

Chapter 8

HOUSING*

* **Cross References:** Police and fire alarms, Ch. 3; animals, Ch. 4; animals running at large prohibited, § 4-1; dogs, § 4-26 et seq.; buildings and building regulations, Ch. 5; electric installation standards, § 5-76 et seq.; cable television, Ch. 6; fire prevention and protection, Ch. 7; marine activities, structures and ways, Ch. 11; solid waste, Ch. 13; streets, sidewalks and other public places, Ch. 14; traffic and vehicles, Ch. 15; utilities, Ch. 16; discharge of firearms restricted, § 17-2; zoning and subdivision of land, App. A; subdivision regulations, App. A, § 501 et seq.

State Law References: Health and welfare, 30-A M.R.S.A. § 5725.

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ARTICLE I.

IN GENERAL

Secs. 8-1--8-25. Reserved.

ARTICLE II.

HOUSING CODE*

* **Cross References:** Police and fire alarms, Ch. 3; animals, Ch. 4; animals running at large prohibited, § 4-1; dogs, § 4-26 et seq.; buildings and building regulations, Ch. 5; electric installation standards, § 5-76 et seq.; cable television, Ch. 6; fire prevention and protection, Ch. 7.

DIVISION 1.

GENERALLY

Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basement shall mean that portion of a building having one-half or more of its clear height below the adjoining grade.

Building code shall mean the building code adopted by the town in section 5-51 with amendments thereto.

Chief of police shall mean the legally designated head of the police department of the town.

Codes enforcement officer shall mean the legally designated inspection authority of the town.

Dwelling shall mean any building or part thereof which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a dwelling.

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

Electrical inspector shall mean the legally designated electrical inspection authority of the town.

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

Fire chief shall mean the legally designated head of the fire department of the town.

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

Habitable space shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer shall mean the legally designated health authority of the town.

Infestation shall mean the presence or evidence of the presence, within or around a dwelling, of any insects, rodents or other vermin.

Mobile home shall mean a detached single-family dwelling or part thereof designated for long-term occupancy, containing complete bathroom and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; designed to be transported on its wheels or on a flatbed trailer; arriving at a site as a complete unit except for minor assembly operations and connections to utilities.

Mobile home park shall mean any parcel of land occupied or intended to be occupied by two (2) or more mobile homes.

Modular home shall mean a single or multiple dwelling unit or part thereof designed for long-term occupancy containing complete bathroom and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems at site; designed to be transported in sections or in its entirety to be completed at a site except for minor assembly operations and connections to utilities.

Multiple dwelling shall mean any dwelling containing two (2) or more dwelling units.

Occupant shall mean any person, over one (1) year of age, living, sleeping, cooking and eating in, or having actual possession of, a dwelling unit or rooming unit.

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; or of an area where spaces are let for mobile homes.

Owner shall mean any person who, alone or with another or others, shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling or dwelling unit as agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner.

Plumbing shall mean all of the following supplied facilities and equipment: fuel pipes, fuel-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bath tubs, shower bath, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures, together with all connections to water, sewer or fuel.

Premises when used in this Code shall be construed as though followed by the words "or any part thereof."

Responsible person shall mean any person legally in possession of the premises.

Roominghouse shall mean any dwelling or that part of any dwelling containing one (1) or more rooming units or any part thereof, in which space is let by the owner or operator to four (4) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

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

Rubbish shall mean combustible and noncombustible waste materials except garbage. Rubbish shall include, but not necessarily be 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 others.

Sewage shall mean human or animal excrement and liquid waste containing animal, vegetable or mineral matter in suspension or solution.

Summer camps or seasonal dwellings shall mean dwelling units intended for and actually used as dwellings only during the months of May, June, July, August and September or other periods of vacation or

weekends.

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

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

(Ord. of 8-17-81, § 201)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 8-27. Purpose.

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the town to insure sanitation, safety, health, and public welfare through the proper construction, maintenance, and use thereof.

(Ord. of 8-17-81, § 102)

Sec. 8-28. Administration and enforcement.

It shall be the duty of the codes enforcement officer of the town or his authorized representative to administer and enforce the provisions of this article.

(Ord. of 8-17-81, § 103)

Sec. 8-29. Conformance.

No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the article as specified herein.

(Ord. of 8-17-81, § 104)

Sec. 8-30. Compliance.

It shall be unlawful to construct, alter, maintain, occupy, let for occupancy, or use a dwelling or dwelling unit, or part thereof, in violation of the provisions of this article.

(Ord. of 8-17-81, § 105)

Sec. 8-31. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other codes which prescribe more restrictive limitations.

(Ord. of 8-17-81, § 106)

Sec. 8-32. Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the adoption of the ordinance from which this article is derived, or in areas where public water and/or sewage systems are not available, the codes appeal board shall, on appeal as provided in section 8-57, grant an exception for the use of buildings for

dwelling purposes which do not meet the minimum standards set forth in this Code when they determine that it is not feasible or practicable to comply with such minimum standards and further determine that the safety, health or general welfare of the occupants and the public will not be adversely affected and also determine that the effect of the granting of the exception will not result in overcrowding of persons or property, nor adversely affect adequate light, air, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the safety and welfare of the occupants or the general public.
(Ord. of 8-17-81, § 501)

Sec. 8-33. Procedure for granting exceptions.

The codes appeal board shall issue each exception to this article in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises. No such exception shall be granted for a period of more than three (3) years, except those relating to ceiling height which may be a permanent exception. Any exception may be renewed one (1) or more times. Each such renewal shall not exceed additional periods of three (3) years for such renewal. Each renewal shall contain the requirements of the original exception, if any, and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.
(Ord. of 8-17-81, § 502)

Sec. 8-34. Penalty.

A person who violates this article, or who fails to comply with any order of any public official in the administration or enforcement of this article shall be subject to a fine of not more than one hundred dollars (\$100.00) and shall be subject to injunctive action as provided in 30 M.R.S.A. § 2151, 4., E.
(Ord. of 8-17-81, § 1304)

Secs. 8-35--8-50. Reserved.

DIVISION 2.

ADMINISTRATION

Sec. 8-51. Enforcement officer.

The codes enforcement officer shall enforce this article.
(Ord. of 8-17-81, § 1301)

Sec. 8-52. Inspections authorized.

The codes enforcement officer is hereby authorized to make inspections to determine the condition of dwelling, dwelling units, roominghouses, rooming units and premises located within the town in order that he may perform his duty of insuring health, safety, and the public welfare.
(Ord. of 8-17-81, § 301)

Sec. 8-53. Right of entry.

(a) For the purpose of making inspections under this article, the codes enforcement officer is hereby authorized to enter, examine and survey any or all dwellings, dwelling units, roominghouses, rooming units, and premises at a mutually agreed time to the owner or operator, but in any case, within thirty (30) days of notice to the owner or operator of the intention to inspect. It shall be the duty of the owner or operator to notify the occupant or occupants of the time of such inspection. The owner or operator or his representative shall accompany the codes enforcement officer during the inspection.

(b) The owner and occupant of every dwelling, dwelling unit, roominghouse and rooming unit or the operator thereof shall give the codes enforcement officer free access to such dwelling, dwelling unit, roominghouse or rooming unit and premises at the mutually agreed time for the purpose of inspection, examination or survey, but in any case, within thirty (30) days of notice to the owner or operator of the intention to make an inspection, examination or survey.
(Ord. of 8-17-81, §§ 302, 303)

Sec. 8-54. Owner's entry to make repairs.

The occupant of a dwelling, dwelling unit, roominghouse and rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, dwelling unit, roominghouse, rooming unit or premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or any lawful order issued pursuant to the provisions of this article.
(Ord. of 8-17-81, § 304)

Sec. 8-55. Notice of violation.

When there is a violation of this article, the codes enforcement officer shall give notice of it and order the deficiency corrected as hereinafter provided. Such notice shall:

- (1) Be in writing.
- (2) Include a statement of the reasons why it is being issued.
- (3) Set a reasonable time for the performance of any act it requires.
- (4) Be served upon the owner or operator, or the occupant as the case may require; provided such notice shall be deemed to be properly served upon such owner or operator, or upon such occupant, if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or if a copy thereof is sent by registered or certified mail to his last known address or his address as shown on the records in the tax assessor's office. If service is made personally or by leaving at the dwelling house or usual place of abode a statement signed by the person so serving stating the date and facts of service shall be filed, with a copy of the notice, in the office of the codes enforcement officer. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.
- (5) A building shall not be used until an appropriate certificate of occupancy shall have been issued.

- (6) Indicate that an appeal may be taken from any order issued by the codes enforcement officer to the codes appeal board and from the codes appeal board to the superior court.

(Ord. of 8-17-81, § 401)

Sec. 8-56. Appeal procedure.

An appeal may be taken from any decision of the codes enforcement officer to the codes appeal board and from the codes appeal board to the superior court.

(Ord. of 8-17-81, § 402)

Sec. 8-57. Appeal to codes appeal board.

The appeal to the codes appeal board consists of a written statement of the grounds therefor, dated and signed by the appellant or his authorized representative. Appellant must appear in person or be represented at the hearing. It must be filed with the codes appeal board within thirty (30) days after the day the notice required by section 8-55 was served. At their next meeting, the codes appeal board shall affirm, modify or set aside the decision of the codes enforcement officer according to the terms of this article. They may permit a variance from the terms of this article where necessary to avoid undue hardship, provided there is no substantial departure from its intent. They may permit an exception to this article as provided in sections 8-32 and 8-35. The failure of the codes appeal board to issue a written notice of their decision, directed to the appellant, within thirty (30) days from the date of filing of the appeal constitutes a denial of the appeal.

(Ord. of 8-17-81, § 402.1)

Sec. 8-58. Filing date recorded.

The codes enforcement officer shall stamp the filing date on the notice of appeal, give a copy to the appellant, send a copy to the codes appeal board, and file a copy in his office.

(Ord. of 8-17-81, § 1305)

Sec. 8-59. Appeal advertised.

On receipt of the notice of appeal, the codes appeal board shall determine a hearing date and have the notice of appeal and the time and place of hearing published in a newspaper having general circulation in the town at least seven (7) days before the day of hearing.

(Ord. of 8-17-81, § 1306)

Sec. 8-60. Abutters notified.

The codes enforcement officer shall mail a copy of the notice of appeal and the time and place of hearing to the property owners described in section 8-57 at least six (6) days next prior to the day of hearing at their last known places of address as shown on the municipal tax records. Failure of the codes enforcement officer to send or a property owner to receive a copy of the notice does not invalidate the hearing.

(Ord. of 8-17-81, § 1307)

Sec. 8-61. Limitation on subsequent appeals.

If the codes appeal board denies an appeal with respect to certain buildings or premises, a second appeal of a similar nature may not be brought before the board within one (1) year.
(Ord. of 8-17-81, § 1311)

Sec. 8-62. Appeal to superior court.

The appeal to the superior court must be filed not less than thirty (30) days after the order or decision from which the appeal was taken. Notice of the appeal shall be ordered by the court, and it shall be tried and determined by the court, without a jury, in the manner and with the rights provided by law in other civil actions so heard. Costs may be awarded to the prevailing party by the court as justice requires.
(Ord. of 8-17-81, § 402)

Sec. 8-63. Variances.

The codes appeal board may grant a reasonable variance from the requirements of this article. The appellant must prove the following:

- (1) That the application of this article is causing or would cause him unusual difficulty or substantial hardship because of extraordinary conditions peculiar to his premises, or to a proposed building, which are not reasonably remediable.
- (2) That the relief sought would not adversely affect other property or the health, safety or general welfare of the public.
- (3) That the relief sought would not tend to defeat the purpose of this article as set forth in section 8-27.

(Ord. of 8-17-81, § 1308)

Sec. 8-64. Determinations or interpretations.

The codes appeal board may affirm, modify or deny determinations under or interpretations of this article made by the codes enforcement officer and chief of the fire department in performing their duties.
(Ord. of 8-17-81, § 1309)

Sec. 8-65. Special conditions.

In granting a variance from this article, the codes appeal board may require that certain special conditions be fulfilled. The failure to comply with those conditions invalidates the permit granted.
(Ord. of 8-17-81, § 1310)

Sec. 8-66. Dangerous conditions--Determination.

(a) Whenever the health officer, fire chief, police chief or electrical inspector files a written determination with the codes enforcement officer that danger to a private person or to the public health or safety exists, the codes enforcement officer shall order immediate correction to be made, or, if the circumstances

warrant, shall order the premises to be vacated. If any person so notified fails to comply with an order of the codes enforcement officer, the codes enforcement officer shall then declare the premises unfit for human habitation by issuing to the occupants and the owner or operator a written order to vacate the premises within such time as the codes enforcement officer deems reasonable. He shall post conspicuously on the premises a placard prohibiting continued occupancy or reoccupancy of the premises. He shall file a copy of the order with the police chief and with any other town official concerned with the violation.

(b) In an emergency, the codes enforcement officer shall take action without waiting for the written determination. In this case, the interested official shall file the written determination within two (2) days after the codes enforcement officer has taken action.
(Ord. of 8-17-81, § 403)

Sec. 8-67. Same--Use of placarded buildings prohibited.

No dwelling or dwelling unit, roominghouse or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the codes enforcement officer. The codes enforcement officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.
(Ord. of 8-17-81, § 403.1)

Sec. 8-68. Same--Removal of placards prohibited.

No person shall deface or remove the placard from any dwelling or dwelling unit, roominghouse or rooming unit, which has been declared unfit for human habitation and placarded as such.
(Ord. of 8-17-81, § 403.2)

Sec. 8-69. Notice of sale.

Any person who proposes to sell, transfer or otherwise dispose of, lease or sub-let any dwelling, dwelling unit, roominghouse, rooming unit, or other premises against which there is any existing lawful order of the codes enforcement officer or the town council or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the codes enforcement officer in writing of the intent so to sell, transfer, or otherwise dispose of, lease or sub-let, giving the name and address of the person to whom such transfer is proposed within three (3) days of the proposed transfer.
(Ord. of 8-17-81, § 404)

Secs. 8-70--8-85. Reserved.

DIVISION 3.

STANDARDS

Sec. 8-86. Maintenance and general requirements.

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free, and suitable for the intended use.

(Ord. of 8-17-81, § 601)

Sec. 8-87. Minimum standards for plumbing.

- (a) *Responsibility.* The occupant of any premises shall not act in such a manner as to cause its plumbing facilities to become inoperable. The owner or operator of the premises shall maintain all plumbing facilities in good operating condition.
- (b) *Sanitary facilities.* The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition:
- (1) *Toilet.* Each dwelling unit must contain a separate, private room within its walls which is equipped with a water closet and lavatory.
 - (2) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower.
 - (3) *Kitchen sink.* Each dwelling unit shall contain a kitchen sink in addition to the lavatory required by (1) above.
- (c) *Water and sewer system.* Each kitchen sink, lavatory basin, bathtub, shower, and water closet required under the provisions of this section shall be properly connected to either the public water and sewer system or to a private water or sewer system which meets the requirements of state statutes or town ordinances. All sinks, lavatories, bathtubs and showers must be supplied with hot and cold running water.
- (d) *Potable water.* Each dwelling unit shall be supplied with an adequate supply of potable water.
- (e) *Domestic water heating facilities.* Each dwelling unit must be supplied with water heating facilities which are installed in accordance with state statutes and town ordinances, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under this section. Water heating facilities must be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower and laundry facility at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.
- (f) *Plumbing fixtures.* In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the town's building code and plumbing code of the state.
- (g) *Plumbing systems.* In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the town's building code and plumbing code of the state.
- (h) *Analysis of individual water supply.* When a private water supply is initially connected to a

plumbing system for the purpose of supplying water for human consumption, the owner or operator of the premises shall have the water analyzed and approved for human consumption by the state department of health and welfare. He shall file a record of this analysis with the codes enforcement officer.

(Ord. of 8-17-81, §§ 700--710)

Cross References: Utilities, Ch. 16.

Sec. 8-88. Minimum standards for heating and ventilating.

(a) *Heating facilities.* Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero. The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero outside.

(b) *Heating facilities required in let dwellings.* Every habitable room for occupancy, excepting rooms primarily for sleeping purposes, shall be served by heating facilities providing a minimum temperature of at least sixty-eight (68) degrees Fahrenheit, at a distance of four (4) feet above floor level, as required by prevailing weather conditions from September 15 through May 15 of each year.

(c) *Ventilation.* Every habitable room shall have a window that can be opened to the outside, or must be equipped with an operable mechanical ventilation system.

(d) *Heating equipment.* Every space-heating, cooking, and water-heating device which is located in a dwelling unit must be properly installed and maintained, and must be capable of performing the function for which it was designed in accordance with the building code of the town and the oilburnermen's code of the state.

(Ord. of 8-17-81, §§ 801--804)

Sec. 8-89. Minimum standards for lighting and electrical installation.

(a) *Maintenance.* All lighting and other electrical facilities shall be maintained in good, safe condition, in accordance with the town electrical code.

(b) *Lighting in passageways and common stairways.* Every passageway and stairway in a multiple dwelling shall have at least one (1) ceiling-type or wall-type electric light fixture adequate to provide illumination for safe passage.

(c) *Electrical outlets and fixtures.* Every electrical outlet and fixture required shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the electrical code of the town.

(d) *Correction of defective system.* Where it is found, by the electrical inspector, that the electrical system in a building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

(e) *Smoke detectors.* Smoke detectors shall be installed in all multiple dwelling units. It is also recommended that smoke detectors be installed in single-family dwelling units.

(Ord. of 8-17-81, §§ 901--905)

Cross References: Electrical installation standards, § 5-76.

Sec. 8-90. Minimum standards for sanitation.

(a) *Sanitation exterior.* All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish and garbage.

(b) *Sanitation interior.* The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities as required under (f) below.

(c) *Dwelling units to be free of refuse.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the codes enforcement officer may order the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition. It shall be the responsibility of the occupant, or in the case of a vacant building or dwelling, the owner or operator, to maintain every dwelling unit to be clean and free from garbage or rubbish.

(d) *Responsibilities of roominghouse operators, etc.* Roominghouse operators shall be responsible for compliance with this article in regards to the following:

- (1) Maintain a sanitary condition in all parts of roominghouse premises.
- (2) Sanitary maintenance of walls, floors and ceilings.
- (3) Dispose of garbage and refuse in a clean and sanitary manner.
- (4) Extermination of insects, rodents or other pests on the premises.

(e) *Responsibility of occupants.* Occupants of dwelling units shall be responsible for compliance with this article in regards to the following:

- (1) Maintain that part of the premises which he occupies or controls in a clean, sanitary and safe condition.
- (2) Maintain plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition and provide reasonable care in the operation and use thereof.
- (3) The disposal of all rubbish in a clean and sanitary manner.
- (4) The occupant of any premises shall exterminate insects, rodents or other pests within his dwelling unit so as to keep them under control.

(f) *Refuse storage facilities.* The owner of a dwelling unit shall provide a sufficient number of containers for the storage of refuse which meet the requirements of chapter 13.

(g) *Insect and rodent control.* The owner or occupant of a building used for human habitation shall keep it free from insect and rodent infestation by acceptable processes of extermination. The owner or occupant shall take proper precautions to prevent reinfestation.

- (1) The owner of a multi-family dwelling shall exterminate insects, rodents, vermin, or other pests in the common passageways or in the portions of the building under his control. The occupant of a dwelling unit in a multi-family dwelling shall exterminate insects, rodents, vermin or other pests within the unit occupied by him.
- (2) The occupants of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.
- (3) Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

(Ord. of 8-17-81, §§ 1001--1006)

Cross References: Solid waste, Ch. 13.

Sec. 8-91. Minimum standards for space and occupancy.

(a) *Floor space requirements.* Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable space for the first occupant, at least one hundred (100) square feet of additional habitable space for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable space for each additional occupant. A child under twelve (12) years of age is deemed to be one-half an occupant.

(b) *Ceiling heights.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than four and one-half feet (4 1/2) shall not be considered part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless the floors and walls are free from chronic dampness and protected from surface runoff, and shall be at least one-half above established grade and have two (2) means of egress, except for underground type homes. Refer to section 809.4 of the BOCA Basic Building Code Emergency Escape, Exception No. 2, which reads as follows:

"*Exception No. 2.* In buildings of use group R-3, (one- or two-family dwelling units) where the sleeping room is provided with a door to a corridor having access to remote exits in opposite directions, than a window or an exterior door for emergency escape from such sleeping room is not required."

(Ord. of 8-17-81, §§ 1101--1103)

Sec. 8-92. Minimum standards for safety.

(a) *Adjacent occupancies.* No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids, or producing toxic gases or vapors in any quantity, which may endanger the lives or safety of the occupants.

(b) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level.

(c) *Obstructions to passage.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

(Ord. of 8-17-81, §§ 1201--1203)

Cross References: Fire prevention and protection, Ch. 7.

Secs. 8-93--8-100. Reserved.

ARTICLE III.

DISCLOSURE OF BUILDING OWNERSHIP

Sec. 8-101. Purpose.

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of multi-unit residential properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, Chapter 13 and other ordinances of the town. This article is intended to require the disclosure of the ownership of such property and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises.

(Ord. of 5-1-00(1))

Sec. 8-102. Registration required.

(a) *Registration of ownership.* The owner or owners of all buildings containing three (3) or more dwelling units, rooming units, or any combination thereof within the town shall register their ownership interest, address and telephone number and the name, address and telephone number of the person or entity responsible for managing the property, or cause such interest to be registered, with the codes enforcement officer as provided in section 8-103 within ninety (90) days of the effective date of this article [May 31, 2000] or within thirty (30) days of purchase of the property and/or building, whichever occurs later.

The registration required hereunder shall be updated or withdrawn within thirty (30) days of transfer of ownership, change in management or change in registered agent as provided in section 8-103. Each and every owner of the property shall be responsible for the filing of the registration and for updating prior filings as required.

(b) *Registration of management companies.* Any individual, firm, corporation or purchaser under a land installment contract pursuant to Title 13 M.R.S.A. § 481 et seq., as may be amended from time to time, managing property subject to the registration requirements of subsection (a) shall register with the codes

enforcement officer its management responsibility within thirty (30) days of the effective date of this article [May 31, 2000] or within thirty (30) days of assuming management responsibility. Any filing shall be updated, at least annually, if there are any changes whatsoever with regard to the information supplied.
(Ord. of 5-1-00(1))

Sec. 8-103. Registration form; information.

The codes enforcement officer shall provide forms to be completed by the owners and managers of properties subject to registration under this article and shall maintain a file containing all registrations made under this article.

- (1) The registration form for owners shall include, at a minimum, the following:
 - a. The street address of the building;
 - b. The assessor's map and lot of the property on which the building is located;
 - c. The names, addresses and telephone numbers of all individual persons having any ownership interest in the property including, without limitation, all partners, all officers or trustees of any real estate trusts; and including the residential street address and home phone number of at least one (1) such individual person;
 - d. The name, address and telephone number of the manager of the property or the person or persons responsible for its regular maintenance or repair;
 - e. The name and address of a person designated as the agent of the owner for the service of notices and civil process by the town. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners designating that person in any litigation pertaining to the premises.
- (2) The registration form for managers of property shall include, at a minimum, the following:
 - a. The name, address and local telephone number of the management company and of at least one (1) such individual, including the residential street address and home telephone number of that individual; and
 - b. A list of all buildings for which the person or firm is responsible, including the street address and assessor's map and lot description of the property and the name of the owner of that building.

(Ord. of 5-1-00(1))

Sec. 8-104. Violations.

Any person failing to file the required registration, failing to file any required update to the registration or filing a false statement on any registration commits a civil violation. It shall also be a violation of this article for any owner or manager to rent any apartment or other portion of any building subject to registration, not

registered under this article, or to permit the occupancy of such premises. No certificate of occupancy shall be issued for property subject to the registration requirements which is not registered in accordance with this article. Each day's continuing failure to file such a registration or to update such registration and each day of permitting the continued occupancy of such premises shall be a separate offense.

(Ord. of 5-1-00(1))