

Draft Rocky Hill Housing Code Ordinance

August 21, 2017 Discussion Draft

DRAFT

Chapter 176 . Rocky Hill Housing Standards

Article I. General Provisions

§176-1 Legislative Authority

This article is enacted pursuant to the provisions of Connecticut General Statutes Chapter 833A, General Statutes §§7-148(7)(A), 7-148 (H)(xi), 47a-6a, 47a-6b, 7-148 and the Town of Rocky Hill Charter.

§176-2 Purpose

The Town Council of the Town of Rocky Hill finds that there have occurred numerous incidents of persons renting a residential dwelling in conditions that are unsafe or unsanitary, overcrowded, and denied the quiet enjoyment of the use thereof, or that the use by the persons renting the property has been maintained so as to create a public nuisance, disturbance or hazard, and the Town has been unable to quickly identify and contact the nonresident owner of the property or the agent in charge and to order a remedy of the unsafe or unsanitary condition. The Town Council also finds that the identification and knowledge of the whereabouts of nonresident owners of residential housing units in the Town of Rocky Hill is in the best interests of the community and will promote the public welfare, health and safety of the people of Rocky Hill. Accordingly, pursuant to the authority granted to municipalities by Connecticut General Statutes Chapter 833A, 47a-6a, 47a-6b, 47a-54a and 7-148(7)(A) and 7-148(H)(ix), and of that authority granted the Town Council by the Town of Rocky Hill Charter, the Town of Rocky Hill seeks to better protect, preserve and promote the health, safety, welfare and quality of life of its people by requiring resident and nonresident owners of residential rental housing units as that term is defined herein to comply with this ordinance. Following its adoption by the Town Council, this ordinance shall become effective on the twenty-first day () after publication in a newspaper having circulation in this town.

§ 176-3. Definitions and word usage

A.

As used in this chapter, the following terms shall have the meanings indicated:

BASEMENT

A story that is not a story above grade plane.

CELLAR

The portion of a building that is located wholly underground.

DWELLING

Any building which is wholly or partly used or arranged or designed to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a "dwelling."

DWELLING UNIT

Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, arranged or designed to be occupied for living, sleeping, cooking and eating.

ENFORCEMENT OFFICER/OFFICIAL

Those officials identified in Section 176-5 herein.

EXCEEDS STANDARDS

The particular condition is reasonably expected to meet the standards set forth in the Housing Code for at least the following five years.

EXTERMINATION

The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as food, by poisoning, spraying fumigating or trapping or by any other recognized and legal pest elimination methods approved by the Director of Health.

GARBAGE

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

HABITABLE ROOM

A room of enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

INFESTATION

The presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE DWELLING

Any dwelling containing more than two dwelling units.

NEW CONSTRUCTION

A dwelling or dwelling unit that is new from the ground up including a new foundation, new utility services, and all new material constructed with all applicable approvals, permits, inspections and certifications as required by the Building Official.

OCCUPANT

Any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

OPERATOR

Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER

Any person who, alone or jointly or severally with others:

(1)

Holds legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or

(2)

Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PLUMBING

Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

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 which is leased or rented to the public by its owner and/or its operator on a commercial or for-profit basis. Including tourist courts, motels and motor courts, but excluding single-family, duplex and apartment units to align with CCHD Code.

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 material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

SUBSTANTIAL RENOVATION

A dwelling or dwelling unit that has been renovated within the past 24 months (from the date of inspection) to bring all electrical, plumbing and heating systems up to current

DRAFT

code; new or like new windows, doors, kitchen and bathroom fixtures, and no defective interior or exterior surfaces and porches, stairs and railings must meet current code whether new or existing. Substantial renovation to be confirmed by all applicable permits, inspections and signatures of the Building Official.

SUPPLIED

Paid for, furnished or provided by or under the control of the owner or operator.

TEMPORARY HOUSING

Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

TOTAL RENOVATION

An entire dwelling or dwelling unit that has been gutted and newly renovated with code compliant electrical, plumbing, HVAC, windows, doors, insulation, stairs, railings, roofing, siding, porches and foundation. Total renovation to be designated by the final approval of the Building Official, upon confirmation of proper permits and inspections.

B.

Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" or "premises" are used in this chapter, they shall be construed as if they were followed by the words "or any part thereof."

§ 176-4. Administration and coordination of Housing Code

The Town Manager or the Enforcement Officer shall be responsible for administering and coordinating the Housing Code compliance program in accordance with the provisions of the Charter, and he shall be the enforcing agency and perform such other duties as may be delegated to him. The Town Manager may carry out these duties through the Enforcement Officials as designated herein.

§ 176-5. Enforcement Officials

The provisions of this chapter may be enforced by citation issued pursuant to General Statutes §7-152c, in addition to other remedies. The following persons have authority to issue citations for violations pursuant to this section: Housing Code Inspectors, Town Manager or his/her designee, Zoning Enforcement Officer, Building Officials or his or her designee, Fire Marshall, Health Inspector or Registered Sanitarian all of which are designated as the Enforcement Officer for purpose of this chapter.

§ 176-6. Maintenance of accessory structures

All accessory structures, including detached garages, sheds, fences, retaining walls and private walkways shall be maintained structurally sound and in good repair.

§ 176-7. Inspections

DRAFT

A.

The Town Manager or any Enforcement Official is hereby authorized and directed to make periodic inspections within the purview of this chapter and such inspections as are required by a code compliance program of the Town of Rocky Hill, by and with the consent of the owner, occupant or person in charge, to determine the condition and occupancy of dwellings, dwelling units, rooming units and premises within this Town for the purpose of determining compliance with the provisions of this chapter. For the purpose of making such inspections, the Town Manager or the Enforcement Officer, with the consent of the owner, occupant or person in charge, is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming units and premises, between the hours of 8:00 a.m. and 6:00 p.m. or at such other time mutually satisfactory to and agreed upon by the Town Manager or the Enforcement Officer and the owner and occupant of a dwelling, dwelling unit or rooming unit or the person in charge thereof. Such inspection, examination or survey shall not have for its purpose the undue harassment or inconvenience of the owner or occupant, and such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to said owner or occupant, consistent with an efficient performance of the duties of the Town Manager or the Enforcement Officer. To further ensure that the policy of this chapter, which is to achieve compliance through cooperation of owners and occupants, shall be successfully maintained, it shall be the practice of the Town Manager or the Enforcement Officer, whenever practicable, to provide reasonable advance notice to owners and/or occupants of inspections.

B.

The owner or occupant of each dwelling, dwelling unit, rooming unit or premises, or the person in charge thereof, upon presentation by the Town Manager or the Enforcement Officer of proper credentials, may give the Town Manager or the Enforcement Officer entry to the dwelling, dwelling unit, rooming unit or premises and free access to every part thereof, provided that no inspection shall be conducted except during the hours designated above.

C.

Whenever an owner, occupant or person in charge of a dwelling, dwelling unit, rooming unit or premises shall deny the Town Manager or the Enforcement Officer right of entry for the purpose of inspection, examination or survey, the Town Manager or the Enforcement Officer shall not enter until he presents a duly issued search warrant describing the dwelling, dwelling unit, rooming unit or premises to the owner, occupant or person in charge thereof or is otherwise authorized to enter by court order.

D.

Nothing in this section shall be construed to preclude the entry of the Town Manager or the Enforcement Officer at any time when, in his judgment, an emergency tending to create an immediate danger to the public welfare or safety exists or when such entry is requested by the owner, occupant or person in charge of the dwelling, dwelling unit, rooming unit or premises or when the Town Manager or the Enforcement Officer presents a duly issued search warrant to said owner or occupant or person in charge thereof.

§ 176-8. Access to remedy noncompliance

DRAFT

Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling, dwelling unit or rooming unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 176-9. Conflicts with other standards

In any case where a provision of this chapter is found to be in conflict with a provision of any other provision of the Town code existing on the effective date of this section, the provision which establishes the higher standard for the promotion and protection of the health and safety shall prevail.

§ 176-10. Owner responsible for maintenance of public areas

Every owner of a Multiple Dwelling shall be responsible for maintaining in a safe, clean and sanitary condition the interior and exterior shared or public areas of the dwelling and premises thereof property.

§ 176-11. Off-street parking

A.

The parking of vehicles on the property of any Multiple Dwelling located in any zoning district as defined in Chapter ___ of the Town Code shall be limited to designated areas located on the same property as the multiple dwelling.

B.

The parking areas are to be designated by and are the responsibility of the owner.

C.

All designated parking areas must be approved by the Department of Community Development Services, Planning and Zoning Division of the Town of Rocky Hill and must conform to the following conditions:

(1)

The designated parking area shall be located within the side or rear yard wherever possible;

(2)

The designated parking area shall not be located such that any vehicle parking in this area will overhang the sidewalk within the Town's right-of-way or obstruct access to the main entrance;

(3)

The designated parking area shall be paved with a dust-free all-weather surface;

(4)

The designated parking area shall have a paved apron between the edge of the roadway and the front property line (driving over Town curbing is not allowed);

(5)

For safety and aesthetic purposes or for reasons of code compliance, the Department of Community Development Services, Planning and Zoning Division may require additional conditions under particular or unique circumstances.

§ 176-12. Responsibility of occupant and owner

Every owner and/or occupant of a dwelling or dwelling unit shall keep in a safe, clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

§ 176-13. Responsibility for extermination of rodents

Every owner of a dwelling unit in a Multiple Dwelling shall be responsible for extermination of insects, rodents and other pests whenever only one infected. Whenever infestation is caused by failure of the occupant to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in a dwelling or in the shared or public areas of any Multiple Dwelling, extermination thereof shall be the responsibility of the owner.

§ 176-14. Responsibility for maintenance of plumbing fixtures

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Article II. Landlord Registration

§ 176-15. Applicability

This Article shall apply to all Multiple Dwellings in the Town of Rocky Hill, except that dwelling units that are owned by the State of Connecticut shall be exempt. This exemption shall not include Multiple Dwelling units leased from the State of Connecticut.

§ 176-16. Registration required; fees

- (a) Within 60 days following the effective date, any owner of a Multiple Dwelling shall be required to file and maintain on file in the Planning and Zoning Division office of the Town of Rocky Hill the current address and contact information of the owner of such property, if the owner is an individual. If an owner is a corporation, partnership, trust or other legal recognized entity, then names of all general partners and the current address and contact information of the agent in charge of the building shall be filed in the Planning and Zoning Office. Owners of multi properties will register once, not for each property. Landlords will only register one time unless contact information changes. All contact information shall be posted at each dwelling in a conspicuous place.
- (b) If such residential address or contact information changes, notice of the new address and contact information shall be provided by such nonresident owner or agent in charge of the

DRAFT

building to the not more than 21 days after the date that the address or contact information changed.

- (c) Any landlord who registers within the first 60 days of ownership will not have to pay the initial fee. Each such nonresident owner or agent shall pay a fee of \$10 per dwelling unit for each initial registration and a fee of \$5 per dwelling unit for each notice of residential address or contact information change. Any owner or agent who fails to pay any such fee at the required time of registration or notice shall pay a surcharge of \$90 per dwelling unit.
- (d) If any such nonresident owner or agent fails to maintain on file an address or contact information as required by this section, the address to which the town mails property tax bills or public water/sewer bills, for the residential rental housing unit shall be deemed to be the nonresident owner's or agent's current address. Such address may be used for compliance with the provisions of Subsection (e) of this section.
- (e) Service of state or municipal orders relating to maintenance of any such Multiple Dwelling unit or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the nonresident owner or agent for failure to comply with the orders.
- (f) Any person who violates any provision of this section shall have committed an infraction.

§ 176-17. Penalties for offenses; notice of assessment; appeals

- (a) As provided in Connecticut General Statutes 47a-6a and 47a-6b and notwithstanding any provision of the Rocky Hill Code of Ordinances to the contrary, any nonresident owner or agent who shall violate any provisions of this article shall be assessed a civil penalty of not more than \$250 for the first violation and not more than \$1,000 for any subsequent violation.
- (b) Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the superior court. An appeal shall be instituted not later than 30 days after the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. 52-259, at the superior court facility designated by the chief court administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

Article III. Minimum Standards

§ 176-18. Basic equipment and facilities

DRAFT

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

A.

Kitchen sink. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.

B.

Flush water closet and lavatory basin. Every dwelling unit shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system.

C.

Bathtub or shower. Every dwelling unit shall contain, within the room which affords privacy to a person within the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system approved.

D.

Hot and cold water. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Subsections A, B and C of this section shall be properly connected with both hot and cold water lines.

E.

Rubbish storage facilities. Every dwelling unit shall have adequate rubbish storage facilities whose type and location are approved by the Department of Community Development Services, Planning and Zoning Division.

F.

Garbage disposal facilities. Every dwelling unit shall have adequate garbage disposal facilities of garbage containers whose type and location are approved.

G.

Hot water heating facilities. Every dwelling unit shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot-water lines required under the provisions of Subsection D of this section and 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, bathtub or shower at a temperature of not less than 110° F. or more than 120° F. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection whether the dwelling unit heating facilities required under the provisions of § 176-23 are or are not in operation.

H.

Every dwelling unit shall have safe unobstructed means of egress leading to a safe and open space at ground level. The Town Manager or the Enforcement Officer shall report any suspected violation to the Fire Marshal or other responsible official.

I.

The Town Manager or the Enforcement Officer or designee, during a housing code inspection, will note the presence of smoke alarms and carbine monoxide (“CO”) detectors, and report suspected violations to the Fire Marshal for further action.

§ 176-19. Light, ventilation and heating

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein which does not comply with the following requirements:

A.

Light: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but a minimum of 25 square feet. The exterior glazing area shall be based on the total floor area being served. Any suspected violation of this subsection may be reported to the Building Official and other officials responsible for further action as needed.

B.

Ventilation: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but a minimum of 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated. Any suspected violation of this subsection shall be reported to the Building Official and all other officials responsible for further action.

C.

Light and ventilation of bathrooms and water closets. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections A and B of this section, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation when in use and approved.

D.

Electric service. Every habitable room of a dwelling unit shall contain at least two separate floor or wall-type electric convenience outlets; every kitchen shall contain at least two separate wall-type electric convenience outlets and one supplied ceiling-type electric light fixture; every water closet compartment and/or bathroom shall contain at least one separate ground fault interrupter (GFI) electric convenience outlet and one supplied ceiling or wall-type, switch-operated electric light fixture; every laundry room and furnace room shall contain at least one wall-type electric convenience outlet and one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

DRAFT

E.

Heating. Every dwelling shall have supplied heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closets in every dwelling unit located therein. Heat, where supplied by the owner, shall be supplied to a temperature of at least 65° F. at a distance three feet above floor level.

F.

Screens. Every window or other device with openings to outdoor space shall likewise be supplied with screens.

G.

Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement, which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

§ 176-20. Space, use and location

No person shall let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

A.

Rooms for sleeping. In every dwelling unit of two or more rooms every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

B.

Access to bathroom; access to sleeping room. No dwelling or dwelling unit containing two or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one sleeping room, can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

C.

Minimum ceiling height. At least 1/2 of the floor area of every habitable room in a multiple dwelling shall have a ceiling height of at least seven feet, four inches, except for an attic room which shall be at least seven feet high in 1/2 of its area; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the room area in computing the floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

D.

Cellar and basement occupancy. No cellar or basement shall be occupied as a habitable room or dwelling unit, except as a workshop or recreation room, unless it shall comply with applicable provisions of the Town of Rocky Hill Building Code as applied to new construction in existing buildings.

E.

Handrails and guardrails. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 34 inches in height or more than 38 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches in height above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Guardrails shall not be required when exempted by the Building Code.

§176-21. Overcrowding

If a room in a dwelling unit, hotel, motel or other lodging is found to be overcrowded, or suspected to be, the Health Department or District or other enforcing agency may order the number of persons sleeping or living in such room to be so reduced that there shall not be less than five hundred cubic feet of air to each person over twelve years of age who occupies such room, and three hundred cubic feet of air to each child under twelve years of age who occupies such room.

§ 176-22. Maintenance

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

A.

Foundations, floors, walls, ceilings and roof. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodent proof, shall be capable of affording privacy and shall be kept in good repair.

B.

Windows, exterior doors and basement hatchways. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent proof and shall be kept in sound working condition and good repair.

C.

Stairs and porches. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to 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.

D.

Plumbing. Every plumbing fixture and water supply and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

E.

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

DRAFT

F.

Repair and safety of equipment. Every supplied facility, piece of equipment or utility shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

G.

Removal of equipment or discontinuance of service. No owner or operator shall cause any service, facility, equipment or utility, which is required under this chapter and supplied by him, to be removed from or shut off from or discontinued for any occupied dwelling let by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the Department of Community Development Services, Planning and Zoning Division.

H.

Vacant dwelling units to be clean before occupancy. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

I.

Exterior facilities. All exterior wood surfaces shall be periodically treated with a coating of paint or other suitable preservative. All exterior siding shall be maintained in good repair. All exterior dwelling components, including but not limited to chimneys, soffits, trim, fascia, leaders and gutters, shall be maintained in good repair.

J.

Interior walls, ceilings and floors. Every interior wall, ceiling and floor shall be maintained in a safe condition and kept in good repair.

K.

Maintenance of house numbers. Every owner of a dwelling or dwelling unit shall be responsible for affixing and maintaining house numbers as required under Chapter ___ of Code of the Town of Rocky Hill.

Article IV. Hotels and Motels

§ 176-23. Compliance required

No person shall operate a hotel, motel or occupy or let to another for occupancy except in compliance with the General Statutes of Connecticut and the provisions of this chapter.

§ 176-24. Health License required

No person shall operate a hotel, motel unless he holds a valid license issued by the Health Department or District or District and the Fire Marshal in the name of the operator and for the specific dwelling or dwelling unit.

§ 176-25. License application and issuance

DRAFT

The hotel, motel operator shall apply to the Health Department or District or District for the license, which shall be issued upon compliance by the operator with the applicable provisions of this chapter and the Health District Sanitary Code.

§ 176-26. Display of license

The hotel, motel license shall at all times be displayed in a conspicuous place within the rooming house.

§ 176-27. License not transferable; notice of change in ownership

No hotel, motel license shall be transferable. Every person holding such a license shall give notice in writing to the Health Department or District within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any rooming house.

§ 176-28. Term of license

Every hotel, motel license shall expire at the end of one year following the date of issuance, unless sooner suspended or revoked as provided herein.

§ 176-29. Hearing upon appeal

Any person whose application for a license to operate a hotel, motel has been denied may request and shall be granted a hearing on the matter before the Health Department or District.

§ 176-30. Inspections; procedure upon discovery of violations

Whenever, upon inspection of any hotel, motel, conditions or practices are found to exist which are in violation of any provisions of this chapter, the Health Department or District shall give notice in writing to the operator of such hotel, motel that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Department or District, the operator's license will be suspended. At the end of such period the Health Department or District shall reinspect such hotel, motel, and if it finds that such conditions or practices have not been corrected, notice in writing shall be given to the operator that his license has been suspended. Upon receipt of notice of suspension such operator shall immediately cease operation of such hotel, motel, and no person shall occupy for sleeping or living purposes any rooming unit therein. A valid Health District license shall be maintained at all times.

§ 176-31. Hearings on license suspension; revocation if no appeal

Any person whose license to operate a hotel, motel has been suspended, or who has received notice from the Health Department or District that his license is to be suspended unless existing conditions or practices at his hotel, motel are corrected, may request and shall be granted a hearing on the matter before the Hearing Officer assigned by the Health Department or District,

DRAFT

provided that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such license shall be deemed to have been automatically revoked.

§ 176-32. Washing and toilet facilities

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Department or District and in good working condition, shall be supplied for each room. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement or cellar except by written approval of the Health Department or District.

§ 176-33. Change of linen

The operator of every hotel, motel shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

§ 176-34. Required floor space for sleeping rooms

Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes for more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

§ 176-35. Means of egress and smoke detectors

A.

Every hotel, motel room shall have safe unobstructed means of egress leading to a safe and open space at ground level. The Town Manager or the Enforcement Officer will note and report any suspected violation to the Fire Marshal. The Town Manager or the Enforcement Officer will note the presence of operating smoke alarms, and report suspected violations to the Fire Marshal for future action.

§ 176-36. Responsibility for maintenance in sanitary condition

The operator of every hotel, motel shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of a sanitary condition in every other part of the building, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator. The tenant or occupant is responsible for the sanitary maintenance of their personal space and belongings.

Article V. Provisions for Rental Units

§ 176-37. Certificate of compliance required

No owner, agent or person in charge of a dwelling or dwelling unit offered for rent shall allow any person to occupy the same as a tenant or lessee or for a valuable consideration unless he holds a valid certificate of compliance issued by _____ for the specific dwelling or dwelling unit. Every certificate of compliance shall expire at the end of two years following the date of issuance unless the unit is rated as "exceeds standards," in which case the certificate of compliance expires five years following date of issuance. The "exceeds standards" category rating is based upon the unit receiving an "exceeds standards" overall rating in the three critical inspection categories of exterior, dwelling unit and landlord cooperation.

§ 176-38. Conditions for issuance of certificates

Upon request of the owner, agent or other person authorized to rent a dwelling unit (hereinafter referred to as the "applicant"), the Town Manager or Enforcement Official will be available at an appointed time, agreed upon by himself and the applicant, or later if the applicant requests, to inspect such dwelling or dwelling unit. If such inspection establishes that the dwelling or dwelling unit is in substantial compliance with the Housing Code, he shall issue a certificate of compliance for said dwelling or dwelling unit. One copy of the certificate of compliance shall be handed to or sent to the applicant; a second copy shall be posted by the owner or his designated agent in a conspicuous location inside the dwelling or dwelling unit for the information of the tenant and shall not be removed by or at the direction of anyone other than the tenant; and a third copy shall be kept on file in the files of the Zoning Enforcement Officer.

§ 176-39. Reinspections

If said dwelling or dwelling unit does not comply with the Housing Code standards, the Town Manager or Enforcement Official shall furnish the applicant with a written list of the specific violations which would have to be corrected before a certificate of compliance could be issued for the dwelling or dwelling unit. Upon the representation of the applicant that the listed violations have been corrected, the Town Manager or Enforcement Official shall reinspect said dwelling or dwelling unit and issue a certificate of compliance or a list of violations, as above provided.

§ 176-40. Waiver pending correction

Any applicant who is delayed in correcting violations necessary to entitle him to a certificate of compliance and who has a valid contract in writing with a person for the performance of the work may petition the Town Manager or the Enforcement Officer in writing for a temporary waiver of compliance with no fee being required. The petition shall contain the information therein which is reasonably necessary for a decision and shall include a written and signed statement by the person under contract to correct the violation, specifying the date of beginning and completion of the work. If the Town Manager or the Enforcement Officer shall find that the delay in the correction of the violation is reasonable, taking into consideration the availability of persons to do the work and the current work load, and that the work can reasonably be undertaken and completed while the premises are occupied or that appropriate provision has been made for housing the tenant elsewhere during the necessary period when the dwelling or dwelling unit will not be habitable because of the work of correcting the Housing Code violation,

DRAFT

the Town Manager or the Enforcement Officer shall issue a temporary waiver of compliance, not to exceed ninety (90) days, expiring on that date that is 90 days from the issuance of the waiver. The applicant shall, on or before that said date, request a reinspection. The Town Manager the Enforcement Officer shall reinspect the dwelling or dwelling unit and issue the certificate of compliance or list any remaining violations as above provided.

§ 176-41. Appeals

Any applicant who deems himself aggrieved by the decision of the Town Manager or the Enforcement Officer may, by written request to the Hearing Officer pursuant to §176-49 et seq. and without payment of a fee, have the entire matter heard by it on his/her original petition. After hearing the applicant, his witnesses, his counsel, if any, the Town Manager or Enforcement Official and any witnesses he may produce and his counsel, if any, the Hearing Officer shall, if it shall find the existence of all the required prerequisites to the granting of a temporary waiver of compliance by the Town Manager or Enforcement Official, direct him to issue such a waiver.

§ 176-42. Penalties for offenses

Any owner, agent or other authorized persons who shall let for occupancy any dwelling or dwelling unit in the Town of Rocky Hill who does not hold a valid certificate of compliance from the Town Manager the Enforcement Officer, may upon conviction, be punishable by a fine of not more than \$100 for each and every day that such violation continues.

§ 176-43. Exceptions to requirements

The provisions of this article shall not apply to the letting for occupancy of any dwelling or dwelling unit that is new construction for a period of 10 years; that has undergone total renovation for a period of 10 years; that has undergone substantial restoration for a period of seven years; or to any dwelling unit which was inspected under the provisions of this section within two years of the date of letting.

Article VI. Unfit Dwellings

§ 176-44. Conditions which make dwellings unfit

A.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements.

B.

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Official:

(1)

DRAFT

One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or to the public.

(2)

One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this chapter.

(3)

One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

§ 176-45. Condemned buildings to be vacated

Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Official shall be vacated within a reasonable time as ordered by the Building Official.

§ 176-46. Conditions upon which building may be reoccupied

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until a written approval is secured from, and such placard is removed by, the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

§ 176-47. Defacing or removing placards prohibited

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such.

§ 176-48. Hearings upon appeal

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Hearing Officer, under the procedure set forth in § 176-49, et seq.

Article VII. Enforcement

§ 176-49. Powers and Duties; Enforcement

A. **Powers:** No owner/occupier of real property within the Town shall cause or allow any violation of this Housing Code to be created, nor shall any owner/occupier allow the continued existence of violations on this Housing Code.

(1) The designated Enforcement Officer identified in Section 176-05 of this Chapter (hereinafter "Enforcement Officer" is granted the authority necessary to enforce the

provisions of this Ordinance in the exercise of his or her discretion for the purpose of conducting inspections, citing violations, determining enforcement actions, assessment fines, filing liens, designating a building or structure as unsafe, ordering the demolition of unsafe buildings or structures, and issuing citations to offending owners or occupiers.

B. Inspection and Designation of Unsafe Buildings or Structures and Premises:

The Enforcement Officer or his or her designee shall inspect any premises that appear to be in violation of this Chapter based upon reports of any persons who have reason to know of such conditions, or upon such other evidence as the Enforcement Officer deems relevant. Any building, structure or premises that has been determined by the Enforcement Officer to be unsafe shall be so designated by the Enforcement Officer.

C. Notice and Enforcement

- (1) If any building, structure or premises is unsafe, or in non-compliance with any provision of this ordinance, the Enforcement Officer shall issue to the owner and/or occupier a written notice of violation and shall direct the owner and/or occupier to correct the cited condition within a reasonable period of time, but not more than 60 days of the date of the notice. The notice shall be sent to the owner/occupier by regular mail and certified mail and shall include:
 - (i) the nature of the unsafe or non-compliant condition;
 - (ii) the date by which the unsafe conditions must be corrected including a description of the corrective actions to be taken to bring the property into compliance with the order;
 - (iii) that the Enforcement Officer may issue a citation to the owner/occupier if the conditions are not corrected and a description of the fines, penalties, costs, fees and other enforcement actions that may be imposed by citation; and
 - (iv) Each person receiving such a notice and order shall be deemed to be jointly and severally liable for correcting the unsafe conditions.
- (2) Prior to the expiration of the compliance period specified in the notice of an unsafe building, structure or premises, the owner/occupier or person receiving the notice may apply to the Enforcement Officer for an extension of the compliance period. The Enforcement Officer may grant one or more extensions of the compliance period, in his or her discretion, none of which may be longer than 60 days, if he or she determines that the owner/occupier or other person is diligently working to remedy the unsafe condition and that under the facts and circumstances an extension is reasonable.
- (3) If the premises or unsafe building or structure is not brought to compliance to the satisfaction of the Enforcement Officer, or demolished, by the conclusion of the compliance period and any extensions thereof granted by the Enforcement Officer, the Enforcement Officer may issue a citation and impose a fine of not more than \$100 for each day that the building, structure or premises failed to comply with the provisions of this code. The citation shall inform the person(s) cited: (1) of the allegations against him

or her and the amount of the fines, penalties, costs or fees due; (2) that he or she may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he or she does not demand such a hearing, an assessment and judgment shall be entered against him or her; and (4) that such judgment may issue without further notice.

- (4) Unless the cited person(s) pays the stated fine within ten (10) days of the Enforcement Officer's issuance of a citation, the Citation Hearing Officer shall conduct a citation proceeding pursuant to the procedures set forth in Connecticut General Statutes § 7-152c (as it may be amended from time to time). The Citation Hearing Officer may issue a decision without a hearing if the cited owner/occupier fails to request a hearing within ten (10) days of the issuance of the citation.
- (5) Any property owner or other person who receives a citation pursuant to this Ordinance has the right to request a hearing before the Citation Hearing Officer by delivering, by hand delivery or mail, written notice of such request within ten days of the date of the citation. If the property owner or other responsible person requests a hearing, the Enforcement Officer shall send written notice, by regular mail and certified mail, of the date, time and place for the hearing. Such hearing shall be held 15 to 30 days from the date of the mailing of the notice of such hearing.
- (6) The Citation Hearing Officer shall conduct the hearing in the form and with the methods of proof as he or she deems fair and reasonable, in accordance with the hearing procedures for citations specified in State law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.
- (7) The Citation Hearing Officer shall issue a written decision within 15 days following the conclusion of the hearing. If he or she determines that the subject property owner/occupier or other person having lawful possession or control is not liable, the Citation Hearing Officer shall dismiss the matter and enter the determination, in writing, accordingly. If the Citation Hearing Officer determines that the subject property owner/occupier or other person having lawful possession or control, is liable, he or she shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this Ordinance ("the Assessment").
- (8) If such Assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the Assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of Assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with the required entry fee as established by law. The certified copy of the notice of Assessment shall constitute a record of Assessment. Within such twelve-month period, Assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of Assessment and court costs, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the Citation Hearing

DRAFT

Officer's Assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

- (9) Any person against whom an Assessment has been entered pursuant to this section or any order, requirement or decision of the Citation Hearing Officer is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment pursuant to Connecticut General Statutes § 7-152c(g), together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing de novo in accordance with the rules of the judges of the Superior Court. The filing of the appeal does not stay the imposition of the fine.
- (10) Any fine which is unpaid 30 days after it is imposed shall constitute a lien upon a civil judgment against which the fine was imposed from the original date of imposition pursuant to Connecticut General Statutes § 7-152(f).

§ 176-50. Special consideration for elderly or disabled

Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly or disabled and who demonstrate that the violation results from an inability to maintain a dwelling unit and no person with that ability resides therein. Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this code.

§ 176-51. Severability

In the event that any part or portion of this code is declared invalid for any reason, all the other provisions of this code shall remain in full force and effect.

§ 176-52. When permits deemed revoked

After a hearing in the case of any notice suspending any permit required by this chapter, when such notice has been sustained by the Hearing Officer, the permit shall be deemed to have been revoked. Any permit which has been suspended by a notice shall be deemed automatically revoked if a petition for hearing is not filed 20 days after such notice is served.

