

CHAPTER 12.

HEALTH AND SANITATION

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ARTICLE I.

DIRECTOR OF HEALTH.

Sec. 12-1. Position of county director of health.

The director of health for the county shall be the director of health for the municipality and shall serve as the health officer for the municipality. The director of health of the county shall serve as municipal director of health without compensation from the municipality.

Sec. 12-2. Expenditure of municipal funds.

Before the municipal director of health shall do any act which would require the expenditure of municipal funds, he shall secure the consent of the council.

Sec. 12-3. Powers and duties generally.

The municipal director of health shall be vested with the same power and authority that he has as county director of health, in the rest of the county, and also the authority to carry out his duties as director of health be enforcing the provisions of this Code and other ordinances of the municipality relating to health and sanitation.

ARTICLE II.

MISCELLANEOUS REQUIREMENTS AS TO SANITATION.

For state law as to power of municipality to prevent injury or annoyance from anything dangerous, offensive or unhealthy and to cause any nuisance to be abated, see Code of Va., §§ 15.1-867 and 15.1-14(5).

As to raising or keeping hogs, see § 3-1 of this Code. As to allowing accumulation of garbage, etc., on premises, see § 11-1. As to throwing garbage, etc., on vacant lot, street or sidewalk, see § 11-2.

Sec. 12-4. Slaughtering, etc., beef, hogs, etc.

It shall be unlawful for any person to kill, butcher, slaughter or dress any ox, beef, cow, hog, calf or sheep within the municipality.

Sec. 12-5. Permitting waste, etc., water to flow into street, sidewalk or gutter.

No person shall permit or cause any waste water from a bathtub, sink, commode or other fixture or any filthy water from any other source on private property to be emptied upon any street, sidewalk or gutter or place such waste or filthy water in any place from which it will flow into or upon a street, sidewalk or gutter. Each act of permitting or causing water to be placed upon or into a street, sidewalk or gutter or in a place from which it will flow into a street, sidewalk, gutter or other public place in violation of this section shall constitute a separate offense. As to discharge upon sidewalk of water from gutter or downspout, see § 20-7 of this Code.

Sec. 12-6. Permitting waste, etc., water to be emptied on property in such manner as to become stagnant, etc.

It shall be unlawful for any person to cause or permit water from a bathtub, sink, commode or other fixture or any filthy water from any other source to be emptied upon his own or other property belonging to another person in such a manner as to allow such waste or filthy water to accumulate and become stagnant or afford or create a breeding place for mosquitoes or other insects or create an offensive odor.

Sec. 12-7. Allowing accumulation of filth, offal, etc.

It shall be unlawful for any person to allow any filth, offal or obnoxious or offensive matter or thing to accumulate upon his premises or on any vacant lot in the municipality. Everyday such condition shall be allowed to continue on such premises or lot after conviction thereof shall constitute a separate offense. As to allowing accumulation of garbage, etc., on premises, see § 11-1 of this Code. As to duty of property owners as to removal of trash, garbage, etc., from property, see § 12-12.

ARTICLE III.

NUISANCES, ETC.

For state law as to power of municipality to prevent injury or annoyance from anything dangerous, offensive or unhealthy and to cause any nuisance to be abated, see Code of Va., §§ 15.1-867 and 15.1-14(5). For state law as to power of municipality to require removal, repair, etc., of buildings and other structures, see Code of Va. § 15.1-11.2.

Sec. 12-8. Creation, maintenance, etc.

It shall be unlawful for any person to create, maintain or permit to exist on his premises anything dangerous, offensive or unhealthy, any nuisance, building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property or which may be erected contrary to law.

Sec. 12-9. Warrant--Issuance.

On complaint of any police officer or citizen of the municipality, the proper officer shall issue a warrant summoning the person responsible for the condition or situation which is in violation of section 12-8, on a date designated in such warrant.

Sec. 12-10. Same--Procedure.

If, after trying a case upon a warrant issued as provided in section 12-9, the court shall find the defendant guilty of violating section 12-8, the court shall give the defendant a reasonable time, not to exceed thirty days, in which to place his property in such condition as will not involve a violation of section 12-8, and if, in the judgment of the court, the violation shall not be corrected within the time prescribed in the judgment, the court shall impose a fine of not less than twenty-five dollars nor more than one hundred dollars per day, such fine to commence at the expiration of the time allowed in the judgment of the court for the

correction of the violation. If the defendant shall fail to comply with the court's judgment within thirty days after the fine commences to run, then the Court shall report such fact to the council and the council shall provide for correcting the condition in question. The cost of such correction shall be paid by the municipality and the defendant shall be liable to the municipality for the amount expended by it in correcting the violation in question, and every such charge for expenditures shall be a lien against such property.

ARTICLE IV.

TRASH, GRASS, ETC., ON LAND OR PREMISES.

For state law as to power of council of municipality with reference to removal of trash, etc., from property and with reference to cutting grass, weeds and grass, weeds on vacant property, see Code of Va., § 15.1-11. For state law as to authority of municipal corporation to compel the removal of weeds from public and private property, see Code of Va., § 15.1-867.

As to allowing accumulation of garbage, etc., on premises, see § 11-1 of this Code. As to allowing accumulation of filth, offal, etc., on premises, see § 12-7.

Sec. 12-11. Definitions.

For the purpose of this article, the words "used for" include "designed for", and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not directory; "premises" shall mean lot and "appurtenances thereon"; and the words "dwelling", "dwelling unit" "rooming unit", and "premises", when they are used in this article, shall be construed as though they were followed by the words "or any part thereof"; the following phrases and words shall have the meanings assigned below, except in those instances where the context clearly indicates a different meaning.

Approved. The word "approved" shall be taken to mean complying with the appropriate laws with regard thereto.

Basement. The word "basement" shall be taken to mean a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar. The word "cellar" shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling. The word "dwelling" shall mean a building containing only dwelling units; provided, however, that the word "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, hospital or other accommodations used for more or less transient occupancy.

Dwelling unit. The phrase "dwelling unit" shall mean a building or portion thereof having cooking facilities for one family.

Extermination. The word "extermination" shall mean the control and elimination of insects, rodents, vermin or other pests; by eliminating their harborage places; 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 director of health.

Garbage. The word "garbage" shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and any other putrescible material.

Habitable room. The phrase "habitable room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, recreation, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communication corridors, closets, storage spaces.

Infestation. The word "infestation" shall mean the presence within or around a dwelling of insects, rodents or vermin.

Multiple dwelling. The phrase "multiple dwelling" shall mean any dwelling containing more than two dwelling units having a common entrance or entrances.

Occupant. The word "occupant" shall mean any person in control of or in actual possession of or who actually occupies, lives, sleeps, cooks or eats in a dwelling, dwelling unit or habitable room. The occupant may be the same person as the owner.

Owner. The word "owner" shall mean any person who, alone or jointly or severally with others:

(a) Has legal title to any dwelling, dwelling unit, rooming house, rooming unit or habitable room, with or without accompanying actual possession thereof; or

(b) Has charge, care or control of any dwelling, dwelling unit, rooming house, rooming unit or habitable room, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article to the same extent as if he were the owner.

Plumbing. The word "plumbing" shall mean all supplied gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, house drains and sewers, 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 or gas lines.

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

Rubbish. The word "rubbish" shall mean combustible and noncombustible waste materials, except garbage; including but not limited to the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and like matter.

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

Sec. 12-12. Duty of property owners as to removal of trash, garbage, etc., from property.

The owners of property in the municipality shall, at such time or times as the council may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the municipality; or may, whenever the council deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the municipality, removed by the agents or employees of the municipality, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the municipality as taxes and levies are collected.

Sec. 12-13. Duty of property owners as to cutting grass, weeds, etc., on vacant property.

The owners of property in the municipality shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the council shall prescribe; or may, whenever the council deems it necessary, after reasonable notice, have such grass, weeds or other foreign growth cut by its own agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the municipality as taxes and levies are collected.

Sec. 12-14. Lien for charges.

Every charge authorized by this article with which the owner of any property covered by the two preceding sections shall have been assessed and which remains unpaid shall constitute a lien against such property.

ARTICLE IV.

HOUSING HYGIENE.

For state law as to authority of municipal corporation to regulate the light, ventilation and sanitation, etc., of buildings, see Code of Va., § 15.1-869.

ARTICLE V.

INOPERABLE (JUNK) VEHICLES.

No inoperable vehicle shall be parked or stored outdoors for more than one month in any residential district. Any vehicle not displaying current license plates and inspections validation certificate as required by Virginia Law shall be construed as an inoperable vehicle. Not more than one item of major recreational equipment not in operating condition shall be parked outdoors on any lot. See Code of Va. § 15.1-11.1.

Division 1. Generally.

Sec. 12-15. Inspection of dwellings, etc.; right of entry of director of health, etc.

The director of health shall make inspections to determine the condition of dwellings, dwelling units and premises located within the municipality in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purposes of making such inspections, the director of health may enter, examine and survey during daylight at reasonable

times and hours and in such manner to cause the least possible inconvenience, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof shall give the director of health free access to such dwelling, dwelling unit or rooming unit and its premises, at such times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for making such repairs or alternations as are necessary to effect compliance with the provisions of this article.

Sec. 12-16. Notice of violations.

Whenever the director of health determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, he shall give notice of such alleged violation to the person responsible therefor, as hereinafter provided. Such notice shall:

- (a) Be put in writing.
- (b) Include a statement of the reasons why it is being issued.
- (c) Allow a reasonable time for the performance of any act it requires.

(d) Be served upon the owner or his agent, or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

Sec. 12-17. Same--Compliance.

It shall be unlawful for any person served with a notice under the provisions of section 12-16 to fail, neglect or refuse to comply therewith.

Upon the failure, neglect or refusal of any person so served with a notice, as provided in section 12-16, the director of health shall take such steps as are necessary to secure compliance with such notice.

Sec. 12-18. Procedure for vacation of dwelling unfit for human habitation.

Whenever the director of health finds that a dwelling, dwelling unit or habitable room is unfit for human habitation and constitutes serious danger or hazard to the life, health or safety of the occupants or to the public because such dwelling, unit or room does not meet one or more of the requirements of this article, the director of health may placard the property and declare such dwellings, dwelling unit or habitable room as unfit for human habitation and issue an order requiring same to be vacated. Such order shall be in writing, include a statement of the reasons why it is being issued and direct vacation of the

premises by a specified time, and also contain a statement as to the right and method of appeal from such order.

A copy of such order shall be posted on the front of the premises, a copy shall be served on the occupant, and a copy shall be served on the owner. Such order shall be deemed properly served if it is delivered personally or if the owner or occupant be not found at his or her usual place of abode by mailing a copy thereof by certified mail to the last known address.

The dwelling, dwelling unit or habitable room so ordered to be vacated shall be vacated on or before the time specified in the order, and shall not be occupied again until the director of health finds that the hazard has been eliminated and given written approval for occupancy.

Any occupant who does not within the time specified, after being served by such order, comply with the directions thereof, shall be guilty of a misdemeanor.

Division 2. Standards for Space, Use and Location.

Sec. 12-19. Compliance with division.

No person shall occupy, as owner or occupant, or let to another for occupancy any dwelling or dwelling unit which does not comply with the requirements of this division.

Sec. 12-20. Floor space generally.

Every dwelling unit shall contain at least one hundred and fifty square feet of floor space for the first occupant thereof and at least seventy additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. For the purpose of this section every two persons under the age of seven years shall be considered as one occupant.

Sec. 12-21. Floor space for rooms occupied for sleeping purposes.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

Sec. 12-22. Ceiling height.

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet four inches and the floor area of that part of any room where the ceiling height is less than five feet six inches shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum

permissible occupancy thereof. Where a basement meets all other provisions of this section, the ceiling height limitations are not required.

Sec. 12-23. Use of cellar space.

No cellar space shall be used as a habitable room or dwelling unit.

Sec. 12-24. Use of basement space.

No basement space shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(b) The total of window area in each room is equal to at least ten percent of the floor area.

(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.

Sec. 12-25. Means of egress.

Every dwelling and dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

Division 3. Standards for safe and Sanitary Maintenance of Dwellings,
Dwelling Units, Premises, Etc.

Sec. 12-26. Compliance with division.

No person shall occupy, as owner or occupant, or let to another for occupancy any dwelling or dwelling unit which does not comply with the requirements of this division.

Sec. 12-27. Foundations, floors, walls, etc.

Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy and shall be kept in good repair. Any portion of a building or structure located below grade, including but not limited to basement or cellar, shall be kept dry and free of standing water.

Sec. 12-28. Windows, exterior doors and basement hatchways.

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

Sec. 12-29. Stairs and porches.

Every inside and outside stair and every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in good sound condition and good repair.

Sec. 12-30. Plumbing fixtures, etc.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions, and in accordance with the requirements of all laws relating to their installation and maintenance.

Sec. 12-31. Bathroom, etc., floors.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 12-32. Construction, etc., of supplied facilities, etc.

Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

Sec. 12-33. Removal, etc., from occupied dwelling of required facility, etc.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is sanctioned by the director of health.

Division 4. Responsibilities of Owners and Occupants.

Sec. 12-34. Cleanliness generally.

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

Sec. 12-35. Cleanliness requirements as to two or more dwelling units.

Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

Sec. 12-36. Plumbing fixtures.

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

Sec. 12-37. Screens.

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens which shall be furnished by the owner whenever the same are required under the provisions of this section, except where the owner has agreed to supply such service, or where the occupant has agreed to furnish such screens.

Every door opening directly from a dwelling to outdoor space shall have screens with a self-closing device and every window or other device with openings to outdoor space, used for ventilation, shall be supplied with screens, during that portion of each year marked by the presence of mosquitoes, flies and insects.

Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which may provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Sec. 12-38. Insects, rodents and vermin.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the

extermination of any insects, rodents or vermin therein or on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is infested. When, however, infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

Sec. 12-39. Drainage.

The owner shall properly grade and drain all courts, yards or other areas on the premises of every dwelling. Each occupant shall fully utilize and keep free from obstruction the provided facilities for drainage, so as to maintain the premises free from the accumulation of rain, waste or surface water.

Sec. 12-40. Trash, garbage, rubbish and ashes.

Every dwelling and every dwelling unit shall be provided with such receptacles to contain all garbage, rubbish and ashes as may be necessary, and all such receptacles shall at all times be maintained in good order and repair. Receptacles shall be easily cleanable, watertight and provided with tight covers. They shall be rodent and insect proof.

The occupant of every dwelling unit shall provide such receptacles, except that for every dwelling containing three or more dwelling units the owner shall provide an adequate number of such receptacles in a location accessible to all dwelling units.