

Approved 10/7/14 effective 11/1/14

HOUSING CODE

Article II of Chapter 6 of the Code of Ordinances, "Housing Code," shall be replaced in its entirety with the following.

ARTICLE II. HOUSING CODE

DIVISION 1. GENERALLY

Sec. 6-21. 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:

Basement means a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Building inspector means the legally designated building inspector of the town or his designated assistant.

Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any building which is used or intended to be used in whole or in part for living or sleeping by human occupants; provided that temporary housing as hereinafter defined in this section shall not be regarded as a dwelling.

Dwelling unit means any 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.

Enforcement official means the Code Enforcement Officer or his designee.

Extermination means 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 their food; by poisoning, spraying, fumigating, trapping or by any other

recognized and legal pest elimination methods approved by the town health officer and the state department of health.

Fire Chief of the Willimantic Service District means the legally designated fire chief of the Willimantic Service District or his designated assistant.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room means a room or 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 hallways, closets, recreation rooms (but not including "living rooms"), private workshops or hobby rooms, and storage spaces.

Housing code enforcement officer means the Director of Code Enforcement or his designee.

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests.

Multiple dwelling means any dwelling containing two (2) or more dwelling units.

Occupant means any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

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

Owner occupied 2-family dwelling means any dwelling having no more than two dwelling units, one of which is continuously occupied by the Owner of the dwelling.

Owner means any person who, alone or jointly or severally with others or through a designated agent, trustee or fiduciary:

- 1) Shall have 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 a fiduciary representing the interest of the Owner. Any such person thus representing the title owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant to this article, to the same extent as if he were the owner.

Plumbing means and 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 means 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.

Rooming house means any dwelling, or that part of any dwelling containing more than one (1) rooming unit, in which a rooming unit is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator; provided that hospitals, homes for the aged, and other institutions licensed by the state department of health under G.S. chapter 181 shall not be regarded as rooming houses or as subject to the provisions of this article.

Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, 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 or other items as specified by the town health officer.

Supplied means paid for, furnished, or provided by or under the control of the owner or operator.

Temporary housing shall mean any tent, trailer, or similar structure which is used for human shelter.

Town health officer means the legally designated health officer of the town or his designated assistant.

Sec. 6-22. Conflict of provisions.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of the town, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Sec. 6-23. Inspection of dwellings, dwelling units, rooming houses, rooming units and premises.

- a) The enforcement official is authorized to enforce the provisions of this article and to make inspections in response to a request or a complaint that an alleged violation of the provisions of this article or of applicable rules or regulations pursuant thereto may exist, or when the enforcement official has probable cause to believe that a violation of this article or any rules and regulations pursuant thereto has been or is being committed.

- b) The enforcement official is hereby authorized to enter and inspect all dwellings, dwelling units, rooming houses and rooming units and the premises surrounding such dwellings, dwelling units, rooming houses and rooming units subject to the provisions of this article for the purpose of determining whether there is compliance with its provisions, and for the issuance of permits as required under Division 2 of this Article.
- c) The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming house or rooming unit upon presentation of proper identification by enforcement official shall give the enforcement official free access to every part of the dwelling, dwelling unit, rooming house or rooming unit or to the premises surrounding any of these.
- d) If any owner, occupant or other person in charge of a dwelling, dwelling unit, rooming house or rooming unit or structure subject to licensing fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this article is sought to be made, the enforcement official may, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such dwelling, dwelling unit, rooming house, or rooming unit, petition and obtain such order from a court of competent jurisdiction; said official may also seek a warrant.
- e) When inspecting large multiple dwellings, boarding houses, rooming houses or other establishments regulated under this Ordinance, which contain numerous units, the enforcement official may select and inspect a representative sampling of rental units, (never less than twenty (20) percent), within residential rental property containing at least twenty (20) such units for purposes of inspection. Such selection shall be made by a statistically random process, and is restricted to those rental units which have been authorized for inspection by their respective tenants.

DIVISION 2. PERMITS AND LICENSED PROFESSIONAL CERTIFICATIONS

Sec. 6-24. Permit, Coordination, Inventory and Budgeting.

- a) *Registration.* The Owner or Operator of every building containing more than one (1) rooming unit such as a rooming house, boarding house, hotel, motel; and every multiple dwelling, shall register with the housing code department in accordance with the Landlord Registration ordinance contained within this Code.
- b) *Permit required.* No person, including the Owner, shall operate a multiple dwelling, rooming house, boarding house, motel, or hotel unless he holds a valid, current, unrevoked permit issued in accordance with this Code by the housing

code enforcement officer. The permit shall specify the dwelling or dwelling units permitted.

- c) *Permit issuance.* An owner or operator shall apply for a permit under Section 6-24(b) from the housing code enforcement officer in writing on an application form provided by the said officer. Said permit shall be issued upon (a) the applicant demonstrating to the Code Enforcement Officer compliance with the provisions of Divisions 3 and 4 hereof or (b) upon the applicant submitting a certification pursuant to Section 6-29 of this Division. A conditional permit may be issued by the housing code enforcement officer despite strict compliance with the provisions of Division 2 where the applicant provides adequate evidence that he will take reasonable, continuous measures to bring the multiple dwelling into compliance upon a schedule approved by the housing code enforcement officer. Such schedule and measures shall be conditions to the permit, and the failure to comply with any condition therein shall be grounds for the Code Enforcement Officer to suspend or revoke a permit. The applicant for said permit shall specify that prior to the issuance or renewal thereof, the multiple dwelling to be licensed may be inspected to determine whether it is in compliance with the provisions of this Code and the statutes of the state and the Town.
- d) *Display of permit.* Upon issuance, the permit must be displayed in a conspicuous place within the building at all times.
- e) *Transferability, etc.* Permits shall be transferable. Every person transferring a permit shall give notice in writing to the housing code enforcement officer within fourteen (14) days after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any building stated in this section, or shall remain liable as an Operator.
- f) *Expiration.* Except as provided in Section 6-29, a permit shall be valid for a term of two years following its date of issuance, unless sooner suspended or revoked as herein provided.
- g) *Multiple dwelling inventory.* The Code Enforcement Officer shall compile and maintain, or cause to be compiled and maintained, an inventory list of all multiple dwellings, rooming houses and boarding houses, within the Town, and maintain the same by property address and the last known owner or operator. The Code Enforcement Officer shall interact with the Tax Collector in order to consolidate the billing and collection of permit fees, and to the extent it is feasible, to coordinate billing with the Tax Collector to minimize the Town's postage, printing and mailing expenses, taking into account staff and overhead. The Code Enforcement Officer may create lists of multiple dwellings, rooming houses and boarding houses that contain critical issues.

- h) *Interaction with experts and Town staff.* The Code Enforcement Officer shall interact with Town staff, including the Building Officials, the Town Engineer, the Fire Marshals, the Fire Chiefs, and such other persons employed by the Town who have a particular expertise relating to the enforcement of this Ordinance, and may request reviews and assistance from said staff. The Code Enforcement Officer may also seek assistance and review from State officials and employees, and may, within budgeted amounts and with the approval of the Town Manager, engage outside experts when necessary.
- i) *Budgeting.* The Code Enforcement Officer shall provide to the Town Manager, as part of the annual budget review, a report on income received from fees and inspections and an estimate of annual expenses. The expenses for budgeting shall include estimates for the hiring of experts, staff, overhead, a recalcitrance rate, and the cost of municipal action, such as boarding or windows and disconnecting utilities, that may be done in the interest of the public health safety and welfare.

(Ord. of 11-17-89, § 9.2)

Sec. 6-25. Permit fees.

- a) Paragraph left blank intentionally.
- b) Permit and inspection fees may be established by the Town Council by resolution, and may be charged per unit. Fees may be divided over the permit period and billed annually. Fees shall be reasonably based upon the actual and projected costs to the Town for administering the program, inspecting, inventorying, carrying reserves for boarding and taking emergency and reasonably safety measures, responding to tenant and landlord disputes and such other costs as are reasonably related to the carrying out of this ordinance and coordinating with other municipal agents.
- c) No fee shall be charged for one owner-occupied unit in an owner-occupied two-family dwelling. The Town Council may establish a separate fee, or none at all, for any multiple dwelling owned by the Town, the State of Connecticut, or an entity created by legislative act of the Town.
- d) Upon the effective date of this Ordinance, any permit fee paid, prior to said effective date, by an owner of a multiple dwelling that consists of no more than two units, shall be credited against any fee assessed against said owner under this Ordinance; assessments on or before the effective date of this Ordinance for permit fees against an owner of a multiple dwelling that consists of no more than two units, are hereby abated.

Sec. 6-26. Denial of permit; hearing.

Any person whose application for a permit to operate a building under section 6-24 has been denied may request, in writing, and shall be granted a hearing on the matter before the code enforcement committee under the procedure provided by section 6-31 for the hearing petition relating to notices.

Sec. 6-27. Violation; correction of conditions.

- a) Whenever, upon inspection of any building under section 6-23 the housing code enforcement officer finds that conditions or practices exist which are in violation of any provision of this article, the housing code enforcement officer shall give notice in writing to the Operator of such building, rooming unit or dwelling unit that, unless such conditions or practices are corrected within a reasonable period, to be determined by the housing code enforcement officer, the permit will be suspended.
- b) At the end of such period, the housing code enforcement officer shall re-inspect such building, dwelling unit or rooming unit.
 - i. If he finds such conditions or practices have not been corrected in a building, such that the health and safety of a substantial portion of the occupants is endangered, he shall give a notice in writing to the Operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such Operator shall immediately cease operation of such building, and no person shall occupy for sleeping or living purposes any unit therein.
 - ii. If he finds such conditions or practices have not been corrected in a rooming unit or a dwelling unit, and subsection 6-27(b)(i) does not apply, he shall give a notice in writing to the Operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such unit, and no person shall occupy for sleeping or living purposes such unit.
- c) If repairs are not made within the designated time limit, a fine may be retroactively applied to the date that the residential rental property owner or his/her agent received the completed licensing inspection form identifying the existing defect(s) up to a period of thirty (30) days.
- d) If the housing code enforcement officer detects at least one (1) defect during the residential rental property inspection, he/she will arrange to re-inspect the property until it fully complies with required housing standards. The operator or owner will not be charged a fee for the first re-inspection, but will be charged a

fee for each subsequent re-inspection in amounts established by the Town Council. An operator or owner will be charged a per unit fee if he/she or his/her agent fails to appear for the first scheduled residential rental property inspection without just cause as determined by the housing code enforcement officer. Failure to attend subsequently scheduled inspections may result in penalties as set forth in Section 1-7 herein.

Sec. 6-28. Hearing upon suspension of permit.

Any person whose permit to operate under section 6-72(a) has been suspended, or who has received notice from the housing code enforcement officer that his permit is to be suspended unless existing conditions or practices at his building are corrected, may request in writing and shall be granted a hearing on the matter before the code enforcement committee under the procedure provided in sections 6-24 and 6-25 provided, that if no petition for such hearing is filed within twenty (20) days following the day on which a permit was suspended, such permit be deemed to have been automatically revoked.

Sec. 6-29. Certification by licensed professional; Extended permit.

- a) As used in this section "Licensed Professional" means a person who is qualified by reason of his knowledge of building, fire and housing code requirements and standards, and is licensed by the State of Connecticut in the field of professional engineering or the field of professional architecture, or is certified as a State of Connecticut Building Official or Fire Marshal.
- b) A Licensed Professional who performs any services pursuant to this section shall act with reasonable care and diligence and shall apply the knowledge and skill ordinarily required of a professional in good standing practicing in that field at the time the services are performed.
- c) An Owner or Operator may engage a Licensed Professional to examine any dwelling, dwelling unit, multiple dwelling unit, rooming house, motel or boarding house, to assess its compliance with this Ordinance.
- d) The Licensed Professional may certify in writing, that, based upon his professional opinion and upon his examination of the premises, the premises are in full compliance with the provisions of this Code. He shall submit the certification to the Code Enforcement Officer, along with a technical report of his doings which will include, but not be limited to, the date(s) that he inspected the premises, the identity of each dwelling unit or rooming unit, a checklist of conditions which comply with this Code, and such other items as the Code Enforcement Officer may provide for from time to time.
- e) In the event that the Licensed Professional is unable to provide the certification in subsection (d) of this Section, the Licensed Professional may submit to the Code

Enforcement Officer a certification, under oath, of his findings of compliance and non-compliance together with a plan for complying with this Ordinance. The plan shall set out a reasonable schedule for completion of the work, priorities, a cost estimate for the work, and identify any matters which, in the professional opinion of the Licensed Professional, involve an emergency or a substantial threat to human health, safety and welfare. The Owner or Operator shall certify, simultaneously, that he can carry out the plan to completion and has the financial resources to do so. The Code Enforcement Officer may require satisfactory evidence of the Owner or Operator's financial resources.

- f) The code enforcement officer may approve the plan submitted under subsection (e), or may request further information or investigations. In the event the code enforcement officer requests further information or investigation, it shall be completed within the time period the code enforcement officer establishes, but in no event later than sixty (60) days after he requests.
- g) The code enforcement officer shall review any certification submitted under this subsection for thoroughness, and may disapprove any certification, in whole or in part, and in so doing, shall set forth his reasons in writing. In the event of a disapproval, the owner or applicant may appeal to the code enforcement committee as set forth in Section 6-31.
- h) The code enforcement officer may approve any certification, and upon such approval shall issue a permit under Section 6-24. If the certification approved was submitted pursuant to subsection (d), the permit shall be issued for a period of four (4) years. If the certification is one submitted pursuant to subsection (e), the permit shall be a conditional permit for three (3) years.
- i) Nothing in this subsection shall be construed to limit the authority of the Code Enforcement Officer.
- j) The fee for review of any certification provided herein, and any supplemental review, shall be established by the Town Council from time to time.
- k) Any plan approved by the Code Enforcement Officer shall be construed to be, and enforced as, conditions to the permit and the failure to comply with any condition therein shall be grounds for the Code Enforcement Officer to suspend or revoke a permit.

Sec. 6-30. Housing code enforcement committee.

There is hereby created a housing code enforcement committee which shall consist of the fire chief of the Willimantic Service District; the town engineer, the director of Human Services, and two members of the public, who are either residents or own property in Windham, to be appointed by the Mayor and confirmed by the Town council for a term

of two years. The committee shall be responsible for coordinating the code enforcement program of the town with particular reference to the redevelopment and general planning objectives established by the planning and zoning commission. Any member of the committee may designate another member of his department or committee to represent him at meetings of the code enforcement committee. The housing code enforcement committee may establish a regular schedule of meetings, or meet according to need.

Sec. 6-31. Violation of article; notice and hearing procedures.

- a) *Service of notice.* Whenever the enforcement official determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, he shall give notice of such alleged violation to the person or persons responsible therefor, as provided in this article. Such notice shall:
1. Be in writing;
 2. Include a statement of the reason why it is being issued;
 3. Allow a reasonable time for the performance of any act it requires;
 4. Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of Connecticut.
 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with rules and regulations adopted pursuant thereto.
 6. Unless the notice is appealed pursuant to this Article, the notice shall be final.
- b) *Petition for hearing; fee.* Any person aggrieved by any notice which has been issued in connection with the enforcement of any provisions of this article may, within the time specified for performance of the action requested in the notice issued to such person, or ten (10) days, whichever is greater, but in no events more than twenty (20) days after such notice is served, request and, upon the payment of a fee payable to the clerk of the town and established by the fee schedule adopted by the Town Council, shall be granted a hearing on the matter before the code enforcement committee created in section 6-30. Provided, such person shall file in the office of the enforcement official issuing such notice a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within twenty (20) days after the day the notice was served. Upon receipt of such petition, the enforcement official shall refer such petition to the code enforcement committee, shall set a time and place for such hearing and shall give the petitioner a five-day written notice thereof. The appeal shall not stay any

orders which the enforcement official, or the Licensed Professional, has deemed to be an emergency or a substantial threat to the public health, safety and welfare.

1. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified, extended or withdrawn or a variance granted.
 2. The hearing shall be commenced not later than sixty (60) days after the day on which the petition was filed; provided that upon application of the petitioner the committee may postpone the date of the hearing for a reasonable time beyond such sixty-day period if, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement, but in no event shall the hearing be postponed longer than sixty (60) days.
- c) *Action of panel; variances.* Such hearing shall be had before a panel of three (3) or more members of the code enforcement committee. The panel, by a majority vote of those present, may sustain, modify or withdraw the notice; it may also grant an extension or variance in accordance with the following conditions:
1. The time for performance of any act required by the notice may be extended for not more than eighteen (18) months subject to appropriate conditions and where the committee makes specific findings of facts based on evidence relating to the particular case:
 - a. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provision of this article; and
 - b. That such extension is in harmony with the general purpose and intent of this article in securing the public health, safety, and general welfare.
 2. A variance may be granted in a specific case and from a specific provision of this article subject to appropriate conditions and where the committee makes specific findings of fact based on evidenced relating to the particular case:
 - a. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provision;
 - b. That the effect of the application of the provisions would be arbitrary in the specific case;
 - c. That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
 - d. That such variance is in harmony with the general purpose and intent of this article in securing the public health, safety and general welfare.

- d) *Service of order.* If the notice is sustained, modified or extended, it shall become an order as so sustained, modified, or extended. If the notice is withdrawn, the ten-dollar fee shall be returned to the petitioner. Any notice served pursuant to subsection (a) of this section shall automatically be enforceable until and become a final order if a written petition for a hearing is not filed in the office of the secretary of the code enforcement committee within the time specified in subsection (b) of this section. Said decision shall be final.
- e) *Revocation or suspension of permit.* After a hearing in the case of any notice suspending any permit required by this article, when such notice has been sustained by the committee, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be finally revoked if a petition for hearing is not filed with the secretary of the code enforcement committee as set forth in subsection (b) of this section.
- f) *Record of proceedings.* The proceedings at such hearings, including the findings and decision of the code enforcement committee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the town clerk and open to reasonable public inspection. Such record shall also include a copy of every notice or order issued in connection with the matter. (g) Any defect in notice shall not be ground for appeal or abatement where there is constructive or actual notice.

DIVISION 3. PERFORMANCE STANDARDS.

A. DWELLINGS AND MULTIPLE DWELLINGS

Sec. 6-50. Responsibilities of owners and occupants.

The following responsibilities of owners and occupants are in addition to those specified elsewhere throughout this article:

- 1) Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas and premises thereof.
- 2) Every occupant of a multiple dwelling shall keep in a clean and sanitary condition their part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- 3) Every occupant of a multiple dwelling shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 6-55(3).
- 4) Every occupant of a multiple dwelling shall dispose of all his garbage and any other organic waste which might be food for rodents, in a clean and sanitary

manner by placing it in the garbage disposal facilities or garbage storage containers required by section 6-55(3).

- 5) It shall be the responsibility of the owner to hang all screens for all dwelling units in a multiple dwelling.
- 6) Every occupant of a dwelling unit in a multiple dwelling shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant in a dwelling unit in a multiple dwelling shall be responsible for such extermination whenever his dwelling unit is the only dwelling unit within the dwelling that is infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any multiple dwelling, or in the shared or common parts of any multiple dwelling, extermination thereof shall be the responsibility of the owner.
- 7) Every occupant of a dwelling unit in a multiple dwelling 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.

Sec. 6-51. Designation of unfit dwellings and legal procedures of condemnation.

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

- 1) Any dwelling or dwelling units 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 housing code enforcement officer:
 - a. 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 of the public;
 - b. 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 article;
 - c. 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.
- 2) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the housing code enforcement officer shall be vacated within a reasonable time as ordered by the housing code enforcement officer.

- 3) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the housing code enforcement officer. The housing code enforcement officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based has been eliminated.
- 4) 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, except as provided in subsection (3).
- 5) 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 in writing and shall be granted a hearing on the matter before the code enforcement committee under the procedure provided by sections 6-30 and 6-31.

Sec. 6-52. Designation of areas.

- a) The planning and zoning commission shall study, from time to time, the quality of housing within the town and shall certify to the housing code enforcement officer those areas of the town in which substandard housing exists or in which there is an imminent danger of existing housing becoming substandard.
- b) In the program of enforcement of this article, the housing code enforcement officer shall give priority to those areas which have been certified to him by the planning and zoning commission as directed in subsection (a) and provided that the housing code enforcement officer shall not be limited to such areas in the program of enforcement.
- c) The planning and zoning commission shall certify priority areas from time to time upon written request from the town housing code enforcement officer and within thirty (30) days of the receipt of such request. The planning and zoning commission shall have the power to change, alter or modify the designation of such priority areas.

Sec. 6-53. Permit to create certain dwelling and rooming units.

No dwelling unit in a multiple dwelling or rooming unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit or rooming unit, unless the enforcement official has issued a written permit certifying that the plans and specifications for such work indicate that the provisions of this article will be complied with.

Sec. 6-54. Penalties.

In addition to other remedies, including administrative and civil enforcement, any person who shall violate any provision of this article, in addition to the penalties and provisions of this Ordinance, shall be subject to the penalties set forth in Section 1-7 of the Windham Code of Ordinances and to the penalty, lien and foreclosure provisions of the Town's Blight Ordinance.

B. MINIMUM STANDARDS

Sec. 6-55. Basic equipment and facilities.

- 1) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit in a multiple dwelling, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements: (1) Every dwelling unit shall contain a room or space for the storage, preparation and cooking of food, which shall include space for a stove or other cooking facilities and space for dry food storage and space for refrigerated food storage; and shall include a kitchen sink installed. The sink shall be in good working condition and properly connected to a hot and cold running water system under pressure and a sewer system, which sink and systems shall be installed and maintained in a manner prescribed by ordinances, rules and regulations of the town.
- 2) Every dwelling unit in a multiple dwelling shall be equipped with a complete bathroom fixture group consisting of a flush water closet, lavatory basin, and bathtub or shower in good working condition and installed and maintained in a manner prescribed by ordinances, rules and regulations of the town. Such fixture group shall be properly connected to an approved sewer system and to an approved hot and cold running water system under pressure, except that the flush water closet shall be connected to an approved sewer system and to an approved cold running water system under pressure. All bathroom fixtures must be contained within the same room for obvious health reasons.
- 3) Every dwelling unit in a multiple dwelling shall be supplied with adequate rubbish storage facilities and with adequate garbage disposal and recycling facilities or garbage and recycling storage containers whose type and location are approved by the housing code enforcement officer. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupants to furnish such facilities or containers.
- 4) The water-heating facilities necessary to provide the hot water required under this Code shall be properly installed and connected to the hot water lines required under those sections; shall be maintained in safe and good working condition, and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120)

degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling, dwelling unit, rooming house, or rooming unit heating facilities required under the provisions of section 6-56(5) are not in operation.

- 5) Every dwelling unit in a multiple dwelling shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the statutes, ordinances and regulations of the state and the town.

Sec. 6-56. Light, ventilation and heating.

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

- 1) Every habitable room shall have at least one (1) window facing directly to the outdoors. The minimum aggregate glass area of windows for habitable rooms shall be not less than one-tenth of the floor area of the room served by them. Whenever walls or other portions of structures face a window of any habitable room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the required minimum total window area.
- 2) Every habitable room shall have at least one (1) window which can easily be opened, or such other device as will adequately ventilate the room. The total of the openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum aggregate glass area of the window as required in subsection (1) except where there is supplied some other device affording adequate ventilation and approved by the housing code enforcement officer.
- 3) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (1) and (2) except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation and approved by the housing code enforcement officer.
- 4) Every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures which 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 manner prescribed by the ordinances, rules and regulations of the town. The capacity of such services and the number of outlets and fixtures shall be as follows:
 - a. Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three (3) watts per square foot of floor area.

- b. Every habitable room shall have at least one (1) floor- or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of floor area, and in no case less than two (2) such outlets.
 - c. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture.
 - d. All rooms mentioned in this section are required to have convenience-type wall outlets applicable to their particular needs and requirements.
- 5) Every dwelling or dwelling unit shall be supplied with 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 closet compartments located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three (3) feet above floor level, when the outdoor temperature is ten (10) degrees below zero Fahrenheit. Either central or space heating facilities may be used, but must meet the following requirements:
- a. Every central heating unit and/or central hot water heating unit shall:
 - 1. Have every heat duct, steam pipe and/or hot water pipe free of leaks and functioning properly to provide an adequate amount of heat and/or hot water to the intended place of delivery;
 - 2. Be provided with seals between sections of hot air furnaces to prevent the escape of noxious gases into heat ducts;
 - 3. If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner; and
 - 4. Be provided with automatic or safety devices and be installed and operated in the manner required by the statutes, ordinances, and regulations of the state and the town.
 - b. Every space heating unit and/or unit hot water facility shall:
 - 1. Not use gasoline as a fuel;
 - 2. Not be of the portable type if using solid, liquid, or gaseous fuel;
 - 3. If employing a flame, be connected to a flue or vent in the manner required by the statutes, ordinances and regulations of the state and the town.
 - 4. If employing solid or liquid fuels, have a fire-resistant panel beneath it;
 - 5. Be located at least two (2) feet away from any wall or be equipped in an approved manner, with insulation sufficient to prevent the overheating of any wall;
 - 6. If employing gaseous fuel, be equipped with other than rubber tube or armored rubber tube connector;
 - 7. If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner;
 - 8. Be installed and operated in the manner required by the statutes, ordinances and regulations of the state and the town.

- 6) Every common hallway and stairway in every multiple dwelling shall be adequately lighted with lighting facilities sufficient to provide a light intensity of at least one (1) lumen at the floor or stair tread level at all times. Every common hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- 7) During that portion of each year when the housing code enforcement officer deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that such screens shall not be required during such periods in rooms deemed by the housing code enforcement officer to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of the town which are deemed by the housing code enforcement officer to have so few insects as to render screens unnecessary.
- 8) 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 or other pests, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Sec. 6-57. Safe and sanitary maintenance of parts of dwelling and dwelling units.

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

- 1) Every foundation, floor, wall, ceiling, and roof shall be reasonably weathertight, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.
- 2) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof; and shall be kept in sound working condition and good repair.
- 3) Every inside and outside stair, every porch, and every appurtenance thereto shall be maintained and kept in sound condition and good repair.

- 4) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- 5) Every water closet compartment, floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- 6) All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or of any bathroom or water closet compartment.
- 7) Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- 8) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from or shut off from 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 when discontinuance of service is approved by the housing code enforcement officer.
- 9) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

Sec. 6-58. Space, use and location requirements.

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

- 1) Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of usable floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) additional square feet of usable floor area for each additional occupant thereof.
- 2) Ceiling height shall conform to the standards as required by the statutes, ordinances and regulations of the state and the town.
- 3) No cellar space shall be used as a habitable room or dwelling unit.
- 4) No basement space shall be used as a habitable room or dwelling unit unless, in addition to the other provisions of this article:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and

- b. The minimum aggregate glass area of windows as required under subsection (1) is located entirely above the grade of the ground adjoining such window area.
- 5) No dwelling unit in a multiple dwelling shall contain less than four (4) habitable rooms. There shall be a minimum of four hundred (400) square feet of floor area for each two-room dwelling unit and for each additional room the floor space shall be increased by at least one hundred twenty (120) square feet.

C. ROOMING HOUSES, BOARDING HOUSES, MOTELS AND MULTIPLE DWELLINGS

Sec. 6-71. Compliance required; applicability of provisions.

- a) No person shall operate rooming houses, boarding houses, motels, hotels, or multiple dwellings or shall occupy or let to another for occupancy any rooming unit or dwelling unit, except in compliance with this article.
- b) Every provision of this article which applies to rooming houses shall also apply to hotels and/or motels, except as provided in section 6-82 and except to the extent that any such provisions may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

Sec. 6-72. Sanitary facilities.

At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the housing code enforcement officer and in good working condition, shall be supplied for each five (5) persons or fraction thereof residing within a rooming house, including members of the operator's family whenever they share the use of the facilities. All such facilities shall be located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower supplied with hot water at all times in accordance with the provisions of section 6-51(4). No such facilities shall be located in a basement except by written approval of the housing code enforcement officer.

Sec. 6-73. Usable floor area.

Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of usable floor area and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of usable floor area as so defined for each additional occupant thereof.

Sec. 6-74. Egress; compliance with other codes.

Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the statutes, ordinances and regulations of this state and the town. Every rooming unit shall comply with all health, building, safety and

fire codes as established by the General Statutes or town ordinances, regulations, codes, etc.

Sec. 6-75. Sanitary maintenance.

The operator of every rooming house or building under this division shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

Sec. 6-76. Meals.

No meals may be prepared or eaten in a rooming house, other than in a dwelling unit contained therein, unless such meals are prepared and eaten in communal kitchens and dining rooms conforming to the standards of section 6-83, except that this section shall not apply to the eating of meals in establishments which are operating a valid restaurant business and which have the rooming house and restaurant operations integrated as a single business enterprise.

Sec. 6-77. Communal kitchens.

a) A communal kitchen shall comply with the following standards:

1. It shall contain at least sixty (60) square feet of floor area in every case and at least one hundred (100) square feet if meals are both prepared and eaten therein.
2. If occupants are permitted to eat meals therein, it shall be supplied with one (1) dining chair and two (2) lineal feet of dining table space, in addition to the surface area for food preparation required under paragraph (6) below, for each occupant of the rooming house permitted to eat in the kitchen, the surface of each dining table to be smooth and easily cleanable.
3. It shall contain at least one (1) supplied kitchen sink of an approved type which shall be supplied with hot water at all times in accordance with the provisions of section 6-51(4).
4. It shall contain at least one (1) supplied kitchen, gas stove, or electric stove, every stove to have at least two (2) top burners and an oven.
5. It shall contain one (1) supplied electric or gas refrigerator with an adequate food storage capacity.
6. It shall contain one (1) or more supplied tables or other facilities having a total surface area for food preparation of not less than six (6) square feet, the surface of each table or other facility to be suitable for the preparation of food, smooth and easily cleanable.
7. It shall contain at least one (1) supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils.
8. It shall be supplied by the operator with the rubbish and recycling storage facilities and the garbage disposal or storage facilities specific by section 6-51(3).

9. It shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit of another occupant.
- b) Where a communal kitchen does not conform to the provisions of subsection (a) relating to the eating of meals therein, meals shall be eaten in a communal dining room that complies with the following standards:
 1. It shall contain at least seventy (70) square feet of floor area.
 2. It shall be supplied with one (1) dining chair and two (2) lineal feet of dining table space for each occupant of the rooming house permitted to eat in the dining room, the surface of each dining table to be smooth and easily cleanable.
 3. It shall be located on the same floor of the rooming house as the communal kitchen in which the meals are prepared and shall be as nearly adjacent to the communal kitchen as is practicable.
 4. It shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

Sec. 6-78. Cooking in rooms; cooking and eating appliances.

- a) The operator of any rooming house shall post in every rooming unit a sign on which shall be written or printed in letters not less than three-eighths of one (1) inch in height, the following words "NO COOKING PERMITTED IN THIS ROOM," and such sign shall remain so posted at all times the room is occupied.
- b) No eating or cooking appliances shall be permitted in any rooming units.

DIVISION 4. APPLICABILITY AND FIRE CODE

The Fire Code, known as the Fire Health and Safety Code or other variation, as amended from time to time, shall be the Fire Code for the Town of Windham.

This Ordinance shall be interpreted in the manner set forth in Section 1 of the Code of Ordinances. This Ordinance shall be supplemental to the state fire and building codes, and where there is any conflict between any provision of this Ordinance and the state fire or building codes, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

This Ordinance shall be effective in accordance with the Charter.