

ARTICLE XVI. RENTAL DWELLINGS

Sec. 14-516. Applicability of article provisions.

The provisions of this article shall apply to all rental dwellings/units within the town except those such as hotels, motels and rooming houses which are licensed pursuant to other ordinances.
(Code 1986, § 12-341)

Sec. 14-517. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Registrar means the building inspector of the town.

Rental dwelling means any enclosed space which is wholly or partly used or intended to be used for occupants who are paying rent therefore.

Rental unit means any room or group of rooms located within a rental dwelling and forming a single habitable unit for living and sleeping by occupants who are paying rent therefore.

(Code 1986, § 12-342)

Cross references: Definitions generally, § 1-2.

Sec. 14-518. Registration.

(a) Required. No rental dwelling/unit shall be let, leased or otherwise permitted to be occupied, in whole or in part, by a tenant for residential and/or dwelling purposes unless and until the record owner has registered such property with the building inspector.

(b) Form. The rental registration form shall indicate the tax assessor's plat and lot number, address of the rental dwelling/unit, the number of rental dwelling units therein, the name and permanent mailing address of the record owner, and the usual period of occupancy by tenants (summer, September to June, or other).

(c) Filing date; term. On or before December 31 of each year, the record owner of the rental dwelling/unit shall file the completed rental registration form with the registrar, which registration shall be valid for a one-year period from January 1 to December 31 of the following year. If the property is registered during the calendar year, the registration shall be valid until December 31 of that same year.

(Code 1986, §§ 12-343--12-345)

Sec. 14-519. Posting of notice by owner.

The record owner shall post in plain view, in a conspicuous place within the rental dwelling/unit, a notice containing the ordinances of the town with regard to the dog leash law, trash disposal, winter automobile parking ban, parking restrictions, noise ordinance, dwelling occupancy limits, and any other pertinent ordinance or law which the council may deem appropriate from time to time. Such notices shall be available at the office of the registrar. The record owner or any person in control or possession of said rental dwelling/unit subject to the provisions of this article, shall cause a copy of the current lease and registration form required by this article to be posted or affixed to the inside of the primary access door to said rental dwelling/unit so as to allow the lease and registration form to be readily available for inspection by police, zoning, building, or minimum housing officials of the Town of Narragansett.

(Code 1986, § 12-346; Ch. 844, § 1, 3-8-2004)

Sec. 14-520. Penalty for violation of article.

Record owners who violate the provisions of this article shall be subject to a minimum mandatory fine of \$500.00.

(Code 1986, § 12-347; Ch. 844, § 1, 3-8-2004)

Sec. 14-521. Fee.

To defray the cost of implementing and overseeing compliance with this article and to help defray the costs associated with the frequent use of Town services, including but not limited to public safety personnel, code compliance personnel and managerial personnel associated with the policing of rental dwellings, there shall be a registration fee of \$50.00 for each rental unit covered under the provisions of this article. Any owner who is required to file the registration form on or before December 31 of each year, and who does not file on time, shall, in addition to any other applicable penalties provided for herein, be required to pay a late fee of \$300.00 . (Ch. 844, § 1, 3-8-2004; Ch. 892 § 1, 9-4-2007)

Sec. 34-169. Sleeping space per person.

Every room in any rooming unit occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof. In type A rooming units consisting of only one room, the minimum floor space shall be 120 square feet for the first occupant and 50 additional square feet for the second occupant thereof.

Sec. 74-26. Authority of town manager to prohibit parking.

The town manager shall have the authority to declare a total or partial ban on the parking of any vehicle on the public highways of the town when in his opinion the public safety of residents of the town is or will be jeopardized.

(Code 1986, § 19-21)

Sec. 74-27. Manner of parking.

The right wheels of all parked vehicles, as determined by sitting in the driver's seat, shall be within 12 inches of the curb or, in the absence of curbing, within 12 inches of the edge of the paved surface. On unpaved roads, vehicles shall park so as not to interfere with free flow of traffic in both directions at the same time. This right wheel provision does not apply to public highways when the direction of traffic is restricted in one direction.

(Code 1986, § 19-22)

Sec. 74-28. Parking during winter months.

(a) There shall be no parking on either side of any public street or highway within the town from November 15 to April 1 of each year when a traveler's advisory, winter storm warning, or winter storm watch has been issued by the National Weather Service. This restriction shall remain in effect for a period of 24 hours after the lifting of any such traveler's advisory, winter storm warning, or winter storm watch by the National Weather Service.

(b) Any vehicle parked in violation of this section shall be towed away, and the owner of such vehicle shall be liable for the cost of towing, storage and other incidental expenses in connection with such towing and shall be fined in accordance with section 74-4.

(Code 1986, § 19-23)

Sec. 46-10. Unlawful possession or consumption of alcoholic beverages by underage persons.

(a) No person who exercises control over private real property may knowingly allow any other person under the age of 21 years who is not a child or minor ward of the person to possess or consume alcoholic beverages on the property, or allow any other person under the age of 21 years who is not a child or minor ward of the person to remain on the property if the person under the age of 21 years possesses or consumes alcoholic beverages on the property. The prohibitions of this subsection apply only to a person who is present and in control of the location at the time the possession or consumption occurs. The prohibitions of this subsection do not apply to the owner of rental property, or the agent of an owner of rental property, unless the possession or consumption occurs in the individual unit in which the owner or agent resides or unless the possession or consumption occurs while the owner or agent is present on the property.

(b) Nothing contained in this chapter shall be construed as prohibiting a parent or legal guardian of a minor from giving a minor alcoholic beverages or permit a minor to consume it within the home of the parent or legal guardian of the minor or at other private places not in view of the public where the parent or legal guardian is present.

(Ch. 848, § 6-21-2004)

Sec. 46-11. Permit to possess kegs required.

- (a) **Definitions.** For the purpose of this section the following definitions shall apply:
The definitions contained in the Narragansett Zoning Ordinance [Appendix A of this volume] are hereby incorporated herein as if fully set forth in their entirety.
Intoxicating liquor, Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.
Kegs. Containers designed for and capable of holding intoxicating or non-intoxicating malt liquor to be dispensed from a tapper.
No intoxicating malt liquor. Malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.
- (b) **Permit to possess kegs required.** Any individual of lawful age under the laws of the State of Rhode Island may possess a keg in a residentially zoned area or dwelling unit within the Town of Narragansett after first having obtained a permit and permit sticker from the office of the town clerk.
- (c) **Permit fee.** The permit fee for each keg shall be \$5.00.
- (d) **Limitations.** All permits authorized under this section shall be subject to the following limitations:
- (1) The permit is valid for possession of one keg containing up to 16 gallons. No person may possess more than one permit.
 - (2) No more than one keg may be possessed within any dwelling unit, lodging house, or rooming house located in a residentially zoned area within the Town of Narragansett. No resident shall possess or allow any other person to possess a keg contrary to this section.
 - (3) No application shall be approved without the applicant first providing written authorization from the owner of the premises where the applicant will be possessing the keg.
- (e) **Application for permit and permit sticker.** Any person desiring to obtain a permit to possess a keg shall fill out an application at the office of the town clerk setting forth the applicant's full name, address and telephone number and the address within Narragansett, Rhode Island, where the applicant will be possessing the keg. In addition, the applicant will be required to provide proof of identity and age in the form of a valid Rhode Island driver's license or identification card, or valid driver's license from another jurisdiction. Falsifying any information requested on the permit application shall constitute a violation of this section. At the time of issuance of the permit, a permit sticker shall be issued to the applicant. The permit sticker shall be immediately and firmly affixed by the applicant to the keg utilizing the adhesive on the sticker and placing the sticker in a clearly visible location upon the purchase of the keg.
- (f) **Return of permit.** Prior to the issuance of any subsequent keg permit and permit sticker, the preceding permit issued and the remains of the permit sticker must be returned to the Office of the Narragansett Town Clerk or in the alternative a minimum of 30 days shall have elapsed since the date of issuance of the previous permit.
- (g) **Persons ineligible for permit.** No person shall be issued a keg permit if that person has been convicted of a violation of this section which occurred within the previous 365 days.
- (h) **Prohibitions.** It shall be unlawful for any person to possess a keg within a residential zone or dwelling unit within the Town of Narragansett without having first obtained a permit and permit sticker as set forth herein. A permitted shall have the permit present at the location where the keg is possessed at all times, and shall exhibit the permit upon the request of any authorized officer. Any keg that does not have the required permit sticker shall be seized by the police department and held pending final disposition of any charges brought in the Narragansett Municipal Court.
- (i) **Duty of licensed liquor establishment.** Each liquor establishment located in the Town of Narragansett and offering for sale kegs containing no intoxicating or intoxicating malt liquor for consumption off-premises, shall, as a condition of said license, post in a conspicuous location within five feet of the check-out location in the establishment, a notice provided by the Narragansett Police Department regarding the provisions of this section.

Sec. 46-11. Permit to possess kegs required. (Continued)

- (j) Exceptions. Any person or premises licensed to sell intoxicating liquor under any other provision of state law or local ordinance may possess kegs and are specifically exempted from the provisions of this section.
- (k) Penalties. Any violation of this section shall be punishable by a fine not to exceed the maximum allowable in the Narragansett Municipal Court and/or imprisonment of not more than 30 days.
(Ch. 850, § 1, 7-7-2004)

Sec. 6-21. Running at large.

(a) Prohibited generally. Every owner or keeper of a dog of any age whatsoever in the town shall not allow such dog to be at large outside the enclosure of such owner or keeper, but shall cause such dog when outside the enclosure of such owner or keeper to be kept on a leash.

(b) Impoundment; fee and notice. Every dog found wandering at large on any sidewalk or in any street or highway in the town, or anywhere outside the enclosure of its owner or keeper shall be impounded by the animal control officer, who shall receive \$25.00 for the use of the town for impounding such dog for the first time; \$50.00 for the second time and \$75.00 for each time after the second time that the dog is impounded for wandering at large. In addition thereto, \$5.00 per day shall be paid for the services of the animal control officer for each day the dog is impounded for its feeding and care. If the owner or keeper of such dog shall not, within 24 hours from such impounding, seek the release of such dog, the animal control officer shall notify such owner or keeper of such dog, if known, of such impounding.

(Code 1986, § 3-17; Ch. 788, § 1, 8-16-1999)

State law references: Fine for violation, authority to permit citation and fine payment by mail, G.L. 1956, § 4-13-1(8); unrestricted dogs, fine, G.L. 1956, § 4-13-15.1.

Sec. 6-22. Dog bites.

(a) Impoundment; investigation. Every dog, outside the enclosure of its owner or keeper, which shall bite or assault a human being, may be impounded immediately upon the filing of a written complaint with the animal control officer or the police department. The dog may be kept impounded until disposition of the case by a court of competent jurisdiction in accordance, with the provisions of this division. In making the investigation of the incident referred to in this subsection, it shall be the duty of the police and the animal control officer to inform the dog owner of the provisions of this section. (b)

Penalties. The owner or keeper of any dog which bites or assaults a human being as provided in subsection (a) of this section may be fined \$25.00 for the first offense, \$50.00 for the second offense within a year, \$75.00 for the third and any subsequent offense within a year, or the court may order destruction of the dog for the first offense or any subsequent offense. In addition to the above penalties, the owner or keeper shall pay the sum of \$5.00 per day for the services of the animal control officer for each day the dog is impounded.

(Code 1986, § 3-19; Ch. 788, § 1, 8-16-1999)

State law references: Fines, G.L. 1956, § 4-13-1(8); authority regarding vicious dog, G.L. 1956, § 4-13-19; rabies control, G.L. 1956, § 4-13-31; vicious dogs, G.L. 1956, §§ 4-13.1-3, 4-13-15.1.

Sec. 6-23. Redemption of impounded dogs.

To obtain the release and possession of an impounded dog, the owner or keeper of the dog impounded shall pay the animal control officer the fees provided in this division together with the expense of advertising, if any; shall provide proof of the dog being licensed; and shall provide proof of a current rabies vaccination. The owner or keeper of the dog impounded shall be liable to pay the impound fees regardless of whether the owner or keeper seeks release of the impounded dog. A failure to pay the fees shall be deemed to be an offense under this article.

Sec. 22-46. Noise disturbance prohibited generally.

(a) No person shall make, continue or cause to be made or continued, except as permitted in this article, any noise or sound which constitutes a noise disturbance. In the absence of specific maximum noise levels, a noise level must exceed the ambient noise level by five dBA or more, when measured at the nearest property line or, in the case of a multifamily residential building, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, in order to constitute a noise disturbance.

(b) Any person, including a police officer, or a municipal zoning or building official, may be a complainant for the purposes of instituting action for any violation of this chapter. For any violation of this section, the receiving land use involved may include real property contiguous to, or bounding the real property containing the source of the sound which is the subject of the violation.

(Code 1986, § 9-15; Ch. 849, § 1, 7-7-2004)

Sec. 22-47. Maximum permissible sound levels by receiving land use.

(a) With the exception of sound levels elsewhere specifically authorized or allowed in this article or exempted by this article or by variance, the following are the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use:

Table I. Zoning District Noise Standard

Maximum Allowable Octave Band Sound Pressure Levels

TABLE INSET:

Octave band center frequency (HZ)	Residential		Business Zones (BA, BB, and BC)			Industrial Zones (IA and IB)		All other times
	Daytime *	All other times	Daytime *	All other times	Daytime *	All other times		
31.5	76	68	79	72	83	65	55	70
63	75	67	78	71	83	65	55	70
125	69	61	73	65	77	65	55	70
250	62	52	68	57	73	65	55	70
500	56	46	62	51	67	65	55	70
1,000	50	40	56	45	61	65	55	70
2,000	45	33	51	39	57	65	55	70
4,000	40	28	47	34	53	65	55	70
8,000	38	26	44	32	50	65	55	70
Single number equivalent			60 dB(A)	50 dB(A)	65 dB(A)	55 dB(A)	70 dB(A)	

*8:00 a.m.--10:00 p.m.

(b) For any source of sound which emits a pure tone, the maximum sound level limits set forth in subsection (a) of this section shall be reduced by five dBA.

(c) Exceptions to table I are activities covered by sections 22-48, 22-52, 22-54, and 22-59.

(Code 1986, § 9-16; Ch. 849, § 1, 7-7-2004)

Sec. 22-48. Emergency signaling devices.

(a) No person shall operate or permit the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b) of this section.

(b) Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed 60 seconds. (Code 1986, § 9-17)

Sec. 22-49. Specific activities prohibited.

The following actions are prohibited only when causing a noise disturbance as defined in this article:

- (1) Hawkers and peddlers. No person shall create a noise disturbance by offering for sale or selling anything by shouting or outcry across a real property boundary. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events.
 - (2) Vehicle or motorboat repairs or testing. No person shall repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a real property boundary.
 - (3) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning.
 - (4) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving device, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
 - (5) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m.
 - (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such condition as to create a noise disturbance.
 - (8) Loading, unloading, opening boxes. The creation of a noise disturbance in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (9) Schools, courts, churches, hospitals. The creation of any noise disturbance on any street adjacent to any school, institution of learning, church or court while the school, institution of learning, church or court are in use, or adjacent to any hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
 - (10) Disorderly house. No person shall do either of the following:
 - a. Keep a disorderly house whereby the peace, comfort, or decency of a neighbor is habitually disturbed; or
 - b. Being the owner of and in control of the premises to permit them to be so used;
 - c. For purposes of this section a disorderly house is defined as a residence or dwelling in which two noise disturbances resulting in convictions in the municipal court have occurred within a period of 12 months or less;
 - d. The owner of any such residence or dwelling may assert as a defense reasonable efforts to take action against the perpetrators of the violation of this article, including the initiation of eviction proceedings pursuant to Rhode Island General Laws.
- (Code 1986, § 9-18; Ch. 849, § 1, 7-7-2004)

Sec. 22-50. Musical instruments and similar devices.

No person shall operate, play or permit the operation of any musical instrument, phonograph or other machine or device for the production or reproduction of sound, including but not limited to any stereo, radio, television, musical instrument or other noise making device for the producing or reproducing of sound within a motor vehicle, using or operating such instrument or device and such persons who are voluntarily listeners thereto or in such manner as to constitute a noise disturbance. In addition, the operation of any such instrument, phonograph, television, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be a violation of this section; provided, that nothing contained in this section shall prohibit performances by the ringing of bells in a tower, or by a band or orchestra in a hall, building or in the open air that is otherwise in compliance with local ordinances. (Code 1986, § 9-19; Ch. 849, § 1, 7-7-2004)

Sec. 22-60. Penalties for violation of article.

(a) The penalty for violation of any section of this article shall be up to the maximum allowed by state law for municipalities to impose on ordinance violations as follows:

(1) The first offense shall be punished by the issuance of an order to cease and desist the violations and by a fine of up to \$200.00 or imprisonment of not more than 30 days.

(2) The second offense within a six-month period shall be punished by the issuance of an order to cease and desist the violation and by a fine of not less than \$350.00 or imprisonment of not more than 30 days.

(3) The third and all subsequent offenses shall be punished by the issuance of an order to cease and desist the violation and a fine of not less than \$400.00 or imprisonment of not more than 30 days.

(b) Each noise disturbance shall be considered a separate offense.

(c) Notwithstanding the above, any violation of this chapter which occurs in an area zoned residential by the Zoning Ordinance of the Town of Narragansett shall be subject to a minimal mandatory fine of \$500.00.

(Code 1986, § 9-29; Ch. 849, § 1, 7-7-2004)

TOWN OF NARRAGANSETT

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND ENTITLED "HOUSING".

The Town Council of the Town of Narragansett hereby ordains as follows:

SECTION 1. Chapter 34 of the Code of Ordinances of the Town of Narragansett, Rhode Island entitled "Housing" is hereby amended as follows:

DIVISION 6. -ROOMINGHOUSES

Sec. 34-159. - Solid waste and recycling storage and disposal.

The building owner or his agent shall be responsible for the supply, maintenance and cleanliness of adequate and separate solid waste and recycling storage containers approved as to type and location. The occupant shall be responsible for the removal of all solid waste and recycling from the rooming unit and the storage of such solid waste and recycling in a clean and sanitary manner by placing it in the required containers. All such solid waste and recycling collection and disposal facilities shall comply with the requirements set forth in section 34-186(h) and section 62.

(Code 1986, § 10-169)

Cross reference— Solid waste, ch. 62

DIVISION 7. -STANDARDS GENERALLY

Sec. 34-186. - Sanitary facilities, plumbing and drainage.

- (a) *Compliance.* No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit which does not comply with the requirements of this section.
- (b) *Kitchen sink.* Every dwelling unit shall be supplied with a kitchen sink located in the kitchen or adjacent kitchen pantry and properly connected to an approved water supply and sewage system, all in good working condition.
- (c) *Flush toilet; lavatory basin.* Every dwelling unit shall be supplied within the dwelling unit with a room or compartment which affords privacy to a person therein and which shall be equipped with an approved flush toilet and a lavatory basin properly connected to an approved water supply and sewage system all in good working condition.

- (d) *Bathtub; shower bath.* Every dwelling unit shall have supplied within the dwelling unit a room or compartment which affords privacy to a person therein and which shall be equipped with a bathtub or shower bath properly connected to an approved water supply and sewage system all in good working condition.
- (e) *Hot water.* Every kitchen sink, lavatory basin, and bathtub or shower bath required under the provisions of subsections (b), (c) and (d) of this section shall be properly connected to hot and cold waterlines.
- (f) *Impervious flooring.* The floor surface of every bathroom and toilet room or compartment shall be constructed of material impervious to water. If the floor surface is constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the occupant.
- (g) *Grading; drainage.* The grading and draining of dwelling premises shall reasonably be such that no water shall be allowed to seep into any basement or cellar, or to accumulate or become stagnant therein or on the premises. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.
- (h) *Solid waste and recycling storage and disposal facilities.* Every dwelling shall have adequate and separate solid waste and recycling storage and disposal facilities and/or containers and must comply with the following regulations:
 - (1) All solid waste and recycling storage and disposal facilities must be covered.
 - (2) All solid waste and recycling containers stored outside must have lids or covers.
 - (2) No solid waste and recycling storage and disposal facility and no containers shall be stored in any front yard or minimum side yard.

(Code 1986, § 10-141)

Sec. 34-191. - Responsibilities of owners, operators and occupants.

- (a) *Applicability.* The provisions of this section shall pertain to the responsibilities of owners, operators and occupants of dwellings and their premises.
- (b) *Maintenance of private spaces.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and dwelling premises thereof which he occupies and controls.
- (c) *Maintenance of public spaces.* Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwelling and the premises of such dwelling. Occupants of two-family and three-family dwellings shall share the responsibility for maintaining in a clean and sanitary condition the common areas of the dwelling and the dwelling premises, but the owner shall be ultimately responsible therefor.

- (d) *Disposal facilities.* Every owner of a dwelling shall be responsible for the supply on the premises of such solid waste and recycling disposal facilities and separate storage containers for each dwelling thereon as are required by subsections 34-186(h) and shall be responsible that such facilities are maintained in good repair and sanitary condition. The owner shall provide for the proper collection and removal of their contents to an authorized disposal area on a weekly basis.
- (e) *Manner of solid waste and recycling disposal.* Every occupant of a dwelling or dwelling unit shall dispose of all solid waste and recycling in a clean and sanitary manner by placing it in the facilities provided as required by subsections 34-186(h) and subsection (d) of this section.
- (f) *Use of screens.* Every occupant of a dwelling or dwelling unit shall be responsible for the use of all screens whenever the same are required under the provisions of section 34-188(f).
- (g) *Extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any rodents, vermin or other pests therein or on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested; except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this division, extermination shall be the responsibility of the owner.
- (h) *Maintenance of plumbing and equipment.* Every occupant of a dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment therein.
- (i) *Discontinuance of utilities.* No owner, operator or occupant shall cause any service, facility, equipment or utility, which is required to be supplied by the provisions of this division to be removed from or shut off from or discontinued for any occupied dwelling, or dwelling unit, except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made or during other temporary emergencies when discontinuance of service is approved by the director.
- (j) *Occupancy of vacant units.* No person shall occupy as owner-occupant, or permit to be occupied by another, any vacant dwelling or dwelling unit unless or until it is in good repair, clean, sanitary, in habitable condition and in full compliance with all provisions of this division and the rules and regulations adopted pursuant thereto.
- (k) *Supplied heat.* Every owner or operator of a dwelling who permits to be occupied any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants of such dwelling unit, shall maintain therein from October 1 to May 1, a minimum air temperature level of not less than 68 degrees Fahrenheit at least three feet above floor level during an outside air temperature of zero degrees Fahrenheit or above between the hours of 6:30 a.m. and 11:00 p.m. and not less than 60 degrees Fahrenheit between the hours of 11:00 p.m. and 6:30 a.m. in all

habitable rooms, bathrooms, toilet rooms and compartments and communicating corridors. When the outside air temperature drops below zero degrees Fahrenheit, heating facilities shall be operated so as to furnish at least the minimum requirements of this section. Whenever heating facilities are incapable of furnishing the minimum requirements of this section at an outside air temperature of below zero degrees Fahrenheit, they shall be operated to full capacity. Whenever a dwelling is heated by means of a central heating facility, or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with the provisions of this subsection. The provisions of this subsection shall not apply where the failure to maintain such air temperature level is approved by the director because of a general shortage of fuel, or any negligent or malicious act of the occupant or while repairs are being expeditiously made to the heating equipment, or any cause beyond the control of the owner or operator.

(Code 1986, § 10-146)