

TOWN OF MEXICO
RENTAL HOUSING CODE

Adopted June 7, 1999

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SECTION I. PURPOSE AND AUTHORITY

A. Purpose

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

B. Authority

The code is adopted and hereafter amended pursuant to and consistent with: Title 30-A M.R.S.A. Section 3001 and Title 25 M.R.S.A., Chapter 313.

SECTION II. SCOPE

A. Application of Standards

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

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

B. Minimum Standards

The standards set forth herein are intended to be minimum only, and they shall not apply wherever a greater standard is required by another ordinance or law. When these standards conflict with State or Federal requirements, such State or Federal requirements will prevail.

C. Enforcement

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

D. Penalty for Non-Compliance

Any person failing or refusing to obey any order of notice of the Code Enforcement Officer issued hereunder shall be subject to a fine in accordance with Title 30-A

M.R.S.A. Section 4452. Each day such violation continues after notification by the Code Enforcement Officer shall be considered to be a separate offense.

E. Dwelling Unfit for Human Habitation

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

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

SECTION III. MINIMUM STANDARDS OF DESIGN, CONSTRUCTION, OR REPAIR

A. Minimum Standards for Structural Elements

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

Every foundation, basement, cellar, exterior wall, and roof shall be substantially weather tight and watertight; shall be structurally sound and shall be safe for the intended use. Water from roofs shall be so drained and conveyed therefrom so as not to leak nor create a hazard to adjacent buildings or occupants thereof.

2. Floors, Interior Walls, Ceilings, and Doors

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

3. Windows, Exterior Doors and Skylights

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

4. Stairways, Stairwells, Stairs, and Porches

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

5. Chimneys, Flues, and Vents

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

B. Minimum Standards for Space and Occupancy

1. Space Requirements

Every dwelling unit shall contain at least one habitable room that shall have not less than 120 square feet of floor area. Other habitable rooms shall have an area of not less than 64 square feet. Every kitchen shall have not less than 50 square feet of floor area. The least horizontal dimension of such a room shall not be less than 7 feet.

2. Excluded Areas

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

3. Habitable Rooms in Basements and Cellars

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

- a. The ceiling shall be at least 6 ½ feet above the floor.
- b. Unless adequate mechanical ventilation is provided, there shall be one or more operable windows containing an area equal to not less than 4% of the floor area, and the ceiling shall be at least 2 feet above grade where the required window or windows are located.
- c. The floor and walls shall be water and damp-proof and the room shall be well-drained and dry.

C. Minimum Plumbing Standards

1. Basic Facilities

Every dwelling unit, except as provided below, shall contain a kitchen sink, a flush toilet, lavatory basin, and bathtub or shower.

- a. The occupants of not more than two dwelling units, each of which contains not more than 340 square feet of habitable floor area and each of which

contains not more than two rooms, may share the use of a single flush toilet, lavatory basin, and bathtub or shower.

- b. One room dwelling units shall be considered as rooming units and not dwelling units for the purpose of determining the number who may share such facilities.
- c. Rooming houses and dwelling houses containing rooming units shall contain at least one flush toilet, one lavatory basin, and one bathtub or shower for each five persons or fraction thereof, living within said rooming units, which shall include members of the family and the owner or operator if they share the use of such facilities.

2. Location of Facilities

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

3. Water Supply

Every dwelling unit and rooming house, or combination of the same, shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this Code shall be properly connected with hot and cold water lines with adequate supply and pressure. Water heating facilities shall be sufficient to supply hot water to plumbing fixtures and appliances intended for bathing, washing or culinary purposes.

4. Maintenance of Plumbing Fixtures

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

D. Minimum Ventilation Standards

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

E. Minimum Lighting Standards

1. Habitable Rooms

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

2. Bathrooms, Utility Rooms, Cellars and Basements

Every bathroom, laundry room, furnace room, cellar and basement shall contain at least one ceiling-type or wall-type electric light fixture.

3. Passageways and Common Stairways

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

4. Maintenance of Lighting Fixtures

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

F. Minimum Heating Standards

1. Heating Facilities Required

Every habitable room shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit at a distance of three or more feet from exterior walls at a height of 3 feet above floor level. The capacity of the heating equipment to maintain the such indoor temperatures shall be based on an outside temperature of minus 20 degrees Fahrenheit. When heat is not furnished with a central heating system, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement.

2. Maintenance of Equipment

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

3. Electric Space Heating Equipment

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

SECTION IV. MINIMUM STANDARDS TO ENSURE SAFETY FROM FIRE

A. Flammable Liquids; Toxic Gases

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

B. Means of Egress for One and Two-Family Dwellings

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

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

1. Means of egress for new apartment buildings shall conform to the requirements set forth in NFPA 101 - Life Safety Code, Chapter 18, 1985 edition or as may be amended.
2. Means of egress for existing apartment buildings shall conform to the requirements set forth in NFPA 101 - Life Safety Code, Chapter 19, 1985 edition or as may be amended.
3. Means of egress for lodging or rooming houses shall conform to the requirements set forth in NFPA 101 - Life Safety Code, Chapter 20, 1985 edition or as may be amended.

D. Unobstructed Egress

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

E. Temporary Wiring; Extension Cords

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

F. Space Heaters

Flueless oil or gas space heaters are prohibited.

G. Smoke Detectors Required

The owner shall install smoke detectors as required in Title 25 M.R.S.A. Section 2464.

SECTION V. MINIMUM STANDARDS OF SANITARY MAINTENANCE

A. Insect, Rodent, and Vermin Control

1. General. Structures shall be maintained free of insect, vermin, and rodent harborage and other infestation.
2. Grounds. Grounds shall be maintained free of garbage and wastes attractive to rats and vermin.
3. Screening. Screens of wire mesh or other suitable material shall be provided for openings used to ventilate basements or cellars, to prevent the ingress of insects, rodents, and other vermin. From May 1 to October 1, all openings used for the ventilation of dwelling shall be properly screened.

B. Disposal of Garbage and Waste

1. Containers

Watertight containers made of metal or plastic shall be provided for each dwelling unless all solid waste is otherwise disposed of. Containers shall be kept covered to reduce their attraction to vermin and rodents.

2. Storage

No waste or refuse shall be stored or allowed to accumulate in any hall or stairway.

SECTION VI. INSPECTION, NOTION OF VIOLATION, AND LEGAL PROVISIONS

A. Inspections

The Code Enforcement Officer, upon proper identification and reasonable notice shall have the right to enter at any reasonable time into or upon any dwelling or premises, where a rental unit exists or is being constructed or offered for rent or lease, for the purpose of inspecting said dwelling or premises to determine whether or not a violation of this Code exists and for the purpose of examining and inspecting any work performed under the provisions of this Code.

B. Notices

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

C. Reinspection

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

D. Posting Against Occupancy

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

E. Property Not To Be Occupied Again for Habitation

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

F. Notices Not To Be Removed: Property Not To Be Used or Let

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

G. Property to be Secured If Not Removed

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

H. Restriction on Conveyance of Property

It shall be a violation of this Code for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the Code Enforcement Officer under the provisions of this Code unless he shall first furnish to the grantee a true copy of any such order and shall at the same time notify the Code Enforcement Officer in writing of the intent to so transfer either by delivering said notice to the Code Enforcement Officer and receiving a receipt therefor or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed.

I. Responsibility Not Transferred

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

J. Appeal to the Board of Appeals

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

K. Personal Non-Liability

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

SECTION VII. DEFINITIONS

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

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

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

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

“Dwelling Premises” shall mean the land and auxiliary building thereon used or intended to be used with a dwelling.

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

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

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

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

“Code Enforcement Officer” shall mean the Code Enforcement Officer of the Town of Mexico or his duly authorized representative.

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

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

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

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

“Owner” shall mean any person or persons who:

- 1 shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- 2 shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
- 3 shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or bond for a deed with the person having legal or record title.

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

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

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

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