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AN ORDINANCE ESTABLISHING MINIMUM HOUSING  
STANDARDS FOR DWELLING UNITS WITHIN  
THE TOWN OF GREENWOOD.

Sec. 1.

This Ordinance shall be known and may be cited as the "Minimum Housing Standards Ordinance of The Town of Greenwood."

Sec. 2.

(a) As used in this Ordinance, the following definitions shall be applicable unless the context clearly indicates to the contrary.

(1) Approved shall mean approved in accordance in accordance with this Ordinance.

(2) Basement shall mean a portion of any dwelling located partly underground but having less than one-half ( $\frac{1}{2}$ ) its clear floor-to-ceiling height below the average grade of the adjoining ground.

(3) Building Inspector shall mean the Town Clerk.

(4) Cellar shall mean a portion of any dwelling having one-half ( $\frac{1}{2}$ ) or more than one-half ( $\frac{1}{2}$ ) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(5) Dwelling shall mean a building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

(6) Dwelling unit shall mean a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(7) Full bathroom shall mean one (1) lavatory, basin, bathtub and one (1) flush water closet.

(8) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms and storage spaces.

(9) Multifamily dwelling shall mean any dwelling or structure containing three (3) or more dwelling units.

(10) Occupant shall mean any person including an owner or operator living and sleeping in a dwelling unit or rooming unit.

(11) Openable area shall mean the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(12) Operator shall mean any person having charge, care, management or control of any dwelling, or part of it, in which dwelling units or rooming units are let.

(13) Owner shall mean any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.

(14) Plumbing shall mean water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed disposal dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water or sewer lines.

(15) Premises shall mean a lot, plot, or parcel of land including the buildings and structures thereon.

(16) Rooming House shall mean any dwelling, or that part thereof containing one (1) or more rooming units, in which space is let to three (3) or more persons.

(17) Rooming Unit shall mean 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.

(18) Supplied shall mean installed, furnished, or provided by the owner or operator at his expense.

(19) Two-Family Dwelling shall mean any dwelling containing two (2) dwelling units.

(20) Yard shall mean all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

Sec. 3.

No person shall occupy as owner-occupant nor shall any person let to another for occupancy any dwelling, rooming house, dwelling unit, or room unit which does not comply with the minimum standards set forth in this Ordinance.

Sec. 4.

The Town Clerk shall be responsible for the inspection and enforcement of this Ordinance.

Sec. 5.

(a) No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards:

(1) Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

(2) Portable cooking equipment employing flame and cooking equipment housing gas, gasoline or kerosene as fuel for cooking are prohibited.

Sec. 6.

Every supplied facility, piece of equipment or utility, which is required under this Ordinance and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

Sec. 7.

Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight, and rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Sec. 8.

Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Sec. 9.

Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent proof, and shall be kept in sound working condition and good repair.

Sec. 10.

Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

Sec. 11.

Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, and obstructions.

Sec. 12.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 13.

(a) Every dwelling unit shall contain within its walls:

(1) A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.

(2) A lavatory basin located in the same room as the required flush water closet, except that the requirement of a lavatory basin shall be eliminated where a bathtub exists in the same room as the flush water closet.

(3) A room, separate from the habitable room, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

Sec. 14.

(a) Every kitchen sink, lavatory, basin and bathtub or shower required by this Ordinance shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred twenty degrees (120°) Fahrenheit even when the heating facilities required by this Ordinance are not in operation.

(b) All plumbing fixtures required by this Section shall be properly connected to the Town sewage system when it is completed. Until such time as the public sanitary sewer system is constructed and installed, all plumbing fixtures required by this Section shall be properly installed to a sanitary system approved by the Department of Natural Resources and Environmental Control of the State of Delaware.

Sec. 15.

Every multifamily dwelling shall have approved common garbage and rubbish storage or disposal facilities.

Sec. 16.

(a) Every rooming house shall be equipped with at least one (1) flush water closet, one (1) lavatory basin and one (1) bathtub or shower for each six (6) persons or fraction thereof, living within the rooming house, including members of the family of the owner or operator if they share the use of facilities. In a rooming house in which rooms are let

only to males, flush urinals may be substituted for not more than one-half ( $\frac{1}{2}$ ) the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this Section except when approved by the Town Clerk.

(b) Every flush water closet, flush urinal, lavatory basin, and bathtub or shower required by this Section shall be located within the rooming house in rooms which:

- (1) Afford privacy and are separate from the habitable rooms;
- (2) Are accessible from a common hall and without going outside the rooming house;
- (3) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

(c) Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

#### Sec. 17.

(a) No person shall rent any house or lot within the Town for dwelling purposes, or for the use of people intending to reside on such premises either permanently or temporarily, without sufficient sanitary toilet facilities.

(b) No dwelling within the Town shall be rented for human habitation without having on the premises both sufficient water and toilet facilities.

Sec. 18.

Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under this Ordinance.

Sec. 19.

(a) Every dwelling unit shall contain at least three hundred (300) square feet of habitable floor area for the first occupant, and at least one hundred (100) square feet of additional habitable floor area for each additional occupant with a minimum habitable floor area of seven hundred fifty (750) square feet.

(b) For the purposes of this Section a person under one (1) year of age shall not be counted as an occupant.

Sec. 20.

In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least one hundred (100) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor area for each occupant.

Sec. 21.

Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten percent (10%) of the required habitable floor area. At least one-half ( $\frac{1}{2}$ ) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor



area of any part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

Sec. 22.

(a) No cellar shall be used for living quarters.

(b) No basement shall be used for living purposes unless:

(1) The floors and walls are substantially watertight;

(2) The total window area, total openable area and ceiling height are in accordance with this Ordinance; and

(3) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

Sec. 23.

(a) Every habitable room shall have at least one (1) window which can be easily opened and which faces directly to the outdoors. The minimum openable area for such room shall be ten percent (10%) of the floor area for every sleeping room and other habitable room and for every basement recreation room except where there is some other device approved by the Building Inspector as affording adequate ventilation.

(b) Every bathroom and water closet compartment shall have at least one window facing to the outdoors and having a minimum openable area of ten percent (10%) of the floor area of such room except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.

(c) Every laundry shall have a minimum openable area of at least ten percent (10%) of the floor area of such room except where there is supplied

some other device approved by the Building Inspector as affording adequate ventilation.

(d) Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than three (3) feet from the window and extends to a level above that of the ceiling of the room, the window shall not be counted in calculating window area or openable area.

(e) A skylight-type window shall be considered as a window for the purpose of this Section except in the case of a kitchen, a living room or sleeping room.

(f) Each public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately ventilated.

Sec. 24.

(a) Every dwelling within the corporate limits of the Town shall be supplied with electricity as follows:

(1) Every habitable room shall contain at least two separate floor or wall-type convenience outlets, or one such convenience outlet and one supplied ceiling-type light fixture.

(2) Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture.

(3) Every public hall in a dwelling shall contain at least one (1) supplied ceiling or wall-type electric light fixture.

(4) Every public hall and stairway in every two-family dwelling, multifamily dwelling and rooming house shall be adequately lighted at all times except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located light switches shall be permitted instead of a full-time lighting system.

(5) Every outlet and fixture shall be properly installed and maintained in good and safe working condition.

Sec. 25.

During that time of the year when it is necessary, every owner or operator of every two-family dwelling, multifamily dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.

Sec. 26.

(a) Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments within its walls to a temperature of at least seventy degrees (70°) Fahrenheit when the outside temperature is ten degrees (10°) Fahrenheit.

(b) Portable heating equipment employing a flame and heating equipment using gas, gasoline or kerosene do not meet the standards of this Ordinance and are prohibited.

Sec. 27.

(a) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls; and shall be responsible for his own misuse of areas and facilities in common.

(b) Every owner or operator of a two-family dwelling, multifamily dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

(c) Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

Sec. 28.

(a) Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multifamily dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.

(b) Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary.

Sec. 29.

(a) Every occupant of a dwelling unit shall be responsible for the extermination of any rodents or other pests in it or in the yard. In a two-family dwelling or a multifamily dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only

one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

(b) Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multifamily dwelling.

(c) Every owner or operator of a rooming house shall be responsible for the extermination of any rodents or other pests in it or in the yard.

Sec. 30.

No owner, operator or occupant shall cause any service equipment or utility which is required by this Ordinance to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

Sec. 31.

Every dwelling of three (3) or more dwelling units in which the owner or operator does not reside shall have a janitor as found necessary by the Town Clerk.

Sec. 32.

A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder shall not relieve any part of his direct responsibility under this Ordinance.