

TOWN OF EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on September 13, 2001

**"ORDINANCE ESTABLISHING THE TOWN OF EAST WINDSOR PROPERTY
MAINTENANCE CODE", dated September 6, 2001.**

Setting standards for maintenance of Real Properties and structures within said Town and, providing penalties for violations thereof.

Copy of entire Property Maintenance Code is available for review in the Town Clerk's Office, 11 Rye Street, Broad Brook, CT 06016.

This document is prepared for the benefit of the public, solely for the purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of East Windsor for any purpose.

Said ordinance shall become effective fifteen (15) days from the publication thereof.

Ord. 01-03

Attest: Karen W. Gaudreau
Karen W. Gaudreau CCTC
Town Clerk of East Windsor

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Town of East Windsor

Property Maintenance Code

September 6, 2001

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Section 101 General

101.1 Title These regulations shall be known as the Property Maintenance Code of East Windsor, hereinafter to as the "code".

101.2 Scope The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety, as required herein.

101.4 Severability If a section, subsection, sentence, clause or phase of this code is, for any reason, held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 102 Applicability

102.1 General The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good

working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other State Codes Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical State codes and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning regulations.

102.4 Existing Remedies The provisions in this code shall not be construed to abolish or impair existing remedies of the Town of East Windsor or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local Town of East Windsor as historic buildings when such buildings or structures are judged by the code official to be safe.

102.7 Requirements not covered by this code Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

Section 103
Department of Property
Maintenance Inspection

103.1 General The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the Property Maintenance code official.

103.2 Appointment The code official shall be appointed by the Board of Selectmen of the Town of East Windsor; and the code official shall not be removed from office except for just cause and after full opportunity to be heard on specific and relevant charges by and before the Board of Selectmen.

103.3 Deputies In accordance with the prescribed procedures of this Town of East Windsor and with the concurrence of the Board of Selectmen, the code official shall have the authority of appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Restriction of employees An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Board of Appeals established under the provisions of Section 107, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner or commercial tenant of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

103.5 Liability Except as provided in Section 7-465 of the Connecticut General Statutes, the code official, officer or employee charged with the enforcement of this code, while acting for the Town of East Windsor, shall not thereby be rendered liable personally, and is hereby relieved from all person liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act

performed by the officer or employee in the lawful discharge of duties under the provisions of this code shall be defended by the legal representatives of the Town of East Windsor until the final termination of the proceedings. The code official, or any subordinate, shall not be liable for costs in action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.6 Fees The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. (BOARD TO INSTITUTE APPROPRIATE SCHEDULE.)

Section 104
Duties and Powers of
the Code Official

104.1 General The code official shall enforce the provisions of this code.

104.2 Rule-making authority The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climate or other conditions. Said rules and regulations shall be subject to approval of the Board of Selectmen. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies of individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approval agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report

upon unusual technical issues that arise, subject to the approval of the Board of Selectmen.

104.4 Right of entry The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures, and in emergency situations in accordance with Chapter 541, Part 1a or Part 111 of the Connecticut General Statutes. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.8 Coordination of inspections Whenever, in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the Town of East Windsor is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority of enforce, the inspector shall report the findings to the code official having jurisdiction.

Section 105 Violations

105.1 Unlawful acts It shall be unlawful for a 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 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.

105.2 Notice of violation The code official shall serve a notice of violation or order in accordance with Section 106.

105.3 Prosecution of a violation If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of work in violation, or termination of the unlawful occupancy of the structure or violation of the provisions of this code or of the order or direct made pursuant thereto.

105.4 Violation 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. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

105.5 Abatement of the violation The imposition of the penalties herein prescribed shall not preclude any legal officer of the Town of East Windsor from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Section 106 Notices and Orders

106.1 Notice to owner or to person or persons responsible Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or to the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with Section 108.3.

106.2 Form Such notice prescribed in Section 107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification (owner's name, property Assessor's M/B/L)
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and inform the property owner of the right to appeal.

106.3 Method of Service Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered to the owner personally; or
2. Sent by certified or registered mail addressed to the last known address with return receipt requested; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

106.4 Penalties Penalties for non-compliance with orders and notices shall be as set forth in Section 105.4.

106.5 Transfer of ownership It shall be unlawful for the owner of any dwelling unit, structure, or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of it to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order of notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 107 Property Maintenance Code Board of Appeals

107.1 Board of Appeals The board of appeals shall consist of 5 members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Town of East Windsor. The code official shall be an ex-official member but shall have no vote on any matter before the board of appeals. The board of appeals shall be appointed by the Board of Selectmen.

107.2 Alternate members The Board of Selectmen shall appoint two or more alternate members who shall be called by the board of appeals chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualification required for board membership.

107.3 Chairman The board of appeals shall annually select one of its members to serve as chairman.

107.4 Disqualification of a member A member shall not hear an appeal in which that member has a personal, professional or financial interest.

107.5 Secretary The First Selectman, or their designee, shall designate a qualified person to serve as secretary to

qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the First Selectman and the Town Clerk.

107.6 Compensation Compensation of members shall be determined by the Board of Selectmen.

107.7 Notice of Meeting The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings. "F.O.I." meetings to be posted as required.

Section 108 Means of Appeal

108.1 There shall be an Application for any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

The Board of Appeals shall have the authority to take into account unusual hardship or practical difficulties in complying with the orders of the code official, or the requirements of this code, including the ability to grant extensions of time for compliance.

108.2 Stays of enforcement Appeals of notice and orders (other than Imminent Hazard notice) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

108.3 Open Hearing All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership. All meetings shall be conducted in accordance with Roberts's Rules of Order.

108.4 Procedure The board shall adopt and make available to the public, through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information is received.

108.5 Postponed hearing When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

108.6 Board decision The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

108.7 Records and copies The decision of the board shall be recorded in the office of the First Selectman. Copies shall be furnished to the appellant and to the code official.

108.8 Administration The code official shall take immediate action in accordance with the decision of the board.

108.9 Court Review Any person, whether or not a previous party of the proceedings, shall have the right to appeal to the appropriate court. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the First Selectman.

Section 201 General

201.1 Scope Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings shown in this chapter.

201.2 Interchangeability Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular member includes the plural and the plural the singular.

201.3 Terms defined in other State codes. Where terms are not defined in this code and are defined in the building, fire prevention, zoning, plumbing or

mechanical State codes, ASME A17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those State codes.

201.4 Terms not defined Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".

Section 202 General Definitions

APPROVED: Approved by the code official.

BASEMENT: That portion of a building which is partly or completely below grade.

BATHROOM: A room containing plumbing fixtures including a bathtub or shower.

BEDROOM: Any room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN: To adjudge unfit for occupancy.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping eating, cooking and sanitation.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or

by any other approved pest elimination methods.

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

HABITABLE SPACE: Space in a structure for living, sleeping eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT HAZARD: A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION: The presence within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED: Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET: To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANT: Any individual living or sleeping in a building; or having possession of a space within a building.

OCCUPANCY: The purpose for which a building or portion thereof is utilized or occupied.

OPERABLE AREA: That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession real property by a court.

PERSON: An individual, corporation, partnership or any other group acting as a unit.

PREMISES: A lot, plot or parcel of land including any structures thereon.

ROOMING HOUSE: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as one-or-two family dwelling.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRUCTURE: That which is built or constructed or a portion thereof.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM: A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION: The natural or mechanical process of supplying

conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE: Executed in a skillful manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work.

YARD: An open space on the same lot with a structure.

Section 301 General

301.1 Scope The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 305 and 306. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping that part of the dwelling unit or premises which they occupy and control.

301.3 Vacant structures and land All vacant structures and premises thereof, or vacant land, shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 302 Exterior Property Areas

302.1 Sanitation All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls, in a clean and sanitary condition.

302.2 Weeds All habitable premises and exterior property shall be maintained free from weeds or plant growth in excess of 24 inches. Weeds shall be defined as all grasses, annual plants and vegetation,

other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

302.3 Rodent harborage All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approval processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 303 Exterior Structure

303.1 General The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Structural members All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.3 Foundation walls All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

303.4 Exterior walls All exterior walls shall be free from holes, breaks, loose or rotting materials.

303.5 Chimneys and towers All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

303.6 Handrails and guards Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.7 Window, skylight and door frames Every window, skylight, and door frames shall be kept in sound condition, good repair and weather tight.

303.8 Operable windows Every window, other than a fixed window, shall

be easily operable and capable of being held in position by window hardware.

303.9 Doors All exterior doors, door assemblies and hardware shall be maintained in good condition. Lock at all entrances to dwelling units; room units and guestrooms shall tightly secure the door.

Section 304 Rubbish and Garbage

304.1 Accumulation of rubbish or garbage

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

304.2 Disposal of rubbish Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers, within the provisions provided for by the Town of East Windsor.

304.3 Rubbish storage facilities The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

304.4 Disposal of garbage Every occupant of a structure shall dispose of garbage in a clean and sanitary manner.

304.5 Garbage facilities The owner of every multi-family dwelling and business shall supply an approved leakproof, covered, outside garbage container.

304.6 Containers The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Section 305 Extermination

305.1 Infestation All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved

processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

305.2 Owner The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

305.3 Single occupant The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

305.4 Multiple occupancy The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

305.5 Occupant The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

Exception: Where the infestation are caused by defects in the structure, the owner shall be responsible for extermination.

Section 401 Fire Safety General

401.1 Scope The provisions of this chapter shall govern the minimum conditions and standards for fire safety by relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

401.2 Responsibility The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

401.2 General Must adhere to existing State fire codes.