

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, January 4, 2011 - 7:00 P.M.



1. Call to Order

Mayor Eldridge called the Town of Windham Council meeting to order at 7:00 pm.

Town Council members present: Mayor Ernest S Eldridge, Kevin Donohue, Erika Haynes, Jerry Iazzetta, Arnaldo Rivera, Teresa Santucci, N. Joseph Underwood, Christel Donahue and Mike Lessard.

Town Council members excused: Christel Donahue

Town Manager Neal Beets was also in attendance.

2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance.

Mayor Eldridge handed out awards for the Christmas Lighting Contest to the following: Nye Family – Most Creative, Bertora Family – Best Traditional, Mandeville Family – Community Pride, OPUS – Best Storefront, French Family - The Mayors Award. All received a certificate as well as a Gift Card from G&L Christmas Shop.

3. Citizens and Delegations

Katherine Eves, 149 High Street Willimantic, Director of the McSweeney Center, explained there was a hole in the roof at the Center. She stated a small leak in the Dental Office, which brings in a fair amount of money, had now become a bigger problem in which a hole was now present. She explained she had spoken to Town Manager Mr. Beets and Town Engineer Joe Gardner asking for help to get bids for repair. She stated if the cost were in excess of \$5,000 the Center wouldn't be able to raise that amount of money. She noted the money raised currently was being used to pay off debt that was inherited when she took over the position as Director. She fears if the roof doesn't get fixed, in the spring it could cause mold and health issues. She noted the 2nd floor may have to be shut down which would mean yoga exercise and zumba classes would be stopped. She stated they need a new Senior Center.

Bob Maine, 108 Hope Street Willimantic, believes there is a risk involved with these unregistered vehicles. He gave a few examples of incidents taking place in the Hope Street area with regards to ATV's. He stated there is no legislation stopping people from having them and feels posting signs and charging a fine may be helpful.

Jeff Viens spoke against the ATV ordinance. He stated that the Pledge of Allegiance was said before meetings and now the Town wants to stop people for doing something on their own property if they live in the City. He believes it is infringing on peoples rights and we should be going after the people breaking the law. He stated we don't ban alcohol or smoking and don't discriminate for race or creed but now we want to discriminate on where someone lives. He feels if this was challenged in would be found unconstitutional.

Henry Crane, 66 Windham Street Willimantic, feels the ordinance is pitting Windham against Willimantic. He stated he doesn't want one part of town against the other; that is called gang. He explained he wants to live in a town where it is fair for everyone, not just the people who live in Windham.

Bev York, Old Bush Hill Road South Windham, stated she is the representative for the green light campaign of the Last Green Valley. She explained the Last Green Valley is a non-profit organization that promotes protects and preserves land that runs from Norwich to Massachusetts and is comprised of 78% of forest and farmland. She noted such events as Walktober and the mural painted on Church Street were also sponsored by the organization. She explained they are losing their grant and are looking for support through new membership and donations. She asked that people put green lights in their windows the last week in January to help promote the campaign. She also presented Mayor Eldridge with green lights for the Jillson House.

Peter Quercia, 300 Walnut Street Willimantic, stated if McSweeney Center is falling down maybe it should be torn down. He thinks maybe the Magnet School or "Taj Mahal" should include a Senior Center. He agrees that ATV's are a problem but feels the ordinance is seriously flawed and his backyard would make a beautiful ATV park. He also feels the ordinance is pitting Windham against Willimantic and believes it should include all of Windham and Willimantic and that the Willimantic Police should be policing all of Windham and not only 4.2 miles in Willimantic. He thinks people's property should be left alone.

Adrian Mandeville, 180 Church Street Willimantic, feels before adding an ordinance the Town needs to think about whether it can enforce it. He stated the reality is some people do stupid things however you can't enforce someone not to be stupid and as much as we want to complain about it there isn't much that can be done. He stated the police know who does and doesn't have ATV's, we don't need another layer of bureaucracy.

William Crosthwaite, 53 South Ridge Drive Willimantic, stated ATV'S are up and down South Street all the time. He gave an example of one cutting in front of a school bus. He stated he has called the police and gets no response. He said something needed to be done soon. He noted he is ready to start a petition and said it won't look good for Willimantic.

Mary Lou DeVivo, Hilltop Drive North Windham, stated there are no cameras in the ballroom. She noted the video's taken now do not show at different times of the day. She feels it is important for people who are working or homebound to be able to see the

meetings. She asked the Council to investigate the legality of televising the meetings more than once and offered to buy the machine needed to make the DVD's. She stated Mike Nelson from the TV station would probably help as well.

Lori Jeffers, Willimantic, asked who was going to get to go to the Magnet School. She stated she was told by the Board of Education, Chair Ken Folan, 20% of the students would be from out of town however it could be 25% depending on the dropout rate and at last falls budget meetings it was mentioned it may go to 30% if it became too expensive. She noted she was opposed to the bi-lingual program as she feels it holds children back. She also stated there is no place for English as a second language class and there are only two tiny rooms for Special Ed. She stated the TART money and Federal money was running out.

Charlie Kratt, Monticello Street Willimantic, stated he hoped Mr. Beets & the Council are supporting CCM regarding the removal of the minimum budget requirements which apply to Education. He feels the Town can't afford the State mandates. He noted he has been guilty of criticizing the Board of Education and the Board of Finance however he thinks maybe it's not their fault after all. He questioned the year the State gave the Town the full amount of PILOT funding.

Joel Meyers, Prospect Street Willimantic, President of the Concerned Landlords Association, is concerned with the Housing Code Ordinance. He feels if apartments don't meet code because the ceiling heights are a few inches lower and the fees are set too high it may force people to go into foreclosure and possibly would put the landlords out of business. He stated he would like the people not the Council to decide the fees.

4. Adoption of Minutes

a. Discussion and possible action to adopt the December 7, 2010 Town Council meeting minutes.

Underwood MOVED, McDevitt seconded, to adopt the December 7, 2010 Town Council meeting minutes. MOTION PASSED UNANIMOUSLY.

b. Discussion and possible action to adopt the December 14, 2010 Town Council special meeting minutes

Underwood MOVED, Haynes seconded to adopt the December 14, 2010 Town Council special meeting minutes. MOTION PASSED UNANIMOUSLY.

5. Resignations

NONE

MOTION: Santucci MOVED, Rivera seconded to include items 6a thru 6e as one motion. Santucci, Rivera, McDevitt, Underwood were in favor, Donohue, Lessard and Haynes opposed and Iazzetta abstained. MOTION FAILED.

6. **Appointments**

a. **Discussion and possible action to appoint William Flaucher to the Ad-Hoc Skateboard Park Building Committee with term ending June 1, 2011.**

Haynes MOVED, Underwood seconded, to appoint William Flaucher to the Ad-Hoc Skateboard Park Building Committee with term ending June 1, 2011.

MOTION PASSED UNANIMOUSLY.

b. **Discussion and possible action to re-appoint Jean Gaskins to the Willimantic Housing Authority with term ending July 31, 2015.**

Santucci MOVED, McDevitt seconded, to re-appoint Jean Gaskins to the Willimantic Housing Authority with term ending July 31, 2015. All were in favor except Haynes who opposed and Iazzetta who abstained. MOTION PASSED.

c. **Discussion and possible action to re-appoint Judd Ayer to the Willimantic Public Library Board of Directors with term ending December 2, 2012.**

Santucci MOVED, Underwood seconded, to re-appoint Judd Ayer to the Willimantic Public Library Board of Directors with term ending December 2, 2012. All were in favor except Haynes who opposed. MOTION PASSED.

d. **Discussion and possible action to re-appoint Jean M. Jakoboski to the Willimantic Public Library Board of Directors with term ending December 2, 2011.**

Santucci MOVED, Underwood seconded, to re-appoint Jean M. Jakoboski to the Willimantic Public Library Board of Directors with term ending December 2, 2011.

All were in favor except Haynes who opposed. MOTION PASSED.

e. **Discussion and possible action to re-appoint Olga Kurnyk-Ezis to the Willimantic Public Library Board of Directors with term ending December 2, 2012.**

Santucci MOVED, Rivera seconded, to re-appoint Olga Kurnyk-Ezis to the Willimantic Public Library Board of Directors with term ending December 2, 2012.

All were in favor except Haynes who opposed. MOTION PASSED.

7. **Presentations & Special Reports**

NONE.

8. **Mayor's Report**

Mayor Eldridge thanked G&L Christmas Shop, WILI, The Chronicle and all who participated in the Holiday Lighting Contest. He addressed Ms. Jeffers question with regards to the incident on Election Day and suggested she speak to the Republican Registrar of Voters. He explained the registrar's office is State run and not Town run and it is not his place to make a judgement call. He also suggested she speak directly to the person who allegedly made the complaint.

Mayor Eldridge thanked the Town Council for meeting with him and Mr. Beets and asked for their suggestions of what they would like to see over the next 3 years.

He also reported he had received some calls from Developers about buildings on Main Street and said they would be looking at some buildings next week. He said the Developers mentioned they liked the direction the Town was moving in.

Mayor Eldridge reminded everyone about Three Kings Day on Thursday and asked Councilman Rivera to explain the celebration. Mr. Rivera noted the event was taking place from 1:00 to 4:00 PM in the ECSU Sports Center. He stated there would be music, toys and also puppet shows for the children. He stated the celebration has been going on for 20 years with people from all different cultures and has become a community gathering.

9. Town Manager's Report

Mr. Beets reported on the following: electricity rates, trucks on Card Street and the Splash park.

Mr. Beets explained CL&P electricity rates are going down. CT Public Utilities are down 7.8% and United Illuminating is down 1.5% as of 1/1/2011. He stated these are standard rates and a lower rate may also be available through an alternative supplier. He stated a list of alternative suppliers is available.

Mr. Beets reported he had received a letter from the State responding to the Council's request to evaluate the weight limit on Card Street. He said although the response is complicated it infers the State will not act unless a joint request is made by both Windham and Lebanon to review the matter. He noted the State had sent a copy of the letter to Lebanon. He stated the Town would ask Lebanon if they in addition to Windham would send a letter asking the State to review the matter.

Mr. Beets also reported he and Mayor Eldridge had gone before the WPCA to ask for a waiver on the Splash Park fees, which has been approved by a unanimous vote. He stated the Town and WPCA were going to meet again to discuss alternative ways to handle this issue moving forward.

10. Discussion and Review of Communications

NONE.

11. Resolutions and Ordinances

a. Discuss and consider the proposed Anti-Blight Ordinance

Matt Vertefeuille, Housing Code Officer, explained the changes made to the ordinance and answered questions from the Council.

Haynes MOVED, Underwood seconded, to waive the reading of the proposed Anti-Blight Ordinance. All were in favor. MOTION PASSED UNANIMOUSLY.

Haynes MOVED, McDevitt seconded, to adopt Ordinance #2525 regarding the Anti-Blight Ordinance as presented. All were in favor except Santucci who opposed. (See Attachment A)

MOTION PASSED UNANIMOUSLY.

- b. **Discuss and consider the proposed Housing Code Ordinance**
Matt Vertefeulle, Housing Code Officer, explained the changes made to the ordinance and answered questions from the Council.
McDevitt MOVED, Haynes seconded, to waive the reading of the proposed Housing Code Ordinance. All were in favor. MOTION PASSED UNANIMOUSLY.
Donohue MOVED, Rivera seconded, to adopt Ordinance #2524 regarding the Housing Code Ordinance as amended by the Housing Code Officer. All were in favor except Iazzetta who abstained. (See Attachment B)
MOTION PASSED UNANIMOUSLY.
- c. **Discussion and consider amendments to the proposed ordinance regulating motorbikes and all terrain vehicles**
Chief Maruzo-Bolduc explained the need for the ordinance and answered questions from the Council.
McDevitt MOVED, Rivera seconded, to move the question. All were in favor. MOTION PASSED UNANIMOUSLY.
Donohue MOVED, Rivera seconded, to send the Ordinance to the Administration and Finance Sub-Committee to be amended as per Council discussion tonight. All were in favor. MOTION PASSED UNANIMOUSLY.
- d. **Discussion and consider the proposed resolution regarding CL&P easements within the Town of Windham and to move to a Town Meeting on January 18, 2010 at 6:00 p.m.**
Iazzetta reported the Public Safety, Recreation and Public Works Sub-Committee had met tonight prior to the Town Council meeting to discuss the CL&P easements. He also read the recommendations from the sub-committee.
Jim Paganetti, CL&P representative answered questions from the Council with regards to graffiti.
Iazzetta MOVED, McDevitt seconded, to bring Resolution #2523 on the CL&P easements with amendments to a Town Meeting on January 18, 2011 at 6:00 PM. All were in favor. (See Attachment C) MOTION PASSED UNANIMOUSLY.

12. Reports of Committees, Boards and Commissions

- a. Administration & Finance, Health and Human Services Sub Committee
Councilman Donohue reported the next meeting would be held on Wednesday, January 5, 2011
- b. Public Safety, Recreation and Public Works Sub Committee
Councilman Iazzetta reported the next meeting would be on the 4th Wednesday of the month. He stated the sub-committee would be discussing recreation items and the condition of the public works vehicles. He noted the Public Works Superintendent would also be attending.

13. Old Business

NONE.

14. New Business

NONE.

15. Future Agenda Items

- a. Discussion on changing the way we currently televise and possibly record meetings.

16. Citizens and Delegations

Peter Quercia, 300 Walnut Street Willimantic, stated we are not talking about a military tank in the backyard we are talking about ATV's and it should be okay. He feels the Town may run into trouble when challenged. He stated residential and businesses may see a decrease in utilities but that does not apply to the Town. He feels there is no problem with graffiti in Town. He stated the banks that own properties should be fined for blight like anyone else and that it is appalling the way that the banks don't take care of the bank owned property.

Jeff Viens stated as far as the blight ordinance people are counting on the Town to make life easier. He stated people in multi-family homes aren't making 6 figures like Mr. Beets and are struggling. He feels it has been a tough year and the Town should avoid any increases at all. He also offered to donate 5 squares of shingles to the McSweeney Center.

Henry Crane, 66 Windham Street Willimantic, stated he was happy Mr. Underwood made 6 figures. He noted he has no problem with the Town seizing an ATV from someone when they are being irresponsible however he doesn't think its right if they are on their own property. He stated he does not want to be pitted against his neighbor and asks the Council to amend the ordinance to include both Windham and Willimantic.

Charlene Crosthwaite, South Ridge Drive Willimantic, gave examples of ATV's and dirt bikes in her neighborhood at 1:00 AM and feels they should not be allowed in Willimantic.

Adrian Mandeville, 180 Church Street Willimantic, noted there has been a ton of discussion on the wording of the ATV ordinance and thinks a ban should be put on certain things rather than exempting things. He does not feel this will fly for property owners. He also stated the housing fees need to be justified and be going to the right places. He thanked the Council for their time and wished them luck.

Mary Lou DeVivo, Hilltop Drive Willimantic, noted the Access Agency had met and suggested the old Walgreen's be taken for a Senior Center and they would run the Senior Center. She believes we should think outside the box. She feels the Town needs to look at other alternatives.

Lori Jeffers, Willimantic, stated the Town Charter states 5 days notice for a Public Hearing therefore she feels if anything is passed tonight it is not legal. She feels the Splash Park should be paid by all of the Town. She also stated she was told Joan Goetschius asked the gentleman to speak to James Flores on Election Day and said there

have also been multiple allegations about Mr. Flores. She would like the Town to investigate and stated if anything physical happens the Town had known about it. She stated the TART money & Federal money was running out and people don't want to give money to a failing school. She noted a document dated 5/18/2009 stated not all magnet schools meet the criteria.

Bernie D'Auteuil, 168 Walnut Street Willimantic, stated there are already laws on the books for ATV's and believes we need to send a message to ATV operators.

William Crosthwaite, South Ridge Drive Willimantic, asked why ATV operators could not be fined and thinks maybe the parents would be more responsible if they were. He stated he asked the police to send an unmarked car however he gets no response. He feels something needs to be done.

17. Adjournment

McDevitt MOVED, Underwood seconded, to adjourn the Town of Windham Town Council meeting at 9:04 PM. MOTION PASSED UNANIMOUSLY.

Submitted By:

**Barbara J. McKinney
Clerk of the Town Council**

TOWN OF WINDHAM TOWN COUNCIL

Ordinance No. 2525

BE IT ORDAINED by the Town Council THAT

The following ordinance shall be amended and adopted in accord with the following.

ARTICLE III. ANTI-BLIGHT ORDINANCE

Sec. 4-41. Declaration of policy.

(a) This article is enacted pursuant to the Municipal Powers Act of the Connecticut General Statutes and general police powers including those set forth in G.S. 7-148(c)(7) and the Town Charter. This article is intended to be enforced as a blight ordinance, pursuant to G.S. 7-148(c)(7)(H), and, because the town has determined that blight is a significant nuisance to the town, as a nuisance ordinance, pursuant to G.S. 7-148(c)(7)(E).

(b) It is hereby found and declared that there exist in the Town of Windham a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of neighborhoods, and results in a deleterious effect upon residential and commercial properties. Further, it is found that the existence of blight adversely affects the economic wellbeing of the town and is inimical to the health, safety and welfare of the residents of the Town of Windham. Moreover, many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, clean-up or reuse of the most egregious examples of blighted and nuisance properties would eliminate, remedy and prevent the adverse conditions described.
(Ord. of 6-3-03, § X-1)

Sec. 4-42. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Citation hearing officer. The Town Manager shall appoint one (1) or more citation hearing officers, as defined in and pursuant to G.S. 7-152c, such officers shall be other than any individual who issues citations, and the town shall institute a citation hearing procedure pursuant to that statute and act in accordance with the procedures set forth therein.

Blighted property. Any building, structure or parcel of land, including single family or multi-family residential or commercial, whether occupied or vacant, in which at least one (1) of the following conditions exists:

(1) It does not comply with any municipal, state or federal law, regulation and Code provision regarding occupancy, care, maintenance and upkeep, including:

- a. The Town Housing Code.
- b. The Town Zoning Regulations.
- c. The State Building Code.
- d. The State Health Code.
- e. The State Fire Safety Code.

As each may be amended from time to time.

(2) It is being used for or used as store or harbor for illegal activity as documented by the police department or the state police, including criminal activities per investigations, arrest warrant applications and actual arrests or convictions;

(3) The condition of the building, structure or parcel of land constitutes an unsafe structure and poses a serious or immediate danger to the safety, health or general welfare of the community;

(4) It is not being adequately maintained, as determined from one or any combination of the following factors: missing, broken or boarded windows or doors; excessively peeling paint, collapsing or missing walls, roof or floors; excessively damaged or missing siding or the building is otherwise dilapidated; a structurally faulty foundation; physical hazards, rodent harborage and infestation, improper storage of garbage, trash, large, uncontrolled brush piles, rubbish, grocery carts, tires, hubcaps; keeping more than one unregistered vehicle in good working order and ready for registration, or any abandoned or junk vehicle, or discarded vehicle parts (as such terms are defined under section 8-42) on the premises visible from a public way (unless the premises is a junkyard legally licensed by the State of Connecticut); graffiti; fire damage;

(5) It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible to maintain in a safe condition for the use of the public pursuant to section 8-44, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash which would in any way impede or imperil public travel upon said sidewalk or render it unsafe or unsightly; or

(6) It attracts or harbors vectors, rodents, insects, vermin and disease carrying animals.
Designated enforcement officer. The designated enforcement officer(s) are those authorized by the first selectman to take such enforcement actions and to issue citations as are specified in this article.

Dilapidated. Any building or structure or part thereof that would not qualify for occupancy or which is an unsafe structure, and any dwelling unit or units which is unfit or unsafe for human habitation or is unsafe for persons walking around it or nearby it.

Exempt property:

(1) Any property acquired by the town through foreclosure, eminent domain, or by a deed in lieu of foreclosure would only be exempt from the provisions of this article during the first six (6) months from the date of the foreclosure; and

(2) Any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.

Neighborhood. An area of the town comprised of premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the town.

Sidewalk. Improved and unpaved areas adjacent to streets, highways, and those public rights of ways used for vehicular traffic, which are used for pedestrian or bicycle traffic. (Ord. of 6-3-03, § X-2)

Cross references: Definitions generally, § 1-2.

Sec. 4-43. Creation or maintenance of a blighted property prohibited.

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in section 4-42, to be created, maintained or continued.

(Ord. of 6-3-03, § X-3)

Sec. 4-44. Enforcement.

(a) The Town of Windham, acting directly or by or through its designated enforcement officer or officers, may enforce this article according to law by civil action or in such manner is authorized by Town Charter and ordinance. In addition to any other remedy, such officer may serve written notice to an owner, agent, tenant or other responsible person of any violation and may order the correction and cessation of such violation, which shall constitute an order to abate. The notice may be hand delivered or mailed to the last known address of the owner, operator or any of the persons identified in section 4-43. If the notice is mailed only to one (1) of the responsible parties it shall in no way be or be construed to be a release of any other responsible party nor evidence that any other party is responsible. If there is more than one (1) responsible party identified in the order, the responsibility for complying with the order shall be joint and several.

Notwithstanding anything to the contrary, the notice shall state the violation(s) of this article and, when necessary for the health and safety of town residents, the enforcement officer may require abatement within twenty-four (24) hours from the time of notification or immediately as may be necessary. (b) If the owner, agent, tenant or responsible person fails to correct the violations or fails to provide notice to the town of his or her intent to correct the violations set forth in the order to abate within a reasonable period of time, and if any violation continues unabated after ten (10) days from the date such order to abate served or if the owner fails to correct the violations as set forth in his or her notice to the town, the town may issue an enforcement citation with a fine up to the amount set forth in Section 1-7 of the Code of Ordinance or to such higher amount as the Town Council may establish from time to time.

(c) If the owner, agent, tenant or responsible person fails to correct the violations the town may take any action necessary to abate the nuisance at any time after the initial twenty-four-hour notice and order at the expense of the owners and send an invoice for the town's costs of such abatement to the owner of the property. The expense incurred by the town to abate the violation, together with a reasonable administrative fee that relates to the abatement, as set forth in the invoice, the amount set forth in such invoice shall become a lien upon the land if such invoice remains unpaid for a period of over six (6) months, and said officer shall file upon the land records a notice of the lien which shall state the address of the property, the name of the record owner, and the amount of the lien. Said lien may be foreclosed and enforced in the same manner as an emergency lien or other municipal lien.

(d) In addition to other remedies, without limitation, the enforcement officer is authorized to issue correction orders signed by the person responsible. The enforcement officer may, through such a signed order, establish, *inter alia*, deadlines, plans and methods for compliance, penalties, the requirement for certifications upon stages of compliance, the requirement of the involvement of professional opinion, and access to property for the purposes of determining compliance. The signed order shall be enforceable in the same manner and to the same extent as any correction or administrative order issued hereunder, including fines, injunctive relief, attorneys fees and penalties. A signed order by the person responsible shall not be the subject or an appeal or a hearing, and shall be final.

(Ord. of 6-3-03, § X-4)

Sec. 4-45. Hearing procedure for citations.

The Town of Windham shall adopt hearing procedures for enforcement citations in compliance with the requirements of G.S. 7-152c. No appeal of a citation shall stay any administrative or judicial proceedings upon the violation or upon a notice.

(Ord. of 6-3-03, § X-5)

Sec. 4-46. Municipal abatement.

In any action to enforce this article or to enforce any violation hereof, including the failure to pay a fine or penalty, the town may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorneys fees and its witness fees, and such other relief as permitted by law.

(Ord. of 6-3-03, § X-6)

Sec. 4-47. Recording of lien.

In addition to having a lien for abatement expenses, any unpaid fines or costs of abatement shall constitute a lien upon the real estate in accordance with G.S. 7-148aa, and each such lien shall be continued, recorded and released as provided for therein.

(Ord. of 6-3-03, § X-7)

Sec. 4-48. Violation.

A violation of this article is a public nuisance under section 1-7 of this Code. (Ord. of 6-3-03, § X-8)

Introduced By: Erika Haynes Adopted: January 4, 2011

TOWN OF WINDHAM TOWN COUNCIL

Ordinance No. 2524

BE IT ORDAINED by the Town Council THAT

This ordinance shall replace the current housing code

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 officials includes the building inspector, health officer, fire chief, housing code enforcement officer or police chief as defined in this section. *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.

Fire Marshal means the legally designated fire marshal for the Town of Windham.

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 designated assistant.

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

Multiple dwelling means any dwelling containing more than two (2) 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 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 actual 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.

Police chief means the legally designated police chief of the Willimantic Service District or his designated assistant.

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.

(Ord. of 3-29-85, § 1.1)

Cross references: Definitions and rules of construction generally, § 1-2.

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.

(Ord. of 3-29-85, § 12.1)

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

(a) All enforcement officials shall enforce the provisions of this article and are hereby authorized and directed 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 officials have probable cause to believe that a violation of this article or any rules and regulations pursuant thereto has been or is being committed.

(b) All enforcement officials are hereby authorized and directed 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 subsection 6-71(a).

(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 and the fire chief shall give the enforcement official and the fire chief 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 or the fire chief 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) The housing code enforcement officer will have discretion to 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.

(Ord. of 3-29-85, § 2)

Sec. 6-24. 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 chairman of the planning and zoning commission of the Town of Windham, 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.

(Ord. of 3-29-85, § 3.1)

Cross references: Boards, commissions and committees, § 2-41 et seq.

Sec. 6-25. Violation of article; notice and hearing procedures.

(a) *Service of notice.* Whenever any 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 this state.

(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.

(b) *Petition for hearing; fee.* Any person affected 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 6-24. 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.

(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 same 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.

(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. Any person aggrieved by a decision of the code enforcement committee may seek relief therefrom in any court of competent jurisdiction, within fifteen (15) days from the date of the sending of notice of the decision of the code enforcement committee, in accordance with the general provisions of the statutes relating to the taking of appeals from municipal commissions, boards and committees.

(Ord. of 3-29-85, §§ 3.2--3.7)

Sec. 6-26. 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 dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

(2) Every occupant of a dwelling or dwelling unit 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 dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 6-51(3).

(4) Every occupant of a dwelling or dwelling unit 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 6-51(3).

(5) It shall be the responsibility of the owner to hang all screens for all dwelling units in a dwelling containing more than two (2) dwelling units and for all dwelling units located on premises where more than two (2) dwelling units share the same premises.

(6) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant in a dwelling containing more than one (1) dwelling unit 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 dwelling, or in the shared or common parts of any dwelling containing two (2) or more units, extermination thereof shall be the responsibility of the owner.

(7) 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.

(Ord. of 3-29-85, § 8)

Sec. 6-27. Designation of unfit dwellings and legal procedures of condemnation.

The designation of dwellings or dwelling units 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 6-24 and 6-25.

(Ord. of 3-29-85, § 10)

Sec. 6-28. 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.
(Ord. of 3-29-85, § 13.3)

Sec. 6-29. Permit to create certain dwelling and rooming units.

No dwelling unit 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 building inspector 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.

(Ord. of 3-29-85, § 14)

Sec. 6-30. Penalties.

In addition to other remedies, including administrative and civil enforcement, any person who shall violate any provision of this article may, upon conviction, be punished in accordance with section 1-7.

(Ord. of 3-29-85, § 11)

Secs. 6-31--6-50. Reserved.

DIVISION 2. MINIMUM STANDARDS

Sec. 6-51. Basic equipment and facilities.

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:

(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 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 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 sections 6-51(1) and (2), 6-76 and 6-82 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 6-52(5) are not in operation.

(5) Every dwelling 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 the state and the town.

(Ord. of 3-29-85, § 4)

Sec. 6-52. Light, ventilation and heating.

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:

(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.

(Ord. of 3-29-85, § 5)

Sec. 6-53. 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, 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.

(Ord. of 3-29-85, § 6)

Sec. 6-54. Space, use and location requirements.

No person shall occupy 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:

(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.

(Ord. of 3-29-85, § 7)

Secs. 6-55--6-70. Reserved.

DIVISION 3. ROOMING HOUSES, BOARDING HOUSES, MOTELS AND MULTIPLE DWELLINGS OR APARTMENTS

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

(a) No person shall operate rooming houses, boarding houses, motels, hotels, and multiple dwellings or apartments or shall occupy or let to another for occupancy any rooming unit or apartment 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.

(Ord. of 11-17-89, §§ 9.0, 9.1, 9.11)

Sec. 6-72. Permit.

(a) *Registration; permit required.* Every building containing more than one (1) rooming unit such as a rooming house, boarding house, hotel, motel, plus multiple dwellings containing more than two (2) dwelling units, apartments, or multiple occupancies (example: rooming house, apartment), shall be registered by the owner or operator of specific building with the housing code department in accordance with the Landlord

Registration ordinance contained within this Code. No person shall operate such building unless he holds a valid permit issued under this ordinance by the housing code enforcement officer in the name of the operator for that specific dwelling or dwelling units.

(b) *Inspection; display of permit.* The operator or owner shall apply to the housing code enforcement officer for such permit. The building will be inspected by the housing code enforcement officers and such other code officer as he/she may determine to see if the building meets the housing and fire code ordinances. Upon compliance with the ordinances, a permit will be issued and the valid one must be displayed in a conspicuous place within the building at all times. These permits shall be issued for a term of two years and may be reissued upon re-inspection of building meeting requirements of Code ordinances.

(c) *Transferability, etc.* No such permit shall be transferable. Every person holding a permit shall give notice in writing to the housing code enforcement officer within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any building stated in this section.

(d) *Expiration.* Every permit shall expire on the last day of August following its date of issuance, unless sooner suspended or revoked as herein provided, and permit fees shall be prorated accordingly. No such permit shall be issued, or reissued, until the housing code enforcement officer has inspected the premises and determined it meets all standards as required under this article.

Conditional permit may be issued for transfer or new acquisitions upon a compliance schedule, terminable upon notice.

(Ord. of 11-17-89, § 9.2)

Sec. 6-73. Permit fees.

(a) Rooming house permits, per dwelling unit or rooming unit per year: Fees shall be established by the Town Council.

(b) Dwelling units other than boarding house under section 6-71(a), per unit per year: Fees shall be established by the Town Council.

(Ord. of 11-17-89, § 9.17; Ord. of 1-5-93)

Sec. 6-74. Denial of permit; hearing.

Any person whose application for a permit to operate a building under section 6-72(a) 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 6-25 for the hearing petition relating to notices.

(Ord. of 11-17-89, § 9.3)

Sec. 6-75. Violation; correction of conditions.

(a) Whenever, upon inspection of any building under section 6-72(a) 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 that, unless such conditions or practices are corrected

within a reasonable period, to be determined by the housing code enforcement officer, the operator's permit will be suspended.

(b) At the end of such period, the housing code enforcement officer shall reinspect such building, and if he finds such conditions or practices have not been corrected, 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 rooming unit therein.

(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.

(Ord. of 11-17-89, § 9.4)

Sec. 6-76. 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.

(Ord. of 11-17-89, § 9.5)

Sec. 6-77. 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 fire chief 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.

(Ord. of 11-17-89, § 9.6)

Sec. 6-78. Bedding, towels, supplies.

The operator of every rooming house shall change supplies, 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.

(Ord. of 11-17-89, § 9.7)

Sec. 6-79. 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.

(Ord. of 11-17-89, § 9.8)

Sec. 6-80. 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.

(Ord. of 11-17-89, § 9.9)

Sec. 6-81. 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.

(Ord. of 11-17-89, § 9.10)

Sec. 6-82. 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.

(Ord. of 11-17-89, § 9.12)

Sec. 6-83. 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.

(Ord. of 11-17-89, §§ 9.13, 9.14)

Sec. 6-84. 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.

(Ord. of 11-17-89, §§ 9.15, 9.16)

Sec. 6-85. Adoption of state laws.

The provisions of G.S. 47a-57 are adopted as a part of the town's housing code ordinance.

(Ord. of 11-17-89, § 9.18)

Secs. 6-86--6-100. Reserved.

DIVISION 4. FIRE SAFETY CODE

Sec. 6-101. Applicability.

(a) The regulations contained in this Article shall apply to all rooming houses, boarding houses, multiple dwellings and apartment complexes of three (3) or more units.

(b) These provisions concerning fire code are excerpts and generalizations from state fire code and state building codes. They are inserted for your general knowledge. They in no way override the state fire code or any new regulation that may arise from either of the above codes.

(Ord. of 11-17-89, § 16.14)

Sec. 6-102. Egress facilities required.

(a) Each story of every building stated above shall have at least two (2) safe unobstructed means of egress. Exits shall be remote from each other, providing the best practical means of egress for all occupants in the event fire renders one exit impassable.

(b) Each occupied room in a rooming house and each multiple dwelling or apartment shall have at least one (1) door opening directly to the outside or to a corridor or stairway leading directly to the outside. Such doors shall be equipped with self-closing devices to ensure closing.

(Ord. of 11-17-89, § 16.1)

Sec. 6-103. Corridors.

(a) Corridors and passageways leading to stairways and then to the outside shall not be less than thirty (30) inches wide and seventy-eight (78) inches in height unless otherwise approved by the housing code enforcement officer.

(b) Approved means of egress shall not be through a bathroom or a room used for another purpose which can close off the area. They shall have free access unobstructed to interior and outside stairway, fire escapes and other exits considered as approved means of egress and shall be through a door from floor level.

(Ord. of 11-17-89, § 16.2)

Sec. 6-104. Stairways.

(a) Stairways in approved passageways shall be not less than thirty (30) inches in width.

(b) All stairways in egress passages thirty (30) inches in width shall have suitable handrails on one (1) side. Stairways greater than thirty-six (36) inches shall have suitable handrails on both sides.

(c) Stair treads in approved inside stairways shall be not less than eight (8) inches in width, exclusive of nosing and risers and shall not exceed eight and one-half (8 1/2) inches in height. In buildings constructed after August 10, 1954, such stair treads shall be not less than nine and one-half (9 1/2) inches in width, exclusive of nosing, and risers shall not exceed seven and three-quarters (7 3/4) inches in height. Treads and risers shall be uniform in width and height.

(Ord. of 11-17-89, § 16.3)

Sec. 6-105. Doors and doorways.

(a) All doorways which are an approved means of egress shall be at floor level in structures constructed after August 27, 1954, and as near thereto as practicable in structures existing on such date.

(b) All egress doors in buildings existing on such date shall be at least thirty (30) inches in width. Egress doors in buildings constructed thereafter serving stairways forty-five (45) inches in width or over shall be not less than thirty-six (36) inches and six (6) feet six (6) inches in height.

(c) Egress doors into stairway enclosures and all doors serving stairways and other vertical openings shall be equipped with self-closing doors serving stairways, and other vertical openings shall be equipped with self-closing devices designed, installed and maintained to automatically close such doors when not in use.

(d) Windows shall not be considered a means of egress.

(e) Egress doors to the outside shall be equipped with hardware which will ensure the opening of such doors from within by a single motion, such as turning of a knob or pressure on a latch or panic bar with normal strength in the direction of traffic.

(f) No such door shall be equipped with a lock, latch, bolt or other fastening device which will allow locking such door from within requiring a second operation, such as a key, etc.

(Ord. of 11-17-89, § 16.4)

Sec. 6-106. Exit signs.

(a) Signs bearing the word "EXIT" shall be placed at each approved means of egress from each story and shall be so installed as to be legible at all times from the direction of travel thereto. Where such doorways and signs are not readily discernible from the corridor an adequate number of additional exit signs and arrows pointing in the direction of egress shall be provided.

(b) Exit signs shall bear letters four and one-half (4 1/2) inches in height, and not less than three-fourths inch strokes per letter.

(Ord. of 11-17-89, § 16.5)

Sec. 6-107. Lighting of exits, stairways and corridors.

Adequate lighting and switches shall be provided at all times for the lighting of corridors, stairways, passageways, ramps and fire escapes.

(Ord. of 11-17-89, § 16.6)

Sec. 6-108. Fire extinguishers.

Adequate fire extinguishers shall be provided with proper type extinguishing equipment adequate for the area involved, such as corridors, passageways, boiler rooms, etc., and be suitably located.

(Ord. of 11-17-89, § 16.7)

Sec. 6-109. Fire alarms.

(a) A fire-smoke alarm, AC-DC system, shall be provided with suitable alarm sounding devices of such character and so located as to be audible throughout the corridors of each story occupied. In addition, they should be suitably located in each story, convenient for operation by the occupant.

(b) Individual AC-DC smoke alarms shall be installed in each room and apartment for the detection of smoke in their area.

(Ord. of 11-17-89, § 16.8)

Sec. 6-110. Boiler rooms.

(a) In rooming houses, multiple dwellings and apartments of three (3) or more units, the central heating plant, plus gas- and oil-fired hot water heaters shall be enclosed in rooms or compartments segregated from the rest of the building by noncombustible walls, ceilings and floors with a fire-resistant rating of not less than one (1) hour, providing a reasonable smoketight enclosure.

(b) Such enclosures for heating equipment shall preferably be provided with adequate vents to the outside for sufficient proper combustion.

(c) Where it is impractical to get air for combustion from the outside, louvered vents or doors may be used for this purpose. They shall be equipped with positive self-closing devices such as a fusible link or other approved device at a temperature of one hundred sixty-five (165) degrees Fahrenheit or less within the enclosure.

(d) A fire-smoke alarm system shall be installed in the immediate area and be connected with alarm systems in corridors.

(e) Doors and jambs to furnace enclosure shall be the same fire-resistant quality as required of the enclosure, so hung as to be reasonably smoketight and equipped with adequate self-closing devices.

(Ord. of 11-17-89, § 16.9)

Sec. 6-111. Space heaters.

Space heaters or above floor devices for direct heating of the space in and adjacent to that in which device is located, without external heating pipes or ducts is prohibited. Check section 6-52(5) on heating units.

(Ord. of 11-17-89, § 16.10)

Sec. 6-112. Transoms.

Transoms shall be enclosed with thirty-minute noncombustible material.

(Ord. of 11-17-89, § 16.11)

Sec. 6-113. Sprinkler systems.

Sprinkler systems shall abide by the state fire code.
(Ord. of 11-17-89, § 16.12)

Sec. 6-114. Vertical enclosures.

Vertical enclosures shall be constructed of fire rated material of one (1) hour rating leading directly to the outside or to an approved fire rated corridor leading to outside. Doors shall be rated to enclosure and have self-closing devices and should not be kept open.

(Ord. of 11-17-89, § 16.13)

Secs. 6-115--6-150. Reserved.

Introduced By: Kevin Donohue Adopted: January 4, 2011

TOWN OF WINDHAM

Town Council

Resolution No. 2523

BE IT RESOLVED by the Town Council THAT

BE IT RESOLVED by the Council THAT the Town of Windham grant easements to install underground conduit and aboveground equipment in the locations described as follows:

Site 1 is located off Walnut Street on Town owned property between 877 & 869 Main Street and the Walnut Street municipal parking lot as shown on a map entitled "Northeast Utilities Service Co. for The Connecticut Light and Power Company, Compilation Plan, Proposed Easement Across Property of the Town of Windham, Walnut Street, Windham, CT".

Site 2 is located on the Safety Complex Property at 13 Bank Street as shown on a map entitled "Northeast Utilities Service Co. for the Connecticut Light and Power Company, Easement to be Acquired from Town of Windham, Meadow Street and Bank Street, Windham, CT".

Site 3 is located off Church Street on Town owned property at 48 Church Street, Crosbie Municipal Parking Lot, as shown on a plan entitled "Northeast Utilities Service Co. for the Connecticut Light and Power Company, Easement to be Acquired from Town of Windham, 48 Church Street Street, Windham, CT".

The easements are granted with the following stipulations:

1. That should a parking garage be built at Walnut Street it would be at CL&P'S cost and responsibility to relocate conduit.
2. The transformers shall be landscaped.
3. Should a transformer need to be relocated in the future it would be done so at CL&P'S cost.
4. The metal grates on Main Street shall be replaced with manhole covers located outside of painted crosswalks.
5. Landscaping around the transformers shall be maintained by CL&P.
6. Any graffiti on transformers shall be removed within seven working days.

To move to a Town Meeting on January 18, 2011 at 6:00 PM

Introduced By: Jerry Pazzella Adopted: January 4, 2011