



Town of Camden

P.O. DRAWER 1002
CAMDEN, DELAWARE 19934

Housing Code Ordinance Number 52

SECTION 1 General Provisions

§ 1.1. Title and scope.

This ordinance shall be known as the "Town of Camden Housing Code," which establishes minimum property maintenance standards for structures covered by this ordinance and is herein sometimes referred to as the "Town Housing Code" or "code" and shall apply to and include the entire Town of Camden, Delaware.

§ 1.2. Purpose.

This ordinance is intended to protect the public safety, health and welfare, in existing residential structures and on existing residential premises, as hereinafter provided, by:

- A. Establishing minimum maintenance standards for existing residential structures and premises for basic equipment and facilities for light, ventilation, heat and sanitation, for safety from fire, for space and for safe and sanitary maintenance of existing structures and premises;
- B. Fixing the responsibilities of owners, operators and occupants of all structures; and
- C. Providing for administration, enforcement and penalties.

§ 1.3. Applicability.

The provisions of the Town Housing Code shall apply to existing residential structures used for human habitation. The provisions are designed to eliminate or prevent substandard conditions with respect to structures, protect against fire hazards, provide for adequate space for light and air, provide for proper heating and ventilating and eliminate unsanitary conditions and overcrowding. Every portion of a building or premises used or intended to be used for residential purposes shall comply with the provisions of this ordinance.

§ 1.4. Interpretation.

The provisions of this ordinance shall be liberally interpreted so as to minimize displacement of persons whose dwelling units may deviate from this ordinance's specifications but do not pose an imminent threat to the health, safety and general welfare of the occupants and other persons. Additionally, this ordinance is to be liberally interpreted so as to minimize hardships to persons

that inhabit or own dwelling units which deviate from this ordinance's specifications but do not pose an imminent threat to the health, safety and general welfare of the occupants and other persons.

§ 1.5. Effect on other regulations; unsafe buildings; exceptions:

- A. This ordinance does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings and facilities related thereto.
- B. Nothing in this ordinance shall be deemed to abolish or impair existing rights or remedies of the Town of Camden or its officers or agencies relating to the removal or demolition of any buildings which are deemed unsafe or unsanitary.
- C. As determined by the Code Enforcement Officer in any case, where a provision of any other ordinance, regulation or statute of the Town of Camden existing on the effective date of this ordinance or hereafter enacted establishes a lower standard for the promotion and protection of the safety and health of the public, the provisions of this ordinance shall govern.
- D. Hardship. When the literal application of the requirements of this ordinance would cause undue hardships or the displacement of low-income occupants with no affordable housing alternatives, an exception may be granted by the appropriate appeals board upon written petition. Such petition shall state the reason therefor. Such exceptions shall be made in writing. In such cases where it is necessary to make safe an unsafe structure or correct an unhealthy condition, every effort shall be made to make the necessary corrections without causing undue hardship to the occupant or owner and without causing the displacement of said persons.
- E. Special conditions. When unusual building conditions or building sites exist, the Code Enforcement Officer upon may grant an exception written petition. Such petition shall state what these special conditions are, and such exceptions shall be made in writing and only when it is clearly evident that reasonable safe and sanitary conditions are assured, and such exceptions shall be conditioned in such a manner to achieve those ends.

§ 1.6. Word usage and definitions.

- A. Word usage. Words used in the present tense include the future. The singular includes the plural, and the plural includes the singular. Unless otherwise expressly stated, where terms are not defined under the provisions of this ordinance, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply. Whenever the words "multifamily dwelling," "residence building," "dwelling unit," "mobile home" or "premises" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."
- B. As used in this ordinance, the following terms shall have the meanings indicated:

APPROVED — As applied to a material, device or method of construction, shall mean approved by the Code Enforcement Officer under the provisions of this ordinance or approved by other authority designated by law to give approval in the matter in question.

BASEMENT — That portion of a building which is partly below and partly above grade and having at least 1/2 its height below grade. (See "cellar.")

CELLAR — That portion of a building which is partly or completely below grade and having at least 1/2 its height below grade. (See "basement.")

CENTRAL HEATING — The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

CODE ENFORCEMENT OFFICER — The Enforcement Officer who is charged with the administration and enforcement of this ordinance or any duly authorized representative. The Code Enforcement Officer shall carry out his duties under the supervision of the Town Manager and shall be responsible to that official.

CONDEMN — To judge unfit for residential use or human occupancy.

CONDEMNATION — The act of judicially condemning.

DWELLING —

- (1) **ONE-FAMILY DWELLING** — A building containing one dwelling unit with not more than five lodgers or boarders.
- (2) **TWO-FAMILY DWELLING** — A building containing two dwelling units with not more than five lodgers or boarders per family.
- (3) **MULTI-FAMILY APARTMENT HOUSE** — A building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.
- (4) **BOARDINGHOUSE, LODGING HOUSE or TOURIST HOUSE** — A building arranged or used for lodging, with or without meals, for compensation, by more than five and not more than 20 individuals.
- (5) **DORMITORY** — A space in a building where group-sleeping accommodations are provided in one room or in a series of closely associated rooms for persons not members of the same family group.
- (6) **HOTEL** — Any building containing six or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests.
- (7) **MOBILE HOME** — A one-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or supported by other vehicles or trailers, but which is not self-propelled, and arriving at the site where it is to be occupied complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, supported on jacks or other foundations and connected to utilities and the like.

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

ENFORCEMENT OFFICER — The Enforcement Officer designated herein or otherwise charged with the responsibility of administering this ordinance or the Enforcement Officer's authorized representative.

EXTERIOR PROPERTY AREA — 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 may serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.

FAMILY — An individual or married couple and the children thereof, with not more than two other persons, living together as a single housekeeping unit in a dwelling unit.

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

HABITABLE SPACE — Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

HOTEL — See "dwelling."

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

JUNK VEHICLE — Any vehicle that is without a currently valid license plate or plates and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

- (1) RESTORABLE-- A junk vehicle that is in a condition whereby repairs to the same could be made to place it in operating condition without exceeding the estimated value when repaired.
- (2) WRECK — A junk vehicle in such condition that it is economically unsound to restore the same to operating condition considering the repairs to be made, age of the vehicle and market value of the vehicle if it were restored or in such condition that it warrants such classification.

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

MAINTENANCE — Conformance of a building and its facilities to the code under which the building was constructed.

MULTIFAMILY (MULTIPLE) DWELLING — See "dwelling."

OCCUPANT — Any person over one year of age (including the owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OPENABLE AREA — The part of a window 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 a premises which is let or offered for occupancy.

OVERCROWDED — A dwelling shall be overcrowded when its occupancy exceeds the maximum number of persons permitted in Section 2, § 2.5, L and Q.

OWNER — Any person, firm or corporation having a legal or equitable interest in the premises or any agent thereof.

PERSON — Any individual, corporation or partnership.

PLUMBING — The labor, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances.

PLUMBING FIXTURE — A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises or which requires both a water supply connection and a discharge to the drainage system of the premises.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon.

PUBLIC NUISANCE — Includes the following:

- (1) The physical condition or use of any premises regarded as a public nuisance at common law;

- (2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any premises designated as having unsanitary sewerage or plumbing facilities;
- (4) Any premises designated as unsafe for human habitation or use;
- (5) Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or unsecured so as to endanger life, limb or property;
- (6) Any premises from which the plumbing, heating or other facilities required by this ordinance have been disconnected, destroyed, removed or rendered ineffective or on which the required precautions against trespassers have not been provided;
- (7) Any premises which are unsanitary or which are littered with rubbish or garbage or which have an uncontrolled growth of weeds; or
- (8) Any structure or building that is in an advanced state of dilapidation, deterioration or decay; faulty in construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide adequate shelter; in danger of collapse or structural failure; and dangerous to anyone on or near the premises.

RENOVATION — Work on a building and its facilities to make it conform to present-day minimum standards of sanitation, fire and life safety.

RESIDENCE BUILDING — A building in which sleeping accommodations and toilet, bathing and cooking facilities as a unit are provided.

ROOMING HOUSE — Any residence building, or any part thereof, containing one or more rooming units in which space is let by the owner or operator to more than five persons who are not members of the family. (See "dwelling" and "boardinghouse.")

ROOMING UNIT — 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.

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

STRUCTURE — That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed to component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

SUPPLIED — Installed, furnished or provided by the owner or operator.

VENTILATION — The process of supplying and removing air by natural or mechanical means to or from any space.

(1) MECHANICAL — Ventilation by power-driven devices.

(2) NATURAL — Ventilation by opening to outer air, through windows, skylights, doors, louvers or stacks, without wind-driven devices.

WORKMANLIKE — Whenever the words "workmanlike state of maintenance and repair" are used in this ordinance, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

YARD — An open, unoccupied space on the same lot with a building extending along the entire length of the street or rear or interior lot line.

§ 1.7. Coordination of enforcement.

Inspection of premises and the issuing of orders in connection therewith under the provisions of this ordinance shall be the responsibility of the Code Enforcement Officer. When, in the opinion of the Code Enforcement Officer, it is necessary or desirable to have inspections of any conditions by any other agency, the Code Enforcement Officer shall arrange for this to be done in such a manner that the owners or occupants of the dwelling shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this section, when coordination of enforcement is required, shall be issued without the approval of the Code Enforcement Officer, and, before issuing any such order, the Code Enforcement Officer shall obtain the concurrence of any other department or agency having jurisdiction thereover.

SECTION 2 Minimum Conditions of Premises and Buildings

§ 2.1. Compliance with minimum requirements; inspections.

The provisions of this article shall describe the minimum conditions of residential premises and buildings to be used for human occupancy. Every residential building or structure occupied by humans and its premises shall comply with the conditions and standards herein prescribed when a deviation from such conditions and standards poses an imminent threat to the health, safety and general welfare of the occupants and other persons. The Code Enforcement Officer may cause periodic inspections to be made of residential buildings and premises to secure compliance with these requirements.

§ 2.2. Condition of premises.

- A. Responsibility. The owner of buildings and premises shall maintain such buildings and premises in compliance with these requirements. A person shall not occupy as owner-occupant, let to another for occupancy, or use premises, which do not comply with the following requirements of this section.
- B. Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.
- C. Sanitation. All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
- D. Containers. Garbage, vegetable wastes or other putrescent materials shall be stored in leak-proof containers, provided with close-fitting covers, for the storage of such materials until removed from the premises for disposal.
- E. Grading and drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon or within any structure located thereon.
- F. Insect and rat control. All premises shall remain free of insects, rats, vermin, or other pests in all exterior areas of the premises. An owner shall be responsible for extermination, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Extermination in the shared or public parts of the premises of other than a single-family dwelling shall be the responsibility of the owner.
- G. Noxious weeds. All premises in predominantly residential areas shall be kept free from weeds or plant growth, which is noxious or detrimental to the public health welfare and such weeds, or plant growth shall be trimmed to a height of not more than eight inches.
- H. Exhaust vents. Except as to previously existing and operating exhaust systems, no person shall construct, maintain or operate pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as

- I. to discharge directly upon abutting or adjacent public or private property or property of another tenant.
- J. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with Section 2, § 2.3 and 2.4.
- K. Motor vehicles. All premises, except as provided in other regulations, shall not contain any unregistered or non-inspected or junk vehicle that poses a threat to the health, safety and general welfare of the occupants or other persons. Not more than two currently unregistered or non-inspected vehicles, owned by the occupants, not posing a threat to the occupants or other persons' health and safety shall be parked in a predominantly residential area. Said vehicles shall not be in a state of disassembly or disrepair.

§ 2.3. Exterior structure.

- A. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.
- B. Structural members. All supporting structural members of all structures shall be maintained structurally sound, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.
- C. Exterior surfaces (foundations, walls, and roof). Every foundation, exterior wall and roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition to exclude rats.
- D. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, plumb and free from open cracks and breaks, except as necessary to release excessive water pressure on the wall so as not to be detrimental to public safety and welfare.
- E. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof to prevent deterioration.
- F. Roofs. The roof shall be structurally sound and tight and not have defects, which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
- G. Decorative features. All cornices, trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- H. Signs, marquees and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and sound condition and shall be protected from the elements and against decay.

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- I. Chimneys. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay.
- J. Stairs and porches. Every stair, porch and balcony, and all appurtenances attached thereto, shall be so maintained as to be safe to use and capable of supporting the loads to which it may be subjected and shall be maintained in sound condition and repair.
- K. Window and door frames. Every window, door, and frame shall be maintained in such relation to the adjacent wall construction to exclude rain as completely as possible and to substantially exclude wind from entering the building.
- L. Weatherproof. Every window and exterior door shall be fitted reasonably in its frame and be weatherproof. Weather stripping shall be used as necessary to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.
- M. Glazing. Every required window sash shall be fully supplied with glazing materials, which securely hold in place window glass.
- N. Windows. Every window, other than a fixed window, shall be capable of being opened and shall be held in position by window hardware.
- O. Door hardware. Every exterior door, door hinge and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.
- P. Basement and window hatchways. Every basement or cellar hatchway or window shall be so maintained as to prevent the entrance of rats, rain, and surface drainage into the structure.

§ 2.4. Interior structure.

- A. General. The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.
- B. Structural members. The supporting structural members of every building shall be maintained structurally sound; not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.
- C. Interior surfaces. Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition.
- D. Lead-based paint. Lead-based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling or dwelling unit, including fences and outbuildings, upon any premises.
- E. Bathroom and kitchen floors. Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained to permit such floor to be easily kept in a clean and sanitary condition.
- F. Free from dampness. Cellars, basements, and crawl spaces shall be maintained free from standing water to prevent conditions conducive to decay or deterioration of the structure.

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- G. Sanitation. The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse, or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities.
- H. Storage. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.
- I. Insect and rat harborage. All structures shall be kept free from insect and rat infestation, and where insects or rats are found, they shall be promptly exterminated by acceptable processes,
- J. which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- K. Exit doors. Every door available as an exit shall be capable of being opened easily from the inside.
- L. Stairs, porches and railings. Stairs, porches, railings, and other exit facilities shall be adequate for safety.
- M. Exit facilities. All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

§ 2.5. Light, ventilation and space requirements.

- A. General. All spaces or rooms shall be provided sufficient light so as not to endanger health and safety. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.
- B. Light in habitable rooms. Every habitable room, except kitchens, toilet rooms, basement, or cellar rooms and interior rooms of townhouses and row houses, shall have at least one window facing directly to the outdoors, a court or a porch. Every habitable room, except kitchens and toilet rooms shall have at least one door or window, which can be opened to adequately ventilate the room. Kitchens, toilet rooms with windows, basement or cellar rooms and interior rooms of townhouses and row houses shall have natural or mechanical ventilation.
- C. Common halls and stairways. Every common hall and stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a sixty-watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.
- D. Other spaces. All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances and fixtures.
- E. Toilet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsection B, except that a

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- F. window shall not be required in bathroom or water closet compartments equipped within an approved mechanical ventilation system.
- G. Cooking. Primary cooking facilities shall not be permitted in any sleeping room or dormitory unit, except for efficiency apartments.
- H. Separation of unit. Dwelling units shall be separate and apart from each other. With the exception of crib rooms or rooms accommodating handicapped individuals, sleeping rooms shall not be used as the only means of access to other sleeping rooms.
- I. Privacy. Hotel units, lodging units and dormitory units shall be designed to provide privacy and be separate from other adjoining spaces.
- J. Common access. A habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes.
- K. Basement rooms and cellar rooms. Basement and cellar rooms partially below grade shall not be used for sleeping purposes unless the basement and cellar room (or rooms) is (are) within the specifications for sleeping rooms as provided for in this ordinance.
- L. Dwelling units. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. The floor area shall be calculated based on the total area of all habitable rooms.
- M. Area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 64 square feet of floor area.
- N. Overcrowding. If any room used for residential purposes is overcrowded, as defined in Section 1 § 1.6, the Code Enforcement Officer may order the number of persons sleeping or living in said room to be reduced.
- O. Prohibited use. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.
- P. Minimum ceiling heights. Habitable rooms shall have a clear ceiling height over the minimum area required by this ordinance at not less than seven feet four inches, except that in attics, basements or top-half stories the ceiling height shall be not less than seven feet over not less than 1/3 of the minimum area required by this ordinance when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.
- Q. Minimum ceiling heights in mobile homes. Habitable space in a mobile home shall have a minimum ceiling height of seven feet over 50% of the floor area, and the floor area where the ceiling height is less than five feet shall not be considered in calculating floor area.
- R. Required space in mobile homes. Every mobile home shall contain a minimum gross floor area of not less than 150 square feet for the first two occupants and 100 square feet for each additional occupant.

§ 2.6. Plumbing facilities and fixtures.

- A. General. Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste.

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- B. Water closet and lavatory. Every dwelling unit shall contain a lavatory and a water closet supplied with cold running water. The water shall not be located in a habitable room. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.
- C. Bathtub or shower. Every dwelling unit shall contain a room, which affords privacy to a person in, said room and which is equipped with a bathtub or shower supplied with hot and cold running water.
- D. Sink. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Subsection B and shall be supplied with hot and cold running water.
- E. Rooming house. At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- F. Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub, or shower shall be supplied with hot and cold water at all times.
- G. Privacy. Toilet rooms and bathrooms shall be designed and arranged to provide privacy.
- H. Direct access. Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space or to the exterior. At least one toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.
- I. Same story. Toilet rooms and bathrooms serving hotel units, lodging units or dormitory units, unless located within such respective units or directly connected thereto, shall be provided on the same story with such units and be accessible only from a common hall or passageway.
- J. Floors. Bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.
- K. Connections. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed.
- L. Maintained clean and sanitary. All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.
- M. Access for cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixtures and the areas about them.
- N. Water conservation. Plumbing fixtures, which are replaced, shall be of water-saving construction and use.
- O. Contamination. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

- P. Supply. The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- Q. Water-heating facilities. Water-heating facilities shall be properly installed, properly maintained, and properly connected with hot-water lines to the fixtures required to be supplied with the hot water. Water-heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units at a temperature of not less than 110° F.
- R. Connections. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- S. Maintenance. Every plumbing stack and waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards.
- T. Storm drainage. An approved system of stormwater disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts and other open areas on the premises.

§ 2.7. Heating, cooking and refrigeration.

- A. Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65° F. at a point three feet above the floor and three feet from an exterior wall in all habitable rooms, bathrooms and toilet rooms.
- B. Cooking facilities. In every dwelling unit that contains cooking and baking facilities for the purpose of preparation of food, such facilities shall be properly installed by the owner, operated, and kept in a clean and sanitary working condition by the occupant.
- C. Refrigeration. In every dwelling unit that contains a refrigeration unit for the temporary preservation of perishable foods, such unit shall be capable of maintaining an average temperature below 45° F. and shall be properly installed by the owner and operated and kept in a clean and sanitary working condition by the occupant.
- D. Cooking and heating equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards.
- E. Installation. All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.
- F. Flue. All fuel-burning equipment designed to be connected to a flue; chimney or vent shall be connected in an approved manner.
- G. Clearances. All required clearances from combustible materials shall be maintained.
- H. Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

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- I. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided to the fuel-burning equipment.
- J. Fireplaces. Fireplaces and other devices intended for use similar to a fireplace, including wood- and coal-burning stoves, shall be stable and structurally safe and connected to approved chimneys.
- K. Climate control. When facilities for interior climate control (heating, cooling or humidity) are integral functions of structures used as dwelling units, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

§ 2.8. Electrical facilities.

- A. Outlets required. Where there is electric service available to a structure, every habitable room of a dwelling unit and every guestroom shall contain at least two separate and remote outlets, one of which may be a ceiling- or wall-type electric light fixture. In a kitchen, three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling- or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.
- B. Installation. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.
- C. Defective system. Where it is found, in the opinion of the Code Enforcement Officer, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.

§ 2.9. Firesafety.

- A. General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street or to a yard, court or passageway leading to a public open area at grade.
- B. Direct exit. Every dwelling unit or guestroom shall have access directly to the outside or to a public corridor.
- C. Locked doors. All doors in the required means of egress shall be readily operable from the inner side. Exits from dwelling units, hotel units, lodging units and dormitory units shall not lead through other such units or through toilet rooms or bathrooms.
- D. Fire escapes. All required fire escapes shall be maintained in working condition and structurally sound.
- E. Exit signs. All exit signs shall be maintained, illuminated and visible.
- F. Accumulations. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

- G. Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.
- H. Residential unit. A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110° F. or lower.
- I. Fire alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.
- J. Fire suppression system. Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint and not bent or damaged.
- K. Fire extinguishers. All portable fire extinguishers shall be visible, accessible, and maintained in an efficient and safe operating condition.

§ 2.10. Responsibilities of occupants and owners.

- A. Cleanliness. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.
- B. Disposal of rubbish. Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight-fitting covers as required by this ordinance.
- C. Disposal of garbage. Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner, securely wrapping such garbage and placing it in tight garbage storage containers as required by this ordinance, or by such other disposal method as may be required by applicable laws or ordinances.
- D. Rubbish storage facilities. Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator, or agent in control of such dwelling shall be responsible for the removal of such rubbish.
- E. Food preparation. All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage when necessary.
- F. Supplied fixtures and equipment. The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- G. Furnished by occupant. The equipment and fixtures furnished by the occupant of the structure shall be properly installed and shall be maintained in good working condition, kept clean, sanitary, and free of defects, leaks, or obstructions.

§ 2.11. Extermination.

- A. Owner. The owner of any structure shall be responsible for the extermination of insects, rats, vermin, or other pests within the structure before renting, leasing or selling the structure.
- B. Tenant-occupant. The tenant-occupant of any structure shall be responsible for the continued ratproof condition of the structure, and if the tenant-occupant fails to maintain the ratproof condition, the cost of extermination shall be the responsibility of the tenant-occupant.
- C. Single occupancy. The occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rats, or other pests in the structure or on the premises.

SECTION 3 Administration and Enforcement
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§ 3.1. Administrative liability.

Except as may otherwise be provided by state statute, no officer, agent or employee of the Town of Camden charged with the enforcement of this ordinance shall be rendered personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this ordinance. No person who institutes or assists in the prosecution of a criminal proceeding under this ordinance shall be liable for damage therefor unless such person acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any civil suit brought against any officer, agent or employee of the Town of Camden as a result of any act required or permitted in the discharge of duties under this ordinance shall be defended by the Town Solicitor until the final determination of the proceedings therein.

§ 3.2. Conflict of interest.

No officer or employee who has an official duty in connection with the administration and enforcement of this ordinance shall be financially interested in the furnishing of labor, materials or appliances or the construction, alteration or maintenance of a building or in making the plans or specifications therefor unless that person is the owner of such building. No such officer or employee shall engage in any activity, which is inconsistent with the public interest and the officer's official duties.

§ 3.3. Records.

The Code Enforcement Officer shall keep or cause to be kept records concerning the enforcement of this ordinance's provisions, which records shall be opened to public inspection.

§ 3.4. Powers and duties of Code Enforcement Officer.

- A. General. The Code Enforcement Officer shall enforce all the provisions of this ordinance relative to the maintenance of structures and premises, except as may otherwise be specifically provided by other regulations.
- B. Notices and orders. The Code Enforcement Officer shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this ordinance's requirements for the safety, health, and general welfare of the public.
- C. Inspections. In order to safeguard the safety, health, and welfare of the public, the Code Enforcement Officer is authorized to enter any structure or premises at any reasonable time for making inspections and performing duties under this ordinance.

- D. Right of entry. If any owner, occupant or other person in charge of a structure subject to the provisions of this ordinance refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this ordinance is sought, the Code Enforcement Officer may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
- E. Access by owner or operators. Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this ordinance.
- F. Credentials. The Code Enforcement Officer or the Code Enforcement Officer's authorized representative shall disclose proper evidence of his/her respective office for the purpose of demonstrating authority to inspect any and all buildings and premises in the performance of duties under this ordinance.
- G. Rulemaking authority. The Code Enforcement Officer shall have power as may be necessary in the interest of public safety, health and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this ordinance to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions, with concurrence of the Town Manager.
- H. Annual report. At least annually, the Code Enforcement Officer shall submit to the Town Council a written statement of activities in a form and content as shall be prescribed by the Town Manager.

§ 3.5. Condemned structures and equipment.

- A. General. When a structure is found by the Code Enforcement Officer to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, it may be condemned following the provisions of this ordinance and may be placarded and vacated. Such condemned structure shall not be reoccupied without approval of the Code Enforcement Officer, but such approval may not be withheld upon completion of specified corrections of violations.
- B. Unsafe structure. An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or the structure's occupants because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.
- C. 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 such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- D. Structures unfit for human occupancy. A structure is unfit for human occupancy or use whenever the Code Enforcement Officer finds that it is unsafe or because it lacks

maintenance and is in extreme disrepair, 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 ordinance.

- E. Closing of vacant structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Code Enforcement Officer may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the Code Enforcement Officer shall cause it to be closed through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate in accordance with Section 3, § 3.11.

§ 3.6. Notice and orders.

- A. Notice to owner or to person or persons responsible. Whenever the Code Enforcement Officer determines that there has been a violation of this ordinance or has reasonable grounds to believe that a violation has occurred, or whenever the Code Enforcement Officer has condemned any structure or equipment under the provisions of Section 3, § 3.5, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the Code Enforcement Officer has condemned the property or part thereof, the Code Enforcement Officer shall give notice to the owner and to the occupants of the intent to placard and to order vacation of the premises or to order equipment out of service.
- B. The owner or occupier or the agent of the owner or occupier of any lot, place or area having in any calendar year received notice pursuant to the provisions of Section 3, § 3.6 shall be deemed to have received notice for the remainder of the year that on the first day of each month, thereafter, the town may, without further notice, cut, destroy and remove all unregulated growth lying or located on such owner's or occupier's property or upon the sidewalk abutting the same and that the cost of such removal shall be charged and collected in accordance with the provisions of this ordinance.
- C. Form. Such notice shall:
- (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the reason or reasons why it is being issued;
 - (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this ordinance;
- D. Service. Such service shall be deemed properly served upon such owner and/or occupant if a copy thereof is delivered to the owner and/or occupant personally or by leaving the notice at the usual place of abode in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof or by certified or registered mail service addressed to the owner and/or occupant at his or her last known address. If the

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owner, agent, or person in control is not found, a copy of the notice posted in a conspicuous place on the premises shall be deemed the equivalent of personal service, upon posting. Any notice herein shall, if mailed, be deemed effective upon mailing.

- E. Service on occupant. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.
- F. Penalties. Failure to comply with orders and notices shall be subject to the penalties set forth in Section 3, § 3.9.
- G. 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 property to another until the provisions of the compliance order or notice of violation have 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 Enforcement Officer and shall furnish to the Code Enforcement Officer 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.

§ 3.7. Posting of Placard.

- A. Posting of Placard on structure. After the condemnation notice required under the provisions of this ordinance has resulted in an order by virtue of failure to comply within the time given, the Code Enforcement Officer may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words "Condemned as unfit for human occupancy or use" and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations and all other occupants shall remove themselves from the property on failure to comply with the correction order in the time specified.
- B. Prohibited use. Any person who shall occupy a placarded premises or structure or part thereof or shall use placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be subject to the penalties set forth in Section 3, § 3.9.
- C. Removal of placard. The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placard action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Officer shall be subject to the penalties provided by this ordinance.

§ 3.8. Emergency orders.

Whenever a Code Enforcement Officer finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to

protect the public's health and safety or that of the occupants thereof, the Code Enforcement Officer may, with proper notice and service in accordance with the provisions of Section 3, § 3.6, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the Code Enforcement Officer deems necessary to meet such emergency. Notwithstanding other provisions of this ordinance, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

§ 3.9. Violations and penalties.

- A. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this ordinance or cause the same to be done contrary to or in conflict with or in violation of any of the provisions of this ordinance.
- B. Penalty for violation. Any person who shall violate any provisions of this ordinance or who fails to comply with any notice or order issued by a Code Enforcement Officer pursuant to the provisions of this ordinance shall be fined not less than \$100.00 nor more than \$500.00. Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.

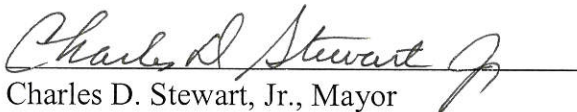
§ 3.10. Demolition.

- A. General. The Code Enforcement Officer may order the owner of the premises upon which is located any structure or part thereof which, in the Code Enforcement Officer's judgment, is so old or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use so that it would be unreasonable to repair the same to raze and remove such structure or part thereof, or, if it can be made safe by repair, to repair and make safe and sanitary or to raze 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 raze and remove such structure or part thereof.
- B. Order. The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any lien in the manner provided for service of a summons by a court of record. If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation.
- C. Restraining actions. Anyone affected by any such order may, within 30 days after service of such order, apply to a court of record for an order restraining the Code Enforcement Officer from razing and removing such structure or parts thereof. The court shall determine whether the order of the Code Enforcement Officer is reasonable, and, if found unreasonable, the court may issue a restraining order.
- D. Failure to comply. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer shall cause the structure or part thereof to be razed and removed, either through an available public agency or by

Section 4. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the Town of Camden shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED THIS 6th DAY OF OCTOBER, 2003.


Charles D. Stewart, Jr., Mayor

{SEAL}


Attested to:

1st Reading:

2nd Reading:

Public Hearing:

Adopted:

9/8/03
10/6/03
10/6/03
10/6/03