

# HOUSING CODE

## SECTION I

### GENERAL PROVISIONS

The following general provisions shall apply to the interpretation and enforcement of this ordinance.

**1.01 PURPOSES.** It is hereby declared that the purpose of this ordinance is to protect, preserve, and promote the physical and mental health and social well-being of the residents of this municipality; to investigate and control the incidence of communicable diseases; to regulate privately and publicly owned dwellings for the purpose of maintaining, adequate sanitation, housing and public health; and to protect the safety of the people and to promote the general welfare. This ordinance shall be applicable to all dwellings now in existence or hereafter constructed within this municipality.

It is hereby further declared that for all of said dwellings this ordinance will: (1) establish minimum standards for basic equipment and facilities for light, ventilation, heating and cooling; (2) establish minimum standards for basic equipment and facilities for safety from fire and accidents; (3) establish minimum standards for the use and location and amount of space for human occupancy; (4) establish minimum standards for safe and sanitary maintenance. In addition, this ordinance will determine the responsibilities of owners, operators, and occupants of dwellings, and it will provide for the administration and enforcement of all of the aforesaid standards and responsibilities.

**1.02 LEGISLATIVE FINDING.** It is hereby found that dwellings exist or may in the future exist within the Town of Plainville, either occupied or unoccupied by human beings, which are in a deteriorated condition, and such dwellings are in said deteriorated condition because of improper management or maintenance; because of faulty design or construction; because of failure to keep said dwelling in a proper state of repair; because said dwellings lack proper sanitary facilities, adequate lighting or ventilation, or adequate equipment for proper heating or cooling; or because of any combination of the aforesaid factors. As a result said dwellings have or could, become so deteriorated, dilapidated, neglected, overcrowded, or unsanitary as to

jeopardize or be detrimental to health, safety, morals, and welfare of the occupants, the community and the people of the Town of Plainville.

It is hereby further found that such deteriorated dwellings or conditions contribute to the growth of physical, mental, or social ill-health or disease, mortality, crime and juvenile delinquency within this Town.

**1.03 CITATION.** This Ordinance shall be known, and may be cited, as The Housing Code Ordinance of The Town of Plainville.

**1.04 APPLICABILITY.** Every portion of a building or its premises used or intended to be used for the purpose of dwelling, living, eating, sleeping, or cooking therein or occupancy, shall comply with the provisions of this ordinance and with the rules and regulations adopted pursuant thereto irrespective of when such building shall have been constructed, altered, or repaired, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the dwelling and dwelling premises or structure, for the construction or repair of the dwelling or structure or for the installation or repair of dwelling equipment prior to the effective date of this Ordinance.

This Ordinance established minimum standards for the initial and continued occupancy of all dwellings and structures, and does not replace or modify standards otherwise established for the construction, repair, or use of buildings or the installation of building equipment.

**1.05 APPLICATION OF CODES.** Any alterations to buildings or changes of use therein, which may be caused directly or indirectly by enforcement of this code, shall be done in accordance with all applicable sections of the Building Code, Health Code, Fire Code and Zoning Ordinance of the Town of Plainville.

**1.06 TRAVEL TRAILERS AND MOBILE HOMES.** All moveable units used for human habitation, and the areas, ground, or parcels on which they are located shall comply with the requirements of this housing code except if Section 2.47 shall apply.

**1.07 APPLICATION OF ZONING LAW.** Nothing in this code shall permit the establishment or conversion of a multifamily dwelling in any zone except where permitted by the zoning regulations of the municipality; nor shall this code permit continuation of such nonconforming use in any zone except as provided in said zoning regulations.

## SECTION II

### DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:  
Section 201.0 Connecticut State Basic Building Code shall apply by reference.

**2.01 ACCESSORY STRUCTURE** shall mean a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on the same premises with a dwelling.

**2.02 BASEMENT** shall mean the portion of the building partly underground, but having less than half its clear floor to ceiling height below the grade of the adjoining ground.

**2.03 BUILDING INSPECTOR** shall mean the legally designated Building Inspector of the Town of Plainville or his designated agent.

**2.04 CELLAR** shall mean 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 grade of the adjoining ground.

**2.05 CENTRAL HEATING SYSTEMS** shall mean a single system supplying heat to one or more than one dwelling unit(s) or more than one rooming unit.

**2.06 DILAPIDATED** shall mean fallen into partial ruin or decay.

**2.07 DWELLING** shall mean any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

**2.08 DWELLING UNIT** shall mean 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.

**2.09 ENFORCEMENT OFFICER** shall mean the official designated herein or otherwise charged with the responsibilities of administering this code, or his authorized agents.

**2.10 EXTERMINATION** shall mean the control, destruction, and elimination of insects, rodents, or other pests by eliminating their harborages, by removing or by making inaccessible materials that may serve as their food, and by the use of poisoning, spraying fumigating, trapping, or other pest elimination methods approved by the enforcing officer.

**2.11 FAMILY** shall mean one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.

**2.12 FIRE MARSHAL** shall mean the legally designated Fire Marshal of the Town of Plainville, or his designated assistant.

**2.13 FLUSH WATER CLOSET** shall mean a toilet bowl flushed with water under pressure with a water sealed trap above floor level.

**2.14 GARBAGE** shall mean the animal or vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food; and shall also mean combustible waste material.

**2.15 GROSS FLOOR AREA** shall mean the total area of all habitable space in a building or structure.

**2.16 GUEST** shall mean any person who shares a dwelling unit in a non-permanent status for not more than 30 days.

**2.17 HABITABLE ROOM** shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, lavatories, water closet compartments, laundries, furnace rooms, pantries, utility rooms, foyers or communicating corridors, stairways, closets, storage space and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

**2.18 HEATED WATER** shall mean potable water heated to a temperature of not less than 120° Fahrenheit, at the outlet.

**2.19 HOUSEHOLD** shall mean a family and/or one or more unrelated persons including servants and not more occupants than two boarders, who share the same dwelling and use some or all of its cooking, eating and sleeping facilities.

**2.20 HOUSING CODE ENFORCEMENT OFFICER** shall mean the official duly appointed by the Town Manager, charged with the administration and enforcement of this ordinance, or his authorized agents.

**2.21 INFESTATION** shall mean the presence within or around a dwelling or other structure of insects, rodents or other pests.

**2.22 KITCHEN OR KITCHENETTE** shall mean any room containing any or all of the following equipment, or area of a room within 3 feet of such equipment such as a dishwasher, sink, stove or other device for cooking, and refrigerator or other device for cool storage of food or beverage.

**2.23 KITCHEN SINK** shall mean a sink of a size and design adequate for the purpose of washing eating and drinking utensils, located in a kitchen, properly connected with a potable cold and hot water line and approved waste line.

**2.24 LAVATORY** shall mean a handwashing basin which is properly connected with both a hot and cold water line and approved waste line and which is separate and distinct from a kitchen sink.

**2.25 LEAD PAINT** shall mean any pigmented, liquid substance applied to surfaces by brush, roller or spray in which the total non-volatile ingredient contains more than one (1%) percent lead, by weight, calculated as metallic lead.

**2.26 MEANING OF CERTAIN WORDS.** Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “premises”, and “structure” are used in this ordinance they shall be construed as though they were followed by the words “or any part thereof.” Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine, and the feminine the masculine.

**2.27 MULTIPLE DWELLING** shall mean any dwelling containing more than one dwelling unit.

**2.28 OCCUPANT** shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

**2.29 OPERATOR** shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

**2.30 ORDINARY SUMMER CONDITIONS** shall mean a temperature within ten (10) degrees Fahrenheit above or below the normal customary out-of-doors temperature in the locality for the prior ten year period.

**2.31 ORDINARY WINTER CONDITIONS** shall mean a temperature within fifteen (15) degrees Fahrenheit above or below customary out-of-doors temperature in the locality for the prior ten year period.

**2.32 OWNER** shall mean any person who, alone or jointly or severally with others:

(a) shall have legal title to any dwelling, premises, or dwelling unit, with or without accompanying actual possession thereof or

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

**2.33 PERMISSIBLE OCCUPANCY** shall mean the maximum number of persons permitted as family or household to reside in a dwelling unit based on the square footage per person in habitable rooms.

**2.34 PERSON** shall mean and include any individual, firm, corporation, association, trust, or partnership.

**2.35 PLUMBING** shall mean and include 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, septic tank systems or gas lines.

**2.36 POTENTIAL HAZARDOUS MATERIAL** shall mean any material, including building material, containing lead and/or toxic compound in concentrations dangerous to the public health as deemed by the State Department of Health Services.

**2.37 PRIVACY** shall mean the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

**2.38 RODENTPROOFING** shall mean a form of construction which will prevent the ingress or egress of rodents to or from a given space, building, accessory structure or surrounding, or their gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, roofs, and exterior and interior walls.

**2.39 REFUSE** shall mean all putrescible and unputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals. The terms shall also include but are not limited to such items as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, and other combustible waste materials.

**2.40 ROOMING HOUSE** shall mean any dwelling or that part of any dwelling containing one or more rooming units in which space is occupied by three or more persons who are not members of a single family or household, which units are not used for cooking or eating purposes.

**2.41 ROOMING UNIT** shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**2.42 RUBBISH** shall mean nonputrescible solid wastes consisting, but not limited to, both:

(a) Combustible wastes such as old batteries, paint scrapings, paper, cardboard, plastic containers, yard clippings, and wood, and

(b) Noncombustible wastes such as tin cans, glass and crockery.

**2.43 SAFETY** shall mean the condition of being free from danger and hazards which may cause accidents or disease.

**2.44 SEPTIC TANK OR SYSTEM** shall mean a receptacle, usually underground, to which sewage is drained and retained to effect disintegration of the organic matter by bacteria and as defined in applicable sections of the Public Health Code of Connecticut as amended.

**2.45 SPACE HEATER** shall mean a self-contained appliance of either the circulating type or the radiant type.

**2.46 SUPPLIED** shall mean paid for, furnished, provided by, or under the control of the owner or operator.

**2.47 TEMPORARY HOUSING** shall mean any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and is not attached to the ground, to another structure, or to any utility system on the premises for more than thirty (30) consecutive days.

**2.48 TOILET** shall mean a water closet, with a bowl and trap, which is of such shape, form and design which holds a sufficient quantity of water or other liquid under pressure or gravity so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.

**2.49 TOWN ENGINEER** shall mean the legally designated Town Engineer of the Town of Plainville, or his designated assistants.

**2.50 VENTILATION** shall mean the process of supplying and removing air by natural or mechanical means to or from any space.

**2.51 WORKMAN-LIKE MANNER** shall mean a person is required to execute a degree of skill, possessed by one of ordinary skill, competency, and standing in the business of a like profession or trade.

## **SECTION III**

### **ENFORCEMENT**

3.01 Whenever the Housing Code Enforcement Officer determines that any conditions exist which cause any dwelling, dwelling unit, rooming unit, or premises to fail to meet the minimum standards provided for in this ordinance, he shall issue notice of alleged violation setting forth the alleged failure or failures and requiring that such failures be corrected. Such notice shall:

- (a) Be in writing;

(b) Include a statement citing the violation;

(c) Provide a list of violations to be corrected ;

(d) Allow a maximum time limit of thirty calendar days from date of service of notice of violations contained therein, for the start of required corrections or, failing same, require the demolition or removal of such items or structure. Said corrections shall be completed within sixty (60) calendar days unless extended in writing by the Housing Code Enforcement Officer. The Enforcement Officer shall record a notice on the land records of said violation.

(e) Be serviced upon the owner or his agent, or the occupant, as the case may require; PROVIDED that such notice shall be deemed to be properly serviced upon such owner or agent, or upon such occupant, if a copy thereof is serviced 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 or property affected by notice; or if he is serviced with such notice by any other method.

**3.02** After passage of the period of time allowed for the correction of any violation described in such notice of violation, the Housing Code Enforcement Officer shall reinspect the dwelling unit, rooming unit, or premises described in the notice following the procedures detailed in Section 12.

**3.03** In the event such authorization for a reinspection is refused, and in the event that the Housing Code Enforcement Officer has reasonable grounds to believe that a violation of any provision of this ordinance or any regulation pursuant thereto has occurred or is occurring, the Housing Code Enforcement Officer shall apply to a court of competent jurisdiction, describing the dwelling, dwelling unit, or premises in question and stating the facts on which the Housing Code Enforcement Officer has concluded that reasonable grounds exist to form a belief that violation of any provision of this ordinance exists for an order granting authority to enter, inspect, examine, and survey the described dwelling, dwelling unit, or premises for the purpose of determining whether there has been compliance with the notice of violation.

**3.04** There is hereby created a Housing Code Appeal Board which consists of five members appointed by the Town Council for five-year terms; provided, however, that of the five members appointed subsequent to adoption of this ordinance, one shall be appointed for a five-year term,

one for a four-year term, one for a three-year term, one for a two-year term, and one for a one-year term.

(1) Any person aggrieved by any notice which has been issued in connection with the enforcement of any provision of this ordinance may request and shall be granted a hearing on the matter before the Housing Code Appeal Board, provided such person shall file in the Office of the Chairman of the Housing Code Appeal Board a written petition requesting such hearing and setting forth a brief statement of the grounds for such appeal within ten (10) calendar days after the notice was serviced. Upon receipt of such petition the Chairman of the Housing Code Appeal Board shall set a time and place for such hearing and shall give the petitioner at least five (5) days written notice thereof;

(2) 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.

(3) The hearing shall be scheduled for not later than thirty (30) days after the day on which the petition was filed.

**3.05** Such hearing shall be had before at least three (3) members, a quorum, of the Housing Code Appeals Board. Said Board, by at least three (3) votes, shall sustain, modify or withdraw the notice; it may also grant an extension or variance in accordance with the following conditions:

(a) the time for performance of any act required by the notice may be extended for not more than three months subject to appropriate conditions and where the Board makes specific findings of fact based on evidence relating to the particular case.

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provisions of this ordinance: and
2. That such extension is in harmony with the general purpose and intent of this ordinance in securing the public health, safety and general welfare;
3. That an extension may be granted up to the time of change of ownership, except in matters of nuisance, health and fire safety.

(b) a variance may be granted in a specific case and from a specific provision of this ordinance subject to appropriate conditions and where the Board makes specific findings of fact based on evidence relating to the particular case:

1. that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provision.
2. that the effect of the application of the provisions would be arbitrary in the specific case;
3. that an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
4. that such variance is in harmony with the general purpose and intent of this ordinance in securing the public health, safety and general welfare.

**3.06** If the notice is sustained, modified, or extended, it shall become an order as so sustained, modified, or extended. Any notice served pursuant to Subsection 3.01 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Chairman of the Housing Code Appeal Board within ten (10) calendar days after such notice is served.

**3.07** The proceedings at such hearings, including the findings and decisions of the Housing Code Appeal Board, 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 Housing Code Appeal Board may seek relief therefrom in any court of competent jurisdiction, within ten (10) calendar days from the date of sending of notice of the decision of the Housing Code Appeal Board, in accordance with the provisions of the General Statutes of Connecticut as they relate to the taking of appeals from Zoning Commission and Zoning Board of Appeals.

**3.08** Whenever, in the judgment of the Housing Code Enforcement Officer, an emergency exists which requires immediate action to protect the public health, welfare, or safety, the Housing Code Enforcement Officer shall forthwith and without notice or hearing, cause to be served either verbally or in writing an order describing the violation(s) and reciting the existence of the emergency. The Housing Code Enforcement Officer may then take such action under the

law as the Housing Code Enforcement Officer deems necessary to eliminate and cure the violation(s). Any person who is aggrieved by such notice of violation and order shall comply with its directions at once. However, said aggrieved person shall upon written request within ten (10) calendar days after such notice is served, shall be given a hearing by the Housing Code Appeals Board within two (2) business days of such request.

**3.09** Failure to take an appeal from Sections 3.04, 3.05, 3.06, 3.07, and 3.08 shall bar any person from taking a direct appeal to any court of competent jurisdiction.

**3.10** All subsequent transferees of a dwelling, dwelling unit, or rooming unit shall be deemed to have notice of the continuing existence of the violations alleged; and said transferees shall be liable to all penalties and procedures provided by this ordinance and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

**3.11** All subsequent transferees of a condemned dwelling, dwelling unit, or rooming unit shall be deemed to have notice of the continuing existence of the violations alleged; and said transferees shall be liable to all penalties and procedures provided by this ordinance and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

## **SECTION IV**

### **RESPONSIBILITIES OF**

### **OWNERS AND OCCUPANTS**

**4.01** No owner or other person shall occupy, or let to another person, any dwelling or dwelling unit unless said dwelling or dwelling unit and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Connecticut and the Town of Plainville.

**4.02** Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

**4.03** Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

**4.04** Every owner or occupant of a dwelling or dwelling unit shall store and dispose of all his refuse in a clean, sanitary and safe manner.

**4.05** Every owner of a dwelling containing more than one dwelling unit shall supply facilities or sufficient containers for the sanitary and safe storage and/or disposal of rubbish and garbage by the occupant of said dwelling unit. In the case of a single family dwelling it shall be the responsibility of the occupant to furnish such facilities or containers.

**4.06** Every occupant of a dwelling unit shall store and discard in a clean, sanitary and safe manner all his rubbish, refuse, garbage and any other organic waste which might provide food or harborage for rodents and insects. If a container is used for storage pending collection it shall be secure against entry by insects and rodents, shall be water tight and properly protected from wind or erosion spread.

**4.07** The owner of a dwelling or dwelling unit or structure shall be responsible for providing and installing all screens, storm doors and windows. However, once installed in anyone season, they shall become the responsibility of the occupant provided it is the same occupant when it was initially or seasonally installed, except that in common areas the owner shall have the responsibility for maintenance and replacement.

**4.08** 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. Every occupant of a dwelling unit, in a dwelling containing more than one dwelling unit, shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more dwelling units in any dwelling, or in the shared or common parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

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

**4.10** No owner or occupant of a dwelling, dwelling unit, or structure shall accumulate refuse, rubbish, boxes, lumber, scrap metal, or any other material in such a manner that may provide a rodent or insect harborage or rodent or insect food source in or about any dwelling, dwelling unit, structure, accessory structure or premise.

## **SECTION V**

### **MINIMUM STANDARDS FOR**

### **BASIC EQUIPMENT AND SUPPLIED FACILITIES**

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

**5.01** Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, and which shall be equipped with the following:

**5.02 A KITCHEN SINK** in good working condition apart from the lavatory sink required in section 5.06. Said kitchen sink shall be properly connected to a water supply system which is approved by the appropriate authority, and at all times shall provide an adequate amount of heated and unheated running water under pressure. Said kitchen sink shall be connected to a sewer system or septic system which is approved by the appropriate authority.

**5.03 CABINETS AND/OR SHELVES** for the storage of eating and drinking and cooking equipment and utensils, and of food that does not, under ordinary Summer conditions, require refrigeration for safekeeping. Said cabinets and/or shelves shall be adequate for the permissible occupancy of the dwelling unit and shall be kept in proper repair and of sound construction, with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

**5.04 A STOVE** or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit, but more than thirty-two (32) degrees Fahrenheit, under ordinary summer conditions. Both said stove and refrigerator shall be properly installed with all necessary connections for safe, sanitary and efficient operation. It is provided, however, that such stove, refrigerator, and/or similar devices, need not be installed when the dwelling unit is not occupied and when the occupant is expected to provide the same at time of occupancy. In that case a safe and efficient connection and sufficient space for the operation of said stove, refrigerator, and/or similar device shall be provided.

**5.05 FLUSH WATER CLOSET.** Within every dwelling unit there shall be a room, affording privacy to a person within said room. Said room shall be equipped with a flush water closet in good working condition and such flush water closet shall be equipped with easily cleanable surfaces, be connected to a water system that at all times provides an adequate amount of running water under pressure so as to cause the water closet to be operated properly, and it shall also be connected to a sewer system or septic system which is approved by the appropriate authority.

**5.06 LAVATORY SINK.** Within every dwelling unit there shall be a room, affording privacy to a person, which is equipped with a lavatory sink, said lavatory sink may be either in the same room as the flush water closet or in an adjacent room. The lavatory sink shall be in good working and sanitary condition and properly connected in an approved water supply system, which water supply system shall at all times provide an adequate amount of heated and unheated water under pressure. Said lavatory sink shall be connected to a sewer or septic system which is approved by the appropriate authority.

**5.07 WATER HEATING FACILITIES.** The water heating facilities necessary to provide the hot water required shall be properly installed and connected to the hot water lines required; shall be maintained in safe and good working condition, and shall be capable of heating water to such a temperature as to permit at all times 15 gallons of hot water to be drawn at every required kitchen sink, lavatory sink, basin, bathtub or shower at a temperature of not less than 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 Subsection 7.01, 7.03, 7.04 and 7.05 are not in operation.

**5.08 BATHTUB OR SHOWER.** Within every dwelling unit there shall be a room, which affords privacy to a person within said room, and which is equipped with a bathtub or shower in good working and sanitary condition. Said bathtub or shower may be in the same room as the flush water closet, lavatory sink, or in another room. Said bathtub or shower shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure. Said bathtub or shower shall also be connected to a sewer system or septic system which is approved by the appropriate authority.

**5.09** All structures consisting of three dwelling units or less shall have one or more approved means of egress from each unit, leading to safe and open space at ground level, as required by the laws of this state and the Town of Plainville. All structures consisting of four dwelling units or more shall have two (2) or more approved means of egress from each unit leading to safe and open space at ground level, as required by the laws of this state and the Town of Plainville.

**5.10** No person shall let to another for occupancy any dwelling or dwelling unit unless all egress doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices.

## **SECTION VI**

### **“MINIMUM STANDARDS FOR**

### **LIGHT, VENTILATION, AND ELECTRICAL”**

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 requirements of this section.

**6.01** Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be not less than ten (10) percent of the floor area of such room. Wherever walls or other portions of any structure face a window of any such rooms, and where such light-obstructing structure is located less than three feet from the window and extends to a level above that of the middle of such window in any room, such window shall not be deemed to face directly to the

outdoors and shall not be included as contributing to the required minimum total window area. Wherever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room. Each window or skylight shall be not less than three (3) square feet in area.

**6.02** At least one window or skylight of every habitable room shall face directly out doors and shall be easily opened or the room shall be equipped with such device as will adequately ventilate the room. If no such ventilating device is furnished, the total of open able window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size, or minimum skylight type window size, as required in Subsection 6.01 of this ordinance.

**6.03** Every bathroom, water closet, or tub or shower compartment shall comply with the light and ventilation requirements for habitable rooms contained in 6.01 and 6.02, except that no window or skylight shall be required in adequately ventilated bathrooms, water closets, tub or shower compartments equipped with a ventilation system in working condition which is approved by the appropriate authority.

**6.04** Every dwelling unit and all public and common areas shall be supplied with electric service, wiring, 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 of Plainville and the State of Connecticut.

The capacity of the electrical service to any dwelling unit shall be a minimum 100 amperes except that a 60 ampere service may be permitted provided that the total ampere load of any dwelling unit as calculated under the provisions of the National Electrical Code does not exceed 48 amperes. Each structure shall have its own service drop.

**6.05** Every habitable room and pantry shall have sufficient electrical outlets and/or lighting fixtures capable of providing at least three (3) watts per square foot of floor area and sufficient lumens and foot candles of light to all habitable rooms and storage areas.

**6.06** All habitable rooms shall have at least one (1) floor or wall type duplex electric convenience outlet for each sixty (60) square feet, or fraction thereof, of floor area, and in no case less than two (2) duplex outlets.

**6.07** Every water closet compartment, bathroom, lavatory, kitchenette, laundry room, furnace room, and public halls shall contain at least one (1) supplied ceiling, or wall, type electric light fixture capable of supplying at least 60 watts and sufficient lumens and foot candles of light to all areas. Every water closet compartment, bathroom, lavatory , kitchenette, or laundry room shall contain at least one (1) convenience duplex wall or floor type electrical outlet.

**6.08** Convenient switches for turning on one light in each room or passage way shall be located so as to permit the area ahead to be lighted.

**6.09** Every public hall and stairway in every dwelling shall be adequately lighted by natural and/or electric light at all times so as to permit the area ahead to be lighted. Every public hall and stairway in structures containing not more than three (3) dwelling units, may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed as an alternative to the furnishing of full time lighting.

**6.10** All rooms or areas which are used or intended to be used for workshops, hobby rooms, studios, or the like, shall comply with all regulations for habitable rooms contained in this section.

## **SECTION VII**

### **MINIMUM THERMAL STANDARDS**

#### **(HEATING AND COOLING)**

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

**7.01** Every dwelling shall have heating facilities which shall be properly installed and maintained in safe and working condition, and which shall be capable of safely and adequately heating all of the habitable rooms, kitchenette, bathrooms, and all water closet, tub and shower

compartments in every dwelling unit located therein. Such heating facilities shall adequately heat these rooms to a temperature of at least sixty-five (65) degrees Fahrenheit during all times of the year, the reading to be taken at a distance eighteen (18) inches above the floor level of each such room.

**7.02** Unvented flame space heaters are prohibited. Such portable electric heaters as are approved under the appropriate local or state electrical and/or fire prevention code, will be acceptable where they meet the provisions of paragraph 7.01.

**7.03** Every space heating unit and/or unit hot water facility shall:

1. not use gasoline or other highly volatile liquid or jelly as fuel unless properly certified for such use;
2. not be of the portable type if using solid, liquid or gaseous fuel unless properly certified for such use;
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 of Connecticut and the Town of Plainville;
4. if employing solid or liquids, have 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, ceiling, floor or other combustible material;
6. if employing gaseous fuel, be properly equipped with rigid piping up to the accessible shut-off valve;
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 of Connecticut and the Town of Plainville.

**7.04** All wood or coal burning stoves used as a supplemental heating facility and/or water heater, must be installed in accordance with the ordinances of the Town of Plainville and approved by the appropriate authority within the Town.

**7.05** 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 of Connecticut and the Town of Plainville.

## **SECTION VIII**

### **GENERAL REQUIREMENTS RELATING TO THE 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 requirements of this section.

**8.01** Every foundation, floor, roof, ceiling, exterior and interior wall, and accessory structure shall be kept weathertight, watertight, and damp-free, shall be kept in sound condition and good repair, and shall be capable of affording privacy for the occupants. All exterior wood surfaces

shall be protected and properly maintained from the elements and decay by paint or other protective covering or treatment. Toxic paint and materials will not be used on such exterior surfaces as are readily accessible to children.

**8.02** Lead paint or potentially hazardous material on the interior surfaces of any dwelling unit, rooming unit, rooming house or on any fixtures or other objects used, installed or located in or upon any exposed surface in any such facility is prohibited. Such interior surfaces include, but are not limited to window sills, window frames, doors, door frames, walls, ceilings, stair-rails and spindles, and all other appurtenances of the interior portion of the dwelling premises.

**8.03** In each instance where conditions disclose loose, flaking, chipping, or falling paint, plaster or paper, and there is reason to believe that the presence of lead paint or toxic material exist as a potential hazard, the enforcing officer shall take samples in a manner prescribed by the appropriate authority and shall submit samples for analysis to said appropriate authority.

**8.04** Every window, exterior door and basement hatchway, and all similar devices shall be kept inset and rodent-proof and reasonably watertight and weathertight and shall be kept in sound working condition and good repair at all times.

**8.05** All rain water shall be so drained and conveyed from every roof so as not to leak or cause dampness in the walls, ceilings or floors of any room or of any part of the structure.

**8.06** During that portion of the year when there is a need for protection against mosquitoes, flies, and other insects, every door that is intended to be used for ventilation that opens directly from a dwelling unit to outside space shall be equipped with properly fitting screens having not less than a 16 mesh and shall be operated by a self-closing device; during said portion of the year every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall also be supplied with such screen, except that no screens shall be required for any dwelling unit located on any floor above the fifth floor.

**8.07** Every window located at or near ground level that is used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate gauge screen or such other device as will effectively prevent their entrance.

**8.08** Every dwelling or accessory structure, and the premises upon which it is located, shall be rodent-proof and maintained so as to prevent the harboring of rodents. Such premises shall be

graded and drained, kept free of standing water, and maintained in a clean, sanitary, and safe condition.

**8.09** All openings in the exterior walls, foundations, basements, ground or first floors, and roofs which have an opening that is a half-inch or more in diameter shall be rodent-proofed in an approved manner if such openings may be reached by rodents from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other means such as trees or lines by burrowing.

**8.10** Skirting, lattice, or other non-rodent-proofed enclosure that can create a harboring place for rodents under a porch or under any other portions of a building shall be rodent-proofed at all locations where a rodent could find, burrow, or gnaw an access opening.

**8.11** In the event that occupancy usages would result in the stacking or piling of materials, the materials shall be so arranged as to prohibit the creation of a harbor for insects or rodents. This can be accomplished by orderly stacking and elevating such material so that there will be an eighteen inch (18") opening between the material and the ground level. No material shall be stacked or piled against the exterior walls of any structure.

**8.12** All doors, including swinging, sliding and folding types, shall be constructed so that the space between the lower edge of the floor and the threshold shall not exceed three-eighths (3/8) inch. It is provided further that the space between sections of folding and sliding doors when closed shall not exceed three- eighths (3/8) inch. All exterior doors shall be threshold stopped.

**8.13** Interior floors of basements, cellars, and other areas in contact with the soil shall be paved with concrete or other materials impervious to rodents.

**8.14** Materials used for rodent control shall be those materials that are acceptable to the appropriate authority.

**8.15** In areas of heavy rodent infestation, the enforcing officer shall require that every exterior door be equipped with an automatic closing device, or with a screen door that is equipped with such a device and properly fitted and maintained.

**8.16** All sewers, pipes, drains, conduits, roof ventilators, chimneys, pipe vents, downspouts, openings, etc., permitting accessibility to rodents shall be protected against entry by grilles,

hardware cloth, caps, expanded metal covers, or other rodent-proof material acceptable to the appropriate authority.

**8.17** If the space between two (2) buildings is too small to permit inspection of the exterior walls of such building, such space shall be sealed so as to prevent the entrance of rodents or other animals. Provisions shall be made in the rodent-proofing in such cases that drainage is not obstructed.

**8.18** All fences provided by the owner or an occupant on the premises shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition or shall be removed. Wood materials shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the State of Connecticut, and the Town of Plainville. Wherever any egress from the dwelling opens into the fenced area, the fence shall include a means of egress from the premises to any public way adjacent thereto.

**8.19** Accessory structures on the premises shall be structurally sound and shall be maintained in good repair and free from insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.

**8.20** Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, gutter, leaders, and downspout, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may caused to be placed thereon, and shall be kept in sound condition and good repair.

**8.21** Every inside and outside stair or step shall have uniform risers and treads, and stairways shall have handrails, structurally sound, of required height and balustrades spaced as in Section 8.22.

**8.22** Porches, stairways, and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective handrails of the required height, and if unenclosed, balusters spaced no less than six (6) inches apart shall also be provided. Alternate systems providing at least the same degree of protection, if approved by the appropriate authority, shall be acceptable.

**8.23** Every plumbing fixture, and water and waste pipe, shall be properly installed and maintained in good sanitary working condition at all times.

**8.24** Every water closet compartment shall be constructed and maintained so as to be impervious to water. Every bath- room, water closet, tub or shower compartment, and kitchen floor surface shall be so constructed and maintained so as to be easily kept in clean and sanitary condition and shall be reasonably impervious to water.

**8.25** Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment utility, and heating apparatus, installed on the premises for the use of any dwelling unit or which is otherwise required under this ordinance, shall be constructed and installed in 'conformance with the applicable local or state codes, and shall be maintained in satisfactory working condition.

**8.26** Neither the owner nor any occupant of any dwelling unit shall cause any service, facility, equipment, or utility which is required under this ordinance to be removed from, or shut off from, or discontinued for any premises containing an occupied dwelling or dwelling unit let or occupied 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 appropriate authority.

**8.27** All construction and materials, all ways and means of egress, and all installation and use of equipment and facilities shall conform to applicable state and local laws dealing with fire protection and shall be installed and maintained in a workmanlike manner.

## **SECTION IX**

### **MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS**

No person shall occupy, or let to be occupied, any dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section.

**9.01** Every dwelling unit shall contain at least one hundred-fifty (150) square feet of floor space for the first occupant thereof, and at least one hundred-thirty (130) square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room space.

**9.02** In every dwelling unit of two or more rooms every room primarily used for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant thereof.

**9.03** No dwelling or dwelling unit, containing two or more sleeping rooms, shall have such room arrangement that access to a bathroom or water closet, tub or shower compartment, intended for use by occupants of more than one sleeping room, can be entered only by going through another sleeping room or a bathroom or water closet, tub or shower compartment. Nor shall room arrangements be such that access to a sleeping room can be entered only by going through another sleeping room. Each room shall provide privacy. A bathroom or water closet, tub or shower compartment shall not be used as the only passageway to any hall, basement or cellar or to the exterior of a dwelling unit.

**9.04** Every separate and detached dwelling unit shall contain a minimum of 480 square feet of space with any minimum dimension being eighteen (18) feet and shall contain a kitchen, living room or family room, bedroom and bathroom. All other separate and detached structures, not existing as dwelling units, shall conform to all the zoning, health and fire regulations and building requirements in addition to this Code.

**9.05** All dwelling units constructed after the effective date of this amendment shall have at least seventy-five (75) percent of the floor area of every habitable room with a clear ceiling height of no less than seven (7) feet six (6) inches in the basement and seven (7) feet four (4) inches in all other stories. For dwelling in existence prior to the effective date, a minimum ceiling height of 6'6" shall be required for fifty (50) percent of the floor area of any habitable room.

The floor area of that part of any room, where the ceiling height is less than five (5) feet, shall not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy thereof. At least fifty (50) percent of the floor area in the attic rooms shall have a ceiling height of six (6) feet six (6) inches:

(a) There are no pipes, or other obstructions, less than six (6) feet six (6) inches above the floor level which interfere with the normal use of the room or area;

(b) The floor, and those portions of the walls below grade, are of waterproof and damp-proof construction;

(c) The minimum window area, required in subsection 6.01, is located entirely above grade of the ground adjoining such window area or, if windows are located wholly or partly below grade, it shall be required that there be constructed a properly drained window well whose ground area shall be equal to, or greater than, the area of the window opening; the bottom of the window well shall be below the top of the impervious masonry construction under this window; the minimum horizontal projections of the bottom of the window well shall be equal to, or greater than, the vertical dimension (depth) of this window opening, as measured from the bottom of the masonry opening, and no part of the window well, opposite this window, shall protrude above a line projected at a forty-five (45) degree angle from the bottom of the window opening at right angles to the outer wall;

(d) The total openable window area in each room is equal to at least the minimum, as required under subsection 6.02 of this ordinance (except where there is supplied some other device affording adequate ventilation and approved by the appropriate authority).

**9.06** Every dwelling unit shall have closet or storage space of at least four (4) square feet floor to ceiling height, for the personal effects of each of the permitted number of occupants of that dwelling unit. If such required closet or storage space is lacking, an amount of space, equal in square footage to the deficiency, shall be subtracted from the area of habitable room space to be used in determining the number of occupants to be permitted in the dwelling unit.

**9.07** For the purpose of ensuring the safety of children in the residential environment each dwelling shall have a facility suitable for the safe storage of medicines, toxic materials, and various poisonous household substances as determined by the appropriate authority.

**9.08** Limitation of dwelling unit access to commercial uses. No habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, food service facility, barber or beauty shop, doctor's or dentist's examination or treatment room, automobile repair garages or shops, or any similar room used for public or private purposes.

## **SECTION X**

### **ROOMING HOUSE**

No person shall operate a rooming house, or shall occupy, or let to another for occupancy, any rooming house except in compliance with the provisions of Section IV, V, and VI of this ordinance. No vacant rooming unit shall be occupied or let unless it is clean, sanitary, and fit for human occupancy, and shall otherwise be in compliance with all applicable requirements of the Town of Plainville and the State of Connecticut.

**10.01** No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Housing Code Enforcement Officer, Fire Marshal, and Building Official, in the name of the operator and for the said dwelling or dwelling unit as specified in such permit. The operator shall apply, on applications provided by the Housing Code Enforcement Officer, for such permit, which shall be issued by the Housing Code Enforcement Officer only after determining that said rooming house is in compliance with the applicable provisions of this ordinance and with any rules and regulations adopted pursuant thereto. There shall be a twenty-five dollar (\$25) fee payable at the time of application. The permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Application for such permit by the operator of said rooming house shall serve as authorization by the operator for the Housing Code Enforcement Officer to make any and all of such inspections or reinspections as the Housing Code Enforcement Officer shall find to be necessary to determine the condition of the rooming units consistent with the enforcement of the provisions of this ordinance. Such entry, examination and survey shall be conducted during reasonable hours.

Every person holding such permit shall give notice in writing to the Housing Code Enforcement Officer within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such written notice shall

include the name and address of the person succeeding to the ownership, interest in, or control of such rooming house. Every rooming house permit shall expire at the end of the year following its date of issuance, unless it is earlier suspended or revoked as hereinafter provided.

**10.02** At least one flush water closet, lavatory sink, and bathtub or shower that is properly connected to a potable water supply and sewer or septic system, approved by the Housing Code Enforcement Officer, and in good working condition, shall be supplied for each five persons, or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of said facilities. It is further provided:

(a) that none of the above mentioned facilities shall be located in a cellar, except by written approval of the Housing Code Enforcement Officer;

(b) that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets;

(c) that every lavatory sink and bathtub or shower shall be supplied with heated and unheated water under pressure at all times;

(d) that cooking in a rooming unit and/or dormitory shall be prohibited;

(e) that communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the Housing Code Enforcement Officer in writing.

**10.03** All rooming unit doors shall have operating locks to insure privacy.

**10.04** The operator of every rooming house shall change supplied bed linen and towels there in at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the clean and sanitary maintenance of all supplied bedding.

**10.05** Access to or egress from each rooming unit shall be provided without passing through any other rooming unit or dwelling unit or any water closet, lavatory sink, bathtub or shower compartment.

**10.06** The operator of any rooming house shall post in every rooming unit a sign on which shall be legibly written or printed in letters on durable stock, not less than three-eighths of one inch in height the following words: "No Cooking Of Any Kind Permitted In This Room", and such sign shall be posted and maintained at all times the room is occupied.

**10.07** Every rooming house shall have two or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Connecticut and the ordinances of the Town of Plainville.

**10.08** Every provision of this ordinance which applies to rooming houses shall also apply to hotels, motels, dormitories, and clubs, except to the extent that any such provisions may be found in conflict with the laws of the State of Connecticut or the ordinances of the Town of Plainville.

## **SECTION XI**

### **SUSPENSION OF PERMITS OF ROOMING HOUSES**

**11.01** The Housing Code Enforcement Officer is hereby authorized to enter, inspect, examine, and survey all rooming houses and rooming units at all reasonable hours. Whenever upon inspection of any rooming house or rooming units the Housing Code Enforcement Officer finds that conditions or practices exist which are in violation of any provisions of this ordinance, or of any applicable rule or regulation adopted pursuant thereto, the Housing Code Enforcement Officer shall give a written order to the operator of such rooming house that unless such conditions are corrected within a period of time to be specified by the Housing Code Enforcement Officer, the operator's permit will be suspended. Such period of time shall be of a reasonable length. At the end of said period of time the Housing Code Enforcement Officer shall reinspect such rooming house or rooming unit under the conditions of his first entry and inspection as set forth in the subsection above. If the Housing Code Enforcement Officer determines that such conditions have not been corrected, he shall issue an order suspending the operator's permit.

**11.02** Any person whose permit to operate a rooming house has been suspended by order of the Housing Code Enforcement Officer shall be granted a hearing on the suspension order by the Housing Code Appeals Board in the manner prescribed by subsections 3.04 – 3.08 on Hearings and Appeals. If no such petition for a hearing is received by the Housing Code Appeals Board within ten (10) days following the day on which the permit suspension was served, said permit shall be deemed revoked.

## **SECTION XII**

### **INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS, AND PREMISES**

**12.01** The Housing Code Enforcement Officer is hereby authorized and directed to make inspections, by and with the authorization of either the owner, occupant, or person in charge, to determine the condition of dwellings, dwelling units, and premises with the Town of Plainville for the purpose of determining compliance with the provisions of this ordinance. For the purpose of making such inspections the Housing Code Enforcement Officer, with authorization of either the owner, occupant or person in charge, is hereby empowered to enter, examine and survey all dwellings, dwelling units, rooming units, and premises at all reasonable hours. Such inspection, examination, and survey shall be made in a manner that will cause the least amount of inconvenience to said owner or occupant, consistent with an efficient performance of the duties of the Housing Code Enforcement Officer. To further ensure that the policy of this ordinance is to achieve compliance through cooperation of owners and occupants, and to ensure that such policy will be successfully maintained, whenever practicable the Housing Code Enforcement Officer will provide reasonable advance notice to the owner, the person in charge, and/or the occupants of any planned blanket inspection and any inspections of a routine nature excluding the investigation of complaints registered by any person identified or anonymous.

**12.02** Whenever an owner, occupant, or person in charge of a dwelling, dwelling unit, or premises shall deny the Housing Code Enforcement Officer right of entry for the purpose of inspection, investigation, examinations or survey, the Housing Code Enforcement Officer shall not so enter until he presents a duly granted authorization to enter for the purpose of inspection, investigations, examination, or survey of such premises.

Nothing in this section shall be construed to preclude the entry of the Housing Code Enforcement Officer at any time when, in his judgment, an emergency tending to create an immediate danger to the public health, welfare, or safety exists; or when such entry by the Housing Code Enforcement Officer is requested by either the owner, occupant, or person in charge of the dwelling, dwelling unit, rooming unit, or premises; or when the Housing Code Enforcement Officer presents a duly granted authorization to enter for the purpose of inspection, investigations, examinations, or survey of such premises for the purpose hereof.

Any owner, occupant, or person in charge of a dwelling, dwelling unit, rooming unit, or premises refusing to permit, or impeding, entry of and free access to any part of any dwelling, dwelling unit, rooming unit, structure, or premises for the purposes of inspection, investigation, examination, or survey under the provisions of this subsection and subsection 12.01 above shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than ninety-nine dollars (\$99.00) as provided in Section XIV of this Code.

**12.03** The Housing Code Enforcement Officer shall keep confidential all evidence which may be discovered or obtained in the course of an inspection made pursuant to this section, except when in conflict with applicable Freedom of Information statutes. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the Housing Code Enforcement Officer and effective administration and enforcement of the provisions of this ordinance and rules and regulations issued pursuant thereto.

**12.04** Every owner or operator of a rooming house shall keep, or cause to be kept, records of all requests for repair and compliance by tenants, which requests are related to the provisions of this ordinance and to any applicable rules and regulations, and records of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or operator to the Housing Code Enforcement Officer for inspection and copying upon request. Such records shall be admissible in any administrative or judicial proceeding pursuant to the provisions of this ordinance as prima facie evidence of the violation or the correction of violations of this ordinance or of applicable rules and regulations pursuant thereto.

## **SECTION XIII**

### **RULES AND REGULATIONS**

The Town Manager /Housing Code Enforcement Officer is hereby authorized to make, adopt, revise, and amend such rules and regulations as is deemed necessary for the carrying out of the provisions of this ordinance in accordance with the procedures made, established, and provided by the Town Charter and Ordinances of the Town of Plainville.

## **SECTION XIV**

### **PENALTIES**

Any person who shall violate any provision of this code or who shall willfully refuse or fail to obey an order of the Housing Code Enforcement Officer or the Housing Code Appeals Board to comply with this ordinance, or of any rule or regulation adopted hereunder, shall upon conviction, be fined not less than fifty dollars (\$50.00) nor more than ninety-nine dollars (\$99.00), and each day's failure to comply with any such provision shall constitute a separate violation.

## **SECTION XV**

### **DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION**

15.01 The designation of any dwelling, dwelling units, rooming house or rooming unit, as unfit for human habitation, and the procedure for the condemnation and placarding of such dwellings or dwelling units, shall be carried out in compliance with the following requirements:

(a) Any dwelling, dwelling unit, rooming house or rooming unit, which the Housing Code Enforcement Officer shall find to have one or more 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.

(b) Any dwelling, dwelling unit, rooming house or rooming unit that is so damaged, decayed or dilapidated, unsanitary, unsafe, or vermin-infested or potential vermin harborage that it creates a hazard to the health or safety of the occupants or of the public.

(c) Any dwelling, dwelling unit, rooming house or rooming unit that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(d) Any dwelling, dwelling unit, rooming house or rooming unit that is condemned as unfit for human habitation, and so designated and placarded by the Housing Code Enforcement Officer, shall be vacated forthwith by all occupants thereof.

**15.02** No dwelling, dwelling unit, rooming house or rooming unit that has been condemned and placarded as unfit for human habitation shall be used again for human habitation until written approval is secured from the Housing Code Enforcement Officer and until such placard is removed by express permission of the Housing Code Enforcement Officer and said dwelling, dwelling unit, rooming house or rooming unit is in compliance with all other appropriate ordinances. The Housing Code Enforcement Officer shall permit removal of such placard by the owner, occupant, or person in charge of the dwelling, dwelling unit, rooming house or rooming unit upon the elimination of such defect as was found by the Housing Code Enforcement Officer as described in Section 15.01 herein above.

**15.03** No person shall willfully deface or remove the placard from any dwelling, dwelling unit, rooming house or rooming unit which has been condemned as unfit for human habitation and placarded as such, except when such action has been authorized by the Housing Code Enforcement Officer as provided for in the subsection 15.02 above. Whoever violates this provision shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00), nor more than ninety-nine dollars (\$99.00).

**15.04** Any person aggrieved by any order involving the condemnation and placarding of a dwelling, dwelling unit, rooming house or rooming unit shall be granted a hearing subject to the conditions specified in Section III upon the written request of such aggrieved person as provided therein.

**15.05** In the event no substantial corrective action is taken by the owner, occupant or person in charge of a dwelling, dwelling unit, rooming house or rooming unit thus condemned as unfit for human occupancy within three (3) months following the date of the condemnation described above provided that no appeal is then pending, then the Housing Code Enforcement Officer shall order the condemned structure to be demolished as soon as practicable.

**15.06** All subsequent transferees of a condemned dwelling, dwelling unit, rooming house or rooming unit shall be deemed to have notice of the continuing existence of the violations alleged; and said transferees shall be liable to all penalties and procedures provided by this ordinance and

by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

## **SECTION XVI**

### **UPON ADOPTION OF THIS ORDINANCE**

**16.01** Each habitable room, dwelling, dwelling unit, rooming house or rooming unit that does not conform to this ordinance and becomes vacated for any reason or length of time shall conform to this ordinance before it is deemed habitable again.

**16.02** The owner of each dwelling, dwelling unit, rooming house or rooming unit shall be held responsible for compliance to this ordinance in any instance where such a dwelling, dwelling unit, rooming house or rooming unit is considered non-complying. Such work as is necessary to bring each habitable room, dwelling, dwelling unit, rooming house or rooming unit to compliance with the standards as noted in this Amendment shall be completed within two years of adoption of the Amendment, unless otherwise ordered by the Enforcement Officer.

## **SECTION XVII**

### **PERMIT TO CREATE CERTAIN DWELLING AND ROOMING UNITS**

**17.01** No dwelling, dwelling unit, rooming house or rooming unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling, dwelling unit, rooming house or rooming unit, unless the Building Official and Zoning Enforcement Officer have issued a written permit certifying that the plans and specifications for such work indicate that the provisions of this ordinance will be complied with.

## **SECTION XVIII**

### **CONFLICT OF ORDINANCES; EFFECT OF PARTIAL INVALIDITY; PERSONAL LIABILITY**

**18.01** In any case where a provision of this ordinance is found to be in conflict with any existing code, ordinance, or regulation of the Town of Plainville existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**18.02** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end the provisions of this ordinance are hereby declared to be severable.

**18.03** The Housing Code Enforcement Officer and his assistants shall be free from personal liability for acts done in good faith in the performance of official duties. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.

## **SECTION XIX**

### **EFFECTIVE DATE**

This ordinance shall be effective ten (10) days after passage and publication.

Adopted by Town Council June 29, 1964

Amended February 3, 1969

Amended September 14, 1970

Amended April 5, 1982