

AN ORDINANCE PERTAINING TO HEATING REQUIREMENTS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 18 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 18

ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 18-52 Amendments to the property maintenance code.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

602.2 Residential occupancies. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms measured at a distance of 3 feet from the exterior walls, 5 feet above floor level. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.

~~Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 66°F (19°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

602.3 Heat supply. An owner or operator of any building who rents, leases or lets one or more dwelling units or sleeping units and the occupant thereof under a lease or tenancy at will may enter into an agreement for the owner or operator to provide heat at less than 68 degrees Fahrenheit. The agreement must:

1. Be in a separate written document, apart from the lease, be set forth in a clear and conspicuous format, readable in plain English and in at least 12-point font, and be signed by both parties to the agreement:
2. State that the agreement is revocable by either party upon reasonable notice under the circumstances:
3. Specifically set a minimum temperature for heat, which may not be less than 62 degrees Fahrenheit; and
4. Set forth a stated reduction in rent that must be fair and reasonable under the circumstances.

An agreement under this subsection may not be entered into or maintained if a person over 65 years of age or under 5 years of age resides on the premises. An owner or operator is not responsible if an occupant who controls the temperature on the premises reduces the heat to an amount less than 68 degrees Fahrenheit as long as the owner or operator complies with Section 602.2 or if the occupant fails to inform the owner or operator that a person over 65 years of age or under 5 years of age resides on the premises.

~~Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 15 to maintain a temperature of not less than 66°F (19°C) in all habitable rooms, bathrooms and toilet rooms.~~

Note: Additions are underlined; deletions are ~~struck out~~.