

## Chapter 9

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\*Cross references—Buildings and building regulations, ch. 5; fire prevention and protection, ch. 7; flood and erosion control, ch. 8; public improvements, ch. 12; streets and sidewalks, ch. 13.5; utilities, ch. 15.

State law references—Authority to make rules relating to maintenance of safe and sanitary housing, C.G.S. § 7-148(c)(7)(A)(i); tenement and lodging houses, C.G.S. § 19a-356 et seq.

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HOUSING

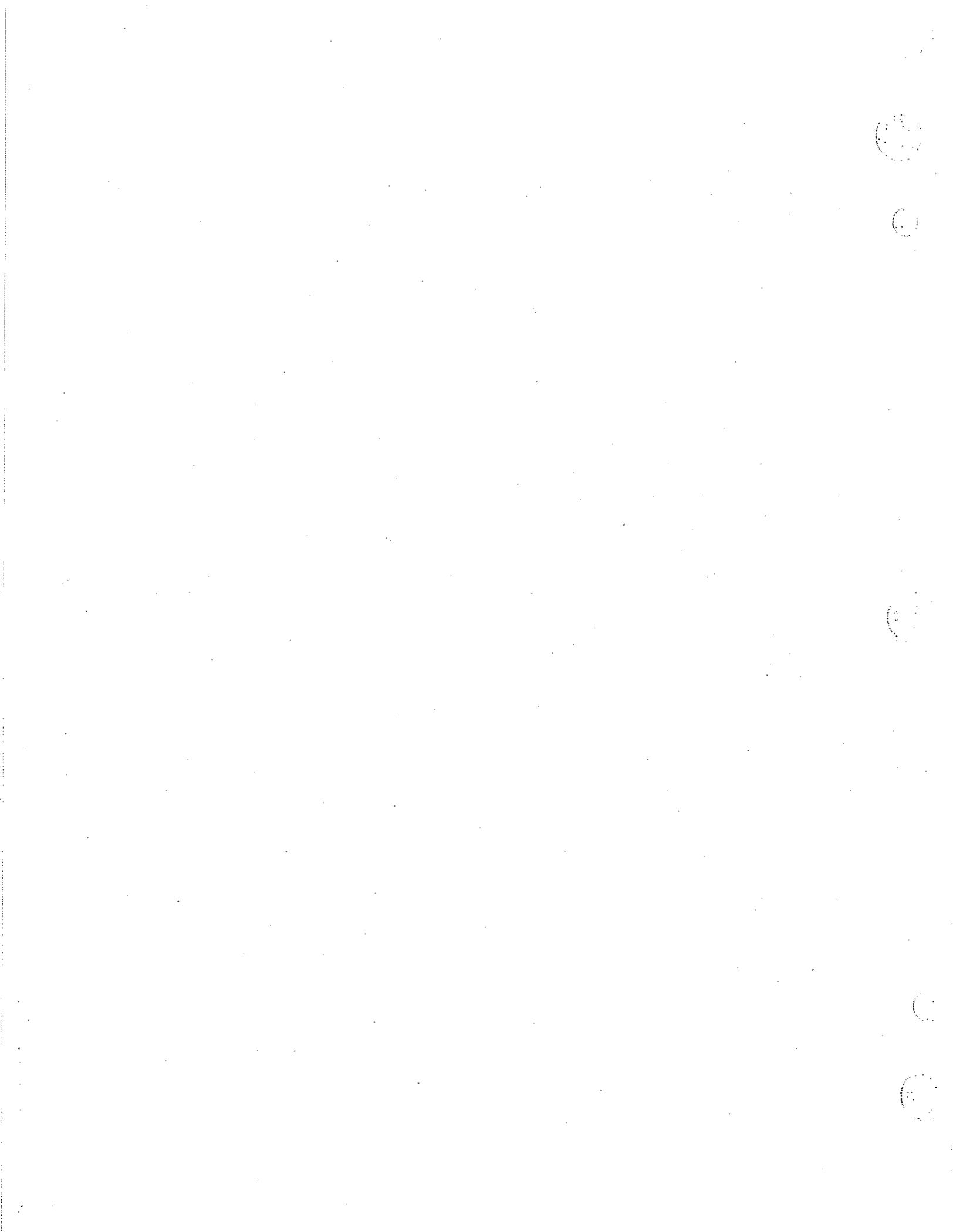
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## ARTICLE I. IN GENERAL

### Sec. 9-1. Rental housing code adopted by reference.

A rental housing code which establishes minimum standards governing the condition and maintenance of dwellings, hereafter known as the "Rental Housing Code of the Town of Groton," is hereby adopted and made a part hereof by reference, as fully as if set out at length herein. Copies of such code are on file and available for public inspection in the zoning office and the office of the town clerk.

(Code 1969, § 6 $\frac{1}{2}$ -1)

**Charter reference**—Authority to adopt codes, rules and regulations by reference, § 4.5.3.

### Sec. 9-2. Housing site development agency designated.

The office of community development, under the supervision of the town manager, is hereby designated as the town's housing site development agency to carry out housing and community development projects in accordance with community development program grants.

(Ord. No. 199, § 1, 5-16-89)

**Cross reference**—Boards, commissions, committees and agencies, § 2-86 et seq.

### Secs. 9-3—9-30. Reserved.

## ARTICLE II. FAIR RENT COMMISSION\*

### Sec. 9-31. Definitions.

Unless otherwise provided by C.G.S. §§ 7-148b through 7-148f or other applicable provisions of state law, 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:

*Commission* shall mean the fair rent commission of the town.

\***Cross reference**—Boards, commissions, committees and agencies, § 2-86 et seq.

**State law reference**—Fair rent commissions, C.G.S. § 47a-20.

*Housing accommodation* shall mean any building or structure in the town, including mobile homes and mobile home park lots, wholly or in part, containing living quarters occupied for residential purposes, with any land or building appurtenant thereto and any services, furniture and facilities supplied in connection therewith, except the following:

- (1) A hospital, convent, rectory, monastery, asylum, public institution, college or school dormitory or any institution operated exclusively for charitable or educational purposes.
- (2) Any housing accommodations owned and operated by the United States, the state, the housing authority of the town, or by any political subdivision of such governmental entities, or by any nonprofit organization receiving subsidy from such governmental entities for the operation of such housing accommodations.
- (3) Apartments for which the amount of rent paid by the tenant is based on the tenant's income in accordance with regulations established by federal or state government.
- (4) Housing accommodations exempted by C.G.S. § 7-148b; i.e. housing accommodations rented on a seasonal basis where those accommodations are rented for a period or periods aggregating not more than 120 days in any one calendar year.
- (5) Hotels and motels.
- (6) Such other exceptions as may in the future be enacted by amendment to the above state laws.

*Landlord* shall mean any person who leases, subleases, rents or permits the occupancy of any housing accommodation in the town, including a person who manages a housing accommodation owned by someone else.

*Rent or rental charges* shall mean any consideration, monetary or otherwise, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of any housing accommodation, and also includes a benefit derived from a decrease in services.

*Tenant* shall mean any person who leases or rents, whether by written or oral lease, any housing accommodation in the town as a residence for himself and/or his immediate family. (Ord. No. 203, § 1-1, 1-16-90)

Cross reference—Definitions and rules of construction generally, § 1-2.

#### **Sec. 9-32. Creation; purpose.**

Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c(b), there is hereby created the fair rent commission for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions. (Ord. No. 203, § 1-2, 1-16-90)

#### **Sec. 9-33. Membership; officers.**

(a) The fair rent commission shall consist of five members, all of whom shall be resident electors of the town, and shall be composed of one landlord member, one tenant member, and three citizen members. Not more than three of the members shall be registered members of the same political party. All of the members shall be appointed by the town council. For the purposes of this provision, the phrase "citizen member" means a resident elector of the town who is neither a tenant nor a landlord.

(b) In addition, the town council shall appoint two resident electors who shall be one landlord and one tenant to serve as alternates. Either of the alternates shall act in the place of a regular member who is either absent or disqualified from serving. The term of office of the alternates shall be for a period of three years, or until their successors have been chosen and qualified. Not more than one of the alternate members shall be a registered member of the same political party.

(c) The commission shall elect from its members a chairperson, first vice chairperson and secretary. (Ord. No. 203, § 1-3, 1-16-90)

#### **Sec. 9-34. Commissioners' terms.**

(a) The initial regular members of the fair rent commission shall be appointed for staggered terms. Thereafter, regular members shall be appointed for terms of three years.

(b) Appointment and removal of commission members shall be in the manner provided in section 4.5.8 of the town Charter for appointment and removal of commission members. (Ord. No. 203, § 1-4, 1-16-90; Ord. No. 209, 8-7-90)

#### **Sec. 9-35. Quorum.**

A quorum of the fair rent commission for any hearing or meeting shall consist of three members or their alternates, who shall be empowered to conduct such hearings and render orders and decisions pursuant thereto. (Ord. No. 203, § 1-5, 1-16-90)

#### **Sec. 9-36. Employment of staff.**

The community development office will act as staff to keep the commission's records, to handle its correspondence, to supervise and direct the administration of this article and generally to perform such other functions as may be assigned by the commission. Upon request, assistance from other municipal agencies shall be reasonably available to the commission. (Ord. No. 203, § 1-6, 1-16-90)

#### **Sec. 9-37. Powers.**

Pursuant to C.G.S. §§ 7-148b through 7-148f, the fair rent commission shall have the following powers:

- (1) To make such studies and investigations into rentals charged for housing accommodations within the town as it deems appropriate to carry out its responsibilities hereunder.
- (2) To receive complaints, inquiries and other communications concerning alleged excessive rental charges in housing accommodations within the town pursuant to section 9-38.

- (3) To conduct hearings on complaints or requests for investigation submitted to it by any tenant or any landlord pursuant to section 9-38. For any such hearing, two weeks' written notice by registered or certified mail, postage prepaid, shall be given to all parties concerned involved in the complaint of the housing accommodations in question. If any notice is returned without having been delivered, the commission may arrange for service in the same manner as is provided in state law for service of process in a civil action.
- (4) To subpoena witnesses, compel their attendance at hearings, compel the production of any documents or records relating to any matter before the commission, administer oaths and order a housing code inspection if the complaint is based in part on the conditions of the premises.
- (5) To dismiss a complaint based on the tenant's failure to pay on time the amount of rent due while the case is pending or based on the tenant's failure to fulfill responsibilities described in this article or in the rules and regulations established by the commission for the implementation of this article.
- (6) To determine, after a hearing, whether an existing rental charge with a substantial decrease in major services or a proposed increase in a rental charge for any housing accommodation is so excessive as to be harsh and unconscionable pursuant to the provisions of section 9-40.
- (7) To order a reduction of any excessive rent to an amount the commission considers fair and equitable. In its discretion the commission may make the order retroactive to the effective date requested by the landlord, however, the commission shall not have the power to waive any rent which has become due prior to the filing date of the complaint. Such order shall be in effect for a period for one year from its effective date, except as provided under subsection (9) of this section or if the commission shall, pursuant to a subsequent petition by the landlord or tenant, which may be made by the landlord or tenant at any time, order that the rent be changed.
- (8) To continue, review, amend, terminate or suspend all its orders and decisions.
- (9) To take action as follows upon noncompliance.
- a. If the commission determines after a hearing that a housing accommodation fails to comply with any state or town statute or regulation relating to health and safety, the commission may order the tenant to pay the fair and equitable rent, as determined by the commission, to the commission in accordance with C.G.S. § 7-148d(a).
  - b. The commission shall hold such rent in an escrow account, as hereinafter provided, until the landlord makes such repairs or changes as are required to bring the housing accommodation into compliance with such chapters, statutes or regulations.
  - c. If the landlord shall have corrected such violations after the order reducing the rent and if the rent had been reduced solely because of such violations, the landlord may petition the commission for the reinstatement of the original rent and for the payment to him of the rent held in the escrow account.
  - d. If the landlord shall have corrected such violations after the order reducing the rent, but the rent had not been reduced solely because of such violations, the landlord may petition the commission for an order fixing a fair and equitable rent for such housing accommodation in light of its condition at the time of the landlord's petition and for the payment to him of the rent held in the escrow account.
  - e. In any case arising under this subsection, upon reasonable determination of the commission, the original rent or such fair and equitable rent as determined by the commission may be ordered into effect retroactive, at the dis-

cretion of the commission, to the date of the petition for reinstatement. No such reinstatement shall be effective until after a hearing is held by the commission in accordance with the provisions of subsection (3) of this section if either the tenant or landlord requests such a hearing.

- (10) To establish an escrow account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it pursuant to subsection (9) of this section. Such funds shall be released to the landlord if he shall be successful in an appeal to the court or if the commission shall order such release after a petition is filed in accordance with subsection (9) of this section.
  - (11) To deposit into the escrow account rent paid to the commission by tenants whose landlord has refused to accept the rent after the tenant has filed a complaint or a claim of retaliation. Such rent shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord.
  - (12) To carry out the provisions of C.G.S. §§ 47a-20 and 7-148d(b) concerning retaliatory action by landlords.
  - (13) To adopt rules and regulations for the implementation of all sections of this article, to take all actions authorized under law to enforce the powers and duties of the commission and to carry out the purposes of this article.
  - (14) The fair rent commission may request that the town attorney, or any suitable person meet with the parties, if the parties consent, in a session closed to the public, to attempt to reconcile differences between the parties prior to initiating the formal hearing process. Any agreement between the parties as a result of such meeting must be in writing signed by the parties and witnessed by the conciliator.
- (Ord. No. 203, § 1-7, 1-16-90)

#### Sec. 9-38. Eligibility to file complaint.

Any tenant who is notified, either verbally or in writing, of an increase in rent or a substantial decrease in major services provided by the landlord may file a written complaint form with the commission within 60 days after receiving such notice if the tenant has not already signed a written rental agreement or lease agreeing to the amount being requested. If the tenant's delinquency in payment of rent is in dispute, and if it is determined after a hearing that the tenant owes back rent, the tenant must pay the full amount owed to the commission's escrow account within seven calendar days after the hearing or the case shall be dismissed by the commission. This amount shall be withdrawn from the escrow account and paid to the landlord upon written request from the landlord. Any landlord shall be eligible to file with the commission a written request for determination of a fair rent for any housing accommodation owned by the landlord, in the town, except those accommodations exempted in section 9-31. Any landlord or his representative shall be eligible to petition the commission for a readjustment of the rent as provided by section 9-37.

(Ord. No. 203, § 1-8, 1-16-90)

#### Sec. 9-39. Excessive rent complaint procedure.

(a) Pending a determination by the fair rent commission, the tenant shall pay to the landlord the lowest rent required within 30 days of the date of the complaint for the housing accommodation in question.

(b) All complaints shall be processed in accordance with written rules and regulations established by the commission.

(c) All proceedings shall continue regardless of any attempt to evict such tenant, unless such eviction is for nonpayment of rent. No sale, assignment or transfer of the housing accommodation in question shall be cause for discontinuing any pending proceedings, nor shall it affect the rights, duties and obligations of the commission or the parties thereto.

(Ord. No. 203, § 1-9, 1-16-90)

**Sec. 9-40. Consideration in determining rental charge to be excessive.**

In determining whether an existing rental charge with a substantial decrease in major services or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the fair rent commission shall consider such circumstances stated in C.G.S. § 7-148c as are applicable to the type of accommodation, including, but not limited to:

- (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other comparable areas of the town.
- (2) The sanitary conditions existing in the housing accommodations in question.
- (3) The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof.
- (4) Services, furniture, furnishings and equipment supplied therein.
- (5) The size and number of rooms contained therein.
- (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein.
- (7) The amount of taxes and overhead expenses, including debt service, thereof.
- (8) Whether the accommodations are in compliance with the ordinances of the town and the general statutes relating to health and safety.
- (9) The income of the petitioner and the availability of accommodations.
- (10) The availability of utilities.
- (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear.
- (12) The amount and frequency of increases in rental charges.

- (13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(Ord. No. 203, § 1-10, 1-16-90)

**Sec. 9-41. Defense against retaliatory evictions.**

In any action for summary process, it shall be an affirmative defense that the plaintiff brought such action against the tenant solely because a complaint was filed with the commission or because the tenant or complainant has taken any other action with reference to a matter covered by this article.

(Ord. No. 203, § 1-11, 1-16-90)

**Sec. 9-42. Landlord retaliation.**

(a) Pursuant to C.G.S. § 47a-20, it shall be a retaliatory action for a landlord to refuse to renew the lease or other rental agreement of any tenant, or to demand an increase in rent from any tenant or decrease the services to which any tenant has been entitled, within six months after:

- (1) A tenant has in good faith attempted to remedy, by any lawful means any condition constituting a violation of any provision of any state statute or regulation or of the housing and health ordinances of the town.
- (2) Filing a complaint with the fair rent commission alleging excessive rental charges.
- (3) Any municipal agency (including the fair rent commission) or official has filed a notice, complaint or order regarding such a violation.
- (4) The tenant has in good faith requested the landlord to make repairs.
- (5) The tenant has in good faith instituted an action pursuant to C.G.S. § 47a-14h to enforce the landlord's responsibilities.
- (6) The tenant has organized or become a member of a tenant's union.

(b) Notwithstanding the provisions of subsection (a) of this section, it shall not be retaliatory action where the landlord refuses to renew the tenant's lease or other rental agreement when:

- (1) The tenant is using the dwelling unit for an illegal purpose.
- (2) The tenant is using the dwelling unit for a purpose which is in violation of the rental agreement.
- (3) There is nonpayment of rent by the tenant.
- (4) The landlord seeks in good faith to recover possession of the dwelling unit for immediate use as his own abode.
- (5) The condition complained of was caused by the willful actions of the tenant or another person in his household or a person on the premises with his consent.
- (6) The landlord seeks to recover possession on the basis of a notice to terminate a periodic tenancy, which notice was given to the tenant previous to the tenant's complaint or other action defined in subsection (a) of this section.

(Ord. No. 203, § 1-12, 1-16-90)

#### **Sec. 9-43. Eligibility to file claim of retaliation.**

Any tenant who claims the action of his landlord constitutes retaliatory action under the provisions of this article may file a written claim of retaliation with the fair rent commission unless there is evidence that the tenant owed back rent.  
(Ord. No. 203, § 1-13, 1-16-90)

#### **Sec. 9-44. Procedure for claim of retaliation.**

(a) Upon the receipt of any claim of retaliatory action, the fair rent commission staff shall inform the landlord of the claim and shall investigate the claim. If the claim is not resolved through conciliation, the commission shall convene a hearing within 60 days of the filing of the claim for the purpose of determining whether the landlord has engaged in a retaliatory action, and the commission shall render its decision within 75 days of the filing of the claim.

(b) Pending determination by the commission, the landlord shall not commence or continue any action or proceeding against the tenant to recover possession of the dwelling unit, the landlord shall not decrease any services to which the tenant is entitled and the tenant shall continue to pay the amount of rent in effect at the time of the claim of retaliatory action.

(c) If after such hearing the fair rent commission finds that the landlord has engaged in a retaliatory action in violation of the provisions of this section, the commission may, pursuant to its powers under C.G.S. §§ 7-148b through 7-148f and 47a-20, this article and this section, make any of the following orders:

- (1) That the landlord cease and desist from such conduct.
- (2) That the landlord maintain no action or proceeding against the tenant to recover possession of the dwelling unit.

(d) Notice of claim of retaliatory action, filed under the provisions of this section, is not deemed to be a complaint for the purpose of C.G.S. § 47a-20 or section 9-42.

(Ord. No. 203, § 1-14, 1-16-90)

#### **Sec. 9-45. Continuation of proceedings.**

If any conciliation process shall be incomplete at the time of the expiration of a lease of any person pursuing the process afforded in this article, such lease shall be extended until the conciliation process and all other proceedings under this article have terminated.  
(Ord. No. 203, § 1-15, 1-16-90)

#### **Sec. 9-46. Right of appeal.**

Any person aggrieved by any order of the fair rent commission may appeal to the superior court of the state, such appeal to be taken within 30 days after the rendering of the order in question. The filing of such appeal does not of itself stay enforcement of the commission's decision unless otherwise directed by the court.  
(Ord. No. 203, § 1-16, 1-16-90)

**Sec. 9-47. Penalty for violations.**

Pursuant to C.G.S. § 7-148f, any person who shall violate any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to section 9-46 is pending, or violate the provisions of this article, or any person who shall refuse to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined not less than \$25.00 nor more than \$100.00 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter. No action shall be taken on any such violation by the prosecuting authorities of the town except upon written complaint of the chairperson of the commission after at least a two-thirds vote of approval by the members at a meeting of the commission.

(Ord. No. 203, § 1-17, 1-16-90)

**Secs. 9-48—9-70. Reserved.**

**ARTICLE III. HOUSING PARTNERSHIP****Sec. 9-71. Created.**

There is hereby created the Groton Housing Partnership, appointed by the chief elected official of the town. The partnership shall consist of the following members:

- (1) The chief elected official of the town.
- (2) Representatives designated by the planning commission, zoning commission, inland wetlands agency, housing authority and the community development advisory committee, not to exceed five in number.
- (3) Representatives of the local business community, such as local bankers, realtors and developers, not to exceed three in number.
- (4) Representatives of public interest groups, such as housing advocates, members of the clergy, members of local civic groups and representatives of local nonprofit corporations, not to exceed three in number.

- (5) Local urban planning, land use and housing professionals, not to exceed three in number.

(Ord. No. 197, § 1, 11-15-88)

**Sec. 9-72. Responsibilities of the town, in order to receive initial designation under the state housing partnership program.**

The responsibilities of the town, in order to receive initial designation under the state housing partnership program, shall include the following:

- (1) Submit evidence to the commissioner of housing that the housing partnership has been formed in accordance with C.G.S. § 8-336(f); and
- (2) Submit evidence to the commissioner of housing that sufficient local resources have been committed to the housing partnership.

(Ord. No. 197, § 2, 11-15-88)

**Sec. 9-73. Duties of the housing partnership, in order to receive development designation under the state housing partnership program.**

The duties of the Groton Housing Partnership, in order to receive development designation under the state housing partnership program, shall include the following:

- (1) To examine and identify housing needs and opportunities in the community;
- (2) To explore the availability of any state, municipal or other land that is suitable for the development of affordable housing;
- (3) To review applicable zoning regulations to determine whether such regulations restrict the development of affordable housing in the community;
- (4) To identify any necessary changes to such regulations;
- (5) To establish priorities and develop a long-range plan to meet identified housing needs in the community consistent with regional housing needs;

- (6) To establish procedures for the development of a written proposal to achieve such priorities in accordance with such plan; and
  - (7) To start an activity, development or project designed to create additional affordable housing in the town.
- (Ord. No. 197, § 3, 11-15-88)

#### **Sec. 9-74. Expenses.**

No person shall have the right to expend any public funds of the town in carrying out any partnership activities authorized by this article without prior approval by the legislative body nor shall any person have any right to bind the town by contract, agreement, or otherwise without prior and specific approval of the legislative body.

(Ord. No. 197, § 6, 11-15-88)

#### **Sec. 9-75. Conflicting resolutions, orders, rules and regulations suspended.**

At all times when any orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing resolutions, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. No. 197, § 4, 11-15-88)

#### **Sec. 9-76. No conflict with state or federal statutes.**

This article shall not be construed so as to conflict with any state or federal statute, rule or regulation.

(Ord. No. 197, § 5, 11-15-88)

#### **Secs. 9-77-9-100. Reserved.**

### **ARTICLE IV. RENTAL HOUSING CODE**

#### **DIVISION 1. GENERALLY**

#### **Sec. 9-101. Title of article.**

The ordinance from which this article is derived shall be known and may be cited as the "Rental Housing Code of the Town of Groton."

(Ord. No. 110, § 100, 5-7-73)

#### **Sec. 9-102. Legislative finding of fact.**

(a) It is hereby found that there exists in the town numerous dwellings which are substandard in one or more important features of structure, equipment, maintenance or occupancy; and that such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban deterioration.

(b) It is hereby further found that adequate protection of the public health, safety and welfare therefor requires the establishment and enforcement of minimum housing standards.

(c) It is hereby further found that healthful and sanitary conditions in relation to space, use and location generally prevail in single-family dwellings owned and occupied by one family only. Therefore, the provisions of this article shall not be applicable to single-family dwellings occupied by the owner and his family only.

(d) The enactment and enforcement of this article is hereby declared to be essential to the public interest.

(Ord. No. 110, § 101, 5-7-73)

#### **Sec. 9-103. Purposes of article.**

(a) It is hereby declared that the purpose of this article is to protect, preserve, and promote the physical and mental health and social well-being of the people; to investigate and control incidences of communicable diseases; to regulate privately and publicly owned dwellings, let or intended to be let for occupancy as dwellings or dwelling units, for the purpose of maintaining adequate sanitation and public health; and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed.

(b) It is hereby further declared that the purpose of this article is to:

- (1) Establish minimum standards for basic equipment and facilities for light, ventilation, heating and cooling; for safety from fire and accidents; for the use and location and amount of space for human occupancy; and for safe and sanitary maintenance;

- (2) Determine the responsibilities of owners, operators and occupants of dwellings; and
  - (3) Provide for the administration and enforcement thereof.
- (Ord. No. 110, § 102, 5-7-73)

**Sec. 9-104. Scope of article.**

Every portion of a building or of any premises used or intended to be let for residential purposes, except hotels and motels serving transient guests only, rest homes, convalescent homes and nursing homes and mobile homes, shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided. This article shall be applicable to all areas of the town except in a subdivision having the power to regulate housing.

(Ord. No. 110, § 103, 5-7-73)

**Sec. 9-105. Application of building code.**

Any alterations to buildings or changes of use therein which may be caused directly or indirectly by the enforcement of this article shall be done in accordance with applicable sections of the building code of the town.

(Ord. No. 110, § 104, 5-7-73)

**Sec. 9-106. Conflicts with other ordinances or laws.**

Where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the town, or with state laws or regulations applicable to the town, the provision which establishes the higher standards for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the town existing on the effective date of the ordinance from which this article derives, which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this article shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent

that they may be found in conflict with this article.

(Ord. No. 110, § 105, 5-7-73)

**Sec. 9-107. Existing remedies.**

Nothing in this article shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

(Ord. No. 110, § 106, 5-7-73)

**Sec. 9-108. Amendments to article.**

The town council shall have the power to amend this article as defined in sections 4.5.2 and 4.6.1 of the town Charter. At least one public hearing, notice of which shall be given at least five days in advance by publication of the proposed amendment in a daily newspaper having circulation within the town, shall be held by the town council before any amendment to this article shall be passed.

(Ord. No. 110, § 108, 5-7-73)

**Sec. 9-109. 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:

*Accessory structure* means 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.

*Approved* means approved by the local or state authority having such administrative jurisdiction.

*Central heating system* means a single system supplying heat to one or more dwelling units or more than one rooming unit.

*Dwelling* means any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.

*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.

*Extermination* means the control and elimination of insects, rodents or other pests by elimi-

nating their harborages, 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 health officer.

*Family* means any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit, provided that a group of not more than seven persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

*Guest* means any person who shares a dwelling unit in a nonpermanent status for not more than 30 days.

*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, furnace rooms, pantries, kitchenettes, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

*Health officer* means the legally designated health authority of the town.

*Heated water* means water heated to a temperature of not less than 120 degrees Fahrenheit.

*Housing official* means the building official of the town who shall be charged with the administration and enforcement of this article.

*Infestation* means the presence within a dwelling or other structure in large numbers of insects and rodents.

*Junk motor vehicle* means a motor vehicle not displaying proper registration plates and found to be abandoned.

*Kitchen* means any room containing any or all of the following equipment, or area of a room within three feet of such equipment: sink and/or other devices for dishwashing, stove or other de-

vice for cooking, refrigerator or other device for cool storage of food.

*Meaning of certain words.* Wherever the words "dwelling," "dwelling unit," "roominghouse," "rooming unit," "premises," and "structure" are used in this article, 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 includes the singular; the masculine gender includes the feminine, and the feminine the masculine.

*Multifamily dwelling* means any dwelling containing more than two dwelling units.

*Occupant*, for the purpose of determining legal responsibility, means the head of the household living, sleeping, cooking or eating in, or actually having possession of a dwelling unit or rooming unit, or any person over the age of 18 of that household when the head of the household cannot be determined, except that in dwelling units a guest will not be considered an occupant; in section 9-180 and for the purpose of determining use, 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 rooming unit, except that in dwelling units a guest will not be considered an occupant.

*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:

- (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 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 article and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

*Person* means and includes any individual, firm, corporation, association or partnership.

*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, septic tank or gas lines.

*Premises* means a platted lot or part thereof or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

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

*Refuse* means all putrescible and nonputrescible solids, except human wastes, including garbage, rubbish and dead animals.

*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.

*Roominghouse* means 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.

*Rubbish* means nonputrescible solid wastes consisting of both:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood; and
- (2) Noncombustible wastes such as tin cans, glass and crockery.

*Safety* means the condition of being free from danger and hazards which may cause accidents or disease.

*Septic tank* means a watertight receptacle which is used for the treatment of sewage and is de-

signed and constructed to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion into a leaching field.

*Single-family dwelling* means any dwelling occupied by not more than one family.

*Space heater* means a self-contained, automatically controlled, vented, electrical or gas burning appliance of either the circulating type or the radiant type.

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

*Vacant* means any time before a dwelling unit is let to another even though the dwelling unit may at all times be let.

(Ord. No. 110, §§ 200.1-200.35, 5-7-73; Ord. No. 154, § 1, 11-17-80)

*Cross reference*—Definitions and rules of construction generally, § 1-2.

#### **Sec. 9-110. Penalty for violation of article.**

(a) Any person who shall violate any provision of this article may, upon conviction, be punished by a fine of not more than \$50.00, or by imprisonment for not more than 30 days, and each day's failure to comply with any such provision shall constitute a separate violation.

(b) In no case, however, shall the total fine exceed three times the cost of repairing the violation, as estimated by the housing official.  
(Ord. No. 110, § 906, 5-7-73)

#### **Sec. 9-111. Responsibility of owners and occupants.**

(a) No owner shall maintain a dwelling or dwelling unit contained therein let to another person for the purpose of living therein which does not comply with each of the requirements in this article except where and only where failure to comply with that requirement results from the occupant's failure to meet his responsibilities as provided in this article. No owner shall let a dwelling or dwelling unit contained therein to another person for the purpose of living therein which does not comply with each of the requirements in this article, except where and only where failure to comply with that requirement results from the

person's failure to meet his responsibilities as an occupant as provided in this article. No person shall occupy a dwelling or dwelling unit contained therein which does not comply with each of the requirements in this article specifically designated as the responsibility of the occupant.

(b) Notwithstanding any division, section, subsection, sentence, clause or phrase elsewhere in this article, damage caused to any dwelling unit by the malicious acts or the wanton negligence of the occupant of such dwelling unit or the guests of such occupant shall be the responsibility of such occupant.

(c) Notwithstanding any division, section, subsection, sentence, clause or phrase elsewhere in this article, before a dwelling is let to a new occupant all responsibility for maintaining and repairing the dwelling so that it conforms to the provisions of this article becomes the responsibility of the owner.

(Ord. No. 110, §§ 300.1-300.3, 5-7-73)

**Secs. 9-112-9-125. Reserved.**

## DIVISION 2. ADMINISTRATION AND ENFORCEMENT

**Sec. 9-126. Enforcement officer.**

It shall be the duty and responsibility of the housing official to enforce the provisions of the housing code as provided in this article.

(Ord. No. 110, § 900.1, 5-7-73)

**Sec. 9-127. Inspection of dwellings, dwelling units, rooming units and premises.**

(a) The housing official is hereby authorized and directed to make periodic inspections, by and with the consent of the owner, occupant or person in charge, to determine the condition of dwellings, dwelling units, rooming units and premises within this town for the purpose of determining compliance with the provisions of this article. For the purpose of making such inspections, the housing official with consent of the owner, occupant or person in charge, is hereby authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m., all dwellings, dwelling units,

rooming units and premises, or at such other time mutually satisfactory to and agreed upon by the housing official and the owner or occupant of a dwelling, dwelling or rooming unit, or the person in charge thereof. Such inspection, examination or survey shall not have for its purpose the undue harassment of the owner or occupant, and such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to the owner or occupant consistent with an efficient performance of the duties of the housing official. To further ensure that the policy of this article, which is to achieve compliance through cooperation of owners and occupants, is successfully maintained, it shall be the practice of the housing official, whenever practicable, to provide reasonable advance notice to owners and occupants of projected blanket inspections of routine nature.

(b) The owner or occupant of each dwelling, dwelling unit, rooming unit or premises, or the person in charge thereof, upon presentation by the housing official of proper identification, shall give the housing official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey. It shall be unlawful for any person to impede an inspector or officer authorized under this article in the performance of his duties, and every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, structures, dwellings, multifamily dwellings or roominghouses and every part thereof at all reasonable times upon display of proper identification, and upon reasonable notice, which be not less than 24 hours. If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, or a multifamily dwelling or roominghouse subject to the provisions of this article refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this article is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

(Ord. No. 110, § 900.2, 5-7-73)

**Sec. 9-128. Notice of violation.**

Whenever the housing 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 responsible therefor, as provided. Such notice shall comply with the following:

- (1) Be in writing.
- (2) Include a statement of the reason why it is being issued with reference to the specific section of the code under violation, together with a copy thereof attached.
- (3) 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 sent by registered or 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 notice by any other method authorized or required under the laws of the state.
- (4) 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.
- (5) Provide a reasonable and definite amount of time for the completion of corrections of any and all violations. The reasonable time allowed to effect repairs shall begin to run the day on which the notice of violation is served, unless such person shall have requested a hearing, in which case the time allowed shall begin to run on the date of the final decision of the board of appeals.
- (6) After the passage of the period of time allowed for the correction of any alleged violation, the housing official shall reinspect the dwelling, dwelling unit, or premises described in the notice, following the procedure detailed in section 9-127.
- (7) If such consent of reinspection is refused, he shall apply for a search warrant describing the dwelling, dwelling unit, or pre-

mises in question, as well as the specific violations contained in the notice of violation. Upon procurement of a duly issued search warrant, the housing official is hereby authorized 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.

- (8) If the dwelling, dwelling unit or premises are found upon inspection or reinspection to be in compliance with the provisions of this article, a certificate of compliance shall be issued. If the corrective action indicated in the notice of violation has not been completed and the dwelling, dwelling unit or premises remain in violation of the article or regulations issued pursuant thereto, the owner or persons responsible shall be subject to prosecution in accordance with section 9-139.

(Ord. No. 110, § 901, 5-7-73; Ord. No. 154, § 2, 11-17-80)

**Sec. 9-129. Housing code board of appeals—Generally.**

(a) *Creation; members; terms.* There is hereby created a five-member housing code board of appeals and three alternates, all of whom shall be electors of the town, and appointed by the town council, two members and one alternate initially appointed for three years, two members and one alternate for two years, and one member and one alternate for one year, and thereafter each new member and alternate to serve for three years or until his successor has been appointed and qualified.

(b) *Officers; quorum.* The housing code board of appeals shall designate a chairman and secretary from among its members. Any combination of four members and alternates shall constitute a quorum authorized to hear and act on petitions. All actions taken by the board shall be carried by a majority of the members present.

(c) *Meetings; hearings.* The board shall meet monthly on a date designated by its members to hear any appeals that legally may be brought be-

fore the board. The board shall render a decision within 15 days after the hearing.  
(Ord. No. 110, § 902, 5-7-73)

**Sec. 9-130. Same—Hearings and appeals.**

Any person aggrieved by a notice of the housing official issued in connection with any inspection, examination or survey pursuant to this article, or any rule or regulation pursuant thereto, may request, and shall be granted, a hearing on the matter before the housing code board of appeals, provided that such person shall file in the office of the housing official a written petition requesting such a hearing within 15 days after the notice of the housing official was served upon such person. Within ten days of the receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. Such notice shall be registered or certified mail, return receipt requested. At the hearing, the petitioner shall have the opportunity to show cause why the notice should be modified or withdrawn. The hearing shall take place within a reasonable time after the receipt of the petition by the board of appeals.  
(Ord. No. 110, § 903, 5-7-73)

**Sec. 9-131. Same—Sustenance, modification or withdrawal of notice of violation.**

A majority of the board of appeals, after full hearing is had, shall sustain, modify or withdraw the notice. Variances from the provisions of this article may be granted where circumstances warrant, and in the judgment of the board of appeals, no harm to the public health, welfare and safety will result from such variance. Factors to be considered include the following:

- (1) *Hardship.* Hardship may be construed to be the hardship encountered due to the configuration of the structure and/or parcel which it occupies.
- (2) *Pre-existing conditions.* Conditions which are primarily structural or geometric, including room size, height of ceilings, numbers of windows, etc., in housing existing before the adoption of this article.

(3) *Area requirements.* When required bedroom sizes or room sizes are greater than that found in the structure, if the overall area of the abode is adequate.

(4) *Evictions restricted.* A variance to the housing code shall not be granted where a landlord has resorted to eviction rather than comply with the housing code correction order.

(Ord. No. 110, § 903.1, 5-7-73)

**Sec. 9-132. Same—Administration of oaths and affirmations at hearings.**

The board of appeals is hereby authorized to administer oaths and affirmations to witnesses at hearings held pursuant to this article.  
(Ord. No. 110, § 903.2, 5-7-73)

**Sec. 9-133. Same—Hearings reduced to writing.**

All proceedings at hearings held pursuant to this article, including the findings of fact and decision, shall be reduced to writing and shall be a matter of public record, and, as such, shall be recorded and certified in the office of the town clerk.  
(Ord. No. 110, § 903.3, 5-7-73)

**Sec. 9-134. Same—Right of entry.**

The housing code board of appeals shall have the right of entry at a time mutually agreeable to the board and the appellant.  
(Ord. No. 110, § 903.4, 5-7-73)

**Sec. 9-135. Same—Granting of variance; consultation with health officer or building inspector.**

In granting or considering a variance of the housing code, the board shall not endanger in any way the occupant's or neighbor's health and/or safety. The advice of the health officer or the building inspector, or both, shall be heard by the board prior to reaching its decision.  
(Ord. No. 110, § 903.5, 5-7-73)

**Sec. 9-136. Same—Review of board decision.**

Any person aggrieved by the decision of the board of appeals may within 30 days of the deci-

sion seek review thereof in a court of competent jurisdiction, as provided by the laws of this state. (Ord. No. 110, § 903.6, 5-7-73)

**Sec. 9-137. Suspension of permits of rooming-houses.**

(a) The housing official is hereby authorized, with the consent of the owner, occupant, or person in charge, to enter, inspect, examine and survey all roominghouses between the hours of 8:00 a.m. and 5:00 p.m. If any owner, occupant or other person in charge of a rooming unit or rooming-house subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this article is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge, cease and desist with such interference.

(b) Whenever, upon inspection of any rooming-house, the housing official finds that conditions or practices exist which are in violation of any provision of this article, or of any applicable rule or regulation adopted pursuant thereto, the housing official shall give notice in writing to the operator of such roominghouse, that unless such conditions are corrected within a reasonable time, the operator's permit will be suspended. At the end of such period of time, the housing official shall reinspect such roominghouse, under the conditions of his first entry, and inspection, as set forth in this subsection, and if he determines that such conditions have not been corrected, he shall issue an order suspending the operator's permit.

(Ord. No. 110, § 904, 5-7-73)

**Sec. 9-138. Termination of order of suspension of roominghouse permit.**

Any person whose permit to operate a rooming-house has been suspended by order of the housing official may petition for, and shall be granted, a hearing on the matter in the manner prescribed by section 9-130 pertaining hearings. If no such petition is forthcoming within ten days following the day on which a permit was suspended, the permit shall be deemed revoked, except that at

any time within ten days following such suspension, any person whose permit has been suspended, shall have the opportunity to demonstrate to the housing official that his roominghouse has been put in compliance with this article, and with all regulations pursuant thereto. Where such compliance is demonstrated to the satisfaction of the housing official, the suspension of the rooming-house permit shall be terminated.

(Ord. No. 110, § 904.1, 5-7-73)

**Sec. 9-139. Prosecution for noncompliance with violation order.**

In case any violation order is not promptly complied with, the housing official may request the town attorney to institute an appropriate action of proceeding at law, or in equity against the person responsible for the violation, ordering him to:

- (1) Restrain, correct or remove the violation, or refrain from any further execution of work;
- (2) Restrain or correct the erection, installation or alteration of such building;
- (3) Require the removal of work in violation;
- (4) Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or specifications under which an approval, permit or certificate was issued; or
- (5) Enforce the penalty provisions of this article.

(Ord. No. 110, § 905, 5-7-73)

**Sec. 9-140. Condemnation.**

The designation of dwellings or dwelling units 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:

- (1) *Structures unfit for human habitation.* Any dwelling or dwelling unit which shall be found to have any of the following defects

shall be condemned as unfit for human habitation and shall be so designated and placarded by the housing official:

- 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 in 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) *Notice.* Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the housing official shall be vacated within a reasonable time as ordered by the housing official.
- (3) *Occupancy of building.* 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 official. The housing official shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.
- (4) *Removal of placard or notice.* 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 this article.
- (5) *Hearing.* 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 housing code board of appeals under the procedure provided by section 9-130.
- (Ord. No. 110, §§ 907-907.5, 5-7-73)

Secs. 9-141-9-150. Reserved.

### DIVISION 3. ENVIRONMENTAL REQUIREMENTS

Sec. 9-151. Exterior structures.

(a) *Foundations, walls and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition to exclude rodents. Skirting must be provided for the prevention of rodent infestation where exterior crawl spaces are prevalent.

(b) *Foundations.* The foundation elements shall adequately support the building at all points.

(c) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

(d) *Roofs.* The roof shall be structurally sound, tight and have no defects which might admit rain; and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

(e) *Stairs, porches and railings.* Every outside stair, every porch and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code, and shall be kept in sound condition and good repair. Where the building official deems it necessary for safety, every flight of stairs which is more than three risers high shall have handrails which shall be located as required by the building code; and every porch which is more than three risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(f) *Windows, doors and hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair. Every exterior door, when closed, shall fit reasonably well within its frame and every window, door, and frame and basement hatchway shall be constructed and main-

tained so as to prevent the entrance of rodents, rain, winds and surface drainage water into the dwelling or multifamily dwelling.

(g) *Windows to be glazed.* Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

(h) *Windows to be tight.* Every window sash shall be in good condition and fit reasonably tight with its frame.

(i) *Windows to be openable.* Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

(j) *Door hardware.* Every exterior door, door hinge and door latch shall be maintained in good condition.

(k) *Exit doors.* Every door available as an exit shall be capable of being easily opened from the inside.

(l) *Guards for basement windows.* Every basement or cellar window used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(m) *Insect screens.* During that portion of each year when the housing official 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 for ventilation shall likewise be supplied with screens, provided that such screens shall not be required during such period in rooms deemed by the housing official 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 official to have so few insects as to render screens unnecessary.

(n) *Painting.* All walls, ceilings, exterior woodwork, doors and windows shall be kept free of flaking, peeling or loose paint.

(Ord. No. 110, §§ 400.1-400.14, 5-7-73)

### Sec. 9-152. Interior structures.

(a) *Free from dampness.* In every dwelling, multifamily dwelling, dwelling unit, rooming unit and roominghouse, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by the building code.

(b) *Structural members.* The supporting structural members of every dwelling and multifamily dwelling used for human habitation shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.

(c) *Interior stairs and railings.* All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code. Every stairwell and every flight of stairs which is more than three risers high shall have handrails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

(d) *Bathroom floors.* Every toilet and bathroom floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.

(e) *Sanitation.* The interior of every dwelling and multifamily dwelling used for human habitation shall be maintained by occupant in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities.

(f) *Insect and rodent harborage.* Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or

rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(g) *Painting.* All walls, ceilings, interior woodwork, doors and windows shall be kept free of flaking, peeling or loose paint. Lead base and mercury base paints shall not be used for the painting of interior portions of any dwelling units.

(h) *Interior walls and ceilings.* All interior walls, ceilings, floors and other interior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be free of holes, breaks, loose and rotting boards or timbers and any other conditions which might be unsafe or unsanitary. (Ord. No. 110, §§ 401.1-401.8, 5-7-73)

#### Sec. 9-153. Exterior property areas.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage, refuse or junk motor vehicles. The exterior property areas and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner or operator. In the case of single-family dwellings, compost heaps may be maintained. (Ord. No. 110, § 402.1, 5-7-73)

#### Secs. 9-154-9-164. Reserved.

### DIVISION 4. EQUIPMENT AND BASIC FACILITIES

#### Sec. 9-165. Equipment.

(a) *Kitchen sink.* Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked; which shall be equipped with a kitchen sink in good working condition and properly connected to a water supply system; which is approved by the appropriate authority; which provides an adequate amount of heated and unheated running water under pressure; and which is connected to a sewer system or septic

tank which is approved by the appropriate authority.

(b) *Bathroom facilities.* 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. The fixture group shall be properly connected to an approved sewer system or septic tank 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 or septic tank and to an approved cold running water system under pressure. The flush water closet and lavatory basin need not be installed in the same room as the bathtub or shower, but the room shall afford privacy to a person within such room.

(c) *Heating facilities.* Every dwelling or dwelling unit, except houses maintained for summer occupancy only, 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 70 degrees Fahrenheit at a distance three feet above the floor level when outdoor temperature is ten degrees Fahrenheit below zero.

(d) *Rubbish storage facilities.* Every dwelling and multifamily dwelling unit shall have approved containers and covers for the storage of rubbish.

(e) *Garbage storage or disposal facilities.* Every dwelling or multifamily dwelling and every dwelling unit shall have an approved outside garbage can or approved garbage disposal facility which may be an adequate mechanical garbage disposal unit, mechanical sink grinder, in each dwelling unit or an approved incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit.

(f) *Means of egress.* Every dwelling unit shall have one or more approved means of egress leading to safe and open space at ground level, as required by the laws of this state and the town. (Ord. No. 110, §§ 500.1-500.6, 5-7-73)

**Sec. 9-166. Installation and maintenance.**

(a) *Facilities and equipment.* All required equipment and all building space and parts in every dwelling and multifamily dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

(b) *Continuation of service.* 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 by him, except for 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 official.

(c) *Plumbing fixtures.* In buildings and structures used for human habitation, water lines, plumbing fixtures, vents, and drains shall be properly installed, connected and maintained in working condition and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code of the town.

(d) *Plumbing systems.* In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building or plumbing code of the town.

(e) *Heating and cooking equipment.* Every space heating, cooking and water heating device, its components and accessories shall be properly installed, connected and maintained free from leaks and obstructions and shall be capable of performing the function for which it is designed in accordance with the provisions of the building code. Either central or space heating facilities may be used, but they must meet the requirements of this article and applicable state codes.

(f) *Correction of defective system.* Where it is found, in the opinion of the housing official, that the electrical system in a building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he shall require the defects to be corrected to eliminate the hazard, in accordance with the building code of the town.

(g) *Seepage.* 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. All exterior wood surfaces shall be adequately protected from water seepage and against decay.

(Ord. No. 110, §§ 501.1-501.7, 5-7-73)

**Secs. 9-167-9-179. Reserved.****DIVISION 5. SPACE, OCCUPANCY, LIGHT, VENTILATION****Sec. 9-180. Space and occupancy.**

(a) *Required space in dwelling unit.* Every dwelling unit shall contain a minimal gross floor area equal to but not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. The floor area shall be calculated on the total area of all habitable rooms.

(b) *Required space in sleeping rooms.* In every dwelling unit, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of 70 square feet; and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant.

(c) *Location of bath and second sleeping room.* No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(d) *Minimum ceiling heights.* At least one-half the floor area of every habitable room shall have a ceiling height of no less than seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(e) *Occupancy of dwelling units below grade.* No dwelling unit partially below grade shall be used for living purposes unless:

- (1) Floors and walls are watertight.
- (2) Total openable area and ceiling height are in accordance with this article.
- (3) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

(f) *Access limitation of dwelling unit to commercial uses.* No habitable room, bathroom or water closet compartment which is part of a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room or similar room used for public purposes.

(Ord. No. 110, §§ 600.1-600.6, 5-7-73)

### Sec. 9-181. Light and ventilation.

(a) *Natural light in habitable room.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate glass area of window 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 obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included as contributing to the required minimum total window area. Whenever the only window is a skylight type window in the top of such a room, the minimum aggregate glass area of such skylight shall be not less than  $\frac{3}{20}$  of the total floor area of such room.

(b) *Light in nonhabitable workspace.* Every laundry, furnace room and all similar nonhabitable work spaces located in a dwelling or multi-family dwelling shall have one supplied electric light fixture available at all times.

(c) *Electric outlets required.* Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, 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:

- (1) Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three watts per square foot of floor area.
- (2) Every habitable room shall have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of floor area, and in no case less than two such outlets.
- (3) 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) *Adequate ventilation.* Every habitable room shall have at least one window or skylight 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 45 percent of the minimum aggregate glass area of the window or skylight type window, as required, except where there is supplied some other device affording adequate ventilation and approved by the housing official.

(e) *Ventilation and light in bathroom and water closet.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window shall be required where equipped with a ventilation system approved by the housing official.

(f) *Convenient switches.* For turning on one light in each room or passageway switches shall be located so as to permit the area ahead to be lighted.

(g) *Light in public halls and stairways.* Every public hall and inside stairway shall be adequately lighted at all times with an illumination of at least one footcandle of light at the darkest portion of the normally traveled stairs and passageways.

(Ord. No. 110, §§ 601.1—601.7, 5-7-73)

**Secs. 9-182—9-192. Reserved.**

#### DIVISION 6. FIRE SAFETY

**Sec. 9-193. Heaters and storage of flammables.**

(a) *Portable electric heaters.* Unvented flame space heaters are prohibited. Portable electric heaters, approved under the appropriate local or state electrical and/or fire prevention code, are acceptable where they meet all other appropriate provisions of this article.

(b) *Storage of flammable liquids prohibited.* No dwelling, multifamily dwelling, dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flashpoint of 110 degrees Fahrenheit or lower.

(Ord. No. 110, §§ 700.1, 700.2, 5-7-73)

**Secs. 9-194—9-204. Reserved.**

#### DIVISION 7. ROOMINGHOUSES

**Sec. 9-205. Requirements.**

(a) No person shall operate a roominghouse or shall occupy or let to another for occupancy, any rooming unit in any roominghouse except in compliance with the appropriate provisions of this article. No owner or other person shall occupy or let to another person any vacant rooming unit

unless it is clean, sanitary or fit for human occupancy, and is in compliance with all the following applicable requirements of the town:

(1) *Permit required; application; transferability; expiration.* No person shall operate a roominghouse unless he holds a valid roominghouse permit, issued by the director of public health in the name of the operator and for the specific dwelling or dwelling unit specified therein. The operator shall apply to the director of public health for such permit, which shall be issued by the director of public health only after he has determined the roominghouse to be in compliance with the applicable provisions of this article and with any rules and regulations adopted pursuant hereto. This permit shall be displayed in a conspicuous place within the roominghouse at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the director of public health within 24 hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in or control of any roominghouse. Such notice shall include the name and address of the person succeeding to the ownership or control of such roominghouse. Every roominghouse permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked.

(2) *Plumbing.* At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system or septic tank, approved by the health officer and in good working condition, shall be supplied for each six persons or fraction thereof residing within a roominghouse, including members of the operator's family wherever they share the use of the facilities, provided that:

a. In a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets;

- b. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities;
  - c. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times;
  - d. No such facilities shall be located in a basement, except by written approval of the director of public health;
  - e. Cooking in a rooming unit shall be prohibited;
  - f. Communal cooking and dining facilities in a roominghouse shall be prohibited, except as approved by the health officer in writing;
  - g. Rooming unit doors shall have operating locks to ensure privacy.
- (3) *Linen, towels and bedding.* The operator of every roominghouse shall change supplied bed linen and towels therein at least once each week and prior to letting of any room to any occupant, and shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (4) *Sleeping area.* Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of useable floor area, in which there is a ceiling height of no less than five feet and where the room width is not less than seven feet and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.
- (5) *Means of egress.* Every rooming unit shall have one or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and the town.
- (6) Every provision of this article which applies to roominghouses shall also apply to hotels and motels, except to the extent

that any such provision may be found in conflict with the laws of this state or the town.

(Ord. No. 110, §§ 800.1—800.6, 5-7-73)

**Secs. 9-206—9-215. Reserved.**

**ARTICLE V. FORT HILL AREA  
NEIGHBORHOOD REVITALIZATION  
ZONE STRATEGIC PLAN\***

**DIVISION 1. GENERALLY**

**Sec. 9-216. Purposes of article.**

(a) It is hereby declared that the purpose of this article is to adopt the Fort Hill Area Neighborhood Revitalization Zone Strategic Plan pursuant to C.G.S. § 7-602.

(b) It is hereby further declared that the purpose of this article is to create a Fort Hill Area Neighborhood Revitalization Zone Committee.  
(Ord. No. 243, 11-27-00)

**Sec. 9-217. Scope of article.**

This article shall be applicable only to the Fort Hill Area Neighborhood as defined by the neighborhood revitalization by-laws that are incorporated into the plan.  
(Ord. No. 243, 11-27-00)

**Sec. 9-218. Amendments to the strategic plan.**

(a) Any amendment to the strategic plan made subsequent to the date of enactment of this article shall be adopted by the neighborhood revitalization zone committee and the municipality in accordance with the procedures set forth in C.G.S. § 7-601(c), (d) and shall be submitted to the secretary of the office of policy and management.

\*Editor's note—Ord. No. 243, adopted Nov. 27, 2000, enacted new §§ 9-206—9-210. To better fit the format of the Code said sections have been renumbered at the discretion of the editor as §§ 9-216—9-220.

(b) After the date of approval of the amendment by the legislative body of the municipality, any report required to be made shall include information concerning the amendment.

(c) An amendment to the strategic plan shall be deemed to be a concept or proposal not reflected within the scope of the plan as originally adopted by ordinance of the municipality.  
(Ord. No. 243, 11-27-00)

#### **Sec. 9-219. Committee.**

(a) The Fort Hill Area Neighborhood Revitalization Zone Committee shall consist of no less than seven members, up to three of whom may be town staff as ex-officio members. The members shall be appointed by the town council.

(b) The membership of this committee shall reflect the composition of the neighborhood and include, but not be limited to, tenants and property owners, community organizations, and representatives of businesses located in the neighborhood.

(c) The committee shall submit a report on implementation of the strategic plan to the town manager, the town council, and the secretary of the office of policy and management at intervals of six months in the first year after adoption of the article, and annually thereafter.  
(Ord. No. 243, 11-27-00)

#### **Sec. 9-220. Powers.**

(a) The Town of Groton Office of Planning and Development shall be the lead agency for coordination of the plan with the neighborhood revitalization zone committee.

(b) The neighborhood revitalization zone committee shall implement and oversee the strategic plan as previously developed by the neighborhood revitalization zone planning committee. The committee shall serve in an advisory capacity to the town in an effort to revitalize the designated area.

(c) The town's role in the neighborhood revitalization zone process may include, but not be limited to, the modifications to or adoption of

town procedures and/or ordinances to assist the neighborhood revitalization zone committee in the implementation of the plan.

(d) The town and the committee shall have the powers set forth in C.G.S. chapter 118, §§ 7-600—7-608 or as the same may be amended. The enumeration of such powers shall not require the town or the committee to exercise any or all of them.

(Ord. No. 243, 11-27-00)

#### **Secs. 9-221—9-250. Reserved.**

### **DIVISION 2. PROPERTY MAINTENANCE CODE**

#### **Sec. 9-251. Purpose and title.**

An ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the boundaries of the Fort Hill Neighborhood Revitalization Zone as described and defined by Code section 9-217; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; known as the "Property Maintenance Code 2000 for the Fort Hill Neighborhood Revitalization Zone".  
(Ord. No. 264, § 1, 9-21-04)

#### **Sec. 9-252. Legislative findings of fact.**

(a) It is hereby found that through the efforts of property owners and residents of the area of the Town of Groton known as the Fort Hill Neighborhood Revitalization Zone and of various Town of Groton officials and agencies, the condition of many of the residential structures and properties within said neighborhood revitalization zone has been markedly improved since the creation of the neighborhood revitalization zone committee. But it is also hereby found that despite such efforts, the condition of many residential structures and properties within said neighborhood revitalization zone remains substandard and that such conditions adversely affect public health and safety

and lead to the continuation, extension and aggravation of deterioration within said neighborhood revitalization zone.

(b) It is further hereby found that adequate protection of the public health, safety and welfare of the residents of said neighborhood revitalization zone and of all other residents of the Town of Groton therefore requires the establishment and enforcement of certain minimum property maintenance standards to be applied within said neighborhood revitalization zone.

(c) It is further hereby found that the deteriorated and blighted structures and properties continue to exist within said neighborhood revitalization zone to an extent and a degree not found in other areas of the Town of Groton.

(d) It is thereby further found that the enactment and enforcement of a property maintenance code to be applied only within the boundaries of the Fort Hill Neighborhood Revitalization Zone is essential to the continuation and completion of the rehabilitation and restoration of the structures and properties within the zone and to the continued and increasing well being of its residents.  
(Ord. No. 264, § 2, 9-21-04)

#### **Sec. 9-253. Authority granted.**

Pursuant to authority granted the town by the Connecticut General Statutes, including without limitation by C.G.S. § 7-148(c)(7)(H)(xv), a certain document, copies of which are on file in the office of the town clerk of the Town of Groton, being marked and designated as the International Property Maintenance Code 2000 as published by the International Code Council, Inc., be and is hereby adopted as the property maintenance code of the Fort Hill Homes Neighborhood Revitalization Zone for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this division, with the additions, insertions, deletions and changes, if any, prescribed in section 9-254 of this division.  
(Ord. No. 264, § 3, 9-21-04)

#### **Sec. 9-254. Revisions.**

The following sections are hereby revised:

Section 101.1. Insert: Town of Groton Fort Hill Homes Area - Neighborhood Revitalization Zone (NRZ).

Section 103.0. Insert: Whenever Department of Property Maintenance Inspection is used in the Property Maintenance Code and in the ordinance, the Office of Planning and Development Services, Inspection Services, shall be inserted. All references to Code Official shall also apply to other designated inspectors as shall be necessary for administration of this code, and as authorized by the appointing authority.

Section 103.6. Delete.

Section 106.1. Delete existing and change to:

It shall be unlawful for any person firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

Section 106.3. Delete existing and change to:

In case of any unlawful acts, the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. The code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;

2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

Section 106.4. Delete existing and change to:

Violation of Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and the fine will be up to \$90.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

110.1. Correct spelling: insanitary to unsanitary.

Section 111.2. Change: Minimum of three (3) members to five (5) members.

Section 302.8. Delete: the second sentence in the first (1st) paragraph: "Painting of vehicles is prohibited unless conducted inside an approved spray booth".

Delete: "Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes."

Replace deleted exception with the following:

Exception: A vehicle is permitted to undergo repairs, excluding body work, provided that such work is performed inside a structure approved for such purposes. And provided further that such vehicle is owned by the occupant of the premises. The spray painting of vehicles of any kind is not permitted anywhere on the premises unless approved and licensed by the State of Connecticut for such purposes.

Section 303.5. Add: and skirting, "after all foundation walls".

Section 303.14. Insert: May 1st and October 15th.

Delete a portion of the 1st sentence: "and every swinging door shall have a self-closing device in good working condition".

Section 305.3.1. Add: Except when the dwelling is rented or leased, then the tenant/occupant shall be responsible for the provision of an approved leakproof covered outside garbage container(s).

Section 402.4. New Addition: Lighting. All residential occupancy shall have available lighting at all means of egress, including outside stairways to the dwelling.

Section 602.3. Delete: "during the period from [DATE] to [DATE]".

Section 602.4. Delete: "during the period from [DATE] to [DATE]".

Section 702.2. Add: Change International Fire Code to State of Connecticut Fire Code. (Ord. No. 264, § 4, 9-21-04)

#### **Sec. 9-255. Adopted.**

Ordinance Number 264 of the Town of Groton entitled "International Property Maintenance Code 2000 for the Fort Hill Homes Neighborhood Revitalization Zone" is adopted, and if any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provision shall apply.

(Ord. No. 264, § 5, 9-21-04)

#### **Sec. 9-256. Severability.**

That nothing in this division or in the property maintenance code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 9-254 of this division; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this division.

(Ord. No. 264, § 6, 9-21-04)

