

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on March 1st, 2016, at 7:00 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 34, Housing, section 34-26 (definitions); 34-91 (Occupancy Requirements); 34-93 (Habitable space requirements), of the Town of Old Orchard Beach Code of Ordinances is amended by adding the underscored language and deleting the strikethrough language:

Chapter 34 - HOUSING^[1]

Footnotes:

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Cross reference— Utilities, ch. 58; buildings and building regulations, ch. 66.

ARTICLE I. - IN GENERAL

Secs. 34-1—34-25. - Reserved.

ARTICLE II. - MINIMUM STANDARDS

DIVISION 1. - GENERALLY

Sec. 34-26. - 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:

Alcove means a small recessed section of a room.

Basement means that portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar means that portion of a building located partly or entirely underground but having half or more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, with the exception of buildings or parts of buildings used as a motel, hotel, guest cottage, cabin, sporting camp or other similar facility, rented or leased for a period not more than 30 days.

Dwelling unit means any room or groups of rooms 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.

Existing structure means any residence erected prior to the date of the adoption of this code which has a legal building permit and legal occupancy permit.

Family means a household containing a single housekeeping unit occupied by one or more persons.

Finished grade means the natural surface of the ground, or surface of the ground after completion of any change in contour.

Habitable room means a room or enclosed floor area consisting of habitable space.

Habitable space means space occupied by one or more persons for living, sleeping, eating or cooking, excluding kitchenettes, bathrooms, toilet rooms, laundries, foyers, pantries, corridors, stairways, closets, cellars, and storage spaces.

Immediate family means mother, father, sister, brother, and children of the owner or occupant and spouse.

Temporary seasonal worker means a person who is employed in a seasonal job between April 1 and October 31.

Kitchen means space, 60 square feet or more in floor area, used for cooking or preparation of food.

Kitchenette means space less than 60 square feet in floor area, used for cooking or preparation of food.

Living room means a room used for common social activities by the occupants of a residence.

Mixed occupancy means occupancy of a building in part residential use and in part some other use not accessory thereto.

Multiple dwelling means any dwelling containing more than two dwelling units, rooming units or a combination of both.

Premises means a lot, plot, or parcel of land including the buildings or structures thereon.

Public space means that space used in common by the occupants of several units within a dwelling or roominghouse and by the public.

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

Roominghouse means any dwelling or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not members of the owner's or operator's immediate family.

Stairway means one or more flights of stairs and the necessary landings and platforms connected therewith to form a continuous passage from one floor to another.

Story means the portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story only when its ceiling is six or more feet above the finished grade.

~~Students traveling with a J-1 cultural exchange work visa means nonimmigrant students visiting with a J-1 visa from May to October of the calendar year.~~

Toilet room means enclosed space containing one or more water closets, which may also contain one or more lavatories, and other plumbing fixtures.

(Ord. of 4-2-1991, § 4; Ord. of 4-7-2009(1))

Sec. 34-27. - Applicability.

This article shall apply to residential premises as follows:

- (1) Lots, plots, or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures are located.
- (2) Residential buildings, including one- and two-family dwellings, multiple dwellings, and roominghouses or boardinghouses.
- (3) Residential occupancies in buildings of mixed occupancy.

(Ord. of 4-2-1991, § 1)

Sec. 34-28. - Prohibition.

No person shall occupy as owner/occupant or shall rent to another for occupancy any dwelling, dwelling unit, or rooming unit that does not comply with the requirements of this article.

(Ord. of 4-2-1991, § 3)

Sec. 34-29. - Responsibility of owners.

- (a) Owners of premises shall be responsible for compliance with this article and shall remain responsible therefor regardless of the fact that this division may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
- (b) Owners of premises shall be responsible for proper maintenance, condition, and operation of service facilities.

(Ord. of 4-2-1991, § 30)

Sec. 34-30. - Responsibilities of roominghouse operators.

Roominghouse operators shall be responsible for compliance with this article in regard to the following:

- (1) Limiting occupancy to the maximum permitted by this article.
- (2) Maintenance of safe and sanitary conditions in all parts of the roominghouse premises.
- (3) Maintenance and operation of all required service facilities.
- (4) Maintenance of all plumbing, cooking and refrigeration fixtures and appliances within his control, as well as building equipment and facilities, in an operative, clean and sanitary condition.
- (5) Sanitary maintenance of walls, floors and ceilings.
- (6) Keeping exits clear and unencumbered.
- (7) Disposal of building garbage and refuse in a clean and sanitary manner.
- (8) Extermination of insects, rodents or other pests on the premises.
- (9) Hanging and removing required screens.

(Ord. of 4-2-1991, § 31)

Sec. 34-31. - Responsibilities of occupants.

Occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

- (1) Limiting occupancy of that part of the premises which he occupies or controls to the maximum permitted by this article.
- (2) Maintenance of that part of the premises which he occupies or controls in a clean, sanitary and safe condition.
- (3) Maintenance of all 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 providing reasonable care in the operation and use thereof.
- (4) Keeping exits from his dwelling unit clear and unencumbered.
- (5) Disposal of garbage and refuse into provided facilities in a clean and sanitary manner.
- (6) Extermination of insects, rodents or other pests within his dwelling unit.
- (7) Hanging and removing required screens.
- (8) Keeping his domestic animals and pets in an appropriate manner and under control.

(Ord. of 4-2-1991, § 32)

Secs. 34-32—34-60. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

Sec. 34-61. - Duty of code enforcement officer.

This article shall be administered by the code enforcement officer. The code enforcement officer shall cooperate with other municipal, governmental and private agencies engaged in the study and improvement of housing conditions.

(Ord. of 4-2-1991, § 33)

Sec. 34-62. - Inspections.

- (a) Conduct of inspections. The code enforcement officer is authorized to conduct inspections of all premises within the scope of this article.
- (b) Investigation of complaints. The code enforcement officer shall investigate all complaints of alleged housing violations.
- (c) Right of entry. The code enforcement officer in the performance of his duties shall have the right of access to any premises at reasonable hours, upon giving proper identification, for the purpose of

inspecting the premises in order to determine compliance with this article and for the purpose of examining and inspecting any work performed under this article.

- (d) Access. Owners, agents, operators and occupants shall provide access to all parts of the premises within their control to the code enforcement officer acting in the performance of his duties. A refusal to provide such access shall be a violation of this article.

(Ord. of 4-2-1991, § 34)

Sec. 34-63. - Enforcement.

- (a) Orders and hearings. Procedures for orders and hearings under this article are as follows:
 - (1) Whenever the code enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any section of this article, he shall give notice of such violation to the person responsible therefor as provided in this section. Such notice shall:
 - a. Be in writing.
 - b. Include a statement of the reason why the notice 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, if a copy thereof is sent by registered mail to his last known address, 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 state laws.

Such notice may contain an outline of remedial action which, if taken, will effect compliance with this article.
 - (2) Any person affected by any notice which has been issued in connection with the enforcement of any section of this article may request and shall be granted a hearing on the matter before the code enforcement officer by filing a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of such petition, the code enforcement officer shall set a time and place for such hearing and shall give the petitioner notice thereof in the matter prescribed in subsection (a)(1)d of this section. Such hearing shall be commenced not later than ten days after the day on which the petition was filed, provided that, upon application of the petitioner, the code enforcement officer may postpone the date of the hearing for a reasonable time beyond such ten-day period.
 - (3) If any violation of this article is not cured to the satisfaction of the code enforcement officer after notice and hearing is provided in accordance with this section, and after the expiration of the time for compliance set forth in the notice, the town manager or town council is authorized to commence legal proceedings to enforce this article and to recover appropriate penalties and costs.
- (b) Posting of unfit dwelling. Where violations of this article exist and pose an immediate hazard and danger to the health, safety or welfare of building occupants or of the public, the code enforcement officer may declare the premises unfit for human habitation and order the evacuation of all occupants. The premises shall be posted with notices of such order prominently displayed at every entrance. Any person affected by such declaration and evacuation order may request a hearing as provided in subsection (a) of this section.
- (c) Removal of notice prohibited. It shall be unlawful to deface or remove the placard from any premises which have been condemned as unfit for human habitation and posted as such.

- (d) Use of posted premises for human habitation. No premises which have been condemned and posted as unfit for human habitation shall again be used for human habitation until written approval is secured from and such notice is removed by the code enforcement officer. The code enforcement officer shall remove such notice whenever the defect upon which the condemnation order was based has been eliminated.

(Ord. of 4-2-1991, § 35)

Sec. 34-64. - Appeals procedure.

- (a) The zoning board of appeals is empowered to review decisions of the code enforcement officer pursuant to this article. Within 30 days of a written determination, an appeal may be filed. The zoning board of appeals is authorized to hear the following two types of appeals:
 - (1) Administrative review. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the code enforcement officer in the enforcement of this article.
 - (2) Variances. To authorize upon appeal in specific cases, such as a variance from the terms of this article, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this article will, in an individual case, result in unnecessary hardship, so that the spirit of this article shall be observed, public safety and welfare security and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding of the board of appeals that:
 - a. The application of this article to this particular piece of property would create an unnecessary hardship;
 - b. The conditions giving rise to the variance request are peculiar to the particular piece of property involved; and
 - c. The relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article.
- (b) The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the code enforcement officer or to decide in favor of the applicant of any matter on which it is required to pass under this article or to effect any variation in the application of this article. The board will notify, in writing, the applicant within seven working days of its decision under review. Appeals from decisions of the board of appeals must be directed to the superior court within 30 days of the decision.

(Ord. of 4-2-1991, §§ 38, 39)

Secs. 34-65—34-90. - Reserved.

DIVISION 3. - SPACE AND OCCUPANCY^[3]

Footnotes:

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Cross reference— Retention of proposed public sites and open spaces, § 74-269.

Sec. 34-91. - Occupancy requirements.

- (a) Generally. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards for space and occupancy in this section. Any motel, hotel, guest cottage, cabin, sporting camp or similar facility must comply with these space and occupancy standards when an occupant stays in one or more units for a continuous period in excess of 30 days.
- (b) Dwelling and rooming units. Every dwelling, dwelling unit and rooming unit shall contain at least 200 square feet of floor area of habitable space for the first occupant and at least 150 square feet of additional area of habitable space for each additional occupant. A child under the age of one shall not be counted as an occupant for the purposes of this section.
- (c) Temporary seasonal housing. Students traveling with a J-1 cultural exchange work visa, clubs, dormitories, sorority and fraternity houses. Where sleeping quarters are furnished within existing structures between April 1 and October 31 for persons in a club, dormitory or sorority or fraternity house or students traveling with a J-1 cultural exchange work visa the number of occupants in any habitable room occupied for sleeping purposes shall be limited to the number determined on the basis of the floor area, in square feet, of the habitable space divided by 75 square feet per occupant temporary seasonal workers, every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof, and the dwelling unit shall include a kitchen or kitchenette, a bathroom, and a living room of not less than 120 square feet of gross floor area.
- (d) Posting of notice of permitted occupancy. Notice shall be posted in each unit offered for rent stating the maximum number of occupants allowed under this article.
- (e) Notice of permitted occupancy required. When a person lets to another for occupancy any dwelling, dwelling unit, or rooming unit, he shall notify the occupant in writing of the maximum number of persons permitted to occupy the premises by this section.

(Ord. of 4-2-1991, § 4; Ord. of 4-7-2009(1))

Sec. 34-92. - Prohibited uses.

- (a) Sleeping. No kitchen, nonhabitable space, or public space shall be used for sleeping purposes in a residential premises.
- (b) Meal preparation. Meals shall not be prepared in any room other than a kitchen or kitchenette.
- (c) Basement. No basement space shall be used as a habitable space unit unless the floors and walls are free from chronic dampness and protected from surface runoff and the space otherwise complies with the requirements of this article.

(Ord. of 4-2-1991, § 5)

Sec. 34-93. - Habitable space requirements.

- (a) Minimum ceiling height. Fifty percent of the floor area of a residential premises shall have a minimum ceiling height of seven feet six inches, and any floor area where the ceiling height is less than five feet shall not be considered in computing floor area.
- (b) Minimum size of rooms. With the exception of Section 34.91 (c) every Every dwelling unit shall contain at least one habitable room having a minimum of 150 square feet of floor area with no horizontal dimension of less than ten feet. Every other habitable space, except kitchens, shall

contain not less than 80 square feet of floor area and shall have no horizontal dimension of less than seven feet.

- (c) Alcove considered part of habitable room. Every alcove having less than 80 square feet in area, except a kitchenette or foyer, shall be deemed part of an adjacent room. The area of the opening in the dividing partition between any alcove having less than 80 square feet and the adjacent room shall be at least 80 percent of the wall area of such partition, measured on the alcove side, but in no case less than 40 square feet. The floor area of the alcove shall be added to the floor area of the adjacent room in determining space, light and ventilation requirements for the room. Any alcove with an area of more than 80 square feet shall be separately lighted and ventilated as required for habitable space.
- (d) Light and ventilation. Light and ventilation shall be provided as follows:
 - (1) Every habitable room shall be provided with natural light through one or more windows, skylights, transparent or translucent panels, or any combination thereof that open directly to the outdoors, at least six inches above the adjoining finished grade, or are above a roof. The amount of light shall be equivalent to that transmitted through clear glass equal in area to at least ten percent of the floor area of the room.
 - (2) Every habitable room shall contain at least two separate duplex convenience outlets or at least one duplex convenience outlet and one ceiling-type or wall-type electric light fixture.
 - (3) Every habitable room shall be provided with natural ventilation through windows or other openings in exterior walls that face directly out-of-doors above the adjoining finished grade or above a roof, or through skylights, providing total clear ventilation area that is equal to not less than five percent of the total floor area of each habitable space.
 - (4) Habitable rooms also may be provided with mechanical ventilation, but this may not be substituted for natural ventilation.
- (e) Separation of rooming units. Rooming units shall be separated from each other and from other spaces outside the rooming units.
- (f) Access to communal kitchen or dining room in roominghouse. A communal kitchen or dining room in a roominghouse shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or rooming unit of another occupant.

(Ord. of 4-2-1991, § 6)

Sec. 34-94. - Public space.

- (a) Height. Public space in a residential premises shall have a minimum height of seven feet six inches measured from finished floor to finished ceiling.
- (b) Light and ventilation. Light and ventilation in a residential premises shall be provided as follows:
 - (1) Public spaces shall be provided with electric lighting.
 - (2) In public stairs, stairways, and passageways, electric lighting shall be available at all times so as to afford safe visible passage for occupants and users. Such lighting shall conform to the following:
 - a. A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than 30 feet, and so that no wall is more than 15 feet distant from a fixture.
 - b. Incandescent lighting shall be based on not less than one-fourth watt per square foot of floor area, except that no fixture shall have a lamp with less than 25 watts.
 - c. Fluorescent lighting shall be based on not less than one-tenth watt per square foot of floor area, except that no fixture shall have a lamp with less than 15 watts.

- d. Where under these formulae the calculated wattage does not correspond to that of a standard lamp, the next larger standard size shall be used.
- (3) Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.

(Ord. of 4-2-1991, § 7)

Sec. 34-95. - Accessory rooms.

- (a) Toilet rooms and bathrooms. Standards for toilet rooms and bathrooms in residential premises shall be as follows:
 - (1) Toilet rooms and bathrooms in one- and two-family dwellings shall have provisions for privacy.
 - (2) Toilet rooms and bathrooms for dwelling units in multiple dwellings shall be located within each dwelling unit and shall be accessible from any sleeping room without passing through any other sleeping room.
 - (3) Roominghouses shall include at least one toilet room and bathroom or combination toilet room/bathroom for every three rooming units, and such toilet and bathroom facility shall be located no more than one floor away from the rooming unit and shall be accessible from every rooming unit utilizing the facility without passing through any other rooming unit or dwelling unit.
 - (4) In one- and two-family dwellings, bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.
 - (5) In multiple dwellings, floors of bathrooms, toilet rooms and similar spaces shall be waterproof; such waterproofing shall extend six inches or more up on adjacent walls, except at doors, so that floors can be flushed or washed without leaking.
- (b) Light and ventilation. Light and ventilation shall be provided as follows:
 - (1) Kitchenettes, bathrooms and toilet rooms shall be provided with artificial light appropriate for the use of such rooms.
 - (2) Laundry rooms, furnace rooms, and similar spaces shall be provided with artificial light appropriate for the intended use of such rooms.
 - (3) Kitchenettes shall be provided with ventilation in accordance with either of the following:
 - a. Natural ventilation as required for habitable space, except that such openable areas shall be not less than three square feet.
 - b. Mechanical ventilation exhausting not less than 100 cubic feet per minute.
 - (4) Bathrooms and toilet rooms shall be provided with ventilation in accordance with either of the following:
 - a. Natural ventilation as required for habitable space, except that such openable areas shall be not less than 1½ square feet.
 - b. Mechanical ventilation exhausting not less than 25 cubic feet per minute.
 - (5) Spaces in multiple dwellings which contain central heating, air conditioning and similar equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building.
 - (6) Natural ventilation shall be provided in unheated attics, spaces below flat roofs and crawl spaces. Ventilation location and net areas of openings shall be such as to minimize deterioration from condensation or other causes, in conformity with generally accepted standards.

(Ord. of 4-2-1991, § 8)

Sec. 34-96. - Access and vertical travel between stories.

- (a) Stairs. Stairs in a residential premises must comply with sections 8.17.3 through and including 8.17.6 of the building code adopted in section 66-26.
- (b) Railings. Hand railings shall be provided on all portions of stairs, balconies, landings and stairwells.

(Ord. of 4-2-1991, § 9)

Sec. 34-97. - Exits.

Exits in a residential premises must comply with section 809 of the building code adopted in section 66-26.

(Ord. of 4-2-1991, § 10)

Secs. 34-98—34-125. - Reserved.

DIVISION 4. - STRUCTURAL REQUIREMENTS^[4]

Footnotes:

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Cross reference— Buildings and building regulations, ch. 66.

Sec. 34-126. - General requirements.

- (a) Loads. Residential buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject.
- (b) Loads transmitted to soil. Buildings shall be maintained so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or of any structural part.
- (c) Protection of structural members. All structural members shall be protected against freezing and thawing, dampness, corrosion, wetting and drying, termites and other destructive insects and all similar causes of deterioration.
- (d) Water penetration into basements and cellars. A building built in soil which is water-bearing at any season of the year shall be maintained so that groundwater and surface water will not penetrate into habitable spaces, basements and cellars.

(Ord. of 4-2-1991, § 11)

Sec. 34-127. - Exterior protection.

- (a) Foundation walls. Foundation walls in a residential premises shall be maintained so as to be structurally sound and to prevent entrance of moisture, termites and vermin by shoring where necessary, installing subsoil drains at footings, grouting of masonry cracks, waterproofing of walls and joists, and other suitable means.
- (b) Exterior walls. Exterior wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects by painting, installing or repairing termite shields; by poison treatment of soil; or other suitable means.
- (c) Roofs. Roofing shall be maintained in a watertight condition so as to prevent leakage into the building by repairs to roofing, flashings, waterproof coatings, or other suitable means.

(Ord. of 4-2-1991, § 12)

Sec. 34-128. - Interior protection.

- (a) Subterranean crawl space. Crawl spaces in a residential premises shall be maintained free of moisture, and the flow of air from such spaces into walls above shall be effectively barred so as to prevent deterioration of structural members or the spread of fire. Foundation walls shall have openings to provide adequate circulation of air in any subterranean crawl space. The ground in the crawl space shall be covered with a moisture barrier. Drains shall be installed outside the structure if the crawl space is below the surrounding grade. Openings shall be blocked in stud walls to prevent flow of air and moisture into walls. Termite tubes from the soil to wood floor members above shall be kept destroyed. The soil shall be poison treated when necessary.
- (b) Structural members. Structural members shall be maintained so as to be structurally sound by shoring, reinforcement or repair when necessary; destruction of termites tubes; and other appropriate maintenance.
- (c) Chimneys and flues. Chimneys and flues shall be maintained so as to be structurally sound and to prevent leakage of gases into the structure. Flue stoppages shall be cleared, open joists sealed, and masonry repaired where necessary.
- (d) Ceilings and walls. Ceilings and walls shall be maintained so that parts which become loose or defective shall be removed and replaced so as to not constitute a hazard to occupants.

(Ord. of 4-2-1991, § 13)

Secs. 34-129—34-155. - Reserved.

DIVISION 5. - EQUIPMENT

Sec. 34-156. - Installation, location and maintenance.

Plumbing, heating, electrical, ventilating, air conditioning, refrigerating, cooking, radiation-producing equipment, elevators, dumbwaiters, escalators and other mechanical additions, installations or systems for the use of the residential building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects or a source of ignition or a radiation hazard and will not create excessive noise or otherwise become a nuisance. Equipment and systems include but are not limited to apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fittings, and materials used as part of or in connection with such installations.

(Ord. of 4-2-1991, § 14(I))

Sec. 34-157. - Protection from freezing.

In a residential premises, equipment and systems subject to damage from freezing shall be adequately protected against freezing.

(Ord. of 4-2-1991, § 14(II))

Sec. 34-158. - Safeguarding of moving parts.

Moving parts of equipment in a residential premises which may be a potential hazard shall be safeguarded to protect against accidental physical contact.

(Ord. of 4-2-1991, § 14(III))

Sec. 34-159. - Plumbing.

- (a) Generally. All plumbing and sewage disposal shall be in strict conformance with the state plumbing code and the town sewer regulations in article III of chapter 58.
- (b) Storm drainage. Roofs and paved areas, including yards and courts, shall be drained in a method as provided for in article III of chapter 58.
- (c) Sanitary fixtures. There shall be provided within each dwelling unit not less than one water closet, one bathtub or shower, one lavatory, and one kitchen sink, all of an approved type pursuant to the state plumbing code, with piped cold water to all fixtures and piped hot water to all fixtures but the water closet. Hot water shall be heated to a minimum of 110 degrees Fahrenheit.

(Ord. of 4-2-1991, § 15)

Sec. 34-160. - Fuel gas.

- (a) General requirements. General requirements for fuel gas in a residential premises shall be as follows:
 - (1) Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe, and operative under all conditions of use.
 - (2) Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliances connected thereto.
- (b) Shutoff valves. Shutoff valves shall be provided as follows:
 - (1) Gas piping systems shall have at least one accessible means for shutting off all gas supply, and such means shall be maintained in good operating condition.
 - (2) An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to and ahead of every outlet for gas appliances.
- (c) Service equipment for gas supplied from utility mains. Gas services, gas meters, and gas pressure regulators from utility mains shall be located so that they are protected from damage.
- (d) Gas refrigerators and ranges. Gas refrigerators and ranges shall be installed with clearance for ventilation and shall be maintained in good operating condition.
- (e) Liquefied petroleum gas. Standards for liquefied petroleum gas shall be as follows:

- (1) Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in buildings.
 - (2) Liquified petroleum gas shall not be vaporized by devices utilizing open flame or open electrical coil.
 - (3) Where two or more containers are installed, connection shall be arranged so that containers can be replaced without shutting off the flow of gas to equipment.
 - (4) Containers shall be designed, stored, and located so as not to be a hazard to the premises served or to the surrounding property.
 - (5) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - (6) Systems shall have at least one accessible external means for shutting off the gas. Such means shall be located outside the building and shall be maintained in good operating condition.
- (f) High pressure gas (optional). Any service connection supplying gas at a pressure in excess of one psi gauge shall be provided with a device to reduce such pressure to not more than one-half psi gauge prior to entering the meter, except where such service supplies equipment using gas at high pressures.

(Ord. of 4-2-1991, § 16)

Sec. 34-161. - Heating.

- (a) General requirements. Residential buildings occupied between September 15 and May 15 shall be provided with heating equipment designed to maintain a temperature of not less than 68 degree Fahrenheit at a distance of three feet or more from exterior walls and at a level of five feet above the floor in habitable rooms, kitchens, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperatures shall be based on outside temperatures of - 20 degrees Fahrenheit.
- (b) Smoke control. Fuel-burning heat-producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety, or property of any person.
- (c) Warm air heating. Ducts and other air handling equipment used for heating shall conform to the requirements of such equipment used for ventilating purposes as provided in M.403.1 of the 1990 BOCA Mechanical Code.
- (d) Prohibited locations for heat-producing equipment. Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms, or toilet rooms.
- (e) Fuel supply connection. Heat-producing fuel-burning equipment shall be permanently fastened and connected in place. Any liquid fuel supply connected to such equipment shall be made with pipe or tubing of solid metal.
- (f) Installation and clearance. Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance, and the control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature as provided in M.403.1 of the 1990 BOCA Mechanical Code.
- (g) Air supply. Air shall be supplied in accordance with the following:
 - (1) Direct-fired heat-producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat or gases.

- (2) Rooms containing fuel-burning equipment shall have such air supply provided by means of one or more openings to the exterior.
- (h) Removal of products of combustion. Products of combustion shall be removed as follows:
 - (1) Equipment for burning solid or liquid fuels shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuels are prohibited.
 - (2) Fuel-burning space heaters shall be connected to a suitable chimney or flue.
 - (3) Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent.
- (i) Safety devices. Safety devices shall be provided as follows:
 - (1) Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.
 - (2) Controls for the safe operation of automatically operated heat-producing equipment shall be provided to function as follows:
 - a. When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off.
 - b. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate.
 - c. When the water in a steam boiler drops below a predetermined level, the fuel supply shall be cut off.
 - d. When failure or interruption of the pilot light or main burner of liquified petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.
- (j) Heating of garages. Fuel-burning equipment for garages shall be installed to operate in a safe manner.

(Ord. of 4-2-1991, § 17)

Sec. 34-162. - Electrical.

All buildings used for residential purposes shall be wired for electricity in conformity with the electrical code adopted in section 66-56.

(Ord. of 4-2-1991, § 18)

Cross reference— Utilities, ch. 58.

Sec. 34-163. - Cooking and refrigeration.

- (a) Each dwelling unit shall be provided with appropriate cooking and refrigeration equipment.
- (b) Cooking and refrigeration equipment shall be maintained in good operating condition.
- (c) Fuel-burning cooking equipment shall be properly vented.

(Ord. of 4-2-1991, § 19)

Sec. 34-164. - Fuel oil.

- (a) General requirements. Fuel oil used in a residential premises shall be received, stored and conveyed by means of fixed liquidtight equipment.

- (b) Storage tanks. Storage tanks shall be in compliance with the following:
 - (1) Tanks shall be provided with means for venting.
 - (2) Tanks shall be installed and maintained so as not be a hazard to the premises served or the surrounding property.
- (c) Automatic operation. The operation shall be in accordance with the following:
 - (1) Boilers and furnaces using fuel oil shall be provided with remote control to stop the flow of oil during fire or other emergency.
 - (2) Filling, emptying, and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes shall be located outside buildings at a safe distance from building openings.

(Ord. of 4-2-1991, § 20)

Secs. 34-165—34-190. - Reserved.

DIVISION 6. - FIRE SAFETY^[5]

Footnotes:

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Cross reference— Fire prevention and protection, ch. 30.

Sec. 34-191. - Prohibited accumulations and storage.

No paints, volatile oils, cleaning fluids, or similar flammable or explosive matter and no wastepaper, boxes, rags or similar matter liable to spontaneous combustion shall be stored on residential premises except in a safe and well-ventilated location.

(Ord. of 4-2-1991, § 21)

Sec. 34-192. - Prevention of spread of fire.

- (a) Walls and ceilings maintained free from cracks. Walls and ceilings in a residential premises shall be maintained free from cracks and openings which would permit flames or excessive heat to enter the concealed space.
- (b) Fire separation of buildings of mixed occupancy. In buildings of mixed occupancy, nonresidential space shall be separated from residential space by approved separations which will retard the spread of fire pursuant to table 313.1.2 of the building code adopted in section 66-26.

(Ord. of 4-2-1991, § 22)

Sec. 34-193. - Interior finishes; trim and decorative materials.

Interior finish materials for acoustical correction, surface insulation and decorative treatment on the surfaces of walls and ceilings and interior trim in a residential premises shall be made of materials that will not, in burning, give off excessive amounts of smoke or toxic gases.

(Ord. of 4-2-1991, § 23)

Sec. 34-194. - Fireplaces.

Fireplaces in a residential premises must comply with sections 2400 through 2402.7 of the building code adopted in section 66-26.

(Ord. of 4-2-1991, § 24)

Sec. 34-195. - Portable extinguishers required in multiple dwellings.

Each oil burner for a boiler, furnace or central hot water heater in a multiple dwelling shall be provided with an approved hand fire extinguisher or two pails of at least ten-quart capacity filled with sand. Portable extinguishers shall be in accessible locations and in a condition which will permit efficient operation without delay.

(Ord. of 4-2-1991, § 25)

Sec. 34-196. - Smoke detectors.

- (a) As used in this section, the term "smoke detector" means any device which, when activated by the presence of smoke, provides an audible alarm suitable to warn the occupants within the individual dwelling unit or rooming unit in which it is attached, which has been approved for use in this state by the state fire marshal.
- (b) The owner shall install and maintain in good working order not less than one approved smoke detector upon or near the ceiling in areas within or giving access to bedrooms in every dwelling, dwelling unit or rooming unit.
- (c) In every multiple dwelling or roominghouse, not less than one approved smoke detector shall also be installed in each corridor and hallway on each floor.

(Ord. of 4-2-1991, § 25A)

Secs. 34-197—34-225. - Reserved.

DIVISION 7. - PROPERTY MAINTENANCE

Sec. 34-226. - Open areas.

- (a) Surface and subsurface drainage. Surface and subsurface water shall be drained to protect residential buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catchbasins, drain inlets, stormwater sewers, approved combination storm and sanitary sewers, or other satisfactory drainage systems shall be used where deemed necessary.
- (b) Fences. Fences and other minor structures shall be maintained in safe and substantial condition.

- (c) Paved areas. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- (d) Yards and courts. Yards and courts shall be kept clean and free of physical hazards and the accumulation of debris and trash.
- (e) Noxious undergrowth. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.

(Ord. of 4-2-1991, § 26)

Sec. 34-227. - Buildings and structures.

- (a) Exterior wood surfaces. Exterior wood surfaces of residential buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.
- (b) Floors, walls, ceilings, etc. Floors, walls, ceilings, furnishings and fixtures of residential buildings shall be maintained in clean and sanitary condition.
- (c) Accessory structures. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.

(Ord. of 4-2-1991, § 27)

Sec. 34-228. - Infestation and screening.

- (a) Grounds, buildings and structures. Residential grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and other infestation. Methods used for exterminating insects, vermin, and rodents shall conform with generally accepted practices.
- (b) Screening of cellar and basement windows and openings. Windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials to prevent ingress of insects, rodents and other vermin.
- (c) Screening of windows and doors during certain months. From May 1 to October 1, entrances to residential buildings shall be provided with self-closing type screens, and windows and other openings used for ventilation shall be appropriately screened.

(Ord. of 4-2-1991, § 28)

Sec. 34-229. - Garbage and refuse.

- (a) Storage, handling and disposal. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in a residential premises.
- (b) Storing refuse in public halls prohibited. In multiple dwellings garbage and refuse shall not be stored or allowed to accumulate in public halls or stairways.

(Ord. of 4-2-1991, § 29)

Secs. 34-230—34-255. - Reserved.

ARTICLE III. - CONVERSION OF SEASONAL STRUCTURES TO YEARROUND DWELLINGS

DIVISION 1. - GENERALLY

Sec. 34-256. - 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:

Conversion means the making of any physical alteration to a structure or to the land on which it is situated, including but not limited to the addition of any cooking device or refrigerator, heating unit, water supply, electrical modification, or sewage treatment system, which, either individually or in conjunction with other such changes, renders the structure suitable for use as a yearround dwelling or the change in use of a structure or any portion thereof previously used as a seasonal structure to a yearround dwelling.

Land use regulations means any and all zoning regulations, subdivision regulations, building codes, safety codes, electrical codes, or environmental regulations promulgated by the town, the state, or the United States.

Seasonal structure means any structure, including but not limited to hotel or motel units, private cottages, and guest or tourist cottages, or any portion thereof that, because of inadequate heating, water supply, sewage treatment, electricity, cooking facilities, or any other factor relating to the structure or to the land on which it is situated, could not prior to conversion be legally or safely used as a residence continuously during the calendar year.

Yearround dwelling means any structure or any portion thereof used or capable of being used as a residence for one or more persons, which possesses the minimum amount of utilities and services, including but not limited to heating, water supply, sewage treatment, electricity, and cooking facilities, to permit the structure to be used continuously as a residence during the entire calendar year.

(Ord. of 6-3-1986, § III)

Sec. 34-257. - Purpose.

The purpose of this article is to regulate the conversion of motels, hotels, private cottages, tourist or guest cottages, and other seasonally occupied structures into dwellings designed, intended to be used or actually used as yearround dwellings. Structures originally designed or constructed for seasonal occupancy often do not meet the land use, building code, safety and environmental standards applicable to dwellings. While such nonconformance may be tolerable in structures that are used only periodically or by transient visitors, the public health, safety, and welfare require that such structures be upgraded if they are to be used as dwellings on a yearround basis. Therefore, prior to converting a seasonal structure to a yearround dwelling, the person desiring to convert a seasonal structure must first obtain a seasonal structure conversion permit from the building inspector.

(Ord. of 6-3-1986, § II)

Sec. 34-258. - Enforcement.

This article shall be enforced by the building inspector, who shall have the power to inspect premises with the consent of the owner or after obtaining an administrative warrant.

(Ord. of 6-3-1986, § V(4))

Sec. 34-259. - Violations.

It shall be a violation of this article for any person to convert a seasonal structure to a yearround dwelling without first having obtained a conversion permit from the building inspector. If a dwelling has been converted without a conversion permit, it shall also be a violation for any person to occupy or convey such dwelling.

(Ord. of 6-3-1986, § VII(1))

Sec. 34-260. - Appeals

Appeals from decisions of the building inspector under this article shall be to the board of appeals according to the procedures specified in division 2 of article II of chapter 78. Appeals shall be taken within 30 days of the decision complained of.

(Ord. of 6-3-1986, § VI(5))

Secs. 34-261—34-285. - Reserved.

DIVISION 2. - PERMIT

Sec. 34-286. - Required; criteria for issuance.

- (a) No seasonal structure may be converted to a yearround dwelling until the owner or the person converting the seasonal structure obtains from the building inspector a seasonal structure conversion permit.
- (b) The building inspector shall issue a seasonal structure conversion permit only upon making a written determination that the dwelling, after conversion, will conform to all land use regulations applicable to residential dwellings in the zoning district where the dwelling is located at the time of conversion. Where a lot or structure is lawfully nonconforming with respect to dimensional standards of chapter 78, such nonconformity shall not prevent conversion otherwise permitted under this article, except that the dwelling, after conversion, must comply with the parking space per dwelling unit requirements of chapter 78.
- (c) A seasonal structure conversion permit shall specify the alterations permitted or required to be completed prior to the issuance of a certificate of occupancy.

(Ord. of 6-3-1986, § IV; Ord. of 4-7-2009(1))

Sec. 34-287. - Application.

An application for a conversion permit shall be submitted in writing to the building inspector on a form designated by him for that purpose, which shall include all information required in an application for a building permit.

(Ord. of 6-3-1986, § V(1))

Sec. 34-288. - Expiration.

Every permit issued pursuant to this article shall expire after one year, unless conversion activities on the site have commenced, and shall expire after two years if the conversion is not then substantially

completed. Conversion permits are not renewable, except that after a conversion permit expires a new application for another permit may be submitted to the building inspector. Any new conversion permit shall comply with all the requirements of this article and other land use regulations in effect at the time of the new application.

(Ord. of 6-3-1986, § V(2))

Sec. 34-289. - Transferability.

Conversion permits shall be site-specific and shall be valid only for the alterations specified in the application. If the lot or structure is sold after the conversion permit is issued, all rights, limitations and duties under the permit are automatically transferred to the new owner.

(Ord. of 6-3-1986, § V(3))

Per Order of the Municipal Officers this 16th day of February, 2016.

A True Copy

Attest:

s/Kim McLaughlin

Kim M. McLaughlin, Town Clerk