

PROPOSED REVISED CHAPTER 9

TOWN OF WEST WARWICK

ORDINANCE

OF THE

TOWN COUNCIL

ORDINANCE NO. 2014-17

AN ORDINANCE AMENDING CHAPTER 9 HOUSING BY REPEALING CHAPTER 9 OF THE WEST WARWICK CODE OF ORDINANCES AND ADDING TO THE WEST WARWICK CODE OF ORDINANCES A NEW CHAPTER 9 PROVIDING FOR THE ENFORCEMENT OF MINIMUM STANDARDS FOR HOUSING AND NON-RESIDENTIAL PREMISES AND STRUCTURES.

WHEREAS: Chapter 9 HOUSING of the Code of Ordinances of the Town of West Warwick being no longer in compliance with the statutes of the State of Rhode Island, specifically, Title 45 Chapter 24.3, the Town Council has determined that said Chapter 9 should be repealed in its entirety and that a new Chapter 9 as it relates to housing standards governing the condition and maintenance of all dwellings should be adopted,

WHEREAS: The Town Council of the Town of West Warwick has determined that Chapter 9 HOUSING of the Code of Ordinances of the Town of West Warwick as presently existing no longer being in compliance with state law must be replaced for the protection of health, safety and welfare of the residents of the Town by the establishment of minimum standards governing the condition and maintenance of all dwellings and dwelling premises or structures located within the Town, and

WHEREAS: Chapter 9A PROPERTY MAINTENANCE of the Code of Ordinances of the Town of West Warwick provides for the authority of the Town of West Warwick to take corrective action in all instances when the enforcing officer of the town has credible information of the existence of a condition on a parcel of property that is creating a danger to the residents of the town, and

WHEREAS: The protection of health, safety and welfare of the residents of the Town through the establishment of minimum standards governing the general condition and maintenance of non-residential premises and structures is accomplished by

the Building Office of the Town of West Warwick through the enforcement of the provisions of Title 23 Health and Safety, Chapter 23-27.3 State Building Code of the General Laws of the State of Rhode Island, 1956, as amended, there being no provisions in the West Warwick Code of Ordinances governing the condition and maintenance of non-residential buildings and structures, and

WHEREAS: The Code of Ordinances of the Town of West Warwick does not incorporate the applicable provisions of RIGL Title 23, Chapter 27.3 for the establishment of such minimum standards,

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Town Council of the Town of West Warwick hereby amends Chapter 9 HOUSING of the Code of Ordinances of the Town of West Warwick by repealing Chapter 9 HOUSING in its present form. as adopted on March 9, 1971 and amendments thereto in its entirety and replacing said Chapter 9 with a chapter providing for minimum standards housing and non-residential premises and structures as follows:

Chapter 9 **HOUSING** as adopted on March 9, 1971 including all subsequent amendments there to and is presently codified in the West Warwick Code of Ordinances is repealed in its entirety.

Said Chapter 9 of the West Warwick Code of Ordinances is hereby replaced and the following is adopted as said Chapter 9.

Chapter 9

HOUSING AND NON-RESIDENTIAL PREMISES AND STRUCTURES

Article 1. HOUSING

- Sec. 9-1. Purpose.
- Sec. 9-2. Applicability.
- Sec. 9-3. Definitions.
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- Sec. 9-5. Minimum standards for basic equipment and facilities.
- Sec. 9-6. Minimum standards for light and ventilation.
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- Sec. 9-12. Adoption of Plans of inspection.
- Sec. 9-13. Inspections; powers and duties of the enforcing officer.

- Sec. 9-14. Rules and regulation - Enforcement agencies - Housing board of review.
- Sec. 9-15. Notice of violation.
- Sec. 9-16. Penalties - Municipal Court jurisdiction - Review by supreme court - Duties of prosecutor
- Sec. 9-17. Repairs and other corrective action; demolition; revolving fund.
- Sec. 9-17.1 Avoiding residential demolition through neglect.
- Sec. 9-18. Collection and dissemination of information.
- Sec. 9-19. Application for reconsideration; conferences; hearings; appeals.
- Sec. 9-20. Conflict of ordinances; effect of partial invalidity.

Article II. Non-Residential Premises and Structures

- Sec. 9-21 Purpose.
- Sec. 9-22 Applicability.
- Sec. 9-23 Unsafe structures - General provisions.
- Sec. 9-24 Unsafe conditions.
- Sec. 9-25 Notice of unsafe conditions.
- Sec. 9-26 Appeals.
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- Sec. 9-28 Compliance.
- Sec. 9-29 Disregard of unsafe notice.
- Sec. 9-30 Boarding.
- Sec. 9-31 Emergency measures.
- Sec. 9-32 Emergency repairs.
- Sec. 9-33 Cost of emergency repairs.
- Sec. 9-34 Lien for emergency repairs.
- Sec. 9-35 Appeals from orders in regard to unsafe buildings.

Sec. 9-1. 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 or structures, 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 structures; and fixing the conditions whereby certain dwellings or structures may be declared unfit for occupancy and condemned for human habitation; and fixing penalties for violations of this chapter.

Sec. 9-2. Applicability.

(a) Every portion of a building or its premises used or intended to be used for the purposes of dwelling, living, eating, sleeping or cooking therein or occupancy, 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 or structure, for the construction or repair of the dwelling or structure or for the installation or repair of dwelling equipment prior to January 1, 1971. This chapter establishes minimum standards for the initial and continued occupancy of all dwellings and structures, and does not replace or modify standards otherwise established by the state or Town of West Warwick for the construction, repair or use of a building or the installation of building equipment except as they may be in conflict with the provisions of this chapter as provided by Section 9-17.

(b) Matters governed by and conforming to the provisions of the State Building Code shall prevail for all structures, dwellings and dwelling units constructed, altered or repaired since July 1, 1977, providing the structure, dwelling or dwelling units conform in their entirety to the prevailing edition of the building code in effect at the time of construction or occupancy, as evidenced by the date of issuance of a certificate of occupancy.

Sec. 9-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Accessory structure shall mean a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on the same premises with a dwelling.

Appropriate authority shall mean the official department, or agency designated by a local community to administer and enforce these regulations pursuant to the provisions of this chapter.

Approved shall mean approved by the local or state authority having such administrative authority.

Ashes shall mean the residue from the burning of combustible materials (and the noncombustible portion of refuse loaded into an incinerator).

Basement means a portion of the building partly underground, it having less than its clear height below the average grade if the adjoining ground.

Cellar means a portion of the building partly underground, it having less than its clear height below the average grade if the adjoining ground.

Central heating system shall mean a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

Corporate unit. The words "corporate unit" as used in this chapter shall mean the Town of West Warwick.

Dormitory shall mean a room or group of rooms in a dwelling used for living and sleeping purposes by four or more persons

Dwelling shall mean any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

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

Enforcing officer shall mean the Building Official or his authorized representative.

Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborages, by removing, or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health officer.

Family shall mean one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

Guest shall mean any person who shares a dwelling unit in a nonpermanent status for not more than 30 days.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

Health officer shall mean the legally designated director of health of the State of Rhode Island, or his authorized representative.

Heated water shall mean water heated to a temperature of not less than 120 degrees Fahrenheit.

Household shall mean a family and/or one or more unrelated persons, including servants and not more than two boarders, who share the same dwelling and use some or all of its cooking and eating facilities.

Infestation shall mean the presence within or around a dwelling or other structure in large numbers of insects, rodents, or other pests.

Kitchen shall mean any room containing any or all of the following equipment, or area of a room within three feet of such equipment: sink, and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food.

Lead paint shall mean any pigmented, liquid substances applied to surfaces by brush, roller or spray in which the total nonvolatile ingredients contain more than one percent of lead, by weight, calculated as metallic lead.

Lead hazard mitigation means, for dwelling constructed prior to 1978, compliance with the lead hazard mitigation standard in chapter 128.1 of title 42 the Lead Hazard Mitigation Act.

Lead based substances means any paint, plaster or other building material which contains lead in excess of acceptable land levels established by department of health regulations

Meaning of certain words. Wherever the words *dwelling, dwelling unit, rooming house, rooming unit, premises,* and *structure* are used in this chapter they shall be construed as though they were followed by the words *or any part thereof.* Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine, and the feminine the masculine.

Multiple dwelling shall mean any dwelling containing four or more dwelling units.

Occupant shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit, and/or structure except that in dwelling units a guest will not be considered an occupant.

Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

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

- (a) Shall have legal title to any dwelling, dwelling unit or structure with or without accompanying actual possession thereof, or
- (b) Shall have charge, care or control of any dwelling, dwelling unit or structure as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person, thus representing the actual owner, shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Permissible occupancy shall mean the maximum number of persons permitted as family or household to reside in a dwelling unit or rooming unit based on the square foot per person in habitable rooms.

Person shall mean and include any individual, firm, corporation, association, or partnership.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, waste pipes, garbage disposal units, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, septic tank or gas lines.

Potentially hazardous material shall mean any material, including material containing lead and/or other toxic heavy-metal compound in concentrations dangerous to the public health as deemed by the department of health of this state.

Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

Privacy shall mean the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

Refuse shall mean all putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.

Rooming house shall mean any dwelling or that part of any dwelling containing three or more rooming units in which space is occupied by three or more persons who are not members of a single family.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish shall mean non-putrescible solid wastes (excluding ashes) consisting of both:

(a) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood;
and

(b) Noncombustible wastes such as tin cans, glass and crockery.

Safety shall mean the condition of being free from danger and hazards which may cause accidents or disease.

Septic tank shall mean a receptacle, usually underground, to which sewage is drained and retained to effect disintegration of the organic matter by bacteria.

Space heater shall mean a self-contained, automatically controlled, vented, fuel-burning appliance of either circulating type or the radiant type.

Structure shall mean all structures used or intended to be used for commercial, business, or industrial use or occupancy.

Supplied shall mean paid for, furnished, provided by, or under the control of the owner or operator.

Temporary housing shall mean any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.

Sec. 9-4. Responsibilities of owners and occupants.

(a) No owner or operator or other person shall occupy, or let to another person, any vacant dwelling, dwelling unit or structure unless it and the premises are clean, sanitary, fit for human occupancy, and comply with this chapter and all applicable legal requirements of the State of Rhode Island and the Town of West Warwick.

(b) Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof. Occupants of two- and three-family dwellings shall share the maintenance of clean and sanitary conditions within the shared or public areas of the dwelling and premises thereof.

(c) Every occupant of a dwelling, dwelling unit or structure shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit or structure and premises thereof that he occupies and controls.

(d) Every occupant of a dwelling, dwelling unit or structure shall dispose of all his rubbish in a clean, sanitary and safe manner.

(e) Every occupant of a dwelling, dwelling unit or structure shall dispose of all his garbage and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner, and if a container is used for storage pending collection it shall be rodentproof, insectproof, and watertight.

(f) Every owner or operator of a dwelling containing five or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single-, two- or three-family dwellings and structures it shall be the responsibility of the occupant to furnish such facilities or refuse containers.

(g) The owner of a dwelling, dwelling unit or structure shall be responsible for providing and hanging all screens and double or storm doors and windows where used for ventilation whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one season, become the responsibility of the occupant.

(h) The owner of a dwelling or dwelling unit shall be responsible for providing and hanging of shades or other devices on every window of every room used for sleeping and for every room equipped with a flush water closet or bathtub, affording privacy to persons within said rooms. Once installed in any one rental by the owner, replacements become the responsibility of the occupant.

(i) Every occupant of a dwelling containing a single dwelling unit and every occupant of a structure shall be responsible for the extermination of any insects, rodents, 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 dwelling is the only one infected. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

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

(k) No owner or occupant of a dwelling, dwelling unit or structure shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rodent harborage in or about any dwelling, dwelling unit or structure. Stored materials shall be stacked neatly in piles elevated at least 18 inches above the ground or floor. The provisions of this subsection do not apply to firewood or kindling wood stored in or about any dwelling, dwelling unit, or structure by the owner or occupant of that property, provided, that the wood is stored for use within the dwelling, dwelling unit or structure, unless prohibited by town ordinance.

Sec. 9-5. Minimum standards for basic equipment and facilities.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(a) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area and which shall be equipped with the following:

(1) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority, and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic tank which is approved by the appropriate authority.

(2) Cabinets and/or shelves for the storage of eating and drinking and cooking equipment and utensils, and of food that does not, under ordinary maximum summer conditions, require refrigeration for safe keeping and a counter or table for food preparation; said cabinets and/or shelves shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction finished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(3) A stove or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than 50 degrees Fahrenheit, but more than 32 degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator, and/or similar devices, need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices is provided.

(b) Within every dwelling unit there shall be a uninhabitable room, affording privacy to a person within said room, which is equipped with a flush water closet and lavatory basin in good working condition. Said flush water closet and lavatory basin shall be equipped with easily cleanable surfaces, be connected to a water system that at all times provides an adequate amount of running water under pressure so as to cause the water closet to be operated properly, and shall be connected to a sewer system or septic tank which is approved by the appropriate authority.

(c) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub and/or shower in good working condition. Said bathtub and/or shower may be in the same room as the flush water closet or in another uninhabitable room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated, running water under pressure, and which is connected to a sewer system or septic tank which is approved by the appropriate authority.

(d) Every dwelling unit above the first floor shall have approved dual means of egress, with minimum head room of six feet, six inches, leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress, one of which will have a minimum head room of six feet, six inches, leading to safe and open space at ground level, or as required by the laws of this state and the appropriate authority.

Sec. 9-6. Minimum standards for light and ventilation.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section:

(a) Every habitable room shall have at least one window or skylight facing directly outdoors (provided, that if connected to a room or area used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection). The minimum total window area, measured between stops, for every habitable room shall not be less than ten percent of the floor area of such room. Wherever walls, or other portions of structures, face a window of any such room, and such light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such 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. Whenever the only window in a room is a skylight type window in the top of such room the total window area of such skylight shall equal at least ten percent of the total floor area of such room. Each window shall be not less than three square feet in area.

(b) Every habitable room shall have at least one window or skylight facing directly outdoors which can be easily opened, or such other device as will adequately ventilate the room, provided that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of openable window area in every habitable room shall be equal to at least 50 percent of the minimum window area size, or minimum skylight type window size, as required in this section, except where there is supplied some other device affording adequate ventilation and approved by the appropriate authority.

(c) Every bathroom and water closet compartment and uninhabitable room used for food preparation shall comply with the light and ventilation requirements for habitable rooms contained in this section, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is approved by [an] appropriate authority.

(d) Where there is usable electric service available from power lines, which are not more than 300 feet away from a dwelling, every dwelling unit, and all public and common areas, shall be supplied with electric service, outlets and fixtures which 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 manner prescribed by the ordinances, rules and regulations of the corporate unit. The minimum capacity of such services, and the minimum number of outlets and fixtures, shall be as follows:

(1) Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three watts per square foot of floor area.

(2) Every habitable room and uninhabitable room used for food preparation shall have at least one floor or wall type electric convenience outlet for each 60 square feet, or fraction thereof, of floor area, and in no case less than two outlets.

(3) Every water closet compartment, bathroom, and kitchen or kitchenette, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall type electric light fixture.

(4) Convenient switches or equivalent devices for turning on one light in each room or passageway shall be located so as to permit the area ahead to be lighted.

(5) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least six foot-candles of light at the tread or floor level. Every public hall and stairway in structures containing not more than three dwelling units, may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

Sec. 9-7. Minimum thermal standards; heating and cooling.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Every dwelling shall have heating facilities which are properly installed and are maintained in safe and working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein at a distance of 18 inches above the floor level under average winter conditions to a temperature of at least 70 degrees Fahrenheit.

(b) Unvented flame space heaters are prohibited. No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner. Portable electric heaters, approved under the appropriate local or state electrical and/or fire prevention code, are acceptable where they meet the above provisions of this section.

Sec. 9-7.1, Unvented portable space heaters.

(a) "Unvented portable space heater", as used in the section, means a non-flue connected, self contained, self supporting, oil fueled heating appliance with an integral reservoir designed to be carried from one room to another.

(b) "Oil" as used in this section, means any liquid fuel with a flash point of greater than one hundred degrees (100°) Fahrenheit, including, but not limited to, kerosene,

(c) "Listed" as used in this section, means any unvented portable space heater evaluated with reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, including, but not limited to, an organization such as underwriters laboratories, inc., and which has been listed as being reasonably safe for its specific purpose and shown in a list published by the agency and/or bears the mark, and/or symbol of the agency as indication that it has been so listed.

(d) Listed unvented portable space heaters which comply with the requirements established in subsection (e) of this section may be offered for sale, sold, and used in any dwelling or dwelling unit.

(e) Unvented portable space heaters must adhere to the following requirements:

(1) Unvented portable space heaters must have labeling affixed to caution and inform concerning:

(i) Provision of an adequate source of ventilation when the heater is in operation;

(ii) Use of only suitable fuel for the heater;

(iii) Proper manner of refueling;

(iv) Proper placement and handling of the heater when in operation;

(v) Proper procedures for lighting, flame regulation, and extinguishing the heater;
and

(vi) Prohibition on use of unvented portable space heaters in sleeping areas which particular label must be permanently affixed thereto;

(2) Unvented portable space heaters must be packaged with instructions to inform consumers regarding proper maintenance and operation, including, as a minimum, information regarding the provisions stated in subsections (e)(1)(i) through (e)(1)(vi) of this section;

(3) Unvented portable space heaters must be constructed with a low center of gravity and minimum tipping angle of thirty-three degrees (33°) from the vertical with an empty reservoir;

(4) Unvented portable space heaters must have an automatic safety shut off device or inherent design feature which eliminates fire hazards in the event of tip over and otherwise conform with the standards established in national fire protection association (NFPA) No. 31;

(5) Unvented portable space heaters must not produce carbon monoxide at rates which create a hazard when operated as intended and instructed; and

(6) A notice containing the following must be delivered with each unit sold:

(i) Unvented portable space heaters that incorporate electric components shall be connected to grounded outlets;

(ii) A portable fire extinguisher shall be required in close proximity to unvented portable space heaters;

(iii) A smoke detector shall be required in the area where an unvented portable space heater is to be used.

Sec. 9-8. General requirements relating to the safe and sanitary maintenance of parts of dwellings and dwelling units.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Every foundation, floor, roof, ceiling, and exterior wall must be reasonably weather tight, watertight and damp-free, and shall be kept in sound condition and good repair. Floors, interior walls, and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. Potentially hazardous materials will not be used where readily accessible to children. Walls shall be capable of affording privacy for the occupants. Every premises shall be graded, drained, free of standing water, and maintained in a clean, sanitary, and safe condition

(b) Potentially hazardous material on the interior surfaces of any dwelling unit, rooming house, rooming unit or facility occupied by children is prohibited. Such interior surfaces include, but are not limited to window sills, window frames, doors, door frames, walls, ceilings, stair rails and spindles or other appurtenances.

(c) Lead-based substances are prohibited whenever circumstances present a clear and significant health risk to the occupants of the property, as defined by regulations of the department of health. Where required because of the tenancy of an at-risk occupant, lead hazards must be mitigated as provided for in chapter 128.1 of title 42 or abated pursuant to chapter 24.6 of title 23.

(d) In each instance where there is reason to believe that lead-based substances are present, the enforcing officer shall either ascertain whether the lead hazard mitigation standard has been met, or confirm whether suspect substances are lead-based by arranging for a comprehensive environmental lead inspection which conforms to department of health regulations.

(e) In all instances where either compliance with mitigation standards cannot be confirmed by the enforcement officer by review of certifications for the same or where substances are confirmed to be lead-based by an environmental lead inspection, and there exists a lead exposure hazard, the enforcing officer shall identify necessary lead hazard reductions that must be taken pursuant to department of health regulations.

(f) In all instances where lead-based substances are identified on a dwelling, a dwelling unit, or premises occupied by a child suffering from "lead poisoning", as defined in the Rhode Island Lead Poisoning Prevention Act, §§ 23-24.6-1 through 23-24.6-26, the enforcing officer shall consider these instances under "emergencies", pursuant to § 45-24.3-2

(g) During the portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door, opening directly from a dwelling unit to outside space, shall have supplied properly fitting screens having at least 16 mesh and self-closing device; and every window, door or other device with openings to outdoor space, used or intended to be used for ventilation, shall be supplied with screens.

(h) Every window located at or near ground level, used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate screen or such other devices as will effectively prevent their entrance.

(i) Every dwelling or accessory structure, and the premises upon which located, shall be rodent proofed and maintained so as to prevent rodent harborage.

(j) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be rat proofed in an approved manner if they are within 48 inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items such as trees or vines or by burrowing.

(k) Skirting, lattice, or other non-rat proofed enclosure creating a possible rat harborage under a porch or any portions of a building shall be rat proofed at all locations where a rat could find, burrow, or gnaw an access opening.

(l) In the event that occupancy usages would result in stacking or piling materials, the materials shall be so arranged as to prohibit the creation of a harborage area. This can be accomplished by orderly stacking and elevating so that there will be a 12-inch opening between the material and the ground level. No stacking or piling of material shall take place against the exterior walls of the structure.

(m) All doors, including swinging, sliding, and folding types, shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed three-eighths-inch; provided further that the space between sections of folding and sliding doors when closed shall not exceed three-eighths-inch.

(n) Basement floors and/or the floors and areas in contact with the soil, and located at a maximum depth of four feet (4') or less from the grade line, must be paved with concrete or other rat impervious material.

(o) Any materials used for rodent control shall be acceptable to the appropriate authority.

(p) All fences provided by the owner or agent on the premises and/or all fences erected or caused to be erected by an occupant shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition. Wood materials shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of this state, and the corporate unit. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.

(q) Accessory structures present or provided by the owner, agency, or tenant occupant on the premises shall be structurally sound, and be maintained in good repair and free from insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the use of paint or other preservatives.

(r) Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition.

(s) No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alteration are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(t) All construction and materials, ways and means of egress, and all installation and use of equipment shall conform to applicable state and local laws dealing with fire protection.

Sec. 9-9. Minimum space, use and location requirements.

No person shall occupy, or let to be occupied, any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this section:

(a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 130 square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room space.

(b) (1) In every dwelling unit for two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant, and at least 50 square feet of floor space for each additional occupant thereof. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of a dwelling unit.

(2) At least 75 percent of the floor area of every habitable room shall have a ceiling height of no less than 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 of the room for the purpose of determining the maximum permissible occupancy thereof. At least 50 percent of the floor area in attic rooms shall have a ceiling height of seven feet.

(3) No space, located totally or partially below grade, shall be used as a habitable room or dwelling unit unless:

(i) The floor, and those portions of the walls below grade, are of waterproof and damp proof construction;

(ii) The minimum window area required in section 9-6 is located entirely above grade of the ground adjoining such window area or, if windows are located wholly or partly below grade, that there be constructed a properly drained window well whose ground open area shall be equal to, or greater than, the area of the window opening; the bottom of the window well shall be below the top of the impervious masonry construction under this window; and the minimum horizontal projections of the bottom of the window well shall be equal to, or greater than, the vertical dimensions (depth) of the window well as measured from the bottom of the masonry opening for the window and no part of the window well opposite this window shall protrude

above the line projected at a 45-degree angle from the bottom of the window opening at right angles to the outer wall;

(iii) The total openable window area in each room is equal to at least the minimum, as required under this chapter, except where there is supplied some other device affording adequate ventilation and humidity control and approved by the appropriate authority;

(iv) There are no pipes, ducts, or other obstructions, less than six feet above the floor level which interfere with the normal use of the room or area.

(c) Every dwelling unit shall have at least four square feet of floor-to-ceiling height closet space, for the personal effects of each permissible occupant. If it is lacking in whole or in part, an amount of space, equal in square footage to the deficiency, shall be subtracted from the area of habitable room space used in determining permissible occupancy.

(d) A dwelling unit shall not be occupied by more than one family plus two occupants unrelated to the family, except for guests or domestic employees or by not more than one household if the occupants are unrelated, unless a permit for a rooming house has been granted by the appropriate authority.

(e) Each dwelling shall have a suitable facility for the safe storage of medicines, toxic materials, and household poisons, such as ammonia, paint, gasoline, etc., to ensure safety for children in the residential environment.

Sec. 9-10. Rooming houses.

(a) No person shall operate a rooming house, or shall occupy, or let to another for occupancy, any rooming house except in compliance with the provisions of section 9-4 and section 9-5 and section 9-9 of this chapter. No owner or other person shall occupy, or let to another person, any vacant rooming unit unless it is clean, sanitary, and fit for human occupancy, and in compliance with all applicable requirements of this state and of the corporate unit.

(b) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the appropriate authority in the name of the operator and for the specific dwelling or dwelling unit specified therein. The operator shall apply to the appropriate authority for such permit, which shall be issued only after it has been determined that the rooming house is in compliance with the applicable provisions of this chapter and with any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such permit shall give notice in writing to the appropriate authority within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership, or control, of such rooming house. Every rooming house permit shall expire at the end of the year of license following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(c) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system or septic tank, approved by the health officer and in good working condition, shall be supplied for each six persons, or fraction thereof, residing within a rooming

house, including members of the operator's family wherever they share the use of said facilities, provided:

(1) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets;

(2) That all such facilities shall be so located within the dwelling as to be reasonably accessible for a common hall or passageway to all persons sharing such facilities;

(3) That every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times;

(4) That no such facilities shall be located in a basement, except by written approval of the appropriate authority;

(5) That cooking in a rooming unit shall be prohibited unless utilities are installed therein in accordance with applicable local and state law;

(6) That communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the enforcing officer in writing;

(7) That rooming unit doors shall have operating locks to insure privacy.

(d) Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space, and every room occupied for sleeping by more than one person shall contain at least 60 square feet of floor space for each occupant thereof, and every such room shall also contain at least four square feet of closet space per occupant with at least an unobstructed height of five feet. If it is lacking in whole or in part, an amount of space, equal in square footage to the deficiency, shall be subtracted from the area of habitable room space used in determining permissible occupancy.

(e) Every rooming unit above the first floor shall have immediate access to two or more safe, unobstructed means of egress, appropriately marked, one of which will have a minimum headroom of six feet six inches, leading to a safe and open space at ground level, as required by the appropriate statutes, ordinances, and regulations of this state and of the corporate unit.

(f) Every provision of this chapter which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provision may be found in conflict with the laws of this state or the corporate unit.

(g) Structurally sound handrails shall be provided on any steps containing five risers or more. If steps are not enclosed, handrails and balusters spaced no more than six inches apart shall be provided. Porches and/or balconies located more than three feet higher than the adjacent areas shall have structurally sound protective handrails 30 to 36 inches high and, if unenclosed, balusters spaced no more than six inches apart shall also be provided. Alternate systems providing at least the same degree of safety, if approved by the appropriate authority, will be accepted.

(h) Access to or egress from each rooming unit shall be provided without passing through any other rooming unit, dwelling unit or bathroom.

Sec. 9-11. General requirements relating to the safe and sanitary maintenance of nonresidential structures and premises.

No person shall occupy as owner, occupant or let to another for occupancy any vacant dwelling or nonresidential structure unless it and the premises are clean, sanitary, fit for human occupancy, and comply with sections 9-4, 9-7, 9-8 and 9-12 through 9-20 of this chapter and all applicable legal requirements of the State of Rhode Island and the Town of West Warwick.

Sec. 9-12. Adoption of plans of inspection.

(a) The enforcing officer is hereby authorized and directed to develop and adopt plans for the inspection of dwelling units subject to the provisions of this chapter, including ~~(1)~~ a plan for the systematic inspection of dwelling units contained in such contiguous areas within the corporate units as may from time to time be designated by the enforcing officer, with the approval of the town council.

(b) Before making inspections within a contiguous area pursuant to a plan authorized in this section, the enforcing officer shall advise the organization which represents the property owners and other residents of such contiguous area, if any such organization exists.

Sec. 9-13. Inspections; powers and duties of the enforcing officer.

(a) The enforcing officer shall enforce the provisions of this chapter and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection authorized by section 9-12 or in response to a complaint that an alleged violation of the provisions of this act or of applicable rules or regulations pursuant thereto may exist; or when the enforcing officer has valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been or is being committed.

(b) The enforcing officer is hereby authorized to enter and inspect between the hours of 8:00 a.m. and 5:00 p.m. as a matter of right and at any other time by prior notification to the occupant or owner by the enforcing officer and such notice shall be by certified or registered mail all dwellings, dwelling units, rooming houses, rooming units, dormitory rooms, and structures subject to this chapter, for the purpose of determining whether there is compliance with its provisions.

(c) The enforcing officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitory rooms, and structures subject to this chapter, for the purpose of determining whether there is compliance with its provisions.

(d) The enforcing officer and the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, dormitory room, or structure subject to this chapter may agree to an inspection by appointment at a time other than the hours provided in this section.

(e) The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, dormitory room or structure, upon presentation of proper identification by the enforcing officer, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the enforcing officer entry and

free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room, or structure to the premises surrounding any of these.

(f) The enforcing officer shall keep confidential all evidence and information not related to the purposes of this chapter which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the enforcing officer for the proper and effective administration and enforcement of the provisions of this chapter and rules and regulations issued pursuant thereto and shall not otherwise be admissible in any judicial proceeding without the consent of the owner, occupant, or other person in charge of the dwelling unit or rooming unit, or structure inspected.

(g) If any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or of a multiple dwelling or a rooming house or structure, fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the enforcing officer may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling, or rooming house or structure, petition and obtain such order from a court of competent jurisdiction.

(h) Any person who refuses to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(i) The enforcing officer shall have the right to prosecute for any violation of this chapter as provided by law, and is hereby authorized to execute all warrants, with the exception of search warrants, for the violation of laws, rules and regulations relating to this chapter and to serve subpoenas issued for the trial of all offenses against the laws, rules and regulations relating to this chapter.

Sec. 9-14. Rules and regulations - Enforcement agencies - Housing board of review.

(a) The local authority is authorized to make, adopt, revise, and amend rules and regulations that it deems necessary for the carrying out of the purposes of this chapter.

(b) Establishment of enforcement agencies. The local authority will further provide for the creation and establishment of divisions, offices, departments, bureaus, and agencies and their respective officers, deputies, and agencies that may be required to enforce and administer the powers and duties authorized by this chapter

(c) Housing Board of Review The local code enforcement committee shall be known as the housing board of review consisting of five (5) members. The chairperson, or, in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of such board shall be open to the public. The housing board of review established pursuant to this chapter be governed by the following procedure:

(1) The board shall keep minutes of its proceedings, showing the vote upon each question, and shall keep records of its decisions and findings and the reasons therefore, and of its

examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be a public record.

(2) The housing board of review shall be governed by sections 9-18 and 9-19 of this chapter pertaining to appeals there from.

(d) Upon failure of the local authority to appoint or establish a local Housing Board of Review, the functions of the Housing Board of Review shall be performed by the Rhode Island State Building Standards Committee pursuant to the provisions of the State Housing Maintenance Occupancy Code. Hereinafter the Housing Board of Review and the State Building Standards Committee shall be referred to as "Housing Board of Review".

Sec. 9-15. Notice of violation.

(a) Whenever the enforcing officer determines that any dwelling, dwelling unit, rooming unit, or structure, or the premises surrounding any of these, fails to meet the requirements set forth in this chapter or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:

(1) Be in writing;

(2) Set forth the alleged violations of the chapter or of applicable rules and regulations issued pursuant thereto;

(3) Describe the dwelling, dwelling unit, rooming unit, or structure where the violations are alleged to exist or to have been committed;

(4) Provide a reasonable time, not to exceed 60 days, for the correction of any violation alleged;

(5) Be served upon the owner, occupant, operator, or agent of the dwelling, dwelling unit, rooming unit, or structure personally, or by certified or registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent.

(b) The owner of any dwelling, dwelling unit, rooming unit or structure who is a nonresident of the state of Rhode Island shall have and continuously maintain with the city or town clerk where the property is located a registered agent, which agent may be either an individual who resides in this state or corporation authorized to do business in this state. The landlord's designation shall be in writing, shall include the name and address of the agent, and shall include the street address of each property designated to the agent. The agent so appointed shall be the agent of the owner upon whom any notice process or demand required or permitted by law to be served may be served. Any person who fails to maintain a registered agent shall be subject to a fine of one hundred dollars (\$100).

(c) If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit, rooming unit, or structure described in the notice, or by causing any such notice to be published in a newspaper of general circulation, for a period of three consecutive days; or

(d) At the end of the period of time allowed for the correction of any violation alleged, the enforcing officer shall re-inspect the dwelling, dwelling unit, rooming unit or structure described in the notice.

(e) If upon re-inspection the violations alleged are determined by the enforcing officer not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the then-existing failures to meet the requirements of this chapter or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed 60 days after the date of such re-inspection, if the person served with such notice does not petition for a hearing on the matter in the manner hereinafter provided.

(f) The enforcing officer shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit, rooming unit, or structure where the violations are alleged to exist, and shall serve it in the manner provided in this section.

(g) The enforcing officer, after the expiration of time granted the person served with such second notice to seek a hearing in the manner hereinafter provided by this chapter, or after a final decision by the housing board of review or by a court of competent jurisdiction to which an appeal has been taken, shall cause the second notice to be recorded in the land registry of the Town of West Warwick.

(h) Such notice shall state that a cumulative civil penalty has been imposed. No notice and lien recorded under this chapter shall be released until such violation has been abated and the penalty imposed as provided for in section 9-16 has been paid.

(i) All subsequent transferees of the dwelling, dwelling unit, rooming unit, or structure in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures provided by this chapter and [bound] by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

(j) It shall be unlawful for the owner of any nonresidential building upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another until the provisions of the notice or 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 or order issued by the enforcing officer, and at the same time notify the enforcing officer in writing of the intent to transfer, lease, or mortgage either by delivering said notice of intent to the enforcing officer and receiving a receipt therefore, 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 or order shall be bound by such notice or order as of the date of such transfer, mortgage or lease without service of further notice upon him.

(k) The notice once recorded in the land registry, is effective for a period of three (3) years from the date of recording, and, in the absence of an intervening renewal by the enforcing officer or by the enforcing officer taking other action as provided by this chapter, shall cease to be a notice of violation at the expiration of the three year term.

Sec. 9-16. Penalties Municipal Court jurisdiction - Review by supreme court - Duties of prosecutor.

(a) *Civil penalty* Any owner, occupant, operator or agent of a dwelling, dwelling unit, rooming unit, or structure who has received the second order or notice of a violation of this chapter shall be subject to a cumulative civil penalty of fifty (\$50.00) per day for each day each violation continues after expiration of the specified reasonable consideration period, provided that no such penalty shall be applicable while a reconsideration, hearing or appeal to the Municipal Court of the Town of West Warwick is pending in the matter. In those instances where emergencies exist pursuant to Section 9-19, hereof, any owner, operator, occupant, or agent of a dwelling, dwelling unit, rooming unit, or structure is subject to a cumulative civil penalty of one hundred dollars (\$100) per day for each day an emergency violation continues

(b) *Criminal penalties; willful or reckless violations; false statements.*

(1) Any person who:

(i) Willfully or recklessly violates any provision of this chapter; or

(ii) Willfully or recklessly violates, or fails to comply with, any requirements of an order of the enforcing officer; or

(iii) Makes, or causes any other person to make, any false or misleading statement on any registration statement notice, or other document required to be filed pursuant to this chapter, or on any application, or any accompanying document, for the granting of any permit or any other action by the appropriate authority pursuant to this chapter, shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$500.00 for each such violation, and each days failure to comply with any provision constitutes a separate violation.

(2) A person commits a willful violation when he intentionally acts, or intentionally fails to act, to cause a condition that violates this chapter. A person commits a reckless violation when he acts, or fails to act with a conscious disregard of a substantial risk that the act or failure to act will result in a condition, constituting a violation of this chapter, which will endanger the life, health or safety of another person. The Municipal Court for the Town of West Warwick has exclusive original jurisdiction of all these violations. A party aggrieved by any judgment of the district court imposing a fine may seek review by the supreme court.

(c) The solicitor for the Town of West Warwick shall immediately seek civil and criminal penalties, as defined in subsections (a) and (b) of this section, against an owner of premises subject to this chapter who fails to comply with a second notice of violation of this chapter and who willfully or recklessly violates this chapter.

(d) Where the violations continue one year or more after notice of the violations, an additional civil penalty is imposed on the owner, occupant, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure. The additional civil penalty shall be a cumulative penalty of one

hundred dollars (\$100) per day for each day each violation continues. This penalty constitutes a lien on the real estate until paid.

Sec. 9-17. Repairs and other corrective action; demolition; revolving fund.

(a) Repairs and other corrective action.

(1) Whenever an owner, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure fails, neglects, or refuses to make repairs or other corrective action called for by a second order or notice of violation issued pursuant to section 9-15, the enforcing officer may undertake such repairs or action, when in its judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50 percent of the fair market value of the structure to be repaired.

(2) Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to section 9-15 or upon the appropriate authority as designated agent for service pursuant to section 9-15.

(3) Every owner, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure who has received notice of the intention of the enforcing officer to make repairs or take other corrective action shall give entry and free access to the agent of the enforcing officer for the purpose of making such repairs.

(4) Any owner, operator, agent or occupant of a dwelling, dwelling unit, rooming unit or structure who refuses, impedes, interferes with, hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty of \$25.00 for each such failure to comply with this section.

(5) When repairs are made or other corrective action taken at the direction of the enforcing officer, cost of such repairs and corrective action shall constitute a debt in favor of the Town of West Warwick against the owner of the repaired structure. In the event such owner fails, neglects, or refuses to pay the Town of West Warwick the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a the Municipal Court for the Town of West Warwick by the Town of West Warwick which shall possess all right of a private creditor.

(b) Designation of unfit dwellings, dwelling units, rooming units and structures.

(1) Any dwelling, dwelling unit, rooming unit, or structure, shall be designated as unfit for human habitation, when any of the following defects or conditions are found, and when, in the opinion of the enforcing officer, these defects create a hazard to the health, safety, or welfare of the occupants or of the public:

(i) The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested.

(ii) The structure lacks illumination, ventilation, or required thermal and sanitation facilities.

(iii) The general condition or location is unsanitary, unsafe, or unhealthful.

(2) Whenever any dwelling, dwelling unit, rooming unit, or structure has been designated as unfit for human habitation the enforcing officer shall placard the dwelling, dwelling unit, rooming unit, or structure, indicating that it is unfit for human habitation, and, if occupied, shall order the dwelling, dwelling unit, rooming unit, or structure vacated within a reasonable time, such time to be not more than 30 days.

(3) No dwelling, dwelling unit, rooming unit, or structure, which has been designated as unfit for human habitation and which has been placarded as such and has been vacated shall be used again for human habitation until written approval is secured from the enforcing officer and the placard removed by the enforcing officer.

(4) The enforcing officer shall rescind the designation and remove the placard when the defect or condition upon which such designation and such placarding was based has been removed or eliminated as to cause the dwelling, dwelling unit, rooming unit, or structure, to be deemed by the enforcing officer as a safe, sanitary, and fit place or unit for human habitation.

(5) No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, or structure which has been designated as unfit for human habitation and has been placarded as such except as provided in this section.

(6) Any person affected by any decision of the enforcing officer or by any designation or placarding of a dwelling, dwelling unit, rooming unit, or structure as unfit for human habitation shall be granted a hearing on the matter before the enforcing officer under the procedure set forth in section 9-19 of this chapter.

(7) The enforcing officer may order the owner of any building, which has been in the past and/or is vacant and open at door and/or window, to be boarded to comply with the following specifications: all openings (including doors and windows) from cellar to second floor inclusive, and all windows above the second floor leading to fire escapes, porches, or structural appurtenances on all floors must be covered from the exterior with three-eighths-inch thick exterior plywood or one-half-inch notched boards firmly secured and with protective coating. All other windows must be so secured by either one-quarter-inch thick exterior plywood or one-half-inch notched boards.

(8) When any cost of any type is incurred by the Town of West Warwick in the providing of alternative housing to any person which has resulted from the declaring of a dwelling as being unfit for human habitation by the Building Official as provided herein all such costs shall constitute a debt in favor of the Town of West Warwick against the owner of such dwelling and shall constitute a lien to run with the land, against such property, in favor of the Town of West Warwick. In the event the owner fails, neglects or refuses to pay the Town of West Warwick the amount of this debt shall be recoverable in a civil action against the owner or his successor, brought in a the Municipal Court for the Town of West Warwick by the Town of West Warwick, which shall possess all the rights of a private creditor.

(c) Demolition of dwellings, dwelling units or rooming units designated as unfit for human habitation.

(1) The enforcing officer shall order a dwelling, dwelling unit, or rooming unit to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair as to rescind the designation as unfit for human

habitation and to cause the placard to be removed, and is determined by the enforcing officer not to warrant repair under this chapter.

(2) The owner of any dwelling, dwelling unit, or rooming unit which has been ordered demolished, shall be given notice of this order in the manner provided for service of notice in section 9-15 and shall be given a reasonable time, not to exceed 90 days, to demolish such structure.

(3) Any owner aggrieved by the notice to demolish may within ten days seek a reconsideration of the matter in the manner hereinafter provided, and may seek a formal hearing in the manner provided in section 9-19.

(4) When the owner fails, neglects, or refuses to demolish an unfit, unsafe, or unsanitary dwelling, dwelling unit, or rooming unit within the requisite time, the enforcing officer may apply to the Municipal Court for the Town of West Warwick for a demolition order to undertake the demolition. The court may grant such order when no reconsideration or hearing on the matter is pending. The cost of such demolition shall create a debt in favor of the Town of West Warwick against such owner, and shall be recoverable in a civil action brought by the Town of West Warwick which shall possess all the rights of a private creditor.

(5) Whenever a dwelling is demolished, whether carried out by the owner or by the enforcing officer, such demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located, in such manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation.

(6) All demolition shall be preceded by an inspection of the premises by the appropriate authority as provided for by the laws of Rhode Island.

(d) *Revolving fund.* There is hereby created a revolving fund for the purpose of supporting the cost of repairs and other corrective action of demolition made by the enforcing officer pursuant to this section. Into this fund shall be paid:

(1) All civil penalties collected for violations of this chapter.

(2) All license fees collected pursuant to this chapter.

(3) All judgments collected in actions to recover the costs of repair and other corrective action and demolition, pursuant to this section.

(4) Such other revenues as the Town of West Warwick may from time to time authorize to be paid into this fund.

(5) All donations and grants designated to promote the purposes of this chapter from public or private sources. The enforcing officer is hereby declared to be the authorized agency of the Town of West Warwick to apply for and receive all grants, loans, and gifts of funds to promote the purposes of this chapter.

(f) *Rent payments.* Notwithstanding any lease or other agreement, if the enforcing officer of the Town of West Warwick shall have ordered the repair, alteration or improvement of a dwelling in that he shall have designated the same to be an unfit dwelling as provided for in this section, then the obligation of rent therefore to the landlord shall be suspended and the same shall be paid into the revolving fund as established herein by the enforcing officer, to be paid thereafter to the landlord or any other party authorized to make repairs (including the enforcing officer) to defray the cost of

correcting the conditions and no action shall be maintained by the landlord against the tenant for such rent or for possession. Sums paid into the revolving fund in excess of those necessary to make repairs shall be paid to the landlord on completion. If the tenant shall fail to make payments to the enforcing officer then an action for rent or possession may be maintained, subject to such defenses as the tenant may have under the lease or agreement.

Section 9-17.1. Avoiding residential demolition through owner neglect.

The Town Council of the Town of West Warwick is hereby empowered in consultation with the Building Official, to identify residential structures the physical condition of which have deteriorated so as to endanger the preservation of the structure or its appurtenances. Upon the petition to the Building Official that a residential structure is so determined that its preservation is endangered, the Town Council may establish a reasonable time not less than thirty (30) days within which the owner(s) must begin repairs. If the owner(s) have not begun repairs within the time allowed, the Town Council or a body it may designate may conduct a hearing at which the owner(s) may appear and state their reasons for not commencing repairs. If the owner(s) do not appear at the hearing or do not comply with the council's orders, the council may cause the required repairs to be made at the expense of the Town of West Warwick, and cause a lien to be placed against the property for repayments.

Sec. 9-18. Collection and dissemination of information. The enforcing officer is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing, and concerning the requirements of this chapter and applicable rules and regulations issued pursuant thereto.

Sec. 9-19. Application for reconsideration; conferences; hearings; appeals.

(a) *Application for reconsideration.*

(1) Any person aggrieved by a notice of the enforcing officer issued in connection with any alleged violation of this act or of applicable rules and regulations issued pursuant thereto, or by any order requiring repair or demolition pursuant to section 9-17, may apply to the enforcing officer for a reconsideration of such notice or order within ten days after it has been issued.

(2) The enforcing officer shall set a time and place for an informal conference on the matter within ten days of the receipt of such application and shall advise the applicant of such time and place in writing.

(3) At the informal conference, the applicant shall be permitted to present his grounds for believing that the order should be revoked or modified to one or more representatives of the enforcing officer.

(4) Within ten days following the close of the informal conference, the enforcing officer shall advise the applicant whether or not it will modify or set aside the notice or order issued by the enforcing officer.

(b) *Hearings.*

(1) Any person aggrieved by a notice of the enforcing officer issued in connection with any alleged violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, or by any order requiring repair or demolition pursuant to section 9-17, may file with the housing board of review a petition setting forth his reasons for contesting the notice or order.

(2) Such petition shall be filed within ten days after the notice or order is served on the petitioner in the manner prescribed by section 9-15.

(3) Upon receipt of a valid petition, the housing board of review shall either grant or deny the hearing requested, and shall advise petitioner of its decision in writing within ten days of the day on which his petition was received.

(4) When the housing board of review determines to hold a hearing, it shall serve petitioner with notice of its decision in the manner provided for service of notice in section 9-15. Such notice shall be served within ten days of the receipt of the petition.

(5) At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.

(6) The housing board of review shall have the power to affirm, modify or revoke the notice or order, and may grant an extension of time for the performance of any act required of not more than three additional months where the housing board of review finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter or by applicable rules or regulations issued pursuant thereto, when the housing board of review finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this chapter and applicable rules and regulations pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand, and that such extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.

(c) *Emergencies.*

(1) Whenever, in the judgment of the enforcing officer, an emergency exists which requires immediate action to protect the public health, safety, or welfare, notice of violation may be issued, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency.

(2) The owner, occupant, operator, or agent may petition for a code enforcement hearing, but the hearing shall in no case stay the abatement of correction of such emergency.

(3) Every owner of a dwelling or multiple dwelling unit is responsible for maintaining all surfaces covered by lead-based substances in an appropriate manner as to insure no unsafe conditions exist as describe in Section 8 hereof.

(4) It is unlawful for any owner, operator or agent to evict occupants from a dwelling or dwelling unit without just cause during conferences, hearings, appeals or when served with a notice of violation.

(5) To expedite correction or abatement of emergency violations the following intervals hold:

(i) A notice of violation provides a time period not to exceed ten (10) days for the correction of any violation. The person served with the notice of violation has a time period not to exceed five (5) days to petition for an informal hearing with the code enforcement agency which will be held within five (5) days.

(ii) *Second notice of violation.* A second notice of violation provides a time period not to exceed five (5) days for the correction of any violation.

(d) *Court proceedings.*

(1) The West Warwick Municipal Court shall upon due proceedings instituted in the name of the Town of West Warwick have power to proceed according to equity:

(i) To restrain, prevent, enjoin, abate or correct a violation; or

(ii) To order the repair, vacation or demolition of any dwelling existing in violation of the provisions of this chapter or to otherwise compel compliance with all of the provisions of this chapter or ordinances of the Town of West Warwick adopted pursuant to this chapter.

When, under the provisions of this chapter or any ordinance passed pursuant to the authority hereof, any work is done or material furnished by any enforcing officer or by his order at the expense of the owner or other persons interested, the value of such work and material may be recovered in an action of the case brought against such owner or other interested person or persons, and if any such work or materials shall have been done or furnished at the cost of the Town of West Warwick,, such enforcing officer shall cause the same to be brought in the name of Town of West Warwick. Upon the entry of any case or proceeding brought under the provisions of this chapter, the court shall, at the request of either party, advance the case so that it may be heard and determined with as little delay as possible.

(2) The court shall extend priority to the scheduling of emergency cases.

(e) *Filing fees: judicial review.* All proceedings instituted in the name of the Town of West Warwick are exempt from paying court filing fees. Any person or persons jointly or severally aggrieved by the final judgment, decision or order of the court may seek review by the supreme court in accordance with §8-8-3.2(b).

Sec. 9-20. Conflict of ordinances; effect of partial invalidity.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the town or of this state on or after the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail except those provisions established under the State Building Code. In any case where a provision of this chapter is [found] to be in conflict with a provision of any other ordinance or code of the Town of West Warwick or of this state which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or

codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter. If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this chapter which shall remain in full force and effect; and to this end the provisions of this chapter are hereby declared to be severable.

Article II. Non-Residential Premises and Structures

Sec. 9-21. 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 non-residential properties, premises and structures; establishing minimum standards governing utilities and facilities and other physical things and conditions essential to make non-residential properties, premises and structures safe, sanitary and fit for human occupancy and maintained in a condition so as not to create conditions detrimental to the welfare of the neighborhood; fixing certain responsibilities of owners, operators and occupants of non-residential properties, premises and structures; and fixing the conditions whereby certain non-residential properties, premises and structures may be declared unfit for occupancy and condemned for human occupancy or may be declared as detrimental to the welfare of the neighborhood; and fixing the penalties for violations of this chapter.

Sec. 9-22. Applicability.

Every portion of a building or its property or premises, including any item located on the property or premises, whether or not permanently affixed thereto, used or intended to be used for the purposes of occupancy for any non-residential 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 or the property first occupied; and irrespective of any permits or licenses which shall have been issued for the use and occupancy of the non-residential property, premises or structure, for the repair of the structure or for the installation of equipment prior to the effective date of this chapter or any amendments thereto. This chapter establishes minimum standards for the initial and continued occupancy of all non-residential properties, premises and structures.

Sec. 9-23. Unsafe structures – General provisions.

All buildings, signs or other structures or any portion thereof shall be kept and maintained in a safe and sound condition at all times by the owner or the owner's authorized agent.

Sec. 9-24. Unsafe conditions.

A building, sign, or structure shall be declared unsafe by the building official if any one of the following conditions exists upon the premises:

(a) The building is vacant, unguarded, and open at doors or windows thereby permitting unauthorized entry; or

(b) There is a hazardous accumulation of dust, debris, or other combustible material therein; or

(c) There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material; or

(d) There is a deterioration of the structure, or structural parts, or a structural weakness exists whereby the continued use and occupancy would endanger the lives of the occupants or those using public or private land in the immediate area; or

(e) The building has been partially destroyed or has been substantially damaged by the elements, acts of God, fire, explosion, or otherwise, and is vacant, regardless of whether or not the building is secured to prevent unauthorized entry; or

(f) The building or structure has been vacant or unused for more than one hundred eighty (180) days, whether or not it has been boarded, guarded, and/or closed at all doors and windows, and has remained in a condition such that the repairs necessary to make the building or structure safe and sanitary for occupancy exceed fifty percent (50%) of the fair market value of the building or structure in its present condition.

(g) The building, sign, or structure constitutes a fire or windstorm hazard or is, in the opinion of the building official, otherwise dangerous to human life or public health, safety, and welfare; or

(h) There is an unusual sagging or leaning out of plumb of the building or any parts of the building, and the effect is caused by deterioration or over-stressing; or

(i) The electrical or mechanical installation or systems create a hazardous condition contrary to the standards of this code or the code in effect at the time of construction; or

(j) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems; or

(k) The use or occupancy of the building is illegal or improper because the building does not comply with the allowable areas, height, type of construction, fire resistance, means of egress, live load, or other features regulated by the code in effect at the time of construction; or

(l) Whenever the building or structure has been so damaged by fire, wind, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger.

Sec. 9-25. Notice of unsafe condition.

When the whole or any party of any building, sign, or other structure shall be declared to be in an unsafe condition, the building official shall issue a notice of the unsafe condition to the owner of record describing the building or structure deemed unsafe, and an order either requiring

that the building, sign, or structure be made safe or be demolished within a reasonable, stipulated time. All notices and orders shall be in writing and shall be delivered to the owners of the building by the building official or his or her designated agent or shall be sent by registered or certified mail to the last known address of the owner or owners. Orders to demolish any building, a sign, or structure shall also be issued to all mortgagees of record. If any owner or mortgagee cannot be located after due and diligent search, the notice and order shall be posted upon a conspicuous part of the building or structure, and the procedure shall be deemed the equivalent of personal notice. When a building or structure is ordered secured for any reason by the building official, the owner shall board the building or structure in accordance with Sec. 9.30, hereof, within seven (7) days, or the building official may cause the necessary work to be done to secure the building or structure. The cost of the work shall be billed to the owner and be a lien against the real property as provided in Sections 9-33 and 9-34 hereof.

Sec. 9-26. Appeals.

(a) The owner shall either comply with the order or shall appeal the order to the local board of appeals, within thirty (30) days of mailing or posting of the notice and order. There shall be no appeal to the order to board an unsecured or vacant building or structure. The board of appeals shall, if requested by the owner, hold a hearing where it will either confirm, modify, or revoke the notice and order of the building official in accordance with the provisions of Section 9-35 hereof, as may be deemed just and proper in the interest of public health, safety, and welfare.

(b) Upon failure of the local authority to appoint or establish a local board of appeals, the functions of the board of appeals shall be performed by the Rhode Island State Building Standards Committee pursuant to the provisions of the State Building Code. Hereinafter the local board of appeals and the State Building Standards Committee shall be referred to as "board of appeals".

Sec. 9-27. Restoration of unsafe buildings.

(a) A building, sign, or structure declared unsafe by the building official shall be restored to a safe and usable condition in one of the following manners:

(1) When no change in use or occupancy is contemplated or compelled and the reconstruction or restoration is less than fifty percent (50%) of the physical value of the building, sign, or structure as defined in RIGL § 23-27.3-106.5, the building, sign, or structure shall be repaired in accordance with the applicable requirements of the rehabilitation building and fire code for existing buildings and structures, or if the rehabilitation code for existing buildings and structures is not applicable, the applicable requirements of RIGL § 23-27.3-106.3 or § 23-27.3-106.4; or

(2) When a change in use or occupancy is contemplated or compelled, or reconstruction or restoration is in excess of fifty percent (50%) of the physical value of the building, sign, or structure as defined in RIGL § 23-27.3-106.5, exclusive of foundations, the building, sign, or structure shall be made to comply in all respects with the requirements for materials and methods set forth in the rehabilitation building and fire code for existing buildings and structures, or if

said code does not apply, the requirements for materials and methods for new buildings, signs, or structures erected under the provisions of this code.

Sec. 9-28. Compliance.

The owner of an unsafe building, sign, or other structure shall obtain the necessary permits to perform the restoration or reconstruction work required by the building official within thirty (30) days of the receipt of the notice of an unsafe condition and shall proceed immediately with the work as required in RIGL § 23-27.3-114.2. The work shall continue until the unsafe condition has been abated.

Sec. 9-29. Disregard of unsafe notice.

When an owner or the owner's authorized agent has been served with a notice of an unsafe condition and fails to comply with the order to either make the building, sign, or structure safe or to have it demolished within a stipulated time and has not appealed the order to the board of appeals within the thirty (30) days required, the legal counsel of the municipality shall be advised and shall institute the appropriation action to compel compliance as provided in RIGL § 23-27.3-122.0. If in the opinion of the building official the condition poses an immediate danger to the public health, safety, and welfare, the building official shall cause all the necessary work to be done to either make the building, sign, or structure safe or to have it demolished as provided in Chapter 9A hereof. The cost of the work shall be billed to the owner and shall be a lien against the real property as provided in Sections 9-33 and 9-34 hereof.

Sec. 9-30. Boarding.

Any building or structure which is ordered secure for any reason by the building official shall be boarded in accordance with the following specifications:

(a) All openings (including doors and windows) from cellar to second floor inclusive, and all windows above the second floor leading to fire escapes, porches, or structural appurtenances on all floors must be covered from the exterior with a minimum of one-half inch (1/2") thick exterior grade plywood secured with screws of minimum length 1 5/8" or 2" (6d) ring shank nails placed 12 inches on center around the perimeter of the opening. Plywood shall be fitted so it rests snugly against the exterior frame butting up to the molding or siding. All other windows must be secured in a similar manner with 3/8" plywood from either the exterior or interior of the building.

(b) All gas, electric, water, and other services to a boarded building or structure except sewer lines shall be disconnected.

(c) Prior to boarding a building or structure, all decomposable debris and rubbish shall be removed from the premises.

Sec. 9-31 Emergency measures.

(a) *Vacating buildings.* – (a) When, in the opinion of the building official, there is actual

and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen or collapsed and life is endangered by the occupation of the building, the building official is authorized and empowered to order and require the occupants to vacate the building immediately. The building official shall cause to be posted at each entrance to the building a notice reading as follows:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED
BY THE BUILDING OFFICIAL

It shall be unlawful for any person to enter except for the purpose of making the required repairs or of demolishing the building or structure.

(b) *Temporary safeguards.* – When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof, which would endanger life or property, the building official shall cause all necessary work to be instituted to render the building or structure or part thereof temporarily safe despite the fact that the action may occur prior to the institution of those legal procedures provided for by this code.

(c) *Closing streets.* – When necessary for the public health, safety, and welfare, the building official may temporarily close sidewalks, streets, buildings, and structures and areas adjacent to any unsafe buildings, and prohibit the use thereof.

(d) *Hazardous buildings.* – Whenever a building is in such hazardous condition as to create an immediate danger to the public health, safety, and welfare, either because of its potential as a fire hazard or because of the danger from collapse, the building official may board up the building immediately at the owner's expense and may order its immediate demolition. In the event that the owner fails to comply immediately with the order to demolish then the building official may demolish the building at the expense of the owner.

Sec. 9-32. Emergency repairs.

For the purpose of Section 9-29 through 9-31, inclusive, of this chapter, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Sec. 9-33. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid from the municipal treasury on certificate of the building official; and the legal authority of the municipality shall institute appropriate action against the owner of the unsafe building or structure was located for the recovery of the costs.

Sec. 9-34. Lien for emergency repairs.

(a) *Recording of lien.* Whenever the owner fails to comply with an order to repair, board, or demolish a building, sign, or structure as required by the building official, and the building official has made repairs, boarded, or demolished the building, sign, or structure, reasonable

costs incurred by the building official in the action shall be a lien against the real property. The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of recording.

(b) *Lien as a tax.* The cost incurred by the building official, plus the interest as provided in the West Warwick Code of Ordinances thereon, in the boarding or demolishing of a building, sign, or structure, shall be added to the amount of taxes due on the real estate where the building, sign, or structure was located. The tax collector of the city or town shall have the same powers and shall be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection of annual taxes, the sale or taking of land for the nonpayment thereof and the redemption of land so sold or taken shall apply to such a claim.

Sec. 9-35. Appeals from orders in regard to unsafe buildings.

(a) *Application.* The owner of a building or other structure or the owner's duly authorized representative who has been served with an order pertaining to an unsafe building or other structure and a notice to make the building or other structure safe, secure, or habitable or to take down and remove the building or other structure, shall have the right, except in cases of emergency, to demand a hearing before the board of appeal if the owner deems such order to be unnecessary, improper, or unreasonable, and the demand shall be in writing with a statement of reasons therefore.

(b) *Procedure.* The powers and duties of the board of appeal under this section shall be:

(1) To inspect the building or other structure and to confirm, modify or revoke the order of the building official as may seem just and proper in the interest of public health, safety and welfare.

(2) To determine the suitable cost of reconstruction, restoration or rehabilitation in the repair of the unsafe building or other structure in the case of disagreement or dispute in relation thereto.

(c) *Findings.* The board of appeals shall determine its findings and submit a written report in writing affirming, modifying or revoking the order of the building official in whole or in part, and shall determine the remedial steps in any to be taken to render the building or other structure safe. The findings and determination agreed upon by a majority of the board shall be deemed conclusive, and certified copies of the report shall be filed with the building official and with the owner or the owner's representative, and shall be binding upon the building official and all parties in interest.

AN ORDINANCE

POSTED: AUGUST 4, 2014

FIRST READING AT COUNCIL MEETING ON: AUGUST 19, 2014

SECOND READING AT COUNCIL MEETING ON: SEPTEMBER 2, 2014

COUNCIL PRESIDENT: _____

TOWN CLERK: _____

ADVERTISED IN: KENT COUNTY DAILY TIMES

THIS ORDINANCE WILL TAKE EFFECT ON: SEPTEMBER 22, 2014