

TOWN OF PITTSFIELD

NEW HAMPSHIRE

HOUSING STANDARDS ORDINANCE

CHAPTER 1

ARTICLE 100

AUTHORITY, PURPOSE AND BOARD

100.1 Authority. In accordance with, and under the authority of, New Hampshire Revised Statutes Annotated (RSA) Chapter 48-A, authorizing the Town of Pittsfield, acting through its Legislative Body, to enact an ordinance for the purpose of maintaining quality rental dwelling units to protect the health, morals, safety and general welfare of the citizens of the Town of Pittsfield the following Ordinance is enacted.

100.2 Purpose. The purpose of the Ordinance is to maintain quality rental dwelling units in the Town of Pittsfield and to address conditions that affect the health, morals, safety and general welfare of the residents and citizens of the community.

100.3 Public Agency. The Public Agency that is hereby created and established shall be known as the Pittsfield Housing Standards Agency that shall be managed by the Housing Standards Board created hereunder.

100.4 Housing Standards Board. There is created hereunder a Housing Standards Board that shall consist of six members who shall be the individuals holding the offices of Fire Chief and Planning Board Chairperson, or their designees, who shall be designated in writing to act in the absence of those before mentioned, and four members-at-large. The members-at-large shall be legal residents and registered voters in the Town of Pittsfield and appointed by the Moderator within fifteen (15) days of the conclusion of the annual meeting of the Town's Legislative Body. One member-at-large shall be a landlord owning a residential rental property within the Town of Pittsfield who shall also be a legal resident and a registered voter of the Town of Pittsfield. The members-at-large shall serve two year staggered terms. The terms of all current members shall continue as previously appointed before the adoption of this amendment and re-writing of the Ordinance.

100.5 Attendance by Board Members. Board members-at-large missing three consecutive meetings automatically are removed as members of the Board. Appointments to fill the vacancy created by such removal for the balance of the unexpired term shall be made by the remaining members of the Housing Standards Board. The Housing Standards Board shall also have the power to fill vacancies created by any other occurrences.

100.6 Officers. The Board shall annually elect by majority vote one of its members to serve as Chairman and one to serve as Vice Chairman. The election shall be held at the first Housing Standards Board meeting

following the annual meeting of the Town's Legislative Body. The Chairman shall preside at all meetings and hearings and shall act for the Board on all matters not requiring a vote. The Vice Chairman, in the absence or incapacitation of the Chairman, shall assume full powers of the Chairman on all matters pertaining to the Housing Standards Agency during the absence or incapacitation of the Chairman.

100.7 Quorum. Four members of the Housing Standards Board shall constitute a quorum for the transaction of business provided that a lesser number of members may recess a meeting without a quorum to a time certain.

100.8 Operational Rules and Regulations. The Housing Standards Board shall establish written rules and regulations for the conduct of its business that shall be available for public inspection and they shall be consistent with the provisions of RSA 48-A and other applicable laws.

100.9 Annual Meeting of Board. The annual meeting of the Housing Standards Board shall be called by the Fire Chief within fifteen (15) days of the conclusion of the annual meeting of the Town's Legislative Body for the purpose of electing officers as required under Article 100.6.

100.10 Meetings. The Chairman or a majority of the members of the Board in accordance with RSA shall call regular and special meetings of the Board under RSA 91-A.

ARTICLE 101

ADMINISTRATION

101.1 Title. This Ordinance shall be known as the Housing Standards Ordinance of the Town of Pittsfield, New Hampshire, hereinafter referred to as the "Ordinance" or "the code."

101.2 Scope. The provisions of this code shall apply to all existing and future residential rental dwellings or structures and constitute the minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing and future residential rental structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises and the actions of the occupants thereof. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Administrator. The Board may appoint a Housing Standards Administrator who shall not be a member of the Housing Standards Board.

101.4.1 Duties. The Housing Standards Administrator shall have charge and maintain the records of the Board, issue all notices required by this Ordinance and code not otherwise required to be issued by others, schedule inspections, notify the moderator of vacancies due to term expirations prior to the annual Town meeting, record the minutes of all meetings of the Board and perform such other duties as may be assigned by the Board from time to time.

101.5 Inspectors. The Board shall appoint a Chief Inspector and Inspectors who shall not be members of the Housing Standards Board.

101.6 Severability. If a section, subsection, sentence, clause or phrase of this Ordinance or code is, for any reason, held to be unconstitutional, unlawful or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or code.

ARTICLE 102

APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Article 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Plumbing Code, International Maintenance Code, International Mechanical Code, International Fuel Gas Code, the ICC Electrical Code and N.F.P.A. # 101 Life Safety Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the State of New Hampshire's Adopted Codes or the Town of Pittsfield Zoning Ordinance.

102.4 Existing Remedies. The provisions of this code shall not be construed to abolish or impair existing remedies of the Town of Pittsfield or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and/or unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and

installed in accordance with the manufacturer's installation instructions and any of the applicable codes referenced in Art. 102.3.

102.6 Referenced Codes and Standards. The codes and standards referenced in this code shall be those that are listed in Article 102.3 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of the more stringent code shall apply.

102.7 Requirements Not Covered by Code. The code official shall determine requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code.

ARTICLE 103

PROPERTY INSPECTION

103.1 General. Property maintenance inspection is hereby created and the Housing Standards Chief Inspector shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the Housing Standards Board, the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Board.

103.3 Deputy Inspectors and Other Officers. The Board shall have the authority to appoint deputy code officials, other related officers, inspectors and other employees as required who once appointed shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Board.

103.4.1 Restriction of Employees. An official or employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such official or employee engage in any work that conflicts with his official duties or with the interests of the Town of Pittsfield.

103.4.2 An official or employee connected with the enforcement of this code who is the owner of a building or property subject to inspection under this ordinance shall not perform those inspections of their properties; such inspection are to be performed by an appropriate substitute inspector

103.5 Liability. The administrator, code official, officer or employee charged with the enforcement and/or administration of this code, while acting in his official capacity, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of his official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee

in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the Town until the final termination of the proceedings. The code official, employee or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or employee acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith in accordance with the provisions of RSA 31:105 and RSA 31:106 previously accepted by the Town of Pittsfield.

103.6 Fees. The Board shall establish and charge a permit fee in an amount that will provide for the cost of operating the permit and inspection program established hereunder excluding legal fees. Fees shall be due and payable upon presentation and if not paid within 30 days of presentation shall be charged interest at the same rate as is charged for unpaid real estate taxes. A permit or license for the operation or occupancy of rental units shall not be issued by the Agency except upon the payment of all fees and interest charges due. Failure to pay the permit fee or any interest due shall constitute a violation of this Ordinance.

103.7 Changes in Fees. The Board may propose a change in the fees authorized under this Ordinance; such a change in fees shall be forwarded to the Board of Selectmen in writing for the concurrence of the Board of Selectmen following a posted and advertised public hearing before the Board of Selectmen. A change in fees shall become effective if ratified by the Board of Selectmen following the required public hearing.

103.8 Issuance of Permits. A permit or license for the rental and occupancy of a unit shall be issued by the Agency following the inspection of a rental unit if the property is found to be in compliance with all of the provisions of this Ordinance and code and all permit fees and interest charges due have been paid to the Town.

103.9 Permit Requirements of Property Owner. No person shall rent a dwelling unit to another for occupancy except in compliance with the provisions of this Ordinance. The owner of a rental dwelling unit or rooming house must hold a valid occupancy permit issued by the Housing Standards Agency in the name of the owner thereof and for the specific property prior to renting such unit. The Housing Standards Agency shall cause the permit required hereunder to be issued to the owner following the successful completion of all required inspections required under this Ordinance and code and the payment of all fees and interest due.

103.10 Transfer of Property Ownership. If the property in which a licensed rental dwelling unit exists is sold or transferred to a new owner of title within six (6) months of the last required and satisfactory inspection the permit shall be transferred to the new owner of title without charge or inspection. If the property is transferred more than six (6) months after the last required inspection then the property shall be re-inspected and a new permit issued after the successful completion of the inspection and the payment of all fees and interest charged therefore.

103.11 Schedule of Inspections. All rental dwelling units and all other areas attached to said dwelling units located within the Town of Pittsfield shall be inspected as required under the provisions of this Ordinance and code biennially except when deficiencies are found in violation of this Ordinance and code during such inspection(s). Any unusual occurrences (such as, but not limited to), fires, floods, lightning

strikes or motor vehicle accidents shall also require an inspection before the property is reoccupied to maintain a valid license.

103.12 Inspection of Owner-Occupied Units. Any owner-occupied dwelling unit, which is located within a building that has rental dwelling units, shall be subject to inspection on the same schedule frequency as the other rental units within the building and under the same code provisions but no permit fee shall be charge therefore.

103.13 Hotels, Motels and Bed and Breakfast Establishments. The provisions of this Ordinance and code shall apply to hotels, motels and bed and breakfast establishments except to the extent that they may conflict with the laws of the state or with the lawful regulations of any state board or agency.

103.14 Inspection Report. The code official shall provide a copy of the inspection report to the owner of property if a violation is discovered during an inspection.

103.15 Correction of Violations. Violations of this code or Ordinance shall be corrected by the property owner within thirty (30) days of the notice of violation unless otherwise required by the code official. The code official may grant a longer correction period if the violations or deficiencies are such that a more extensive correction period is warranted. The owner of property shall also be granted extensions in the case of serious illness or death. The owner of property shall notify the code official of the correction of the violation(s) and schedule a re-inspection of the property with the said thirty (30) day period.

103.16 Failure to Correct Violation. Whenever the owners of property have been notified in writing of violations under this Ordinance and code and has not agreed to correct or has subsequently failed to correct such violations within the times specified, the code official shall report the violations in writing to the Housing Standards Administrator and the Board.

The Administrator shall cause to be issued upon the property owners of record, every mortgagee of record and all other parties of interest in such dwelling, including persons in possession, a written notice of hearing stating the grounds therefore including all unresolved violations and whether or not the Agency will seek to revoke the rental use of the property. The service shall be made by certified mail and by publication in a newspaper having general circulation in the Town, such publication to be at least ten (10) calendar days before the date of hearing not including the date of notice and the date of hearing. The owner, mortgagee, tenants in possession of the property and parties of interest may file an answer to the violations and/or appear in person and give testimony at the time fixed for the hearing. Rules of evidence prevailing in courts of law or equity shall not be prevailing in such hearings. Any costs incurred for posting of the hearings shall be borne by the property owner or tenants in possession of the property, if they are the offending party, and added to their account unless the hearing authority has concluded that the alleged offending party is in the right and then the costs shall be borne by the HSA board

103.17 Order of Compliance. Whenever the Board, after notice and hearing, determines that the unit in question does not meet the minimum standards imposed by this Ordinance and code, it shall state in writing its findings of fact in support of such determination. The Board shall issue and cause to be served upon the owner thereof and tenants in possession of the property, if they are the offending party, an order to bring

said unit into compliance within the time limits prescribed by the Board. Failure to do so by the owner shall result in revocation of the occupancy and rental permits or licenses for said unit.

103.18 Appeals by Owner. Whenever the owner of a rental unit is aggrieved by an order of the Board, he/she may file an appeal with the Board of Selectmen.

103.19 Citizen Complaint. Upon receipt of a written complaint from any citizen alleging that a violation of this Ordinance or code exists in a specific rental dwelling unit, the code official shall inspect said unit to determine if the violation exists. The complainant's name shall remain confidential unless disclosure is required by state law or a judge in a Court of Law . If such a determination of violation is made, the code official shall issue an order to remedy the violation. The same procedures for a biennial inspection shall be used in the case of citizen complaints.

103.20 Non-Rentable Units. Any unoccupied rental dwelling unit may be removed from the list of rental units. The request shall be in writing, addressed to the Agency and signed by the property owner or manager. Once the request has been processed, the unit for the purpose of inspection, will be non-habitable space.

103.21 Non-Habitable Space, Common Areas and Premises. Non-habitable space, such as attics, storage rooms, sheds, basements and areas included in 103.20 that are adjacent to any rental dwelling unit shall meet all the applicable standards of this code.

103.22 Reinstating Non-Rentable Units. Prior to the rental and occupancy of any rental unit that has been removed from the list of rentable units, an inspection shall be conducted and an occupancy permit and rental license shall be obtained. When a request for an inspection is received from the owner or manager of such a unit, the Agency shall inspect the unit as soon as practical but not later than ten (10) calendar days from the receipt of the notice to inspect. If at the time of the inspection the rental unit is occupied, the fee for the first inspection shall be twice the established fee. If the occupied unit shall fail the inspection the fee for each re-inspection shall be the same as the fee for the original inspection.

ARTICLE 104

DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Board.

104.3 Right of Entry. The code official is authorized to enter the structure or premises at reasonable times to inspect. If entry is refused the code official is authorized to pursue recourse as provided by law.

104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of his duties under this code.

104.5 Notices and Orders. The code official shall issue all necessary written notices or orders to ensure compliance with this code.

104.6 Agency Records. The code official shall prepare written records of inspections under this code. Such records shall be retained as official records of the Board for a period of six (6) years and then be destroyed.

104.7 Coordination of Inspections. Whenever the enforcement of this code or another code or ordinance, causes more than one code official of the Town or State to be involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to numerous inspections or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code or legal official having jurisdiction.

ARTICLE 105

APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reasons makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen, health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Boards files.

105.2 Alternate Materials, Methods and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved.

105.3 Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall the authority to require tests to be made as evidence of compliance at no expense to the Town.

105.3.1 Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Test Reports. All tests shall be performed by an approved agency.

105.3.3 Test Reports Retention. Reports of tests shall be retained by the code official for the period required for retention of public records.

ARTICLE 106

VIOLATIONS

106.1 Notice of Violation. The code official shall serve a notice of violation or order in accordance with Article 104.

106.2 Prosecution of Violation. Any person failing to comply with a notice of violation or order of the Board served in accordance with Article 107 shall be deemed guilty of a violation, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.3 Violation Penalties. Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate violation.

106.3.1 Financial Penalty. The financial penalty for violation of this Ordinance or code shall be up to five hundred dollars (\$500.00) per day with the days of violation to be determined in accordance with 106.3 above.

106.4 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Town from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.5 It shall be a violation for any property owner to collect town public funds of any kind during the period a dwelling unit is not properly and duly licensed.

ARTICLE 107

NOTICES AND ORDERS

107.1 Notice to Owner or to Person or Persons Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in 107.2 and 107.3. Notices for condemnation procedures shall be in accordance with 108.3.

107.2 Form. Such notice prescribed in 107.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include as statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.

107.3 Method of Service. Such notice shall be deemed to have been properly served if a copy thereof is:

1. Delivered personally;
2. Sent certified mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for non-compliance with orders and notices shall be set forth in 106.3, 106.3.1., and 106.5

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation has been complied with, or until such owner shall, first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

ARTICLE 108

UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and RSA 155 and RSA 155-B.

108.1.1 Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

108.1.3 Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful Structure. A unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon the failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through petition to the court in accordance with the provisions of RSA 155-B.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this code, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on the defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.5 Prohibited Occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone

occupy a placarded premises or operated placarded equipment shall be liable for the penalties provided by this code.

108.6 Removal of Placard. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who effaces or removes a condemnation placard without the written approval of the code official shall be subject to the penalties provided by this code.

ARTICLE 109

EMERGENCY MEASURES

109.1 Imminent Danger. When in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows “This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous conditions or of demolishing the same. Removal of personal items such as clothing, medications and other small, easily portable possessions may only be accomplished under the supervision of the Code Official and the proper Public Safety Officials after all possible safety precautions are put in place.

109.2 Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing Streets. When necessary for public safety, the code official shall temporarily close structures and request the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency Repairs. For purposes of this Article, the code official shall order the owner to employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Cost of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the owner. The legal counsel for the Town shall institute appropriate action against the owner of the

premises where the unsafe structure is located for the recovery of costs should the owner refuse or fail to make emergency or other repairs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

ARTICLE 110

DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located a structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and Orders. All notices and orders shall comply with Article 107.

110.3 Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall proceed under RSA 155 and RSA 155-B.

ARTICLE 111

MEANS OF APPEAL

111.1 Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Housing Standards Board, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. Any person directly affected by a decision of the Housing Standards Board shall have the right to appeal to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of the code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship other than a financial hardship.

111.2 Membership of Board of Appeals. The Board of Appeals shall be the Board of Selectmen in accordance with RSA 48-A: 3,IV.

111.3 Appeals. Whenever the owner of a rental dwelling unit is aggrieved by an order of the Board or code official, he/she may file an appeal with the Board of Selectmen who shall hold a public hearing thereon, due notice of the same first being given to the Board, code official and to the same owner. The Board of Selectmen, after the hearing and in accordance with their findings, may affirm, revoke or modify the order.

Where the order is affirmed or modified, the Board or code official shall proceed to enforce the same as affirmed or modified. When an order is revoked the proceedings shall be terminated and the order cancelled.

111.4 Notice of Hearing. The Board of Selectmen shall cause a notice of hearing to be posted in two public places and advertised in a newspaper of general circulation in the Town at least 10 days, not including the day of the notice or the day of the hearing, in advance of said hearing. Any costs incurred for posting of the hearings shall be borne by the property owner or tenants in possession of the property, if they are the offending party, and added to their account unless the hearing authority has concluded that the alleged offending party is in the right and then the costs shall be borne by the Town.

111.5 Conduct of Hearing. All hearings shall be conducted in accordance with the provisions of RSA 91-A.

111.6 Procedures. The Board of Appeals may adopt rules for the conduct of a hearing. The rules shall not require compliance with the strict rules of evidence, but shall mandate that only relevant information be received.

111.7 Postponed or Recessed Hearings. The Board may postpone or recess a hearing to a time and date certain.

111.8 Board Decision. The Board of Appeals shall either affirm, modify, or reverse the decision of the Board or the code official.

111.9 Compliance. The decision of the Board of Appeals shall be immediately enforced.

111.10 Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices or orders) shall stay the enforcement of the notice or order until the appeal is heard by the appeals board.

CHAPTER 2

ARTICLE 201

GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this Chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, International Fuel Gas Code, International Property Maintenance Code, International Fire Code, International Plumbing Code, International Mechanical Code, or the ICC Electrical Code, such terms shall have the meaning ascribed to them as in those codes.

201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this code, such terms shall have the ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit”, “dwelling”, “premises”, “building”, “rooming house”, “rooming unit”, or “story” are stated in this code, they shall be construed as though they were followed by the words “or part thereof.”

ARTICLE 202

GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. A room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any authorized representative.

CONDEMN. To adjudge a unit unfit for human occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigation, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surfaces to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating and cooking. Bathrooms, toilets rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspections of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land including any structures thereon.

RENTAL DWELLING UNIT. Any dwelling occupied by an individual or individuals, other than the owner of the unit, such occupant being a tenant or tenant at will.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-or-two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke or other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which is prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit. One who holds or possesses land or buildings of another with his assent, expressed or implied, through a lease or other contractual arrangement, written or unwritten, by any kind of right or title, whether in fee, for life, for years, at will, or otherwise.

TENANT AT WILL. One in the occupation or possession of another's property without a lease and who may be put out at what time it pleases the landlord, or one in the occupation or possession of another's property without a lease which in addition to or in exchange for paying rent may render a service to the property owner, whether that service be, but not limited to, repair work, security, farming or other services.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. A natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

ARTICLE 301

GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are

responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.

ARTICLE 302

EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

302.2 Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon excepting retention areas and reservoirs.

302.3 Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on the premises shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or excessive plant growth. All noxious weeds shall be prohibited.

302.5 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination proper precautions shall be taken to eliminate rodent harborage and prevent infestation.

302.6 Exhaust Fans. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjoining public or private property or that of another tenant.

302.7 Accessory Structures. All accessory structures, including detached garages, out buildings, fences and walls shall be maintained structurally sound and in good repair.

302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the International Building Code, shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches from the gatepost.

302.7.2 Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Pools shall be provided with a 4'-0" fence and gate.

302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicles shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth, except that a vehicle of any type is permitted to undergo major repair, overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed structure designed and approved for such purposes.

ARTICLE 303

EXTERIOR STRUCTURE

303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Protective Treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

303.3 Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be in Arabic numerals. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. All apartments shall be identifiable from the common halls.

303.4 Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.5 Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

303.6 Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.7 Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorages and in a safe condition.

303.8 Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain or other precipitation. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. No roof drain, gutter, downspout or drainage shall be connected to the municipal sewer system or a private septic system. No French or perimeter drain, floor drain or other clean water discharge shall be connected to the municipal sewer system or a private septic system nor caused to drain into any cleanout connected to such systems.

303.9 Overhang Extensions. All overhanging extensions including, but not limited to canopies, marquees, signs metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorages and capable of supporting the imposed loads.

303.11 Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.12 Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.13 Window, Skylight, and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight and rodent proof.

303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.13.2 Operable Windows. Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware.

303.14 Insect Screens. During the period from May 1st to October 30th, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working order.

303.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door, be weathertight and rodent proof. Locks on means of egress doors shall be in accordance with 702.3.

303.16 Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface water.

303.17 Guards for Basement Windows. Every basement window that is open able shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

ARTICLE 304

INTERIOR STRUCTURE

304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

304.3 Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

304.4 Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

304.5 Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting loads in accordance with International Building Codes, and shall be maintained in good condition.

304.6 Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers and tracks as intended by the manufacturer of the attachment hardware.

304.7 Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe and capable of supporting

the loads which normal use may cause to be placed thereon. Holes, which can provide a pathway for fire spread, are not allowed.

304.8 Stairways and Porches. Every inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept structurally sound and in good repair. Every flight of stairs which is higher than three (3) risers high shall have handrails and be maintained in good condition.

ARTICLE 305

TRASH, RUBBISH AND GARBAGE

305.1 Accumulation of Rubbish and Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. The term trash shall be taken to mean the same as rubbish.

305.2 Disposal of Rubbish and Garbage. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such in approved containers. Piling up of plastic trash or garbage bags is strictly forbidden.

305.2.1 Occupants Responsibilities. The occupants of one, two and three unit structures shall furnish approved containers, if not provided by the owner, for the placement of rubbish and garbage generated by them and shall dispose of all rubbish and garbage on a weekly basis at a licensed solid waste facility.

305.2.2 Owners Responsibilities. The owners of structures with four (4) or more rental units and the owners of all rooming houses, guest houses, hotels, motels and similar structures shall supply facilities or refuse containers for the sanitary and safe storage and/or the disposal of rubbish and garbage generated on said properties and shall cause the same to be disposed of a regular basis.

305.2.3 Disposal Requirements. The owners and occupants shall store rubbish and garbage in approved containers that are tightly sealed to prevent the entrance of rodents, animals, and pests. Where occupants are required to dispose of rubbish and garbage it shall be accomplished on a weekly basis and the approved containers shall be kept clean and sanitary and free from odors at all times. Where owners are required to dispose of rubbish and garbage it shall be accomplished on a weekly basis if stored in approved containers interior to the structure. Where rubbish and garbage are stored in approved containers exterior to the structure or in dumpster type units disposal shall be on a regular basis. Exterior storage units shall be tightly sealed to prevent the entrance of rodents, animals and other pests and shall be kept clean and sanitary and free from odors.

ARTICLE 306

EXTERMINATION

306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent infestation.

306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

ARTICLE 401

GENERAL

401.1 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this article.

401.2 Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

ARTICLE 402

LIGHT

402.1 Habitable Spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room.

402.2 Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.

402.3 Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

ARTICLE 403

VENTILATION

403.1 Habitable Space. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in 402.1 except where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required in Article 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

403.3 Process Ventilation. Where injurious, toxic, irritating or noxious fumes, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any source.

403.4 Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted directly to the outdoors and shall not be re-circulated.

ARTICLE 404

OCCUPANCY LIMITATIONS

404.1 Space and Occupancy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other spaces. No person shall let to another for occupancy any rental dwelling or rooming unit that does not comply with the following minimum standards for space and occupancy.

404.1.1 Privacy. Every habitable unit shall contain within its walls a room separate from the habitable room(s) that affords privacy and which is equipped with a toilet, lavatory and tub or shower. A rooming house need not have a toilet room in each habitable unit, but no toilet room shall serve more than four (4) rental units in a rooming house.

404.1.2 Minimum Area Requirements. Dwelling units, hotel units, rooming units and dormitory units shall contain at least 150 square feet of habitable floor area, excluding bathroom and kitchen areas, for the first occupant and at least 100 additional square feet of habitable for each additional occupant. A person under one year of age shall not be counted as an occupant.

404.2 Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counterfronts and appliances or counterfronts and walls.

404.3 Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basements shall have a clear ceiling height of not less than 7 feet except in one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height. Basement rooms in one and two family dwellings occupied

exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

404.4 Bedroom Requirements. Every bedroom shall comply with the requirements of Article 404.4.1 through 404.4.5.

404.4.1 Area for Sleeping Purposes. Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

404.4.2 Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

404.4.3 Prohibited Occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes. Interior rooms with no windows shall not be used for sleeping purposes.

404.4.4 Other Requirements. Bedrooms shall comply with the application provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this article; the plumbing facilities and water-heating facilities requirements of Article 5; the heating facilities and electrical receptacle requirements of Article 6; and the smoke detector and emergency escape requirements of Article 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

MINIMUM AREA IN SQUARE FEET

OCCUPANTS										
	1	2	3	4	5	6	7	8	9	10
<u>SPACE Per Unit</u>	150	250	350	450	550	650	750	850	950	1050
<u>Bedrooms</u>	70	120	170	220	270	320	370	420	470	520

404.6 Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

ARTICLE 501

GENERAL

501.1 Scope. The provisions of this Chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises, which does not comply with the requirements of this Chapter.

ARTICLE 502

REQUIRED FACILITIES

502.1 Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each six occupants or three units, whichever is less.

ARTICLE 503

TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Floor Surfaces. Toilet rooms and bathrooms shall have a floor surface constructed and maintained so as to be impervious to water so as to permit such floors to be kept in a clean and sanitary condition.

ARTICLE 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration, or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

ARTICLE 505

WATER SYSTEMS

505.1 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures to function properly, safely, and free from defects and leaks.

505.2 Water Heating Facilities. Water heating facilities shall be properly installed, free from leaks, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not more than 110 degrees F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

ARTICLE 506

SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to a private sewage disposal system approved by the State of New Hampshire. No storm drainage shall be connected to municipal sanitary sewer.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstruction, leaks and defects.

ARTICLE 507

STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged into the municipal sewer system or in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

ARTICLE 601

GENERAL

601.1 Scope. The provisions of this Chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter.

ARTICLE 602

HEATING FACILITIES

602.1 Facilities Required. Heating facilities shall be provided in structures as required by this Article.

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design of -10 degrees F. Cooking appliances shall not be used to provide space heating to meet the requirements of this Article.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of October 1st to May 30th to maintain a temperature of not less than 70 degrees F in all habitable rooms, bathrooms and toilet rooms.

602.4 Room Temperature Measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

602.5 Safety Equipment. All flame fired heating systems shall be installed with a thermal cutoff switch and emergency disconnect switch, remote and accessible to the tenant(s) of each unit.

602.6 Portable Heaters. Portable heating equipment employing a flame is prohibited.

602.7 Storage of Fuels. Heating oil, kerosene, liquid propane gas or any other fuel shall be stored in accordance with the requirements of New Hampshire State Laws and the International Fire Code.

602.8 Chimney, Fireplace, Wood Stove, Smoke Pipe. Every chimney, fireplace, wood stove, smoke pipe, etc. shall be installed and maintained in accordance with the International Fire Code and State of New Hampshire Fire Code.

ARTICLE 603

MECHANICAL EQUIPMENT

603.1 Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Clearances. All required clearances to combustible materials should be maintained in accordance with the International Fire Code.

603.3 Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation. All flame fired heating systems shall be installed and maintained with a thermal cutoff switch and emergency disconnect switch, remote and accessible to the tenant(s) of each unit.

603.4 Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.5 Portable Cooking Equipment. Portable equipment such as hot plates, gas grills, hibachis, etc., is prohibited for primary cooking. Any portable cooking equipment employing a flame is prohibited from use on all porches or balconies on multi-story structures. All portable cooking units shall be kept a minimum of 25'-0" from structure during use.

ARTICLE 604

ELECTRICAL FACILITIES

604.1 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. A minimum three-wire 120/240-volt shall serve dwelling units; single-phase electrical system has a rating of not less than 60 amps.

604.2 Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3 Requirements. All electrical panels and boxes shall be installed with covers. Conductors, connections and supports shall be installed and maintained in a safe and proper manner. Each circuit shall be protected by circuit breakers and/or fuses sized in accordance with the rated capacity of the wire. Each service entrance and distribution panel shall be grounded. Panel legends shall be complete and updated as changes are made that affect the end use of any circuit. Each tenant shall have access to the panel that serves their unit. A licensed electrician shall do all electrical work in a neat and workmanlike manner.

ARTICLE 605

ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom and kitchen shall contain at least one ground fault circuit interrupter receptacle if located within 6' – 0" of a water source.

605.3 Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, utility room and furnace room shall contain at least one electric lighting fixture. Every common hallway and stairway in two-family and multi-family dwellings and rooming houses shall be adequately lighted at all times

605.4 Water Sources. Electrical receptacles located within 6 feet of a water source shall be ground fault circuit interrupters.

ARTICLE 606

ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Licenses. All elevators and dumbwaiters shall be installed in accordance with State of New Hampshire requirements. Inspections and Licenses are to be done by the State of New Hampshire.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

ARTICLE 701

GENERAL

701.1 Scope. The provisions of this Chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with N.F.P.A. # 101 (Life Safety Code) and State Fire Code. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Chapter.

701.3 Access. The owner of the premises and the occupants are jointly responsible for providing safe, quick, unobstructed access to all portions of the premises and all sides of the structures thereon for all public safety officials including, but not limited to fire and EMS personnel.

ARTICLE 702

MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Every rental dwelling and rooming unit shall have two safe and unobstructed means of egress.

702.2 Aisles The required width of aisles shall be in accordance with the International Fire Code and State Fire Code and shall be unobstructed.

702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency Escape Openings. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the International Building Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

702.5 Primary Means of Escape. Every rental dwelling or living unit of two rooms or more, shall have at least two means of escape, at least one of which shall be a door or stairway providing a means of unobstructed travel to the outside of the dwelling at street or ground level. No bedroom or living area shall be accessible by only a ladder, folding stairs or through a trap door.

702.6 Second Means of Escape. The second means of escape shall be one of the following:

(A). A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the structure at street or ground level that is independent of and remote from the primary means of escape; or

(B). An outside window or door operable from the inside without the use of tools and providing a rough opening of not less than 24 inches in width, 36 inches in height, and the total area of not less than 8 square feet in area. Such means shall be acceptable if the bottom of the window is within 12 feet of the ground directly under the window or the window or door opens onto an exterior balcony which is within 15 feet of the ground directly under the bottom of the exterior balcony.

702.7 Arrangement of Means of Escape. No required path of travel from any room to the outside of a structure shall be through another room or apartment not under the immediate control of the occupant of the first room or through a room not a habitable room or through a space subject to locking by others other than the occupant provided that such locking device complies with the International Fire Code and 702.4. Doors in the path of travel of a means of escape shall not be less than 32 inches wide and 6 feet 8 inches in height.

702.8 Exterior Stairs. An outside stairway may be used as a component in a means of egress where it conforms to the requirements of this Article. Existing non-conforming stairs in place prior to and approved under previous ordinances may continue to be utilized for a period of Five (5) years (until 2010) at which time they shall be reconstructed to conform to this Ordinance and International Fire Code.

702.9 Fire Escapes. The width, risers, and widths of any fire escape constructed after the adoption of this Ordinance shall comply with the minimum requirements of the International Fire Code. Existing non-conforming fire escapes in place prior to and approved under previous ordinances may continue to be utilized for a period of Five (5) years (until 2010) at which time they shall be reconstructed to conform to this Ordinance and the International Fire Code.

702.10 Spiral Fire Escapes. Spiral fire escapes that do not conform to the International Fire Code are prohibited. Spiral fire escapes in existence at the time of the adoption of this Ordinance may continue for a period of five years (until 2010) at which time they shall be brought into conformance with the provisions of the International Fire Code at the expense of the owner of the property.

ARTICLE 703

FIRE-RESISTANCE RATINGS

703.1 Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance-rated-walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening Protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

ARTICLE 704

FIRE PROTECTION SYSTEMS

704.1 Smoke Detectors. All rental dwelling units, regardless of type, shall have installed smoke detection systems connected to the building electrical system and equipped with a battery backup that will operate the smoke detector during a period of power failure. Smoke detectors powered by the buildings electrical system shall be permanently wired without a disconnecting switch other than those required for overcurrent protection.

704.2 Installation. Approved multi-station smoke alarms shall be installed in all existing dwelling units, bedrooms, congregate residences, and hotel and lodging house guestrooms and building common areas renovated or rehabilitated after 2006. Installation shall be in accordance with the International Fire Code and N.F.P.A # 101 (Life Safety Code).

704.3 Power Source. In Group R occupancies, multi-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source. When power is provided by the building wiring, the wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

704.4 Requirements. There shall be no less than one approved smoke detector per story plus 1 (one) in each bedroom that complies with 704.1.

ARTICLE 705

FIRE EXTINGUISHERS

705.1 Required. A minimum of one (1) approved two and one-half (2 ½) pound ABC type fire extinguisher shall be permanently installed in each rental unit. Such fire extinguishers shall be kept fully charged at all times. No fire extinguisher shall be installed within six (6) feet of any cooking equipment, fireplace, furnace or other cooking or heating source. If non-rechargeable fire extinguishers are utilized they shall be replaced every Two (2) years. The Landlord shall provide the replacement extinguishers to the Building Inspector or his designee for dating. Installation shall be in accordance with the International Fire Code and N.F.P.A # 101 (Life Safety Code).

705.2 Placement. All required fire extinguishers shall be installed, in a manufacturers supplied mounting bracket, in plain view and shall not be obstructed by any object.

CHAPTER 8

HEALTH AND SANITATION

ARTICLE 801

GENERAL REQUIREMENTS

801.1 Occupancy. A person(s) shall not occupy, permit another to occupy or let to another person any rental dwelling or dwelling unit unless it and the premises are clean, sanitary, free from odors, fit for human habitation and occupancy and complies with all of the provisions of this Ordinance and code.

801.1.1. Occupant Responsibilities. Every occupant of a rental dwelling unit or dwelling unit shall maintain it in a clean and sanitary condition, free from odors, that part of the structure and premises that they occupy and control.

801.2 Maintenance. The exterior and interior of every dwelling and multi-family unit used for human habitation shall be maintained in a clean and sanitary condition, free from odors and the accumulation of trash, rubbish and garbage.

801.3 Shared and Common Areas. The owner of a rental dwelling unit containing two (2) or more units shall maintain in a clean and sanitary condition, free from odors, the shared and/or common areas of the structure(s) and all associated real estate.

801.4 Accumulated Materials. The owner of a rental dwelling unit shall not accumulate or permit the occupants thereof to accumulate rubbish, garbage, cloth, boxes, scrap metal, or any other materials in such a manner that may provide rodent harborage in or about any structure, dwelling or common or shared areas of a dwelling or its premises. Nor shall the owner or occupant accumulate the above material in such volume so as to increase the chances of fire beyond normal expectations, serve to fuel a fire or to impede the free flow of access in or about any common area or the interior or exterior of any structure on the real estate.

801.5 Storage. The owner or occupant of any rental dwelling unit shall not store, place, or allow accumulating any materials that may serve as food or harborage for rodents in a place accessible to rodents.

801.6 Fixtures and Facilities. Every occupant of a rental dwelling unit shall keep all supplied fixtures and facilities therein in a sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

CHAPTER 9

SUBSTANDARD HOUSING

ARTICLE 901

GENERAL

901.1 Substandard Conditions. Any rental dwelling unit, rooming house, hotel, motel or dormitory that has any or all of the general substandard conditions described under Chapter 9 shall be in violation of this Ordinance and code.

901.2 Dilapidated, Decayed, Unsafe or Unsanitary. Any structure or property regulated under this Ordinance and code that has become or is so dilapidated, decayed, unsafe, unsanitary, or which utterly fails to provide the amenities essential to decent living, or which is likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein shall be deemed in violation of this Ordinance and code.

901.3 Unsecured Parts. Any structure or property which has parts thereof that are so attached that they may fall and injure occupants, members of the public or property shall be deemed in violation of this Ordinance and code.

901.4 Unsafe, Unsanitary or Dangerous to Public. Any structure or property regulated under this Ordinance and code which because of its condition is unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the public and the people of this Town shall be deemed in violation of this Ordinance and code.

901.5 Structures or Property in Violation of this Ordinance. All structures or properties deemed in violation of this Ordinance within the terms of this Ordinance are hereby declared to be public nuisances, and shall be repaired, vacated and closed, or demolished or removed as provided in this Ordinance or by law.

CHAPTER 10

STRUCTURES, PROPERTIES AND CONDITIONS

ARTICLE 1001

GENERAL

1001.1 New Construction, Additions and Additional Units. New building construction or the construction of additions to existing structures and the creation of additional units of rental property regulated under this Ordinance or code shall comply with all of the requirements of Article 102.3 of this Ordinance and code.

1001.2 Converting existing structures to Two Family or Multi-family. Structures to be converted from single family to two or multi-family structures after the adoption of this Ordinance shall comply with all of the requirements of Article 102.3 of this Ordinance and code.

1001.3 Original Windows and Doors. Original windows and doors in existing structures regulated under this Ordinance and code shall not be removed or discontinued or diminished in size to a dimension smaller than the original or the requirements of the International Fire Code.

The Housing Standards Ordinance was adopted at the 1964 Town Meeting, held March 10, 1964, and has been amended on the following Town Meeting dates; March 15, 1986, March 12, 1988, March 16, 1991, March 20, 1993, March 12, 1994, March 14, 1998, March 13, 1999, March 12, 2005 and March 17, 2007.

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