

AN ORDINANCE No. **86-250-229**

ADOPTED OCT. 27 1986

To repeal Chapter 23, Property Maintenance, of the Code of the City of Richmond, 1985, consisting of Sections 23-1 through 23-110, inclusive.

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Patron - City Manager

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Approved as to form and legality  
by City Attorney  
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THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 23, Property Maintenance, of the Code of the City of Richmond, 1985, consisting of Sections 23-1 through 23-110, inclusive, as follows, be and is hereby repealed:

## Chapter 23

### PROPERTY MAINTENANCE\*

- Art. I. In General, §§ 23-1—23-15
- Art. II. Application and Enforcement, §§ 23-16—23-70
  - Div. 1. Application, §§ 23-16—23-30
  - Div. 2. Enforcement, §§ 23-31—23-50
  - Div. 3. Vacation of Premises, §§ 23-51—23-70
- Art. III. Substantive Provisions, §§ 23-71—23-110
  - Div. 1. Exterior of Buildings Containing Dwelling Place, Appurtenance Structures and Grounds, §§ 23-71—23-90
  - Div. 2. Interior Areas, §§ 23-91—23-105
  - Div. 3. Space and Occupancy Requirements, §§ 23-106—23-110

#### ARTICLE I. IN GENERAL

##### Sec. 23-1. Title.

This chapter may be cited as the minimum property standards code.

(Ord. No. 79-149-160, § 1(19.1-1), 10-22-79)

##### Sec. 23-2. Definitions.

The following words and phrases shall have the meanings respectively ascribed to them by this section, except as may otherwise be required by the context of the provisions of this chapter:

*Approved* as applied to a material, device or method of construction shall mean as specified by the Uniform Statewide Building Code.

*Basement* shall mean a portion of a building or structure partly underground, but having less than half its clear height below the average grade of the adjoining grounds.

*Board* shall mean the board of housing and hygiene of the city.

*Building code* shall mean the Uniform Statewide Building Code.

*Director* shall mean the director of public health of the city.

*Dwelling place* shall mean one or more rooms with or without cooking facilities used or intended for habitation by one or more individuals. A building or structure may, for the purpose of this chapter, contain one or more dwelling places.

*Habitable room* shall mean a room or enclosed floor space arranged for living, eating and sleeping purposes excluding bathrooms, toilet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces.

*Operator* shall mean a lessee of a dwelling place which is sublet or offered by him or someone acting for him for occupancy by another person and to whom the dwelling place reverts upon termination of occupancy. An agent representing either the owner of a dwelling place or a lessee of a dwelling place which is sublet for such lessee, or the agent of such lessee, shall be deemed an operator for the purposes of this chapter.

*Person* shall mean a natural person or any legal entity as the context of the provisions of this chapter may require.

*Premises* shall mean a lot, plot or parcel of land together with the buildings and structures thereon.

*Rooming houses and transient quarters* includes, without limitation, hotels, motels, dormitories and

\**Charter reference*—Authority of city to regulate light, ventilation, sanitation and use and occupancy of buildings, § 2.04(k).

*Cross references*—Advertising and signs, Ch. 3; buildings and building regulations, Ch. 6; floodplain management, Ch. 14; health, sanitation and nuisances, Ch. 15; unsanitary, etc., structures, houses, rooms or dwelling places, § 15-28; historic districts and buildings, Ch. 16; refuse, litter and weed control, Ch. 25; streets and sidewalks, Ch. 26; zoning, Ch. 32.

*State law references*—Urban redevelopment corporations, Ch. 190 of 1946 Acts of Assembly, as amended by Ch. 704 of 1968 Acts of Assembly; repair of certain housing facilities, Ch. 799 of 1968 Acts of Assembly.

any other form of dwelling place other than single and multifamily houses and apartments.

(Ord. No. 79-149-160, § 1(19.1-2), 10-22-79)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

#### **Sec. 23-3. Purpose.**

The purpose of this chapter is to protect the public health, safety and welfare on premises used or intended for use as dwelling places by:

- (1) Provision that premises designed, used or intended for use as dwelling places be kept in a condition or state of repair fit for human occupancy and further to require that such premises be equipped with certain fixtures or facilities deemed necessary to the public health, safety and welfare;
  - (2) Fixing the responsibilities of owners, operators and tenants or occupants of dwelling places regarding compliance with the provisions of this chapter;
  - (3) Providing for the administration and enforcement of the provisions of this chapter.
- (Ord. No. 79-149-160, § 1(19.1-3), 10-22-79)

#### **Sec. 23-4. Board of housing and hygiene.**

(a) The board of housing and hygiene heretofore established is hereby continued. Members currently serving may continue in office for which appointed for the remainder of the terms. It shall be the duty of the board and it shall have the power to perform the functions prescribed for it in this chapter.

(b) The board shall consist of seven (7) members, who shall be qualified voters of the city and who shall be appointed by the city council for terms of three (3) years; provided, however, that any appointment to fill the remainder of an unexpired term shall terminate on the day such unexpired term would have terminated. The council shall endeavor to include in the membership of the board an architect, an attorney, a licensed professional engineer, a builder or superintendent of building construction and two (2) lessees (tenants).

(Ord. No. 79-149-160, § 1(19.1-4), 10-22-79)

**Cross references**—Administration, Ch. 2; boards, commissions, committees and other agencies, § 2-181 et seq.

#### **Sec. 23-5. Promulgation of rules and regulations.**

(a) The director shall have the power to make rules and regulations for the administration and enforcement of this chapter, but such rules and regulations shall not repeal, amend, modify, enlarge or restrict any provision of this chapter. Such rules and regulations may be altered, amended or modified at any time and from time to time by the director.

(b) No such rule or regulation and no such alteration, amendment or modification thereof shall become effective or have the force and effect of law until:

- (1) The board approves such rule or regulation or alteration, amendment or modification thereof;
- (2) The director makes such rule, regulation, alteration, amendment or modification in convenient form available for public inspection in the office of the director at least ten (1) days before such rule, regulation, alteration, amendment or modification is adopted;
- (3) The director publishes a notice in a newspaper of general circulation published in the city declaring the director's intention to adopt such rule or regulation or such alteration, amendment or modification and informing the public that the director will hold a public hearing at which any person may appear and be heard for or against the adoption of such rule or regulation or such alteration, amendment or modification, on a day and at a time to be specified in the notice, after the expiration of at least ten (10) days from the day of the publication thereof;
- (4) The director holds the public hearing on the day and at the time specified in such notice and hears all persons appearing for or against such rule or regulation, amendment or modification thereof; and
- (5) The director files a true copy of such rule or regulation and any alteration, amendment or modification thereof adopted after such public hearing and approval by the board with

the city clerk in accordance with the provisions of section 20.05 of the Charter.  
(Ord. No. 79-149-160, § 1(19.1-5), 10-22-79)

**Secs. 23-6—23-15. Reserved.**

## ARTICLE II. APPLICATION AND ENFORCEMENT

### DIVISION 1. APPLICATION

#### **Sec. 23-16. Application of building code.**

Any repairs or alterations to buildings or structures which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.  
(Ord. No. 79-149-160, § 1(19.1-6), 10-22-79)

#### **Sec. 23-17. Application of floodplain management and zoning.**

Nothing in this chapter shall be construed to permit the establishment of a dwelling place contrary to the provisions of chapter 14 on floodplain management, and chapter 32 on zoning, nor the continuation of a nonconforming use in any zone except as provided therein.  
(Ord. No. 79-149-160, § 1(19.1-7), 10-22-79)

#### **Sec. 23-18. Applicability of chapter.**

Buildings and structures, including moveable units, which are or contain dwelling places, together with structures or buildings and grounds or open spaces appurtenant to such dwelling places, shall be maintained and equipped as required by the applicable provisions of this chapter; provided, however, that premises otherwise subject to this chapter shall be exempt therefrom to the extent that they are subjected to the same or more stringent requirements imposed and enforced by the state or federal government; provided, further, that space in a building or structure containing a dwelling place other than space in the dwelling place itself which is used or intended for use as a place of business shall not be subject to the provisions of this chapter except to the extent that maintenance of the structural integrity and

plumbing, heating and electrical systems as well as an insect, vermin and rodent-free environment in the dwelling place is dependent on maintenance thereof in the business space or spaces.  
(Ord. No. 79-149-160, § 1(19.1-8), 10-22-79)

#### **Sec. 23-19. Effect of article on existing legal remedies.**

Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.  
(Ord. No. 79-149-160, § 1(19.1-9), 10-22-79)

#### **Sec. 23-20. Conflicts with other ordinances.**

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, fire, safety or health ordinance or code of the city existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. 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 this city existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with the provisions of this chapter.  
(Ord. No. 79-149-160, § 1(19.1-10), 10-22-79)

**Secs. 23-21—23-30. Reserved.**

### DIVISION 2. ENFORCEMENT

#### **Sec. 23-31. Enforcement of chapter.**

The director shall enforce the provisions of this chapter.  
(Ord. No. 79-149-160, § 1(19.1-11), 10-22-79)

#### **Sec. 23-32. Inspections.**

(a) The director or such representatives as he may designate, shall make or cause to be made

inspections to determine the condition of premises used for or intended for use as dwelling places in order to determine compliance thereof with the provisions of this chapter. The director or his representatives are authorized to enter any such premises at any reasonable time for the purpose of performing his duties under this chapter with the consent of a person having standing to consent to the inspection of the premises, or, if such consent cannot be obtained, upon the authority of a search warrant, or an administrative search warrant or its functional equivalent. It shall be the duty of the director to promulgate and maintain reasonable administrative standards for inspections performed pursuant to this section.

(b) It shall be unlawful for any person, other than a person having standing to consent to an inspection who withholds such consent, or, who having consented to an inspection thereafter withdraws such consent, to refuse entrance to or to impede an inspector or officer in the performance of an inspection conducted without a search warrant or administrative search warrant or its functional equivalent once a person authorized to grant such consent has done so. Any person who violates this provision shall upon conviction thereof be guilty of a Class 2 misdemeanor.

(Ord. No. 79-149-160, § 1(19.1-12), 10-22-79)

#### **Sec. 23-33. Notice of violation.**

Whenever the director or his representatives determine that there is reason to believe that there is a violation of any provision of article III of this chapter, he shall give notice of the alleged violation to the person responsible by the terms of this chapter for maintaining the premises as regards the substance of the alleged violation. Such notice shall:

- (1) Be in writing;
- (2) Include a description of the premises sufficient for identification;
- (3) Specify the violation which exists and the remedial action required; and
- (4) Allow a reasonable time for the performance of any act it requires.

(Ord. No. 79-149-160, § 1(19.1-13), 10-22-79)

#### **Sec. 23-34. Service of notice.**

The notice of violation shall be served upon the person to whom the notice is directed; provided, that such notice shall be deemed to be properly served if a copy thereof is delivered personally, or if the person to whom the notice is directed be not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, and, if the copy is returned with an envelope notation showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the premises which is the subject of the notice. Not less than ten (10) days nor more than fourteen (14) days following service of a notice of violation, the director or his representative shall ascertain what steps have been taken, or proposed to be taken by the recipient of such notice to remedy the violations for which notice has been served.

(Ord. No. 79-149-160, § 1(19.1-14), 10-22-79)

#### **Sec. 23-35. Permitting less than immediate or full compliance with chapter.**

The director, or his designated representative, shall at all times have the power upon written application to permit less than immediate or full compliance according to the terms of the notice when it is demonstrated that immediate or full compliance will cause unwarranted hardship upon the owner or operator or occupants of the subject premises and the director, or his designated representative, is satisfied that the public health, safety or welfare will not be impaired thereby.

(Ord. No. 79-149-160, § 1(19.1-15), 10-22-79)

#### **Sec. 23-36. Right of appeal.**

Any person to whom a notice of violation is directed who is aggrieved by the terms of the notice may appeal therefrom to the board within ten (10) days from the date of service of the notice. Such appeal shall be taken by filing in the office of the director a notice of appeal stating in brief and concise form the grounds therefor. The board shall hear and determine such appeal as promptly as practicable and should it not affirm such no-

tice of violation as issued, shall have the power to rescind, amend or modify the notice of violation. The decision of the board, together with the reasons therefor, shall be in writing, and filed in the office of the director as a public record. The affirmative vote of a majority of the members of the board present shall be necessary to rescind, amend or modify the notice of violation.

(Ord. No. 79-149-160, § 1(19.1-16), 10-22-79)

#### **Sec. 23-37. Prosecution.**

(a) The director or his representative may institute an appropriate action, civil or otherwise, to enforce the provisions of this chapter if a notice of violation is not complied with according to its terms.

(b) Legal action shall not be initiated if the person to whom notice was directed has filed an appeal which is pending before the board.

(Ord. No. 79-149-160, § 1(19.1-17), 10-22-79)

#### **Sec. 23-38. Violations; penalties.**

Any person who fails, refuses or neglects to comply with a notice or amended or modified notice of violation according to its terms shall, upon conviction thereof, be guilty of a Class 2 misdemeanor.

(Ord. No. 79-149-160, § 1(19.1-18), 10-22-79)

#### **Secs. 23-39—23-50. Reserved.**

### **DIVISION 3. VACATION OF PREMISES**

#### **Sec. 23-51. Structures unfit for occupancy.**

Whenever the director, or his designated representative, finds that any premises or portion thereof, used or intended for use as a dwelling place constitutes a substantial hazard to the safety, health or welfare of the occupants or of the public because it is in a dangerous state of disrepair, or is unsanitary, or is vermin- or rodent-infested, contrary to the terms of this chapter, or it lacks the sanitary facilities or equipment required by this chapter, he may declare such premises, or any portion thereof, unfit for human occupancy and order it to be vacated.

(Ord. No. 79-149-160, § 1(19.1-19), 10-22-79)

#### **Sec. 23-52. Posting of placard.**

Any premises declared as unfit for human occupancy shall be posted with a placard by the director or his representative. The placard shall include the following:

- (1) Name of city;
- (2) The name of the department having jurisdiction;
- (3) The chapter and section of this Code under which it is issued;
- (4) An order that the premises, or affected portion thereof, when vacated must remain vacant until the order to vacate is withdrawn;
- (5) The date that the placard is posted; and
- (6) A statement of the penalty for defacing or removing the placard.

(Ord. No. 79-149-160, § 1(19.1-20), 10-22-79)

#### **Sec. 23-53. Notice of unfitness for human habitation.**

(a) Whenever a premises has been declared unfit for human habitation, notice shall be given to the owners, operators and occupants of the declaration of the premises as unfitants shall vacate the premises or affected portion thereof.

(b) An appeal from the director's notice that premises are unfit for human habitation may be made by filing written notice of such appeal in the office of the director.

(Ord. No. 79-149-160, § 1(19.1-21), 10-22-79)

#### **Sec. 23-54. Service of notice.**

Service of notice to vacate shall be in the same manner as is provided in this chapter for notices of violation; provided, however, that it shall be sufficient for the purpose of service upon occupants for the notice to address them collectively as such rather than by reference to individual occupants by name.

(Ord. No. 79-149-160, § 1(19.1-22), 10-22-79)

#### **Sec. 23-55. Placard removal; penalty.**

No person shall deface or remove the placard from any premises which has been declared unfit

for human habitation except by authority of the director, or his designated representative. Any person who violates this provision shall upon conviction thereof be guilty of a Class 4 misdemeanor. (Ord. No. 79-149-160, § 1(19.1-23), 10-22-79)

**Sec. 23-56. Unfit building or premises—Vacation; penalty.**

Any premises or the portion thereof which has been declared and placarded as unfit for human occupancy shall be vacated within a reasonable time as required by the director, or his designated representative, and it shall be unlawful to let the premises or affected portion thereof to any person, for human occupancy and no person shall occupy any premises which has been declared unfit for human occupancy after the date set forth in the placard for vacation of the structure. Any person who violates the foregoing provision in any part shall upon conviction be guilty of a Class 2 misdemeanor.

(Ord. No. 79-149-160, § 1(19.1-24), 10-22-79)

**Sec. 23-57. Same—Withdrawal of declaration of unfitness.**

No premises or portion thereof which has been declared or placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from the director, or his designated representative. The director, or his designated representative, shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

(Ord. No. 79-149-160, § 1(19.1-25), 10-22-79)

**Sec. 23-58. Notices to vacate premises; providing copies to interested agencies.**

The director, or his designated representative, shall furnish a copy of each notice to vacate a premises to the commissioner of buildings, the chief of the fire prevention bureau and any other interested agency of the city.

(Ord. No. 79-149-160, § 1(19.1-26), 10-22-79)

**Sec. 23-59. Right of appeal.**

Any person aggrieved by a declaration that a premises is unfit for human occupancy, or, by the refusal to withdraw such declaration may appeal to the board by written application at any time subsequent to such declaration or the refusal to withdraw same. The application shall be filed with the director and shall set forth the reasons why the declaration should be rescinded, amended or withdrawn. Such appeals shall be privileged on the board's agenda and shall be heard as expeditiously as possible. A declaration that a premises is unfit for human occupancy, if not affirmed by the board, may be rescinded, amended or withdrawn by the affirmative vote of a majority of the members of the board. The pendency of an appeal shall not operate to relieve any person from the provisions of this division and the director or his representative may by any appropriate proceeding enforce the provisions of this division during the pendency of an appeal.

(Ord. No. 79-149-160, § 1(19.1-27), 10-22-79)

**Secs. 23-60—23-70. Reserved.**

**ARTICLE III. SUBSTANTIVE PROVISIONS**

**DIVISION 1. EXTERIOR OF BUILDINGS CONTAINING DWELLING PLACE, APPURTENANT STRUCTURES AND GROUNDS**

**Sec. 23-71. Responsibility.**

Unless otherwise specified, compliance with the provisions of this and the succeeding provisions of this chapter shall be the responsibility of the owners or operators, as the case may be, of the premises subject to this chapter; provided, however, that subsequent to vacation of a premises by a tenant or occupant for any reason, then responsibility for any condition arising prior to vacation which, by the terms of this chapter is that of the tenant or occupant shall thereupon become that of the owner or operator as the case may be.

(Ord. No. 79-149-160, § 1(19.1-28), 10-22-79)

**Sec. 23-72. Accessory structures.**

Fences, sheds, garages and other outbuildings appurtenant to dwelling places shall be subject to the succeeding provisions (except those provisions qualified by the phrase "of a dwelling place" shall not apply to such structures).

(Ord. No. 79-149-160, § 1(19.1-29), 10-22-79)

**Sec. 23-73. Sanitation.**

Grounds or open spaces appurtenant to a dwelling place shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage, which shall be the responsibility of the owners or operators, as the case may be, of multifamily dwellings, rooming houses and transient quarters and shall be the responsibility of tenants and occupants of all other dwelling places.

(Ord. No. 79-149-160, § 1(19.1-30), 10-22-79)

**Sec. 23-74. Grading and drainage.**

Grounds and open spaces shall be graded and maintained, or maintained so as to prevent the accumulation of stagnant water thereon, or within any dwelling place or accessory structure.

(Ord. No. 79-149-160, § 1(19.1-31), 10-22-79)

**Sec. 23-75. Foundations, walls and roof.**

(a) *Generally.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

(b) *Foundations.* Foundation elements shall be maintained so as to support the building at all points.

(c) *Exterior surfaces.* Every exterior wall and structural surface shall be free of holes, breaks, loose or rotting boards or timbers which may admit rain, or dampness to the interior portions of the walls or beyond. All exterior wood surface material must be covered with sound paint or other substance formulated to inhibit insect damage and decay, and all siding material must be kept sound and properly affixed.

(d) *Roofs.* Roofs shall be structurally sound, tight, and have no defects which may admit rain, and

roof drainage shall be kept adequate to prevent rain water from causing dampness in the walls or interior portion of buildings and structures. Gutters and downspouts shall be kept in good repair.

(Ord. No. 79-149-160, § 1(19.1-32), 10-22-79)

**Sec. 23-76. Stairs, porches and railings.**

(a) *Structural safety.* Every stair and porch shall be kept in sound condition and good repair.

(b) *Handrails.* Every handrail and balustrade shall be maintained firmly fastened and in good condition.

(Ord. No. 79-149-160, § 1(19.1-33), 10-22-79)

**Sec. 23-77. Windows, doors and hatchways.**

(a) *Generally.* Every window, exterior door and basement hatchway of a dwelling place shall be kept substantially tight and in sound condition and repair.

(b) *Windows to be glazed.* Every window sash shall be kept fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

(c) *Windows to be tight.* Every window in a dwelling place shall be kept in good condition and shall be maintained so as to fit reasonably tight within its frame.

(d) *Windows to be openable.* Every window in a dwelling place, other than a fixed window, shall be capable of being easily opened.

(e) *Doors.* Every exterior door, door hinge and door latch in a dwelling place shall be maintained in good condition.

(f) *Doors to fit in frame.* Every exterior door in a dwelling place, shall be maintained as to fit reasonably well within its frame when closed.

(g) *Window and door frames.* Every window and exterior door frame in a dwelling place shall be maintained in good condition and so fitted with adjacent walls so as to prevent rain and wind from entering.

(h) *Basement hatchways.* Every basement hatchway shall be maintained as to prevent the entrance of rodents, rain and surface drainage water.

(Ord. No. 79-149-160, § 1(19.1-34), 10-22-79)

**Sec. 23-78. Screening.**

From April fifteenth to October fifteenth of each year, every window or other outside opening used for ventilation purposes of a dwelling place shall be supplied with approved screening in good condition and every swinging screen door shall have a self-closing device in good working condition, except that no such screens shall be required above the fifth floor; provided, however, that dwellings containing operable air conditioning equipment are not required to have screens on doors or window openings serving rooms thereby ventilated; provided, however, that if operable air conditioning is provided and there are in such dwellings operable windows, such operable windows shall be screened.

(Ord. No. 79-149-160, § 1(19.1-35), 10-22-79)

**Secs. 23-79—23-90. Reserved.****DIVISION 2. INTERIOR AREAS****Sec. 23-91. To be free from dampness.**

Cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

(Ord. No. 79-149-160, § 1(19.1-36), 10-22-79)

**Sec. 23-92. Structural members.**

Supporting structural members shall be maintained in a condition capable of carrying the imposed loads.

(Ord. No. 79-149-160, § 1(19.1-37), 10-22-79)

**Sec. 23-93. Interior stairs and railings.**

(a) *To be maintained in good repair.* All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that are inordinately worn or are broken, warped or loose. Every inside stair shall be so maintained as to be capable of supporting the imposed loads.

(b) *Handrails.* Every handrail and balustrade shall be firmly fastened and maintained in safe condition.

(Ord. No. 79-149-160, § 1(19.1-38), 10-22-79)

**Sec. 23-94. Bathroom and kitchen floors.**

Every lavatory, bathroom and kitchen floor surface in a dwelling place shall be maintained so as to be substantially watertight and so as to permit such floor to be kept in a clean and sanitary condition.

(Ord. No. 79-149-160, § 1(19.1-39), 10-22-79)

**Sec. 23-95. Interior walls, ceilings and floors.**

All interior walls, ceilings and floors shall be maintained structurally sound and in good repair.

(Ord. No. 79-149-160, § 1(19.1-40), 10-22-79)

**Sec. 23-96. Insect and rodent infestation.**

(a) *Generally.* Except as otherwise provided herein, it shall be the responsibility of tenants or occupants to keep their dwelling places, grounds and outbuildings free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by processes not injurious to human health. After extermination, appropriate precautions shall be taken to prevent reinfestation.

**(b) Responsibility of owner:**

- (1) Every owner or operator, as the case may be, of a multifamily dwelling place shall be responsible for the extermination of insects, rodents, vermin or other pests whenever general infestation exists therein or infestation exists in the shared or public parts of the building or structure or grounds or open spaces appurtenant thereto.
- (2) Whenever it appears that infestation of rodents is caused by failure of the owner to reasonably maintain a dwelling place in a rodentproof condition, extermination of such rodents shall be the responsibility of the owner.

(c) *Rooming houses and transient quarters.* The owners or operators, as the case may be, of rooming houses and transient quarters shall be responsible for the extermination of infestations of insects, vermin and rodents therein, on the grounds or in outbuildings appurtenant thereto.

(Ord. No. 79-149-160, § 1(19.1-41), 10-22-79)

**Sec. 23-97. Sanitation.**

(a) *Generally.* Except as otherwise provided herein, it shall be the responsibility of tenants and occupants to maintain the interior of every dwelling place, as well as appurtenant garage and out-buildings in a clean and sanitary condition free from any accumulation of rubbish or garbage. They shall keep rubbish, garbage and other refuse inside temporary storage facilities.

**(b) Responsibility of owner or operator:**

- (1) It shall be the responsibility of owners or operators, as the case may be, of rooming houses and transient quarters to maintain the same as specified in subsection (a) hereof.
- (2) It shall be the responsibility of owners or operators, as the case may be, of multifamily dwellings to maintain common areas therein or appertaining thereto in accordance with subsection (a) hereof.

(Ord. No. 79-149-160, § 1(19.1-42), 10-22-79)

**Secs. 23-98—23-105. Reserved.****DIVISION 3. SPACE AND OCCUPANCY REQUIREMENTS****Sec. 23-106. Basic facilities required.**

(a) *Generally.* No person shall occupy or let to another for occupancy, any dwelling place for the purpose of living or sleeping, cooking or eating therein which does not comply with the following requirements:

(b) *Sanitary facilities.* The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe work conditions:

- (1) Every dwelling place shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a toilet.
- (2) Every dwelling place shall contain a wash basin which shall be in the same room with the toilet or in proximity thereto. Such wash basin must be a fixture separate, apart and other than the kitchen sink.
- (3) Every dwelling place shall contain a room which affords privacy to a person in such

room and which is equipped with a bathtub or shower.

- (4) Every dwelling place having a kitchen shall contain therein a kitchen sink.

(c) *Water and sewer.* Every kitchen sink, wash basin, bathtub or shower and toilet required under the provisions of subsection (b) above shall be properly connected to either a public water and sewer system or to a private water and sewer system which complies with applicable requirements of law. All sinks, washbasins, bathtubs, and showers shall be supplied with hot and cold running water.

(d) *Water-heating facilities.* Every dwelling place shall have water-heating facilities which shall be properly maintained and properly connected by hot water lines to the fixtures required to be supplied with hot water under subsection (c) above. Water-heating facilities shall be maintained so as to be capable of safely heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than one hundred twenty-five (125) degrees Fahrenheit.

(e) *Heating facilities.* Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, and bathrooms in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit under ordinary minimum winter conditions. The temperatures shall be existent at a level of three (3) feet above the floor level and three (3) or more feet from an exterior wall.

(Ord. No. 79-149-160, § 1(19.1-43), 10-22-79)

**Sec. 23-107. Maintenance of plumbing and electrical systems and fixtures.**

(a) *Generally.* The fixtures prescribed by section 23-106(b) shall be maintained in a clean and sanitary condition by the tenant or occupant, except that this responsibility shall be borne by the owners or operators, as the case may be, of transient quarters.

(b) *Plumbing fixtures.* Water lines, plumbing fixtures, vents and drains shall be maintained in working order and shall be kept free of obstructions, leaks and defects and capable of performing the function for which they are designed.

(c) *Plumbing systems.* Every plumbing stack, waste and sewer line shall be so maintained as to function properly and shall be kept free from obstructions, leaks and defects.

(d) *Heating equipment.* Every space heating, cooking and water heating device shall be properly maintained, shall be capable of safely performing the function for which it was designed and shall be so positioned or affixed as to prevent its overturning. Portable combustion heaters shall be vented to the outside of the building in which they are used in such manner as may be provided by law. Portable electric heaters may be used in dwelling units only if they are approved by the Underwriters' Laboratories or tested and approved by an independent qualified testing agency acceptable to the division of electrical inspection of the city.

(e) *Electrical outlets and fixtures.* Every electrical system, outlet and fixture shall be maintained in safe condition or be replaced or eliminated. (Ord. No. 79-149-160, § 1(19.1-44), 10-22-79)

#### **Sec. 23-108. Occupancy requirements.**

(a) *Generally.* No person shall occupy or let to another for occupancy, any dwelling place for the purpose of living therein which does not comply with the following requirements.

(b) *Minimum ceiling heights.* Habitable rooms shall have a clear ceiling height over the minimum area required by this code at not less than seven and one-third (7 $\frac{1}{3}$ ) feet; except, that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third of the minimum area required by this article when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

(c) *Required space in dwelling places.* Every dwelling place shall contain a minimum gross floor area of not less than one hundred fifty (150) square

feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total floor area of all habitable rooms.

(d) *Required space in sleeping rooms.* In every dwelling place every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for such occupant thereof.

(e) *Location of bath and second sleeping room.* No dwelling place containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or toilet compartment intended for use by occupant of more than one sleeping room can be had only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet compartment. Single-family dwellings are exempt from this requirement.

(f) *Occupancy of dwelling units below grade.* No space partially below grade shall be used for a dwelling place unless:

- (1) Floors and walls are watertight;
  - (2) Total window area, total openable area and ceiling height are in accordance with this article; and
  - (3) Required minimum window area of every sleeping room is entirely above the grade of the ground adjoining such window area.
- (Ord. No. 79-149-160, § 1(19.1-45), 10-22-79)

#### **Sec. 23-109. Light and ventilation.**

(a) *Generally.* No person shall occupy or let to another for occupancy, any dwelling place which does not comply with the following requirements.

(b) *Windows in sleeping rooms.* Every sleeping room shall have at least one window facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every sleeping room shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of a structure face a window of any

sleeping room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors not to a court and shall not be included as contributing to the required minimum total window area for the room. Windows in sleeping rooms shall be operable unless the room is mechanically ventilated.

(c) *Ventilation in lavatories and bathrooms.* Every lavatory and bathroom shall be ventilated by an operable window or exhaust fan.

(d) *Light in nonhabitable work space.* Every kitchen, lavatory, bathroom, laundry and furnace room shall each have an electric light fixture, which fixture shall be maintained in working order.

(e) *Light in common halls and stairways.* Every common hall and interior and exterior stairway in every building, other than one-family dwellings, shall be adequately lighted with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

(Ord. No. 79-149-160, § 1(19.1-46), 10-22-79)

#### **Sec. 23-110. Fire protection.**

(a) *Generally.* No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof for dwelling purposes, which does not comply with the applicable provisions of the fire prevention code of the city.

(b) *Storage of flammable liquids prohibited.* No dwelling place or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower.

(Ord. No. 79-149-160, § 1(19.1-47), 10-22-79)

**Cross reference—**Fire prevention and protection, Ch. 13.

**ORDINANCE OR RESOLUTION SUMMARY**  
**CITY OF RICHMOND, VIRGINIA**

Resolution Ordinance No. .... 86-250 .....	Subject
Requested by ..... City Manager .....	To Repeal Chapter 23 of City Code.
Received City Manager's Office ..... -- .....	
Summarized ..... 10/17/86 .....	

**SUMMARY**

This Ordinance would repeal Chapter 23, Property Maintenance, of the Code of the City of Richmond, 1985, consisting of Sections 23-1 through 23-110, inclusive.

**COUNCIL ACTION**

	On Docket ..... 10/27/86 .....
	Amended .....
	Adopted .....
	Rejected .....