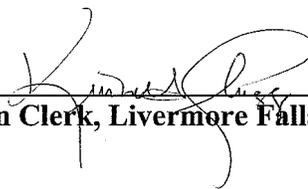


**RENTAL HOUSING CODE
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Rental
Housing Code Ordinance for the Town of Livermore Falls" as
certified to me by the Municipal Officers of the Town of
Livermore Falls on the 11th day of June, 1986.**



Town Clerk, Livermore Falls

**RENTAL HOUSING CODE
TOWN OF LIVERMORE FALLS**

Section 1. Purpose and Authority

A. Purpose

The purpose of this code is to safeguard the health and safety of the inhabitants of Livermore Falls through the establishment and enforcement of minimum standards of construction, occupancy and maintenance for rental units.

B. Authority

The code is adopted and hereafter amended pursuant to and consistent with: Title 30 MRSA, Chapters 201-A and 209; Title 30 MRSA, Chapter 239, Subchapter VI; Title 4 MRSA, Chapter 17; Title 12 MRSA, Chapter 424 and Title 25 MRSA, Chapters 313 to 321.

Section 2. Scope

A. Application of Standards

All rental units constructed after the enactment of this ordinance shall conform to these regulations. All rental units existing or under construction at the time of enactment of this ordinance shall conform to these regulations within two years of the date of enactment.

Where application of the standards of this ordinance, as ordered by the administering officer, will result in hardship to the owner or occupant, such person may appeal to the Board of Appeals as provided in Section 7.

B. Minimum Standards

The standards set forth herein are intended to be minimum only, and they shall not apply wherever a greater standard is required by another ordinance or law.

C. Enforcement

This ordinance shall be administered by the Code Enforcement Officer who may obtain from any qualified person or persons such advice or other assistance as he deems necessary in the carrying out of his duties under this ordinance; and said person or persons shall be reimbursed for their services in such a manner as the selectmen shall determine.

D. Penalty for Non-compliance

Any person failing or refusing to obey any order of notice of the Code Enforcement Officer issued hereunder shall be subject to a fine of not less than \$10 not more than \$100 and each day's violation shall be considered to be a separate offense.

B. Dwelling's Unfit for Human Habitation

Any dwelling unit or rooming unit which is in violation of the provisions of this ordinance to the extent that it is unfit for human habitation in the opinion of the Code Enforcement Officer may be condemned for habitation and posted against occupancy by the said Code Enforcement Officer. The following shall be considered to be unfit for human habitation:

1. Properties which are damaged, decayed, dilapidated, and unsanitary, overcrowded, unsafe, or vermin infested in such a manner as to create a serious hazard to health and safety of the occupants.
2. Properties which lack plumbing, ventilating, the lighting, and heating facilities or equipment adequate to protect the health and safety of the occupants.

Section 3. Definitions

The following definitions shall apply unless the context clearly indicates another meaning:

"Basement" shall mean the portion of a building below the ground floor having not more than half of its clear height below the adjoining grade.

"Cellar" shall mean the portion of a building below the ground floor or basement having more than half of its clear height below the adjoining grade.

"Dwelling" shall mean any house, building or part thereof, which is occupied, or intended to be occupied, in whole or in part for living and sleeping by one or more occupants. A dwelling may include one or more dwelling units or rooming units or a combination of both.

"Dwelling Premises" shall mean the land and auxiliary building thereon used or intended to be used in conjunction with a dwelling.

"Dwelling Unit" shall mean one or more rooms within a dwelling which forms a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

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

"Floor Area" shall mean the floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room.

"Habitable Room" shall mean a room used, or intended to be used for living, sleeping, cooking, or eating. A bathroom, toilet room, laundry, pantry, hall, closet, heater room, utility room, or other shall not be considered to be a habitable room.

"Code Enforcement Officer" shall mean the Code Enforcement Officer of the Town of Livermore Falls or his duly authorized representative.

"Infestation" shall mean the presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests, as determined through actual observation of them or by the evidence of their presence.

"Multiple Dwelling" shall mean any dwelling containing more than two dwelling units.

"Occupant" shall mean any person, including an owner or operator residing in or having actual possession of a dwelling unit or rooming unit.

"Operator" shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

"Owner" shall mean any person or persons who:

a. Shall have legal or record title to any dwelling, dwelling unit or dwelling premises;

b. Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;

c. Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or bond for a deed with the person having legal or record title.

"Person" shall mean and include any individual, group of individuals, firm, corporation, association, or partnership

"Rooming House" shall mean any dwelling, or part thereof, containing two or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by two or more persons who are not related by blood or marriage to the owner or operator. For the purposes of the ordinance, homes for the aged and other institutions licensed by the State shall not be regarded as "rooming houses".

"Rooming Unit" shall mean any habitable room or rooms forming a single unit used, or intended to be used, for living exclusive of cooking or eating, whether by a separate family or by two or more persons living in common or by a person living alone.

"Supplied" shall mean installed, furnished, or provided by the owner or operator at his expense.

Section 4. Minimum Standards of Design, Construction and Repair

A. Minimum Standards for Structural Elements

a. Foundations, Basements, Cellars, Exterior Walls, Roofs

Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight and watertight; shall be structurally sound, shall be safe for the intended use and capable of supporting whatever load normal use may cause to be placed thereon. Water from roofs shall be so drained and conveyed therefrom so as not to leak nor create a hazard to adjacent buildings or occupants thereof.

b. Floors, Interior Walls, Ceilings and Doors

Every floor, interior wall, ceiling, and door shall be in structurally sound condition and in good repair

c. Windows, Exterior Doors and Skylights

Every window, exterior door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight and watertight, and shall be kept in sound working condition and good repair.

d. Stairways, Stairwells, Stairs and Porches

Every inside and an outside stairway, stairwell, stairs, and porch and any appurtenances shall be structurally sound, in good repair, and safe to use.

e. Chimneys, Flues and Vents

Every chimney and every flue, vent and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

A. Minimum Standards for Space and Occupancy

a. Space per Person

Every dwelling unit shall contain at least 100 square feet of habitable floor area for the first occupant and at least 70 square feet of additional habitable floor area for each additional occupant. For the purpose of this paragraph, a child under the age of 1 shall not be counted as an occupant.

b. Area per Habitable Room

Every habitable room, other than a kitchen or dining alcove, shall contain at least 64 square feet of floor area. The least horizontal dimension of such room shall be not less than 7 ft.

c. Excluded Areas

In the computing of floor area for the purpose of this Section, the space used for closets or other enclosed spaces and, in the case of rooms with sloping ceilings, portions of such rooms which are less than 4 ft. in height shall be excluded.

d. Habitable Rooms in Basements and Cellars

Every room in any cellar or basement used for the purpose of a habitable room shall meet the following conditions:

1. the ceiling shall be at least six and a half feet above the floor.
2. unless adequate mechanical ventilation is provided, there shall be one or more openable windows containing an area equal to not less than 4% of the floor area, and the ceiling shall be at least 2 ft. above grade where the required window or windows are located.
3. the floor and walls shall be water and a damp-proof and the room shall be well-drained and dry.

C. Minimum Plumbing Standards

a. Basic Facilities

Every dwelling unit, except as provided below, shall contain a kitchen sink, a flush toilet, lavatory basin, and bathtub or shower. Each occupant of a rooming unit shall have access to a flush toilet, lavatory basin, and bathtub or shower.

1. The occupants of not more than two dwelling units, each of which contains not more than 340 square feet of habitable floor area and each of which contains no more than two rooms, may share the use of a single flush toilet, a lavatory basin and bathtub or shower.
2. One room dwelling units shall be considered as rooming units and not dwelling units for the purpose of determining the number who may share such facilities.
3. Rooming houses and dwelling houses containing rooming units shall contain at least one flush toilet, one lavatory basin, and one bathtub or

shower for each five persons or fraction thereof, living within said rooming units, which shall include members of family of the owner or operator if they share the use of such facilities.

b. Location of Facilities

The flush toilet, lavatory basin, and bathtub or shower shall be conveniently located within a room or compartment which affords privacy and is separate from habitable rooms in which each occupant can reach without going out of doors, or passing through a dwelling unit or rooming unit other than his own, or ascending or descending more than one flight of stairs. Where practicable, the lavatory basin and toilet shall be in the same room or compartment.

c. Water Supply

Every dwelling unit and rooming house, or combination of the same, shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this ordinance shall be properly connected with hot and cold water lines with adequate supply of pressure. Water heating facilities shall be such as to permit an adequate amount of hot water to be drawn at every required fixture at all reasonable times.

d. Maintenance of Plumbing Fixtures

All fixtures shall be properly maintained in sanitary and sound mechanical condition.

D. Minimum Ventilation Standards

Every habitable room shall have a window or windows opening to the outdoors which shall be so constructed that an area equal to not less than 4% of the floor area of the room (excluding any portion of the room that has a height of less than 4 ft. above the floor) can be opened fully. A mechanical ventilating system capable of changing the air at least once per hour may be substituted for such window or windows.

D. Minimum Lighting Standards

a. Habitable Rooms

Every habitable room shall contain at least two separate duplex convenience outlets or at least one duplex convenience outlets and one ceiling type or wall type electric light fixture.

b. Bathrooms, Utility Rooms, Cellars and Basements

Every water closet compartment, bathroom, laundry room, furnished room, cellar and basement shall contain at least one ceiling type or wall type of electric light fixture.

c. Passageways and Common Stairways

Every passageway and stairway shall have at least one ceiling type or wall type electric light fixture which can illuminate it adequately for safe passage by the occupants.

d. Maintenance of Lighting Fixtures

All fixtures required by this ordinance and all fixtures installed in addition thereto shall be maintained in good and safe working condition.

F. Minimum Heating Standards

a. Heating Facilities Required

Every habitable room shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit at a height of 3 ft. above floor level. When heat is not furnished with a central heating system, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement.

b. Seasonal Dwellings Excepted

A building used solely for seasonal occupancy between March 1st and October 31st shall be excepted from the requirement above.

c. Maintenance of Equipment

All stoves, furnaces, room heaters, or domestic water heaters operated by solid, liquid, or gaseous fuel shall be properly vented and maintained in safe operating condition by the owner, operator and/or occupant, or both.

d. Electric Space Heating Equipment

Dwellings which are occupied, or intended to be occupied, in whole or in part for living and sleeping by one or more occupants, when heat is furnished entirely by electric space heating equipment, shall be excepted from the use of masonry flues and smoke or vent pipe connections, as provided under part (a) of the Minimum Heating Standards.

Section 5. Minimum Standards to Ensure Safety from Fire

a. Flammable Liquids, Toxic Gases

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. Means of Egress for One and Two-family Dwellings

Means of egress from one and two family dwellings shall conform to the requirements set forth in NFPA 101-Life Safety Code, Chapter 22, 1985 edition.

c. Means of Egress for Apartment Buildings, Lodging or Rooming Houses

1. Means of egress for new apartment buildings shall conform to the requirements set forth in NFPA 101-Life Safety Code, Chapter 18, 1985 edition.

2. Means of egress for existing apartment buildings shall conform to the requirements set forth in NFPA 101- Life Safety Code, Chapter 19, 1985 edition.

3. Means of egress for lodging or rooming houses shall conform to the requirements set forth in NFPA 101-Life Safety Code, Chapter 20, 1985 edition.

d. Unobstructed Egress

Every hallway, stairway, corridor, exit, fire escape door, used or intended as a means of egress from a habitable room shall be kept clear of obstructions at all times.

e. Temporary Wiring, Extension Cords

No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, ceiling or wall type fixtures, and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms or openings through structural elements.

f. Storage of Waste Material

Storage rooms and storage lockers shall not be used for storage of refuse, rubbish or waste.

g. Space Heaters

Flueless oil or gas space heaters are prohibited.

h. Smoke Detectors Required

The owner shall install, or cause to be installed, not less than one approved and operable smoke detector upon or near the ceiling areas within, or giving access to, bedrooms in:

1. any single family dwelling rented to others, including mobile homes, regardless of the date of construction.
2. each apartment in any building of multifamily occupancy, including an apartment occupied by the owner.

In multifamily buildings more than three stories in height, approved and operable smoke detectors shall also be installed in each corridor and hallway on each floor.

Section 6. Minimum Standards of Sanitary Maintenance

A. Insect, Rodent and Vermin Control

a. General. Structure shall be maintained free of insect, vermin, and rodent harborage and other infestation.

b. Grounds. Grounds shall be maintained free of garbage and wastes attractive to rats and vermin. So far as practicable, food to be left for birds and animals shall be placed in containers so as to prevent the scattering of such food upon the ground.

c. Screening. Screens of wire mesh or other suitable material shall be provided for openings used to ventilate basements or, in order to prevent the ingress of insects, rodents and other vermin. From May 1st to October 1st all openings used for the ventilation of dwelling shall be appropriately screened.

d. Use of Poison Gas, Etc., in Extermination

No person shall employ for disinfestation or for extermination of rodents or vermin in any dwelling any highly toxic chemical; any poisonous or dangerous gas; any substance emitting poisonous gas, fumes or vapor, cyanide in any form, or sodium fluoroacetate (commonly known as "1080"); without first obtaining a permit for each such use from the Code Enforcement Officer, who shall notify the police and fire departments.

B. Disposal of Garbage and Waste

a. Containers

Watertight garbage containers made of metal or plastic shall be provided for each dwelling unless all garbage is otherwise disposed of. Garbage containers shall be kept covered in order to reduce their attraction to vermin and rodents, and shall be cleaned periodically in order to prevent their becoming foul or offensive.

b. Storage

No garbage or refuse shall be stored or allowed to accumulate in any hall or stairway used in common by the occupants of two or more dwelling units or rooming units.

C. Division of Responsibility for Sanitary Maintenance

a. Maintenance of Assigned Areas

Every occupant of a dwelling, which is subject to the regulations of this ordinance shall maintain a clean and sanitary manner that part of the dwelling, and dwelling premises which he occupies and controls and shall share the responsibility for maintaining in a clean and sanitary condition any areas and facilities available in common.

b. Maintenance of Shared Areas

Every owner or operator of a multiple dwelling or rooming house shall maintain a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

c. Maintenance of Supplied Facilities

Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

d. Maintenance of Garbage and Waste Containers

The owner or operator of each dwelling shall provide sufficient containers to meet the above requirements.

e. Rodent and Vermin Control

1. Every occupant of the dwelling unit shall be responsible for the termination of such insects, rodents, or other pests where the infestation is confined to such dwelling unit. When such infestation shall exist because of the failure of the owner or operator of a dwelling or dwelling premises to keep the same in a substantially rodent or vermin proof condition, extermination shall be the responsibility of the owner or operator.

2. Every owner or operator shall be responsible for the extermination of such insects, rodents, or other pests whenever infestation exists in two more dwelling units, or in shared areas, of any dwelling or upon the dwelling premises.

3. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in the dwelling or upon the dwelling premises.

Section 7. Procedure: Inspection, Notion of Violation, and Legal Provisions

A. Inspections

The Code Enforcement Officer, upon proper identification and reasonable notice shall have the right to enter at any reasonable time into or upon any dwelling or premises, where a rental unit exists or is being constructed, for the purpose of inspecting said dwelling or premises in order to determine whether or not a violation of this ordinance exists and for the purpose of examining and inspecting any work performed under the provisions of this ordinance, and it shall be a violation of this ordinance for any person to interfere with or prevent such inspection.

B. Notices

When any violation is found to exist within the meaning of this ordinance, said Code Enforcement Officer shall give the owner, operator, or occupant, or both a written order or notice by certified letter which shall set forth the violation and shall specify a reasonable time limit for correction thereof.

C. Reinspections

After the expiration of the time for correction of such violation the Code Enforcement Officer shall make a reinspection of the premises and if the violation has not been corrected and no appeal is pending as hereinafter provided, the Code Enforcement Officer may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

D. Posting against occupancy

If, in the opinion of the Code Enforcement Officer, a dwelling unit or room unit is in violation of the provisions of this ordinance to the extent that it is unfit for human habitation, the Code Enforcement Officer shall condemn it for habitation and shall post it against occupancy; and he shall give notice in writing to the owner or operator of such condemnation and posting; and if such property is occupied, he shall give like notice to the occupant which shall also include a reasonable time limit within which such property shall be vacated.

E. Property Not To Be Occupied Again for Habitation

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the Code Enforcement Officer shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

F. Notice Is Not To Be Removed: Property Not To Be Used or Let

It shall be a violation of this ordinance for any person to deface or remove any such posted notice without the prior approval of the Code Enforcement Officer, and it shall also be a violation of this ordinance for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the Code Enforcement Officer.

G. Property To Be Secured If Not Improved

In the event the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bringing the property into compliance with the provisions of this ordinance, he shall make said property safe and secure so that no danger to life or property and no fire hazard shall exist.

H. Restriction on Conveyance of Property; Exception

It shall be a violation of this ordinance for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the Code Enforcement Officer under the provisions of this ordinance unless he shall first furnish to the grantee a true copy of any such order and shall at the time notify the Code Enforcement Officer in writing of the intent to so

transfer either by delivering said notice to the Code Enforcement Officer and receiving a receipt therefore or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed. In the event of a violation of this section of this ordinance, such person shall be subject to a fine of not less than \$50 nor more than \$100 in addition to any fine which may be imposed for failure to comply with any order of the Code Enforcement Officer as provided herein.

I. Responsibility Hereunder May Not Be Transferred

No contract or agreement between owner and/or operator and occupant relating to compliance with the provisions of this ordinance shall be effective in relieving any person of responsibility for compliance with those provisions.

J. Appeal to the Board of Appeals

Any person who feels aggrieved by an order or notice of the Code Enforcement Officer under the provisions of this ordinance may file an appeal within 10 days from the date of such order or notice to the Board of Appeals who may, by majority vote, reverse the decision of the Code Enforcement Officer and permit exceptions to or variances from the specific provisions of this ordinance in cases where the enforcement of the provisions of this ordinance may result in undue hardship, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of this ordinance in promoting public health, safety and welfare.

K. Personal Non-liability

No officer or employee charged with the enforcement of this ordinance and acting for the Town of Livermore Falls in the discharge of his duties shall render himself personally liable for any damage that may occur to any person or property as a result of his acts in the discharge of his duties. Any suit brought against any officer or employee because of any act performed by him under the provisions of this ordinance shall be defended by the Town of Livermore Falls until final determination of the proceedings therein.

Adopted June 11, 1986