-174. Bathroom light and ventilation.

Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms except that in no case shall the minimum glass area of such window or skylight be less than three square feet, except for bathroom and toilet rooms equipped with a ventilation system which is kept in workable condition and approved by the enforcement officers.

(Code 1971, § 10-134)

Sec. 26-175. Screening of doors and windows.

From May 1 to October 1 every door, excepting bulkheads, opening directly from a dwelling unit to outdoor space shall have screens and a self-closing device and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(Code 1971, § 10-135)

Sec. 26-176. Basement ventilation.

Every cellar and basement shall have at least two vents or windows opening directly to the outside air sufficient to prevent mildew or structural deterioration and properly equipped with approved screening.

(Code 1971, § 10-136)

Sec. 26-177. Electrical fixtures.

Every habitable room shall contain at least two separate wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture, and every toilet room or compartment, bathroom, laundry room, furnace room, stairway and communicating corridor shall be supplied with at least with one electric light fixture. Every such outlet and fixture shall be properly installed, shall be

maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(Code 1971, § 10-137)

Sec. 26-178. Lighting of public spaces.

Every common hall and common stairway used primarily for egress or ingress in connection with two or more dwelling units shall be supplied with a proper amount of natural or electric light at all times; provided that such common halls and common stairways in structures containing not more than three dwelling units shall be deemed to have fulfilled such requirement if they are properly supplied with conveniently located switches in the common halls and common stairways, controlling an adequate electric lighting system which may be turned on when needed, and provided that all common stairways not used primarily for egress or ingress in all such dwellings shall be properly supplied with such switches. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(Code 1971, § 10-138)

Secs. 26-179--26-200. Reserved.

ARTICLE VII.

DWELLING SPACE AND USE AND ACCESS

Sec. 26-201. Generally.

No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit which does not comply with the requirements of this article.

(Code 1971, § 10-150)

Sec. 26-202. Floorspace per person.

Every dwelling shall contain at least 160 square feet of floorspace for the first occupant, at least 100 square feet of additional floorspace for each of the next two occupants, at least 75 square feet of additional floorspace for each of the next three occupants, and at least 50 square feet of additional floorspace for each occupant thereafter; except that any dwelling unit which is occupied by two or more occupants and which contains a room not intended to be used primarily for cooking or sleeping but which is properly designed and equipped or especially furnished with either an efficiency closet or wall-type kitchen unit or kitchenette, or bed furniture properly designed for daytime storage or other daytime uses so as to be usable for a combination of regular living and efficiency sleeping space, may contain 100 square feet less floorspace than would otherwise be required. In every case the floorspace shall be calculated on the basis of total habitable room area.

(Code 1971, § 10-151)

Sec. 26-203. Sleeping space per person.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floorspace, and every room occupied for sleeping purposes by

more than one person shall contain at least 40 square feet of floorspace for each occupant thereof.
(Code 1971, § 10-152)

Sec. 26-204. Ceiling height.

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
(Code 1971, § 10-153)

Sec. 26-205. Cellar and basement occupancy.

No basement space shall be used as a habitable room or dwelling unit, except as a workshop or recreation room, unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff 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 in section 26-172 and is located above the finished grade of the adjoining ground of the window wall, and unless it shall comply with the provisions of section 26-173, except when an approved ventilating system is supplied.

In no case, however, shall cellar space be used for sleeping purposes.
(Code 1971, § 10-154)

Sec. 26-206. Means of egress.

Every dwelling unit shall be provided with approved safe and unobstructed means of egress, and shall comply with the applicable provisions of the fire prevention ordinance and the rules and regulations adopted pursuant thereto.
(Code 1971, § 10-155)

Secs. 26-207--26-230. Reserved.

ARTICLE VIII.

HEATING, REFRIGERATING AND COOKING EQUIPMENT

Sec. 26-231. Generally.

No person shall own, occupy or permit to be occupied by another any dwelling or dwelling unit that does not comply with the requirements of this article.
(Code 1971, § 10-167)

Sec. 26-232. Required heating facilities.

Within three years following the effective date of this chapter, every dwelling and dwelling unit shall be supplied either with adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the occupant. Heating equipment shall be capable of maintaining a minimum air temperature of at least 67 degrees Fahrenheit at three feet above the floor level in all habitable rooms, bathrooms and toilet rooms or compartments during an outside air temperature of zero degrees Fahrenheit. Doors, windows and other parts of the dwelling shall be constructed and maintained so as to prevent abnormal heat losses.
(Code 1971, § 10-168)

Sec. 26-233. Heating equipment connections.

Within two years following the effective date of this chapter, heating equipment burning solid fuels shall be rigidly connected to a chimney or flue and heating equipment burning liquid or gaseous fuels shall be rigidly connected to a chimney or flue and a supply line and kept in good condition.
(Code 1971, § 10-169)

Sec. 26-234. Refrigerated storage space.

In every dwelling where perishable foods are kept, refrigerated space for their storage shall be provided by the occupant if not supplied by the owner.
(Code 1971, § 10-170)

Sec. 26-235. Cooking equipment.

Cooking equipment burning solid fuels shall be rigidly connected to a chimney flue and cooking equipment burning liquid or gaseous fuels shall be rigidly connected to a supply line. No cooking equipment using such fuels shall be operated in any room used primarily for sleeping purposes.
(Code 1971, § 10-171)

Secs. 26-236--26-260. Reserved.

ARTICLE IX.

SAFE AND SANITARY MAINTENANCE

Sec. 26-261. Generally.

No person shall own, occupy or permit to be occupied by another any dwelling or dwelling unit that does not comply with the requirements of this article.
(Code 1971, § 10-180)

Sec. 26-262. Grading and drainage.

The grading and drainage of dwelling premises shall be such that no water shall be allowed to seep into any basement or cellar, or to accumulate or become stagnant therein or on the premises, and no roof, surface, or sanitary drainage shall create a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.

(Code 1971, § 10-181)

Sec. 26-263. Structural elements.

Every foundation shall adequately support the dwelling structure at all points, and shall be free of holes, wide cracks and buckling. Every floor, exterior wall and roof shall be free of holes, wide cracks, and loose, warped, protruding or rotting boards or any other condition which might admit moisture or rodents, or which might constitute a hazard to health or safety. All exposed surfaces which have been adversely affected by exposure or other causes shall be repaired and coated, treated or sealed so as to protect them from serious deterioration. Every interior wall and ceiling shall be free of holes and large cracks, loose plaster, defective materials, or serious damage. Interior walls and all protective materials thereon shall be properly maintained.

(Code 1971, § 10-182)

Sec. 26-264. Windows and doors.

Every window, exterior door and bulkhead shall be reasonably weathertight, watertight, and rodentproof, and shall be kept in sound working condition and good repair.

(Code 1971, § 10-183)

Sec. 26-265. Stairways and porches.

Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed and maintained in safe condition and good repair.

(Code 1971, § 10-184)

Sec. 26-266. Junked vehicles.

No owner, operator or occupant of any building, structure, dwelling or dwelling premises, and no operator or owner of any motor vehicle herein described, shall keep, park, store, or leave any inoperative wrecked, junked or dismantled motor vehicle of any kind or parts thereof on any premises within the city, except in connection with a legally operated enterprise. For the purposes of this section, the term "inoperative" shall mean any motor vehicle that is either unregistered or has no valid inspection sticker. Nothing herein contained shall be construed to prohibit any person from maintaining or repairing his/her own motor vehicle on his/her own premises in a manner not otherwise prohibited by law.

(Code 1971, § 10-185)

Sec. 26-267. Plumbing facilities.

Every plumbing fixture and water pipe and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(Code 1971, § 10-186)

Sec. 26-268. Infestation.

Every dwelling, dwelling unit, and dwelling premises shall be free of infestation.
(Code 1971, § 10-187)

Sec. 26-269. Standards for supplied facilities.

Every supplied facility, piece of equipment, or utility which is required under the provisions of this chapter shall be so designed, constructed, and installed according to law that it will function safely and effectively, and shall be maintained in a safe and sanitary working condition.
(Code 1971, § 10-188)

Sec. 26-270. Maintenance of structures; exposed surfaces.

All dwelling premises and accessory structures shall be maintained in good repair and sanitary condition and all exposed surfaces shall be coated, treated or sealed so as to protect them from serious deterioration.
(Code 1971, § 10-189)

Sec. 26-271. Removal of trash and other waste.

(a) *Generally.* Every owner, operator and occupant of dwellings and their premises shall maintain said dwellings and their premises free from rubbish, trash, debris, dead trees and other unsightly or unsanitary matter. Without limiting the generality of the terms "rubbish," "trash" and/or "debris," such terms and each of them shall include but not be limited to all forms of putrescible and nonputrescible solid wastes, including garbage, ashes, street cleanings, dead animals, abandoned automobiles, automobile parts, paper, cardboard, tin cans, yard clippings, wood, glass, scrap metal, bedding, crockery and similar materials.

(b) *Animal waste.* Every owner, operator or occupant of dwellings and their premises shall remove any and all animal waste from such dwellings and their premises. The animal control officer of the city is hereby charged with the responsibility of enforcement of this section.
(Code 1971, § 10-191)

Secs. 26-272--26-290. Reserved.

ARTICLE X.

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 26-291. Generally.

The provisions of this article shall pertain to the responsibilities of owners, operators and occupants of dwellings and their premises.
(Code 1971, § 10-201)

Sec. 26-292. Maintenance of private space.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and dwelling premises thereof which he/she occupies and controls.
(Code 1971, § 10-202)

Sec. 26-293. Maintenance of public space.

Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwelling and the premises thereof. Occupants of two- and three-family dwellings shall share the responsibility for maintaining in a clean and sanitary condition the common areas of the dwelling and premises thereof.
(Code 1971, § 10-203)

Sec. 26-294. Provision of garbage disposal facilities.

Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage and other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by section 26-146. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing four or more dwelling units and for all dwelling units located on premises where four or more dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.
(Code 1971, § 10-204)

Sec. 26-295. Extermination of rodents and other pests.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested; except that, whenever such infestation is caused by the failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner.
(Code 1971, § 10-205)

Sec. 26-296. Use of screens.

Every occupant of a dwelling or dwelling unit shall be responsible for the use of all screens whenever the same are required under the provisions of section 26-175. Said screens shall be supplied by the owner.
(Code 1971, § 10-206)

Sec. 26-297. Maintenance of plumbing and equipment.

Every occupant of a dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment therein.
(Code 1971, § 10-207)

Sec. 26-298. Discontinuance of utilities or removal of required equipment.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required

to be supplied by the provisions of this chapter to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made, or during other temporary emergencies when discontinuance of service is approved by the enforcement officer.

(Code 1971, § 10-208)

Sec. 26-299. Prerequisites for occupancy of vacant units.

No person shall occupy as owner-occupant, or permit to be occupied by another, any vacant dwelling or dwelling unit unless or until it is in good repair, clean, sanitary, in habitable condition and in full compliance with all provisions of this chapter and the rules and regulations adopted pursuant thereto.

(Code 1971, § 10-209)

Sec. 26-300. Supplied heat.

Every owner or operator of a dwelling who permits to be occupied any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall maintain therein, from October 1 to May 1, a minimum air temperature level of not less than 67 degrees Fahrenheit at three feet above floor level during an outside air temperature of zero degrees Fahrenheit or above between the hours of 6:30 a.m. and 11:00 p.m. and not less than 60 degrees Fahrenheit between the hours of 11:00 p.m. and 6:30 a.m. in all habitable rooms, bathrooms, toilet rooms and compartments and communicating corridors; provided that, when the outside air temperature drops below zero degrees Fahrenheit heating facilities shall be operated so as to furnish at least the minimum requirements hereof. Whenever heating facilities are incapable of furnishing the minimum requirements hereof at an outside air temperature of below zero degrees Fahrenheit, they shall be operated to full capacity. Whenever a dwelling is heated by means of a central heating facility, or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken, or bound himself/herself to furnish heat in accordance with the provisions of this section. The provisions of this section shall not apply where the failure to maintain such an air temperature level is approved by the enforcement officer because of a general shortage of fuel, or is the result of any negligent or malicious act of the occupant, or while repairs are expeditiously made to the heating equipment, or where such failure results from any cause beyond the control of the owner or operator.

(Code 1971, § 10-210)

Secs. 26-301--26-320. Reserved.

ARTICLE XI.

SEASONAL DWELLING UNITS

Sec. 26-321. Applicability of other provisions.

Within three years following the effective date of this chapter, every seasonal dwelling unit shall comply with the following provisions of this chapter and no other:

All of articles I through IV of this chapter, both inclusive, and chapter 6, article VI.

All of article XII of this chapter.

Section 26-141, pertaining to kitchen sinks.

Section 26-142, pertaining to flush toilets and lavatory basins.

Section 26-143, pertaining to bathtubs and showers.

Section 26-145, pertaining to impervious flooring in bathrooms.

Section 26-146, pertaining to rubbish and garbage disposal facilities.

Section 26-175, pertaining to screening of doors and windows.

Section 26-177, pertaining to electrical fixtures.

Section 26-206, pertaining to means of egress.

Section 26-234, pertaining to refrigerated storage space.

Section 26-263, pertaining to structural elements.

Section 26-267, pertaining to plumbing facilities.

Section 26-268, pertaining to infestation.

For the purpose of this section, wherever in the above enumerated articles or sections the term "dwelling" is used, it shall be construed to mean "seasonal dwelling."
(Code 1971, § 10-223)

Sec. 26-322. Openable windows.

Every habitable room shall have at least one window or skylight which can easily be opened, or shall have such device as will adequately ventilate the room.
(Code 1971, § 10-224)

Secs. 26-323--26-340. Reserved.

ARTICLE XII.

ROOMINGHOUSES*

* **Cross References:** Roominghouses, tourist homes and cabins, ch. 62.

Sec. 26-341. Generally.

No person shall operate, or permit to be occupied, a roominghouse which does not comply with the requirements of this article.

(Code 1971, § 10-236)

Sec. 26-342. Applicability of other provisions.

(a) The provisions of sections 26-172, 26-173, 26-205, 26-206, 26-233, 26-268, 26-298, 26-299 and 26-300 shall be applicable to each roominghouse and rooming unit. For purposes of this article, whenever in such sections the term "dwelling" is used it shall be construed to mean "roominghouse," and wherever the term "dwelling unit" is used it shall be construed to mean "rooming unit."

(b) The provisions of sections 26-147, 26-174, 26-176, 26-177, 26-204, 26-262, 26-263--26-267, 26-269 and 26-270 shall be applicable to each roominghouse. For purposes of this article, wherever in such sections the term "dwelling" is used, it shall be construed to mean "roominghouse."

(Code 1971, § 10-236.1)

Sec. 26-343. Flush toilet and lavatory basin.

Every roominghouse shall be supplied with at least one approved flush toilet and lavatory basin properly connected to an approved water supply and disposal system, and in good working condition, for each eight persons, or fraction thereof, residing within a roominghouse. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included, but occupants of any rooming units that are otherwise provided with an approved flush toilet and lavatory basin shall be excluded. All such sanitary facilities shall be so located within the roominghouse as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room or compartment which affords privacy to a person within such a room or compartment. No such required sanitary facilities shall be located in a cellar. No such required sanitary facilities shall be located in a basement except by written approval of the director of minimum housing standards.

(Code 1971, § 10-237)

Sec. 26-344. Bathtub or showerbath.

Within three years following the effective date of this chapter, every roominghouse shall be supplied with at least one bathtub or showerbath properly connected to an approved water supply and disposal system, and in good working condition, for each eight persons, or fraction thereof, residing within a roominghouse. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included, but occupants of any rooming units who are otherwise provided with an approved bathtub or showerbath shall be excluded. All such sanitary facilities shall be so located within the roominghouse as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar. No such sanitary facilities shall be located in a basement except by written approval of the director of minimum housing standards.

(Code 1971, § 10-238)

Sec. 26-345. Hot water.

Within three years following the effective date of this chapter, every kitchen sink, lavatory basin and bathtub or showerbath shall be supplied with hot water at all times.

(Code 1971, § 10-239)

Sec. 26-346. Impervious flooring in bathrooms.

The floor surface of every bathroom, toilet room or compartment shall be constructed of material impervious to water; or, if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the operator.

(Code 1971, § 10-240)

Sec. 26-347. Rubbish and garbage disposal.

The operator shall be responsible for the supply, maintenance and cleanliness of adequate and separate rubbish and garbage storage containers approved as to type and location. The occupant shall be responsible for the removal of all rubbish and garbage from the rooming unit and the storage of such waste in a clean and sanitary manner by placing it in the required container.

(Code 1971, § 10-241)

Sec. 26-348. Heating facilities.

Within three years following the effective date of this chapter, every roominghouse and rooming unit shall be supplied with either adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms, and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the operator. Heating equipment shall be capable of maintaining a minimum air temperature of at least 67 degrees Fahrenheit at three feet above the floor level, in habitable rooms, bathroom and toilet rooms or compartments, during an outside air temperature of zero degrees Fahrenheit. Doors, windows and other parts of the roominghouse shall be constructed and maintained by the owner so as to prevent abnormal heat losses.

(Code 1971, § 10-242)

Sec. 26-349. Window shades.

The operator shall supply every window of every habitable room, bathroom, and toilet or compartment with shades or other devices or materials which will afford privacy to the occupant.

(Code 1971, § 10-243)

Sec. 26-350. Screening of doors and windows.

From May 1 to October 1 every opening, except bulkheads, used for ingress or egress from a roominghouse or rooming unit directly to or from outdoor space shall be supplied with either a self-closing device or a self-closing screen door, and every window of every habitable room, bathroom and toilet room or compartment of the roominghouse or rooming unit to outdoor space while in use for ventilation shall be

supplied with approved screening by the owner.
(Code 1971, § 10-244)

Sec. 26-351. Bed linens and towels.

The operator shall supply clean bed linens and towels at least once a week, and prior to the letting of any rooming unit, unless the occupant supplies such bed linen and towels himself/herself.
(Code 1971, § 10-245)

Sec. 26-352. Clean and sanitary maintenance.

The operator shall be responsible for the clean and sanitary maintenance of all walls, floors and ceilings in every rooming unit and other parts of the roominghouse, including the community kitchen or kitchens and the common areas of the roominghouse.
(Code 1971, § 10-246)

Sec. 26-353. Extermination of rodents and other pests.

The operator shall be responsible for the extermination of rodents, vermin and other pests within every portion of the roominghouse and any portion of the dwelling structure that is leased or occupied by him/her; provided, however, that, whenever infestation also occurs in any other portion of the dwelling or structure, or whenever infestation is caused by failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner.
(Code 1971, § 10-247)

Sec. 26-354. Maintenance of plumbing and equipment.

The operator shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment. The owner of the above plumbing fixtures, sanitary facilities, appliances and equipment shall be responsible for the maintenance thereof.
(Code 1971, § 10-248)

Sec. 26-355. Sleeping space per person.

Every room in any rooming unit occupied for sleeping purposes by one person shall contain at least 70 square feet of floorspace, and every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floorspace for each occupant thereof.
(Code 1971, § 10-249)

Sec. 26-356. Kitchen facilities.

Whenever kitchen facilities are provided, within a room, as a separate room, or as a communal kitchen, a permit shall be necessary from the minimum standards division; provided, however, that:

- (1) If sleeping is permitted in the same room with kitchen facilities, the minimum floorspace shall be 120 square feet for the first occupant and 50 square feet for any additional occupant thereof.

(2) Every kitchen facility shall contain an adequate and approved cooking stove, kitchen sink and refrigerated storage space.

(3) Every communal kitchen shall be accessible to each person entitled to the use thereof, without going outside of the roominghouse and without entering another dwelling unit or rooming unit.

(Code 1971, § 10-250)

Secs. 26-357--26-380. Reserved.

ARTICLE XIII.

JUNKED OR ABANDONED VEHICLES*

* **Cross References:** Junk dealers, ch. 32; traffic, ch. 76.

Sec. 26-381. Definitions.

For the purposes of this article, the following definitions shall apply:

Dismantled, junked or abandoned vehicles includes parts thereof, including bodies, engines, wheels, bumpers, tires, mufflers, transmissions, rear ends, etc. The term "dismantled, junked or abandoned vehicles" shall not be deemed to include unregistered seasonal farm vehicles operated by the owner of said vehicles on his/her own property, nor shall the term "dismantled, junked or abandoned vehicles" be deemed to include vehicles which are purchased for purposes of restoration and which comply with the definition of antique vehicles as set out in G.L. 1956, § 31-1-3.

Premises includes public or private property, city streets and public highways.

Public property includes property owned by the city or state, property acquired by the city at tax sales and all streets and highways within the city, whether or not they are public highways.

Vehicles legally or physically incapable of being operated includes those which have not been duly registered according to law or which lack the equipment in good operating condition as required by law to enable them to be registered or which do not display a current state certificate of inspection pursuant to G.L. 1956, § 31-38-4, as amended, and the rules and regulations of the state department of transportation, or which do not display a current state inspection sticker pursuant to the laws, rules and regulations of the state in which they are registered.

(Code 1971, § 13-51)

Cross References: Definitions generally, § 1-2.

Sec. 26-382. Notice to remove vehicle on private property.

(a) The owner of any vehicle described in section 13-51 shall remove the same within seven days after being ordered so to do in writing by the police department, or the owner, lessee or occupant of the premises. Where said owner of the vehicle is not known or cannot readily be ascertained, notice to remove may

be given by attaching such notice to said aforesaid vehicle. The police department upon request therefor shall assist in ascertaining the name and address of the owner of any such vehicle. This section shall not apply to vehicles stored, kept, deposited or abandoned on public property or upon city streets and public highways.

(b) If the owner of any vehicle aforesaid is also the owner, lessee, or occupant of the premises, notice to remove as aforesaid shall be given by the police department.

(c) An unregistered vehicle on premises not owned or occupied by the owner of said vehicle may be deemed to be abandoned.

(Code 1971, § 13-53)

Sec. 26-383. Dismantled, junked or abandoned vehicles prohibited on public property.

(a) No person shall deposit, store, keep or permit to be deposited, stored or kept in the open, upon public property, as defined in this article, or upon city streets and public highways, a dismantled, unserviceable, junked or abandoned vehicle, or one legally or physically incapable of being operated.

(b) Any violation of this section shall be punishable as provided in section 1-4. Each day any violation shall continue shall constitute a separate offense.

(Code 1971, § 13-54)

Sec. 26-384. Removal by police.

Upon failure to remove any vehicle illegally parked or stored within the time limit herein, said owner, lessee, occupant of the premises or the police department shall forthwith remove or cause the said vehicle to be removed from the premises to a location to be provided for said purpose by the city.

(Code 1971, § 13-64)

Sec. 26-385. Exemption from liability for damage to removed vehicle.

Neither the owner, lessee or occupant of the premises from which any vehicle shall be removed, his/her or its servant or agent, nor the city, shall be liable for any loss or damage to said vehicle while being removed, or while in the possession of the city, or as a result of any subsequent sale or other disposition.

(Code 1971, § 13-67)

Sec. 26-386. License for open storage--Issuance; term.

(a) Licenses shall be issued through the building inspector or his/her delegate upon application by the owner of the vehicle. Licenses shall be valid for a period of 60 days. Licenses shall be issued to the owner of a vehicle or his/her agent which normally falls within the prohibitions of this article by the building inspector or his/her delegate, for any of the following purposes:

- (1) Vehicles in legal operating condition which are temporarily unregistered.
- (2) Unregistered vehicles in legal operating condition which are being stored on private property by persons serving in the military forces of the United States.

- (3) Vehicles stored on private property while they are in the process of being repaired by the owner thereof.

(b) Said licenses shall be valid for a period of 60 days or a shorter period in the discretion of the building inspector, but may be extended for additional 60-day periods by the building inspector at his/her discretion upon the showing of good cause by the owner of said vehicle.
(Code 1971, § 13-68)

Sec. 26-387. Same--Fee; discretionary authority of building inspector.

Licenses shall be issued in writing and without fee for any of the causes listed in section 26-386 by the building inspector or his/her delegates, but he/she shall not be limited solely to the causes set out in section 26-386, and he/she shall be granted authority to issue licenses for other causes in his/her discretion. Licenses issued by the building inspector for causes other than those set out in section 26-386 shall be issued only upon written application by the owner of said vehicle setting out those causes excepting him/her from the prohibitions of this article.
(Code 1971, § 13-69)

Sec. 26-388. Same--Appeal of denial.

Appeals from the decision of the building inspector declining a request for a license under this article shall be submitted to the board of public safety in writing within ten days after the declining of the license.
(Code 1971, § 13-70)

Sec. 26-389. Effect of article on section 26-266.

Nothing in this article shall be construed in any way as revoking the provisions of section 26-266.
(Code 1971, § 13-71)

Secs. 26-390--26-410. Reserved.

ARTICLE XIV.

RODENT CONTROL*

* **Cross References:** Animals and fowl, ch. 4.
State Law References: Rodent control, G.L. 1956, § 23-7.1-1 et seq.

Sec. 26-411. Definitions.

When used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Building means any structure, whether public or private, that is adapted for occupancy, for transaction of business, for rendering of professional services, for amusement, for the display, sale or storage of goods, wares

or merchandise, or for the performance of work or labor, including dwelling houses, apartment buildings, tenement houses, roominghouses, hotels, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories and all outhouses, sheds, barns and other structures on premises used for business purposes.

Occupant means the individual, partnership or corporation that has the use of or occupies any building or a part or fraction thereof, whether the actual owner or tenant. In case of vacant buildings or any vacant portion of a building the owner, agent or other person having custody of the building shall have the responsibility of an occupant of a building.

Owner means the actual owner of a building, whether an individual, a partnership or a corporation, or the agent of the owner of the building, or other person having custody of the building or to whom the rent is paid. In the case of business buildings leased with a clause in the lease specifying that the lessee is responsible for maintenance and repairs, the lessee will be considered in such cases as the owner for the purpose of this article.

Rat eradication means the elimination or extermination of rodents within buildings so that the buildings are completely freed of rodents or there is no evidence of rodent infestation remaining, by any or all of the accepted measures, such as poisoning, fumigation, trapping, clubbing, etc.

Rat harborage means any condition which provides shelter or protection for rodents, thus favoring their multiplication and continued existence in, under or outside of a structure of any kind.

Ratproofing applies to a form of construction to prevent the ingress of rodents into buildings from the exterior or from one building or establishment to another. It consists essentially of treating all actual or potential openings in the exterior wall, ground or first floors, basements, roof and foundations, that may be reached by rodents from the ground by climbing or by burrowing, with material impervious to rodent gnawing.
(Code 1971, § 13-80)

Cross References: Definitions generally, § 1-2.

Sec. 26-412. Rodent-infested conditions prohibited.

It shall be unlawful for the owner or occupant of any premises within the city to maintain such premises in a rodent-infested condition or permit any such premises to become infested with rodents.
(Code 1971, § 13-81)

Sec. 26-413. Structures to be ratproof.

After November 19, 1953, no building or structure shall be erected, repaired, altered or extended unless provision is made for ratproofing such structure.
(Code 1971, § 13-82)

Sec. 26-414. Inspections.

It shall be the duty of the building inspector to cause an inspection of any premises in the city which he/she has good reason to believe is not in a ratproof condition.
(Code 1971, § 13-83)

Sec. 26-415. Notice of rodent infestation--Generally.

If premises are found to be rodent infested, a notice in writing, bearing the date of issue and signed by the building inspector or his/her duly authorized representative, shall be served upon such owner or occupant. Such notice shall state the condition of such premises and the required corrections.
(Code 1971, § 13-84)

Sec. 26-416. Same--Manner of service.

Any notice of rodent infestation may be served by any employee of the building inspection department or the police or the city sergeant, or may be served by mailing such notice enclosed in a postpaid envelope addressed to the person to be notified by United States registered mail, return receipt requested.
(Code 1971, § 13-85)

Sec. 26-417. Same--Duty of owner or occupant to remedy condition.

After the owner or occupant of any premises has been notified by the building inspector or his/her duly authorized representative that his/her premises are rodent infested, it shall be the duty of such owner or occupant to take immediate measures to remedy the condition by rat eradication, ratproofing, or such other action as may be necessary.
(Code 1971, § 13-86)

Sec. 26-418. Removal of ratproofing safeguards prohibited.

It shall be unlawful for any person to remove, damage or destroy any part of any building or other appurtenance of improved real estate premises, intended to protect such premises against the ingress of rodents, or in any other way to create a condition by which ingress for rodents is made possible; provided, however, that this section shall not apply where the interference with the ratproofing is made necessary in connection with a lawful construction, promptly restored.
(Code 1971, § 13-87)

Sec. 26-419. Discarding rat harborage material.

No person shall throw, place or deposit or permit any person under his/her control or employment to throw, place or deposit any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse, piles of old lumber or other rat harborage or any unwholesome material in or upon any vacant lot, alley, lane, sidewalk, street, canal, lake or river or upon any private lot or public ground within the city without the consent of the director of public works.
(Code 1971, § 13-88)

Sec. 26-420. Violations; penalty.

Any person who violates any provision of this article, or any order or regulation made in pursuance thereof, or obstructs or interferes with the execution of such order or wilfully or illegally fails to obey such order, shall be punishable as provided in section 1-4. Each 24 hours of such violation shall be a separate

offense.
(Code 1971, § 13-89)

Secs. 26-421--26-450. Reserved.

ARTICLE XV.

MAINTENANCE OF COMMERCIAL AND INDUSTRIAL BUILDINGS*

* **Cross References:** Buildings and building regulations, ch. 8; businesses, ch. 10; violation relating to the maintenance of commercial and industrial buildings, § 42-15.

Sec. 26-451. Purpose.

It is hereby found and declared that there exist within the city numerous commercial and industrial buildings and premises which are substandard due to dilapidation, deterioration and disrepair, structural defects, uncleanliness and other conditions and defects which increase the hazards of fire and accident, and depreciate the value of property; that these conditions singly or in combination endanger the health, safety, morals and general welfare of the people of the city and give impetus to the development, continuation, extension and aggravation of blighted and substandard conditions on commercial and industrial premises and abutting dwelling premises in the city, and that regulation of commercial premises is necessary for the preservation of the health, safety, comfort and welfare of the inhabitants of the city and for the protection of property.
(Code 1971, § 4-41)

Sec. 26-452. Definitions.

In the interpretation of this article, all words, other than the terms herein specifically defined or defined either in section 26-2 or section 1-2, shall have their meaning implied by their context in this article or their ordinarily accepted meaning as generally used. The meanings prescribed for terms in section 26-2 and section 1-2 shall apply to those terms when used in this article. The following definitions shall apply in the interpretation and enforcement of this article:

Premises means any land, whether vacant or occupied, on which commercial business or industrial use is permitted under the zoning ordinance of the city.

Structure means all structures used or intended to be used for commercial, business or industrial use or occupancy.
(Code 1971, § 4-42)

Cross References: Definitions generally, § 1-2.

Sec. 26-453. Prohibited and required conditions.

No person shall own, occupy or permit to be occupied by another any structure or premises not complying with the provisions of this section.

(1) The grading and drainage of premises and structures shall be such that no water shall be allowed

to seep into any basement or cellar, or to accumulate or become stagnant therein or on the premises and on the roof.

- (2) Every foundation floor, roof, ceiling, and exterior and interior wall shall be reasonably weathertight, watertight and damp-free, and shall be kept in sound condition and good repair. All exterior wood surfaces shall be protected from the elements by paint or some other protective covering or treatment.
- (3) All premises shall be graded, drained, free of standing water and maintained in a clean, safe and sanitary condition.
- (4) No garbage, rubbish or debris shall be permitted to remain on the premises unless in a bin or receptacle.
- (5) Every window, exterior door and bulkhead shall be reasonably weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair.
- (6) Every inside and outside stairway, every porch and every appurtenance shall be constructed and maintained in safe condition and good repair.

(Code 1971, § 4-43)

Sec. 26-454. Enforcement; notice of violation; correction of violations.

- (a) The director of the minimum housing division shall be responsible for the enforcement of this article.
 - (b) Whenever the director or his/her agent determines that there are reasonable grounds to believe that there is a violation of the minimum standards of section 26-453, he/she shall give notice to the owner, occupant or person permitting occupancy. Such notice shall be in writing, shall give a reasonable time to correct the violation and shall be served or deemed to be served in the manner provided in section 26-63.
 - (c) In the event correction is not made within the time prescribed in the notice of violation provided for in subsection (b) of this section, the director shall cause an appropriate complaint to be brought before the municipal court of the city.
 - (d) Whenever the director or his/her agent determines that there are reasonable grounds to believe that there has been a violation of the minimum standards of this article within one year of final adjudication of a similar violation of this article, the director shall immediately cause an appropriate complaint to be brought before the municipal court of the city, and time to correct said violation, pursuant to subsection (b) of this section, shall not apply.
- (Code 1971, § 4-44)

Sec. 26-455. Penalty.

Any person who owns, occupies or permits to be occupied by another any structure or premises in violation of this article shall be punishable as provided in section 1-4. Each day's failure to comply with any

such provision shall constitute a separate violation.
(Code 1971, § 4-46)

Secs. 26-456--26-480. Reserved.

ARTICLE XVI.

GRAFFITI

Sec. 26-481. Graffiti.

(a) Graffiti is defined as the writing, painting, or drawing of any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation, unless the express permission of the owner or operator of the property has been obtained.

(b) Any person who shall willfully and maliciously injure or destroy or write upon, paint, or otherwise deface the property of another shall be punishable as provided in section 1-4 and/or shall be liable for the cost of removing the graffiti. The police department shall fully prosecute such crimes in municipal court, the family court, or at the juvenile hearing board, if applicable. If a juvenile is referred to the juvenile hearing board and sanctions are imposed by said board, the board may order the juvenile to remove the graffiti.

(c) It shall be the responsibility of the owner of the property where the graffiti is located, to restore said surface to an approved state of maintenance and repair, as determined by the code enforcement officer for the city. Failure to do so within fourteen days after notice by the code enforcement officer shall be punishable as provided in section 1-4. Notwithstanding anything to the contrary herein contained, the owner or owners of the premises found in violation of the provisions of this section shall be ultimately responsible for removing the graffiti and for maintaining the premises in compliance herewith. If the owner of the property fails to remove the graffiti within fourteen days after notice by the code enforcement officer then the city may remove the graffiti. Any fines or penalties assessed hereunder or any costs incurred by the city in enforcing these provisions or removing the graffiti shall be and become a lien against such property to the same extent and character as the lien for real estate taxes with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.

(Ord. No. O-01-12, § I, 6-18-01; Res. No. R-01-164, § I, 12-4-01)

Cross References: Vandalism to property in public recreation facilities, § 58-7.

Secs. 26-482--26-499. Reserved.

ARTICLE XVII.

STAGNANT WATER

Sec. 26-500. Prohibition against the accumulation of stagnant water in swimming pools, spas, hot tubs, artificial ponds, and containers on private property.

(a) *Purpose.* The city council finds that the accumulation of stagnant water in swimming pools, spas, hot tubs, artificial ponds and other man-made containers and objects on private property constitutes a health

hazard since such accumulations of stagnant water serve as breeding grounds for mosquitoes which have been found to serve as conduits for serious and possibly fatal diseases such as Eastern Equine Encephalities (EEE) and the West Nile Virus. The city council further finds that in the interest of the health, safety and welfare of the citizens of the City of Warwick that accumulations of stagnant water in swimming pools, spas, hot tubs, artificial ponds and other man-made containers and objects on private property be declared a public nuisance and that the department of building inspection be empowered to issue citations for violations of this article, punishable in the municipal court, and that the city be empowered to abate said nuisance if not abated by the owner or occupier of land on which it exists.

(b) *Definitions.*

Artificial pond. Any body of water, which is located or placed on private property as a result of human labor or means and shall include any excavation, trench, hole, or manmade object intended to serve as an artificial fish or garden pond. Any wetland or body of water designated as wetlands by either the Rhode Island Department of Environmental Management or the Rhode Island Coastal Resources Management Council is hereby exempted from the provisions of this article.

Container. Any man-made vessel which has the capability of retaining more than one inch of water, including, but not limited to, buckets, pails, tires and portable and/or storable swimming pools.

Director. The director of the department of building inspection, or any person acting in said capacity.

Hot tub. Any man made container designed to hold water in which one or more persons bathe or soak, and shall include spas and whirlpools.

Spa. Any man made container designed to hold water in which one or more persons bathe or soak, and shall include hot tubs and whirlpools.

Stagnant water. Any body of water, one inch of depth or more, in any swimming pool, spa, hot tub, artificial pond, or container, which is not fully enclosed in a building, house or other structure and which is neither moving by artificial or natural means, nor chemically treated nor filtered so as to prevent the growth of mosquito larvae. Stagnant water as used in this article shall not include any body of water designated as wetlands by either the Rhode Island Department of Environment Management or the Rhode Island Coastal Resources Management Council.

Swimming pool. Any container or tank, whether constructed in ground or placed above ground, designed for one or more persons to swim.

Private property. Any parcel of real property located either partly or entirely within the City of Warwick which is owned, leased or occupied by any person, firm, corporation, trust, association or other entity other than the City of Warwick, or any of its departments or agencies, the State of Rhode Island, or any of its departments or agencies or of the United States, or any of its departments or agencies.

(c) *Stagnant water as a public nuisance; violations.* It is hereby declared by the city council that any accumulation of stagnant water in any swimming pool, spa, hot tub, artificial pond or other man-made container, which is not fully enclosed in a building, house or other structure, for more than seven consecutive

days is a public nuisance and a public health hazard. It shall be unlawful for the owner, lessee or occupier of any parcel of real property to cause or to allow to exist said public nuisance on any parcel of real property he or she owns, leases or occupies. Any person found in violation of this section shall be subject to a fine pursuant to section 1-4 of the Warwick Code of Ordinances.

(d) *Notice of violation.* Upon a finding by the director, or his or her designee, that there exists stagnant water on a parcel of private property, a notice of violation shall be issued to the owner, lessee or occupant of the property by leaving same with any person of the age of majority in occupancy of said property, or if no person is available to receive notice, by posting same on any entry door to the primary structure which sits on said property, or if there is no structure, then by posting notice to any tree, pole or other object which sits upon said property. Notice shall also be mailed, by certified mail, return receipt requested, to the owner of record of said property according to the tax assessor's records. The notice shall contain the address of the property, notify the person receiving notice that the property is in violation of this article of the Code of Ordinances of the City of Warwick, describe generally, the nature of the violation and notify the recipient that the or she shall have five days from the date of the notice within which to abate the nuisance. The notice shall also provide that if the nuisance is not abated within five days of the mailing of the notice, then the department of building inspection may then forthwith proceed in the municipal court for imposition of fines and an order of abatement. The notice shall contain the date and time of the hearing, if any before the municipal court.

(e) *Order of abatement.* If, after the expiration of five days following the date of issuance of a notice of violation pursuant to this article, the nuisance remains unabated, then the director, or his or her designee may proceed for imposition of fines and an order of abatement to issue from the municipal court. A photograph or video recording of the body of stagnant water, together with evidence of the address of the property, the name and address of the property owner, lessee or occupier and that said nuisance remains unabated on the date of hearing before the municipal court shall constitute prima facie evidence of the existence of the unabated nuisance. Upon a finding by a judge of the municipal court that the nuisance remains unabated, then the court may impose a fine pursuant to section 1-4 of the Warwick Code of Ordinances for each day that the nuisance has existed and may issue an order of abatement after notice and opportunity for hearing has been given to the owner of the parcel according to the tax assessor's records and to the occupier of the land. Said order of abatement shall allow the director, or his or her designee, to enter upon the property and take whatever steps are necessary to abate the nuisance including, but not limited to filling, draining, or removal of the body of stagnant water which is the subject of the order of abatement. The director is authorized to request assistance from other city departments or agencies in performing the work needed to abate the nuisance and to contract said work pursuant to municipal bidding requirements under state law, and the Charter and Ordinances of the City of Warwick. All costs incurred by the city in abating the nuisance shall be reimbursed by the owner, lessee, or occupier of the land.

(f) *Lien for abatement costs and fines.* Any unpaid fines imposed pursuant to this article and costs incurred by the city in abating a stagnant water nuisance pursuant to subsection (e) shall constitute a lien on the property, which shall be recorded in the land evidence records of the City of Warwick, and shall be discharged only upon payment of all fines and costs imposed pursuant to this article.

(Ord. No. O-07-06, § I, 5-15-07)