



# **TOWN OF NEWPORT**

## **HOUSING CODE**

**NEWPORT, NEW HAMPSHIRE**

**2012**

**SECTION I – SHORT TITLE:** This ordinance shall be known and may be cited as the “Town of Newport Housing Code”.

**SECTION II – FINDING:** The Town Manager and Board of Selectmen find that there exists in the Town of Newport, dwellings which are unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire accidents, or other calamities, unhealthful lack of ventilation or sanitary facilities, or due to other unhealthy or hazardous or dilapidated conditions.

**SECTION III – Newport Housing Board:** Pursuant to RSA 48-A:3 there is hereby created and established a public agency to be known as the Newport Housing Board, which shall consist of three (3) members, namely two of whom shall be either the Health Officer, the Fire Chief, or the Building Inspector and another Department Head. The Board shall elect a Chairman and a Secretary. The duties of the chairman are to preside over the hearings and to administer affirmations; the chairman may vote on all matters. In the absence of any member of the board, a temporary substitute may be appointed by the Board of Selectmen. In the absence of the chairman, the board shall elect an acting chairman from its membership who shall assume the responsibility of the chairman. The board shall meet on the call of the chairman and the presence of all three members shall constitute a quorum.

The board and its delegated officers are hereby authorized, directed, and empowered:

1. To adopt such rules and regulations as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance.
2. To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation.
3. To administer affirmations, examine witnesses and receive evidence.
4. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
5. To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this ordinance.
6. To delegate any of its functions under this ordinance to such officers as it may designate.
7. Whenever necessary or convenient to carry out and effectuate the purposes and provisions of this chapter after the notice required under the provisions of Section 8 has resulted in an order in accordance with the provisions of Section 5 to post, in a conspicuous place or places upon the affected dwelling, a placard or placards, bearing the following words: “Condemned as Unfit for Human Habitation”, and

to remove such placard whenever the defect or defects upon which the determination for unfitness for human habitation and placarding act were based have been eliminated.

**SECTION IV:** Whenever a petition is filed with the board by at least ten (10) residents of the Town of Newport charging that any dwelling is unfit for human habitation or whenever it appears to the board by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation disclosed a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including person in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten (10) days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the board at a place therein fixed not less than ten (10) days or more than thirty (30) days after the serving of said complaint; that the owner, mortgages and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board.

**SECTION V – ORDER:** If, after notice and hearing, the board determines according to the standards of this ordinance, that the dwelling under consideration is unfit for human habitation it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or if the repair, alteration, or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to remove or demolish such dwelling.

**SECTION VI – APPEAL TO THE BOARD OF SELECTMEN:** If an owner is aggrieved by an order of the board made pursuant to Section 5 hereof, then he may appeal to the Board of Selectmen. Said Board of Selectmen shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the board and to the owner. The Board of Selectmen may affirm or revoke the order of the board, or they may modify the same in accordance with their findings. If they shall affirm or modify such order, the board shall proceed to enforce said order as affirmed or so modified, in the manner prescribed in Section 8. If the Board of Selectmen shall revoke said order, the proceedings shall be terminated.

**SECTION VII – ENFORCEMENT:** If the owner fails to comply with an order, made pursuant to the provisions of Section 5 hereof, to repair, alter, improve or vacate and close the dwelling, or to remove or demolish the dwelling, the board may file a petition in the Superior Court in which it shall set for the charges issued pursuant to Section as well as any other allegations bearing

upon the unfitness of the dwelling for habitation. The Court shall thereupon direct notice to be given all parties having an interest in said dwelling, including mortgages and persons in possession thereof. Such notice shall be given, where practicable, by personal service, except that if the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication of the petition in a newspaper having general circulation in the municipality, such publication to be at least ten (10) days before the date set for the hearing. The court shall set a date for hearing such charges and additional allegations, such date to be not later than fifteen (15) days after the filing of said petition. Upon hearing, the matter shall be treated as de novo, and the court shall hear such pertinent evidence concerning the fitness of the dwelling for human habitation as may be relevant.

**SECTION VIII – ORDER OF THE COURT:** The Court shall as soon as practicable issue its order upon said petition; and if the Court finds the dwelling complained against is unfit for human habitation due to any of the causes or conditions numerated in Section II such order shall direct the board to repair, alter, or improve such dwelling to render it fit for human habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost; or if the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, to remove or demolish such dwelling. If the Court shall find in favor of the owner, it shall award to him his reasonable costs and expenses, including counsel fees, all as determined by the Court, incurred by him in his defense of the action in the Superior Court.

**SECTION IX – LIEN:** Whenever the board shall incur costs for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the Superior Court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of its costs and necessary attorney's fees, may be foreclosed upon order of the Superior Court made pursuant to a petition for that purpose filed in said Court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the Register of Deeds for the County in which the real estate is situated and shall be recorded by him. If the dwelling is demolished by the board, it shall sell the materials of such dwelling and pay the proceeds of such sale over to the Superior Court, for distribution to such persons as the court shall find entitled thereto.

**SECTION X:** The board may determine that a dwelling is unfit for human habitation if it finds that conditions exist in such dwelling which are unusually, abnormally, or unreasonably dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality. Such conditions may include the following: defects which increase beyond normal the hazards of fire, accident, or other calamities; lack of reasonable adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, dangerous structural defects, uncleanness, overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of other health, fire or safety regulations.

**SECTION XI – DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. “Approved” is in accordance with the provisions of this ordinance or other pertinent ordinances of this Town of Newport.
2. “Basement” is a portion of any dwelling located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
3. “Board” is the Newport Housing Board.
4. “Building Code” is the lawful Building Code of the Town of Newport.
5. “Cellar” is a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
6. “Town” is the Town of Newport.
7. “Dwelling” is any building, structure, mobile home or camp or part thereof, used and occupied for human habitation or intended to be so used and includes any appurtenances belonging thereto or usually enjoyed therewith.
8. “Dwelling Unit” is a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
9. “Habitable room” is a room or enclosed floor space used or intended to be for living, sleeping, or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms, and storage spaces.
10. “Inspector of Buildings” is the Building Inspector of the Town of Newport.
11. “Multi-family dwelling” is any dwelling or part thereof containing three or more dwelling units.
12. “Occupant” is any person including an owner or operator living and sleeping in a dwelling unit or rooming unit.
13. “Openable area” is the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
14. “Operator” is any person having charge, care, management, or control of any dwelling or part of it, in which dwelling units or rooming units are let.

15. “Owner” is any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit, or rooming unit.
16. “Person” is any person, firm, partnership, association, corporation, company, or organization of any kind.
17. “Plumbing” is water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water or sewer lines.
18. “Plumbing Code” is in the Plumbing Code of the State of New Hampshire.
19. “Premises” is a lot, plot, or parcel of land including the building and structures thereon.
20. “Rooming House” is any dwelling, containing three or more units.
21. “Rooming Unit” is any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
22. “Supplied” is installed, furnished, or provided by the owner or operator at his expense.
23. “Two-Family dwelling” is any dwelling containing two dwelling units.
24. “Yard” is all ground, lawn, court, walk, driveway, or other open space constituting part of the same premises as the dwelling.
25. “Portable Heaters” is any heating device that is not attached to a flue.

**SECTION XII – MINIMUM STANDARDS:** The following shall be considered the minimum standards for use and occupancy of dwellings under this ordinance. If any of these standards should conflict with any other section of any Town Ordinance or Statute, the ordinance or statute requiring the higher standard or the stricter regulation shall prevail, and shall be the minimum standard.

- I. Minimum Standards for Basic Equipment and Facilities.  
No person shall occupy or permit any person to occupy any dwelling, which does not comply with the following minimum standards for basic equipment and facilities:
  1. Dwelling Units. Every dwelling unit shall contain within its walls:

- a. Lavatory Facilities. A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet and a lavatory basin.
  - b. Bathtub or Shower. A room, separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower.
  - c. Kitchen Sink. A kitchen sink.
2. Sharing by Dwelling Units in Same Building. The occupants of not more than two dwelling units, which are located on the same floor, may share a single flush water closet, a single lavatory basin, and a single bathtub on the same floor provided:
  - a. Neither of the two dwelling units contains more than two rooms; however, for the purposes of this subsection, a kitchen with not more than 60 sq. ft. of floor area is not counted as a room;
  - b. The habitable room area of each such dwelling units aggregates not more than 250 sq. ft.
  - c. The water closet and lavatory basin are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling;
  - d. The bathtub or shower is within a room separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit or another person or outside the dwelling.
3. Water Line Connections. Every kitchen sink, lavatory basin, and bathtub or shower required by this ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required sink, lavatory basin, and tub or shower at a temperature of not less than 120° Fahrenheit even when the heating facilities required by this ordinance are not in operation.
  - a. Plumbing Fixtures. All plumbing fixtures required by this section shall be properly connected to an approved water system and to an approved sewage system.

4. Rubbish Collection. Every multi-family dwelling shall have approved common garbage and rubbish storage or disposal facilities.
5. Egress. Every dwelling unit or rooming unit shall have a safe and unobstructed means of egress leading to a safe and open space at ground level, as required by the laws of this state and this town.
6. Rooming House – Additional Sanitation Standards.
  - a. Lavatories. Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof living within the rooming house, including members of the family of the owner or operator if they share the use of facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than 1/2 the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facility located in a basement or cellar shall count in computing the number of facilities required by this subsection. Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by this subsection shall be located within the rooming house in a room or rooms which:
    1. Afford privacy and are separate from the habitable rooms;
    2. Are accessible from a common hall and without going outside the rooming house;
    3. Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.
  - b. Bedding and Towels. When bedding, bed linen, or towels are supplied, the owner or operator shall maintain the bedding in clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

II. Minimum Standards for Ventilation, Light, Heating, and Screens. No person shall occupy or permit to be occupied by another any dwelling, which does not comply with the following minimum standards for ventilation, light and heating:

1. Windows and Openable Space.
  - a. Total Window Area. Every Habitable room shall have at least one window, which faces directly to the outdoors. The minimum total window area, measured between stops, for every habitable room



shall be at 10% of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than 3' from the window and extend to a level above that of the ceiling of the room, such a window shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room except where there is supplied some other device affording adequate ventilation and light.

- b. **Openable Window Area.** Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room shall equal at least 45% or the minimum window area size or the minimum skylight-type window size as required by this ordinance, except where there is supplied some other device affording adequate ventilation, and light equal to not less than three candle power.
  - c. **Glass-Fronted Porch.** For the purpose of this section, where a living room faces onto a glass-fronted porch, the porch shall be considered as a part of the living room if the total window and open space area between the porch and the living room is at least 15% of the floor area of the living room.
  - d. **Bathroom.** Every bathroom and water closet compartment shall comply with the window area and openable area requirements for habitable rooms, except where there is supplied some other device approved by the Inspector of Buildings as affording adequate ventilation.
  - e. **Laundry Rooms.** Every laundry room shall have a minimum openable area of at least 3 sq. ft. except where there is supplied some other device approved by the Inspector of Buildings as affording adequate ventilation.
  - f. **Public Halls and Stairways.** Each public hall and stairway in every two-family dwelling, multi-family dwelling, and rooming house shall be adequately ventilated.
2. **Lighting.** Every dwelling within 300' of a power line shall be supplied with electricity as follows:
- a. **Habitable Room –** Every habitable room shall contain at least two separate floor or wall-type electric convenience outlets, or one

such convenience outlet and one supplied ceiling type electric light fixture.

- b. Bathrooms, Utility Rooms – Every water closet compartment, bathroom, laundry room, and furnace room, shall contain at least one supplied ceiling or wall-type electric light fixture.
- c. Public Halls – Every public hall in a dwelling shall contain at least one supplied ceiling or wall-type electric light fixture. Every public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately lighted at all times except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located light switches shall be permitted instead of a full-time lighting system.
- d. Standards for Installation – Every outlet and fixture shall be properly installed and maintained in good and safe working condition. All electrical installations shall comply with the requirements of the National Electrical Code.

- 3. Heating – Every dwelling shall have heating facilities, which are capable of safely, and adequately heating all habitable rooms, bathrooms, and water closet compartments within its walls to a temperature of at least 68° Fahrenheit when the outside temperature is minus 10° Fahrenheit.

- a. Portable Heaters – Portable heating equipment employing a flame and using any flammable liquids or gas do not meet the standards of this ordinance and are prohibited.

- 4. Screens – During the portion of each year extending from May 1<sup>st</sup> to November 1<sup>st</sup> and as protection against mosquitos, flies, rodents and other insects, every door opening directly from a dwelling unit to outdoor space which is used for ventilation shall be supplied with screens; and every window or other device used for ventilation shall likewise be supplied with screens. Every basement or cellar window used for ventilation, and every other opening which might provide an entry for rodents, shall be supplied with screens or such other device as will effectively prevent their entrance.

- III. Minimum Standards for Space and Occupancy – No person shall occupy or permit another to occupy any dwelling, which does not comply with the following minimum standards for space and occupancy:

1. Habitable Floor Area – Every dwelling unit shall contain at least 150 sq. ft. of habitable floor area for the first occupant, and at least 100 sq. ft. for each additional occupant.
  - a. Exception for Children Under 1 Year of Age – For the purposes of the section, a person under one year of age shall not be counted as an occupant.
2. Sleeping Rooms – In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 sq. ft. of floor area for each occupant.
3. Arrangements of Sleeping Room, Bathroom – No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through a sleeping room of another dwelling unit, nor shall room arrangements be such that access to a sleeping room can be had only by going through a sleeping room or a bathroom or water closet compartment of another dwelling unit.
4. Calculation of Floor Area – Floor area shall be calculated on the basis of habitable room area. However, closet area and area within the dwelling unit, where provided, may count for not more than 10% of the required habitable floor area. At least ½ of the floor area of all habitable rooms shall have a ceiling height of at least 6’9”; and the floor area of any part of any room where the ceiling height is less than 5’ shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.
5. Basements and Cellars – No basement or cellar shall be used for living purposes unless:
  - a. The floor and walls are substantially watertight.
  - b. The total window area, total openable area, and ceiling height are in accordance with this ordinance.
  - c. The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

IV. Minimum Standards for the Safe and Sanitary Maintenance of Structural Elements – No person shall occupy or permit another to occupy any dwelling,

which does not comply with the following minimum standards for safe and sanitary maintenance.

1. Foundations, Exterior Walls and Roofs – Every foundation, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
2. Interior Walls and Vertical Structural Members – No interior wall or other vertical member shall list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle of its base.
3. 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 to use and capable of supporting the load which normal use may cause to be place thereon.
4. Window and Exterior Doors – Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent proof; and shall be kept in sound working condition and good repair.
5. Stairways and Porches – Every inside and outside 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 in sound condition and good repair.
6. Plumbing Fixtures – Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, and obstructions and in accordance with the BOCA Code.
7. Bathroom Floor Surfaces – Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
8. Maintenance of Required Equipment and Utilities – Every supplied facility, piece of equipment or utility under this ordinance, and every chimney and smoke pipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.
9. Supporting Members and Non-supporting Walls – No dwelling shall, exclusive of the foundation, show 33% or more of damage or deterioration

of the supporting members, nor 50% or more of damage or deterioration to the non-supporting enclosing, outside walls or covering.

V. Minimum Standards for Cooking Equipment – No owner, operator or occupant shall furnish or use any cooking equipment, which does not comply with the following minimum standards:

1. Construction, Installation and Maintenance – Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
2. Prohibited Equipment – Portable cooking equipment employing flame and using any flammable liquids or gas as fuel is prohibited.

VI. Minimum Standards for the Responsibilities of Owners, Operators, and Occupants

1. Sanitation
  - a. Cleanliness by Occupant – Every occupant of a dwelling, shall maintain in a clean and sanitary condition that part of the dwelling he occupies and controls.
  - b. Keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition.
  - c. Place all rubbish, ashes, and garbage in safe and sanitary storage or disposal facilities. Provide containers for use in own dwelling unit.
  - d. Be responsible for extermination of all insects, rodents, or other pests in his dwelling or in the yard, unless the owner has failed to keep the dwelling in a rodent-proof or substantially insect-proof condition.
  - e. May not use portable heating or cooking equipment that uses flame, flammable liquids, or gas as fuel.
  - f. Cleanliness by Owner or Operator – Every owner or operator of a two-family dwelling, multi-family dwelling, or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.
  - g. Use and Operation of Supplied Facilities – Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition

and shall be responsible for the exercise of reasonable care in their proper use and operation.

- h. Whenever a dwelling is vacated, it shall be the duty of the owner or agent to assure that such dwelling is in a clean, sanitary, habitable condition and free from infestation by vermin or rodents before re-occupancy.

## 2. Removal of Waster Matter

- a. Storage and Disposal of Rubbish and Garbage – Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities, which are safe and sanitary. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-family dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and refuse containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.
- b. Rooming House Rubbish Storage and Disposal – Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities, which are safe and sanitary.

## 3. Extermination

- a. Extermination of Pests by Occupant – Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests in it, or in the yard. In a two-family dwelling or a multi-family dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested.
  - 1. Exception – When, however, infestation is caused by the failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.
- b. Extermination of Pests by Owner or Operator – Every owner or operator shall be responsible for extermination of any insects,

rodents or other pests whenever infestation exists in two or more of the dwelling units of any dwelling or in the shared or public areas of any two-family dwelling or any multi-family dwelling.

- c. Extermination of Pests in Rooming Houses – Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.
4. Heat – During the time of the year when it is necessary, as determined by the board, every owner or operator of every two-family dwelling, multi-family dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.
5. Utilities – No owner, operator or occupant shall cause any service equipment or utility which is required by this ordinance to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.
6. Janitorial Service – Every dwelling of five or more dwelling units in which the owner or operator does not reside shall have a janitor if found necessary by the board.
7. Transfer of Responsibility – A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder shall not relieve any part of his direct responsibility under this ordinance.
8. Notice of Maximum Occupancy – Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this ordinance.

**SECTION XIII – EXCEPTIONS:** An ordinance, code or by-law adopted pursuant to the authority of this chapter may provide that any dwelling, building or structure situated within an historic district that is established under RSA 31:89-b or within such other classes of dwellings, building or structures as the governing body shall determine to have special significance to the public interest and shall expressly define in such ordinance, code or by-law, may be approved by the Board of Selectmen as a special exception, after public hearing, and the provisions of such ordinance, code or by-law may be waived in their application to such dwelling, building or structure, in whole or in part or otherwise so modified as the Newport Housing Board may determine.

**SECTION XIV – VACATING OF DWELLING WHICH HAS BEEN DETERMINED UNFIT FOR HUMAN HABITATION:**

Any dwelling, which has been determined unfit for human habitation by the board, shall be vacated within the time specified by the order of the board pursuant to Section 5 above. Nor shall any owner or operator permit any person to occupy any dwelling contrary to the terms of said order. No person shall deface or remove the placard or placards from any dwelling, which has been determined unfit for human habitation and placarded pursuant to Section 5 above, except as, provided in Section 5.

**SECTION XV – PENALTY:** Any person violating any of the provisions of this ordinance or failing to obey any order issued pursuant hereto, shall be guilty of a misdemeanor, and shall be subject to a fine not exceeding fifty (\$50.00) dollars for each offense; and each day's failure to comply with any such provision or order shall constitute a separate offense.

**SECTION XVI – SAVING CLAUSE:** The invalidity of any section, subsection, or other provision of this ordinance shall not invalidate any other section, subsection, or provision hereof.

**SECTION XVII – EFFECTIVE DATE:** This ordinance shall take effect upon its passage.

Originally ADOPTED AT SPECIAL TOWN MEETING – SEPTEMBER 20, 1988  
Amended at Town Meeting—May 8, 2012