

AGENDA ITEM COVER SHEET

ITEM: Consideration and action on an Ordinance to amend the Killingly Code of Ordinances, Chapter 4, by deleting Article III, Sections 4-30 through 4-41, the current *Minimum Housing Code Enforcement for Structures Containing Multiple Dwelling Units*; by adding a revised Article III, Sections 4-30 through 4-83, *Rental Housing Standards Code* and by revising Chapter I, Section 1-10(e) to add the Rental Housing Standards Code

ITEM PREPARED BY: Bruce E. Benway, Town Manager

FOR COUNCIL MEETING OF: March 8, 2011

TOWN MANAGER APPROVAL: _____

ITEM SUMMARY: This item proposes a comprehensive Code to set standards for rental housing to improve the safety of such housing units and to encourage a minimum quality for dwelling units available for rent in the community. A secondary goal has been to establish comprehensive standards to ensure consistent and equitable enforcement. The Council considered a former version of the proposed code on December 15, 2010 and tabled the item to allow staff to complete revisions recommended by Sub-Committee members. The Ordinance Sub-Committee of the Town Council voted to recommend the proposed Rental Housing Standards Code to the Town Council on January 20, 2011.

FINANCIAL SUMMARY: The fees stipulated in this Code will be estimated based on the level of activity in future Town operating budgets.

STAFF RECOMMENDATION: Approval of the Ordinance

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Action on the Ordinance

SUPPORTING MATERIALS:

- Proposed Rental Housing Standards Code

**ORDINANCE TO AMEND THE KILLINGLY CODE OF ORDINANCES,
CHAPTER 4, BY DELETING ARTICLE III, SECTIONS 4-30 THROUGH 4-41,
THE CURRENT *MINIMUM HOUSING CODE ENFORCEMENT FOR
STRUCTURES CONTAINING MULTIPLE DWELLING UNITS*; BY ADDING A
REVISED ARTICLE III, SECTIONS 4-30 THROUGH 4-83 *RENTAL HOUSING
STANDARDS CODE* AND BY REVISING CHAPTER 1, SECTION 1-10(e) TO
ADD THE RENTAL HOUSING STANDARDS CODE**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Killingly Code of Ordinances, Chapter 4, Building and Building Regulations, Article III *Minimum Housing Code Enforcement For Structures Containing Multiple Dwelling Units* be hereby repealed and that the following (A) Chapter 4, Article III. *Rental Housing Standards Code* be adopted and that Chapter 1, Section 1-10(e) *Citations for Violations of Ordinances* be amended by (B) Adding the Rental Housing Standards Code:

(A)

Chapter 4

RENTAL HOUSING STANDARDS CODE

ARTICLE III

ARTICLE III A. IN GENERAL

Sec. 4-30. Title.

This article shall be known as the "Rental Housing Standards Code" hereinafter referred to as "this code," and the standards established by this code shall be referred to as and constitute the minimum property standards for residential rental housing structures.

Sec. 4-31. Intent.

This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable diseases; and to reduce environmental hazards to health and safety, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and premise(s) as provided by this code. This code is further intended to provide minimum and uniform standards governing the condition, occupancy and maintenance of occupied and unoccupied premise(s) and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premise(s), the community and the general public to ensure that the maintenance and upkeep of these premise(s) is adequate for protection of public health, safety and welfare. Interpretation of this code shall be made in such a manner as to afford maximum protection of the public health, safety and welfare and violations of this code are specifically declared to constitute public nuisances.

Sec. 4-32. Scope of provisions.

A. This code shall apply uniformly to the maintenance, use and occupancy of all premises as defined herein and shall include:

- (1) All rental dwellings and multiple dwellings as defined herein, except for owner-occupied units in such dwellings

- (2) All apartments, boarding houses, group homes, lodging houses, rooming houses, and the like
 - (3) Accessory structures, accessory to the applicable occupancies.
 - (4) Exceptions. The provisions of this chapter shall not apply to those units that are:
 - (a) hotels; motels; inns; bed and breakfasts; owner occupied condominium units, a limited equity corporation or not-for-profit corporation, subject to annual inspection by one (1) of the following agencies: United States Department of Housing and Urban Development, Farmers Home Administration or the Connecticut Department of Housing.
 - (b) Dwelling units owned by the Killingly Housing Authority.
 - (c) Newly constructed housing units for the first five years after issuance of CO by the Town of Killingly Building Department.
 - (d) Single Family dwelling units rented or leased for a period not to exceed one year when the original owner occupant will return to that unit as his or her primary residence at the end of the rental term or lease.
- B. This code shall:
- (1) Establish minimum standards and responsibilities for:
 - (a) The maintenance of all premise(s) as defined herein.
 - (b) The safe and sanitary installation and maintenance of basic equipment and facilities.
 - (c) Space, use and location.
 - (d) Lighting and ventilation.
 - (e) Electrical and heating facilities and equipment.
 - (f) Plumbing.
 - (2) Establish and delegate administration responsibility and enforcement powers and create and reference enforcement procedures.

Sec. 4-33. General responsibilities.

- A. No person shall maintain any premise(s) other than single family non-rental premises which does not comply with the requirements and applicable minimum property standards of this code.
- B. No person shall let to another to occupy or use any dwelling or dwelling unit or habitable room, as herein defined, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements and minimum property standards of this code.
- C. All landlords shall comply with the requirements of this code.
- D. All tenants shall be responsible for complying with the requirements of this code.

Sec. 4-34. Other codes, ordinances and regulations.

- A. Unless otherwise specified or granted, the provisions of this code shall apply uniformly to the alterations, repair, equipment, use, occupancy and maintenance of all existing premise(s) as herein defined, within the Town of Killingly irrespective of when or under what code or codes such premise(s) were originally constructed, rehabilitated or maintained.
- B. The provisions in this code shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this code.

- C. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town of Killingly or State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- D. This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date of this code, and any such violation may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.
- E. Any alterations to buildings or structures or changes of use therein, which may be caused directly or indirectly by enforcement of this code, shall comply with Chapter 4, Buildings and Building Regulations, Article I, In General, in accordance with § 4-1, the current State of Connecticut Building Code and any and all necessary building and applicable land use permits shall be obtained prior to their performance.
- F. When other Town of Killingly ordinances are expressly referred to in this code, they shall be construed as if included in this code and shall be enforceable under this code.

Sec. 4-35. Severability.

If any terms, phrase, sentence, paragraph, section or article of this code shall be declared invalid for any reason, such decision shall not affect the remaining parts of this code, and such parts shall continue in full force and effect and are hereby declared to be severable.

ARTICLE III B. DEFINITIONS AND WORD USAGE.

Sec. 4-36. Terms - how construed.

- A. Unless another meaning is clearly indicated by the context, the words listed in this Article shall have the meanings indicated in this Article, and such meanings shall be used in the interpretation and enforcement of this code.
- B. Where terms are not defined in this code and are defined in other zoning, fire, building or health ordinances of the Town of Killingly, they shall have the same meanings ascribed to them in those ordinances.
- C. Where terms are not defined under the provisions of this code or under the provisions of other ordinances of the Town of Killingly, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Sec. 4-37. Definitions.

- A. The following definitions shall apply in the interpretation and enforcement of this code:

ACCESSORY BUILDING OR STRUCTURE -- A detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premise(s).

ALZOD – Alexander Lake Zoning Overlay District

APPROPRIATE AUTHORITY -- The official within the governmental structure of the Town of Killingly charged with administration of the designated code.

APPROVED -- Approved by the local or state authority having such administrative authority.

ASHES -- The residue from the burning of combustible materials.

ATTIC -- Any story situated wholly or partly within the roof, and so designed, arranged or built as to be used for business, storage or habitation.

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

BUILDING -- A fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or used for any type of occupancy or use.

BULK CONTAINER -- Any garbage, rubbish and/or refuse container which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.

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

CENTRAL HEATING SYSTEM -- A single system supplying heat to one (1) or more dwelling unit(s).

CHIMNEY -- A vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

DILAPIDATED -- No longer adequate for the purpose or use for which it was originally intended or decayed or rotted and beyond repair.

DIRECTOR OF HEALTH -- The legally designated health authority of the Town of Killingly or a representative authorized to act by said Director.

DWELLING -- A house or building, or portion thereof, or any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and/or eating by one (1) or more families or households, provided that temporary housing, as hereinafter defined, shall not be classified as a "dwelling." Industrialized housing and modular construction which conform to nationally accepted industry standards and are used or intended for use for living, sleeping, cooking and eating purposes shall be classified as dwellings.

DWELLING UNIT -- A dwelling, or portion thereof, forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and/or eating purposes.

EMERGENCY -- A condition that poses an immediate threat to the life, health or safety of any occupant or the general public.

EGRESS -- An arrangement of exit facilities to assure a safe means of exit from a building.

EXTERMINATION -- The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

FAIR MARKET VALUE -- A price at which both buyers and sellers are willing to do business.

FAMILY -- One (1) or more individuals related by blood, marriage or legal adoption living together and sharing common living, sleeping, cooking and eating facilities. (See also "household.")

FLUSH WATER CLOSET -- A toilet bowl which is flushed with water which has been supplied under pressure and which is equipped with a water-sealed trap above the floor level.

GARBAGE -- Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GRADE -- The finished ground level adjacent to a required window.

HABITABLE ROOM -- 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 and utility rooms of less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas.

HEATED WATER -- Water heated to a temperature of not less than one hundred ten degrees Fahrenheit (110° F.) at the outlet.

HEATING DEVICE -- All furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges and other similar devices.

HOUSEHOLD -- One (1) or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also "family.")

INFESTATION -- The presence within or around a dwelling of any insects, rodents or other pests.

KITCHEN -- Any room used for the storage and/or preparation of foods and containing the following equipment: sink and/or other device for dishwashing; stove or other device for cooking; refrigerator or other device for cool storage of food; cabinets and/or shelves for storage of equipment and utensils; and counter or table for food preparation.

KITCHENETTE -- A small kitchen or an alcove containing cooking facilities.

LEAD-BASED PAINT -- Any paint containing more lead than the level established by the United States Consumer Product Safety Commission as being the safe level of lead in residential paint and paint products.

LITTER -- "Garbage," "refuse" and "rubbish" as defined in this section and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare. "Litter" shall not include clean excavated earth, unless the same may be objectionable by reason of dust or foul odors, or fill material approved by the Director of Public Works. "Litter" shall not include sand, salt or other appropriate chemicals upon any icy or slippery condition.

MULTIPLE DWELLING -- Any dwelling containing more than two (2) dwelling units.

OCCUPANT -- Any individual, over one (1) year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest shall not be considered an "occupant."

OPERATOR -- Any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are rented.

ORDINARY SUMMER CONDITIONS -- A temperature ten degrees Fahrenheit (10° F.) below the highest recorded temperature in the locality for the prior ten-year period.

ORDINARY WINTER CONDITIONS -- A temperature fifteen degrees Fahrenheit (15° F.) above the lowest recorded temperature in the locality for the prior ten-year period.

OWNER -- Any person who, alone or jointly or severally with others, shall have:

- (1) Legal title to any premise(s), dwelling or dwelling unit, with or without accompanying actual possession thereof; or

- (2) Charge, care or control of any premise(s), dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

PERSON -- Includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.

PLUMBING -- Includes all connections to water, sewer or gas lines.

PREMISE(S) -- A platted lot or part thereof or un-platted lot or parcel of land or plot of land, occupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premise(s)," where the context requires, shall be deemed to include any and all buildings, dwellings, and parcels of land or structures contained within the scope of this code. Non-rental single family premises are specifically excluded from this code.

PRIVACY -- The existence of conditions which will permit an individual or individuals to commence and carry out an activity without interruption or interference, either by sight or sound by other individuals.

PROPERLY CONNECTED -- Connected in accordance with all applicable codes and ordinances of the Town of Killingly as from time to time amended; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

RAT HARBORAGE -- Any conditions or place where rats can live, nest or seek shelter.

RAT-PROOFING -- A form of construction which will prevent the ingress or egress of rats to or from a given space or building or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods; by the use of materials impervious to rat gnawing; and by other methods approved by the Building Official.

REFUSE -- All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

REFUSE CONTAINER -- Any container that is constructed of metal or other durable material impervious to rodents and that is capable of being serviced without hydraulic and/or mechanical emptying, unloading and/or removal, or such other containers as have been approved by the appropriate authority.

RUBBISH -- Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials, but shall not include properly maintained compost.

SAFETY -- The condition of being reasonably free from danger and hazards which may cause accidents or disease.

SEASONAL RENTAL UNIT--A fully furnished dwelling unit that a client arranges to rent from an owner for a designated short period of time, typically by the week or for no more than a three month period.

SMOKE DETECTOR -- A device certified by a testing laboratory approved by the federal government, which device detects visible or invisible particles of combustion.

SPACE HEATER -- A self-contained device of either the convection type or the radiant type intended primarily to heat only a limited space or area, such as one (1) room or two (2) adjoining rooms.

STRUCTURE -- That which has been or is built or constructed and which is or should be fastened, anchored or attached to or which rests on a building, foundation or on the ground, including any buildings, fences, fire escapes, railings, towers, sidewalks or stairways.

SUPPLIED -- Paid for, furnished by, provided by or under the control of the owner, operator or agent.

TEMPORARY HOUSING -- Any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premise(s) for more than thirty (30) days within any six-month period.

TOXIC SUBSTANCE -- Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

VARIANCE -- A difference between that which is required or specified and that which is permitted.

- B. Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming units," "premise(s)" and "structure" are used in this code, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular; the masculine gender includes the feminine and the feminine the masculine.

ARTICLE III C. MAINTENANCE OF BASIC EQUIPMENT AND FACILITIES

Sec. 4-38. Compliance required; responsibility of occupant.

- A. No person shall let to another for occupancy or use or maintain any premise(s), as herein defined, which does not comply with the requirements of this Article.
- B. The owner of any premise(s), as herein defined unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.
- C. Every occupant of a premise(s) as herein defined shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 4-39. Inspection fee.

- A. No rental unit, once vacated, shall be reoccupied before the owner of the building containing such dwelling unit shall obtain from the building official or his/her designee a "permit for rental dwelling unit occupancy" for the particular unit. Seasonal dwelling units (primarily located in the ALZOD overlay district), shall be inspected annually prior to the rental season on a schedule developed and maintained by the Building Official. After a rental unit has been vacated and cleaned, the

property owner shall contact the building safety and inspection office and request an inspection of the vacant unit.

- B. No such permit shall be issued until the Building Official or his/her designee has inspected the dwelling unit and approved such unit and its appurtenant facilities as being in conformity with all applicable state and town codes insofar as such conformity may be ascertained by a visual inspection and until a fee of twenty-five dollars (\$25.00) per dwelling unit has been paid to the building safety and inspection office. Such permit shall not constitute any type of guarantee or warranty by the town to any person as to the condition of the premise(s) and that the landlord/owner of said premise(s) shall remain fully liable for the condition of his/her premise(s).

Sec. 4-40. General sanitation and safety requirements.

- A. Every owner or operator of a dwelling containing rental units shall maintain in a safe and sanitary condition the shared or public area of the dwelling and premise(s) thereof.
- B. Every occupant of a premise(s) shall maintain in a safe and sanitary condition that part or those parts thereof that the occupant occupies and controls.
- C. No owner, operator or occupant required to supply any service, facility, equipment or utility shall cause such service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by such owner, operator or occupant, except for temporary interruptions, not to exceed eight (8) hours, while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Official.
- D. All construction and materials, ways and means of egress and installation and use of equipment shall conform to the appropriate statutes, ordinances and regulations dealing with fire protection of the Town of Killingly and the State of Connecticut.
- E. Every supplied facility, piece of equipment or utility shall be so constructed or installed that it will function safely and effectively, and said supplied facilities shall be maintained in working order.

Sec. 4-41. Accessory structures.

Accessory structures present or provided by the owner, agent or tenant occupant on any premise(s) shall be structurally sound, maintained in good repair, free of insects, rats and rodents and comply with the standards specified in this code and the Town of Killingly Zoning Regulations, or such structures shall be removed from the premise(s). The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.

Sec. 4-42. Food storage cabinets and shelves.

Cabinets and/or shelves used for the storage of eating, drinking or cooking equipment or utensils or of food that does not, under ordinary summer conditions, require refrigeration for safekeeping shall be of sound construction and shall be furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.

Sec. 4-43. Stoves and refrigerators.

Each stove or similar device for cooking food and each refrigerator or similar device for the safe storage of food in a dwelling unit shall be properly installed and maintained, and all necessary connections for safe and efficient operation shall be made. Each such stove and/or refrigerator shall be maintained in a sanitary condition.

Sec. 4-44. Means of Egress.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the State Building Code

Sec. 4-45. Security devices.

No person shall let to another for occupancy any dwelling, dwelling unit or habitable room unless all doors and windows leading to the outside of the dwelling, dwelling unit or habitable room are equipped with functioning security devices. Such devices shall not require keys, special knowledge or effort, to operate except where the hardware conforms to that permitted by the Connecticut State Building Code.

Sec. 4-46. Emergency escape openings

- A. Every dwelling unit shall have at least two means of egress leading to safe and open space at ground level. One means of egress must be at ground level. Every dwelling unit in a multiple dwelling and located at or above the third floor shall have immediate access to two or more means of egress leading to safe and open space at ground level, approved by the Building Official as adequately meeting the purposes of this section, provided that any dwelling unit in existence and not in compliance with this subsection on the effective date of this code shall be brought into compliance not later than January 1, 2014 unless granted a variance or extension of time for compliance in accordance with § 4-81 of this code.
- B. Each room to be used for sleeping purposes shall have at least two means of egress from said room. One means of egress shall be a door or window leading directly to the outdoors. Any egress window must be in compliance with all State Fire and Building Codes and Regulations.
- C. Egress from each dwelling unit shall be provided without passing through any other dwelling unit.
- D. All doors and windows intended to provide the means of egress required by this section shall be able to be opened from the side from which egress is to be made without the need of keys, tools or special knowledge or effort, except where the hardware conforms to that permitted by the Connecticut Building Code.

Sec. 4-47. Toxic substances.

- A. Every owner of a premise(s) shall provide and maintain the premise(s) free from hazards to health, as determined by the Director of Health, due to the presence of toxic substances.
- B. No owner or occupant shall apply a lead-based paint to any surface of any dwelling or dwelling unit.

Sec. 4-48. Smoke detectors and carbon monoxide detectors

- A. Every dwelling or portion thereof rented to another and every dwelling unit contained in a building that contains two or more dwelling units shall be provided within each said dwelling unit with smoke/co detectors permanently connected to a standard one-hundred-twenty-volt AC supply or operated by a self-contained battery with a minimum of one year of life. The device shall be installed on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms, in each

- room used for sleeping purposes and in each story within a dwelling unit, including basements and cellars.
- B. A smoke/co detector shall be considered to be in noncompliance with this section, even if it is installed in accordance with the provisions of this section, if it is connected or allowed to be connected to a switch-off electrical circuit other than as required for overcurrent protection or if it is inoperable because of battery deterioration or for any other reason or if it is incapable of providing the warning it is designed to provide to the occupants of the dwelling and/or dwelling units it is intended to serve for any other reason.
 - C. For the purposes of this code and the designation described in §§ 4-80A and 4-81 of this code, violations of this section are hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.

Sec. 4-49. Pest, insect and rat control.

- A. Every building, structure, dwelling and premise(s) shall be pest- , insect- and rat-free and maintained in a pest- , insect- and rat-proof condition.
- B. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination of pests, insects and/or rats on the premise(s), whenever his dwelling unit is the only one infested.
- C. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonably pest- , insect- or rat-proof condition; extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner. The owner shall be responsible for any extermination necessary in all exterior areas of the structure and premise(s).

Sec. 4-50. Surface standards.

- A. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, handrail, porch, door, skylight, window and every appurtenance thereto shall be:
 - (1) Safe to use and capable of supporting the loads that normal use may cause to be placed thereon.
 - (2) Free of decay and deterioration, cracks, breaks or holes.
 - (3) Kept structurally sound and in good repair.
 - (4) Free of cracked, chipped, blistered, flaking or peeling paint, cracked or loose plaster or other defective conditions.
 - (5) Weather-tight, watertight and damp-free.
 - (6) Free of loose material that may create a hazard by falling on persons utilizing the premise(s).
- B. All exterior wood surfaces, other than those of decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based or by other approved protective covering or treatment. Such covering shall be compatible with the existing covering.

Sec. 4-51. Handrails and guardrails.

- A. Structurally sound handrails shall be provided on any steps containing three risers or more. The handrail shall be in compliance with current building code.

- B. Structurally sound guardrails shall be provided on corridors, balconies, landings, patios, porches or other areas having more than a thirty inch drop to the adjoining level. The guardrail shall be in compliance with current building code.

Sec. 4-52. Roofs and drainpipes.

- A. All roofs shall be kept in good repair and shall not admit water and shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.
- B. Leaders and drainpipes shall be securely fastened to the structure and maintained in good functional condition. Said leaders and drainpipes shall be kept clean and free of leaks and obstructions and shall direct storm water away from the foundation walls of the structure into draining fields or systems and shall protect the structure from wetness and dampness. Roof water shall not be discharged in a manner that creates a public nuisance.

Sec. 4-53. Chimneys, flues and vent attachments.

Chimneys, flues and vent attachments shall at all times be maintained:

- (1) Free from observable defects and in a structurally sound condition.
- (2) To provide sufficient draft to exhaust the rated output of the connected equipment.
- (3) Smoke tight and capable of withstanding the action of flue gases to which they are subject.

ARTICLE III D. SPACE, USE AND LOCATION.

Sec. 4-54. General requirements.

- A. No person shall let to another for occupancy or use any premise, as herein defined, which does not comply with the requirements of this Article.
- B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.
- C. Every occupant of a premise shall keep all fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- D. All habitable rooms, other than a kitchen, shall not be less than 7 (seven) feet in any single linear plan dimension. Kitchens shall have a clear passageway of not less than 3 (three) feet between countertops and appliances and countertops and walls.
- E. The ceiling height of any habitable room shall be at least seven (7) feet, except that in any habitable room under a sloping ceiling, at least one-half (1/2) of the floor area shall have a ceiling height of at least seven (7) feet.

Sec. 4-55. Use restrictions.

- A. No cellar space shall be used as a dwelling unit.
- B. No basement space shall be used as a dwelling unit or habitable room unless:
 - (1) Said basement space complies with the standards of this code for dwelling units.
 - (2) The total amount of window area in each room in said basement is equal to at least the minimum window area sizes as required in § 4-61 and such required minimum window area is located entirely above the grade of the ground adjoining such window area. Windows for rescue and ventilation must meet the State of Connecticut Building Code.
- C. No cellar space shall be used as a habitable room unless:

- (1) The floors and walls of said cellar space are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The ceiling height of such room or rooms complies with § 4-61E of this code.
 - (3) Said cellar space complies with the lighting and ventilation standards for habitable rooms as contained in this code.
 - (4) Said cellar space complies with the means of egress standards in this code.
 - (5) No cellar space shall be used as a sleeping room unless it complies with the egress requirements from the State of Connecticut Building Code.
- D. No kitchen, non-habitable space or public space shall be used for sleeping purposes.
- E. Permit to create or modify existing dwelling.
- (1) No dwelling unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit unless the Zoning Enforcement Officer has determined that it is in conformity with the Town of Killingly and/or the Borough of Danielson Zoning Regulations, and has issued a written permit certifying to same. No dwelling unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit unless the Building Inspector has issued a written permit that the plans and specifications for such work indicate that the provisions of the State Building Code will be complied with for all dwelling units affected.
 - (2) No such dwelling unit shall be occupied unless:
 - (a) The Fire Marshal of the Town of Killingly has examined the premise(s) for conformance to the fire and safety codes of the state and town and issued an inspection report certifying that the dwelling units comply with such codes; and
 - (b) A certificate of compliance has been issued by the Town of Killingly Department of Planning and Development and a certificate of occupancy is issued by the Town of Killingly Building Department.

Sec. 4-56. Location standards.

- A. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one (1) sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. An exception shall be permitted to this paragraph for units in existence on May 26, 1975 and for areas within the Borough of Danielson, September 1, 1960, and continuously occupied.
- B. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling units.

ARTICLE III E. LIGHTING AND VENTILATION.

Sec. 4-57. Compliance required.

- A. No person shall let to another for occupancy or use any premise(s) which does not comply with the requirements of this Article.
- B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.

- C. Every occupant of a premise(s) shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 4-58. General requirements.

All common areas or rooms shall be provided with sufficient and adequate lighting and ventilation so as not to endanger the health, safety and welfare of any person using such space.

Sec. 4-59. Lighting standards.

- A. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors, provided that, if connected to a room or area used seasonally (e.g. porch), then adequate daylight must be possible through this interconnection; have a minimum total window area, measured between stops, at least eight percent (8%) of the floor area of such room; whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area; and whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.
- B. Every bathroom and water closet compartment and non-habitable room used for food preparation shall comply with the light standards for habitable rooms contained in this code, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the Building Official.
- C. Every public hall and stairway shall be adequately lighted by natural or artificial light at all times, with at least a 60 watt standard light bulb for each 200 sq. ft. of floor area, provided that the spacing between lights does not exceed 30 ft., so as to provide in all parts thereof at least ten (10) foot candles of light at the landing, tread and floor level.

Sec. 4-60. Ventilation standards.

- A. Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can easily be opened or closed or such other device as will adequately ventilate the room, provided that, if a habitable room is connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of operable window area in every habitable room shall be equal to at least fifty percent (50%) of the minimum window area size or minimum skylight-type window size as required in § 4-59, except where there is supplied some other device affording adequate ventilation and approved by the Building Official.
- B. Interior climate-control facilities (heating, cooling and/or humidity) shall be maintained and operated in a continuous manner and in accordance with the design capacity of the installed equipment. When such equipment is in-operative because of power or mechanical failure, alternative provisions for fresh air ventilation of each dwelling or dwelling unit shall be provided.
- C. Every bathroom and water closet compartment and non-habitable room used for food preparation shall comply with the ventilation standards for habitable rooms contained

in this section, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition which is approved by the Building Official.

Sec. 4-61. Windows, doors and other openings.

- A. All windows, doors and openings intended to be left opened to the outside shall be kept in good repair and workable condition and shall be easily opened and closed by the occupants of the premise(s).
- B. Every window, exterior door and hatchway or similar device shall be so constructed as to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.
- C. No broken, cracked or missing window panes shall be allowed.
- D. Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least sixteen mesh and shall have a safe closing device.
- E. Every window or other device that is opened to outdoor space shall be supplied with screens fixed to the frame.
- F. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be rodent and rat-proofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings or if such opening may be reached by rodents or rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items, such as trees or vines, or by burrowing.
- G. All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level and all exterior doorways which might provide an entry for rodents or rats shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the premise(s).
- H. The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this code or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant obligating the occupant to do so. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one (1) season, becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

ARTICLE III F. ELECTRICAL AND HEATING FACILITIES AND EQUIPMENT.

Sec. 4-62. Compliance required.

- A. No person shall let to another for occupancy or use any premise(s) which does not comply with the requirements of this Article.
- B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.
- C. Every occupant of a premise(s) shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 4-63. General requirements.

All electrical and heating facilities and equipment shall be maintained in a manner so as not to be a hazard to the health, safety and welfare of any owner, occupant, family, guest or person using or relying on the use of such facilities or equipment.

Sec. 4-64. Electric facilities and equipment.

- A. Every dwelling, and all public and common areas of dwellings, shall be supplied with electrical service, outlets and fixtures. Electrical services, outlets and fixtures shall be maintained in working order, properly installed and shall be connected to a utility supplied energy source.
- B. Every dwelling unit shall be supplied with at least one 15 ampere branch circuit. This circuit shall not serve more than one dwelling unit. Additional circuits may be required to be installed at the discretion of the Building Official of the Town of Killingly.
- C. Every habitable room shall contain at least two separate wall type duplex receptacle convenience outlets or one duplex receptacle and one wall or ceiling type light fixture. No duplex receptacle outlet shall serve more than two electrical utilization devices.
- D. Temporary wiring or extension cords shall not be used as permanent wiring.
- E. All non-habitable rooms, including furnace rooms, basements, public halls and like areas, shall contain at least one ceiling or wall type electric light fixture. All bathrooms and laundry rooms shall be provided with one duplex electric outlet. All kitchens shall be supplied with at least two duplex electric outlets, one of which shall supply the countertop surfaces.
- F. All electric light fixtures within the dwelling unit shall be controlled by switches.

Sec. 4-65. Heating facilities and equipment.

- A. Every dwelling or every dwelling unit shall have functioning water-heating facilities which are properly installed and maintained in safe and good working condition, which are properly connected with the hot-water lines required under the provisions of this code and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten degrees Fahrenheit (110° F.). Such supplied water-heating facilities shall be capable of meeting the requirements of this section even when the dwelling or dwelling unit heating facilities required under the provisions of this code are not in operation.
- B. Every dwelling shall have heating facilities which are properly installed, which are maintained in a safe and good working condition and which are capable of safely and adequately heating all habitable rooms, bathrooms and water closets in every dwelling unit located therein to a temperature of at least sixty-five degrees Fahrenheit (65° F.) at a distance two (2) feet above floor level and one (1) foot from an exterior wall. For the purposes of this code and the designations described in §§ 4-80 and 4-77 of this code, violations of this standard are hereby declared to be an immediate hazard to the health, safety and welfare of the occupants and the general public.
- C. No un-vented fuel-burning room heater shall be used in any dwelling unit.

ARTICLE III G. PLUMBING.

Sec. 4-66. Compliance required.

- A. No person shall let to another for occupancy or use any premise(s) which does not comply with the requirements of this Article.
- B. The owner of any premise(s), unless otherwise specified, shall provide and maintain such premise(s) in compliance with the requirements of this Article.
- C. Every occupant of a premise(s) shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 4-67. General requirements.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a safe and sanitary working condition, free from defects, leaks and obstructions and capable of adequately serving the permissible occupancy of each dwelling unit.

Sec. 4-68. Water closets.

Within every dwelling unit, there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be properly connected to a sewer system.

Sec. 4-69. Lavatory sink.

Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which provides at all times an adequate amount of heated and unheated running water under pressure and which is properly connected to a sewer system. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

Sec. 4-70. Bathing facilities.

Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to a sewer system. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

Sec. 4-71. Kitchen sink.

Every dwelling unit shall contain in every kitchen a kitchen sink in good working condition and properly connected to a water supply system which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to a sewer system.

Sec. 4-72. Water drainage.

All premise(s) shall be graded, drained, free of standing water and maintained in a clean, safe and sanitary manner.

Sec. 4-73. Construction and maintenance.

- A. All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed and maintained to prevent the ingress or egress of rats and other rodents to or from a premise(s).
- B. Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

ARTICLE III H. ADMINISTRATION AND ENFORCEMENT.

Sec. 4-74. General.

The Building Official or his/her designee shall enforce the provisions of this code.

Sec. 4-75. Interpretation

- A. The Building Official is hereby authorized to make such interpretations and determinations as are necessary in the interest of public health, safety and general welfare in the administration of this Code. No such interpretation or implementation shall have the affect of contradicting the plain language of this Code, but the Building Official shall have the ability to make reasonable interpretations based upon local conditions, provided such interpretation or implementation does not have the affect of violating the plain meaning of this Code in any way that would impair the public health and safety, or acceptable engineering or building standards.
- B. Existing conditions that are found during an inspection not in compliance with Section 4-54 may be appealed in accordance with Section 4-80 if it is determined that the conditions found are original to the dwelling or conditions were created legally with a building permit and approved by the Building Official as substantially in compliance with the Building Code at the time of permit application.

Sec. 4-76. Inspections.

- A. The Building Official is authorized and empowered to make inspections of all premise(s) located within the Town of Killingly pursuant to:
 - (1) A complaint that an alleged violation of the provisions of this code or of applicable rules or regulations pursuant thereto may exist; or
 - (2) When the Building Official has sufficient reason to believe that a violation of this code or any rules or regulations pursuant thereto has been or is being committed.
- B. The Building Official shall be required to disclose all records of investigation conducted in accordance with this code with respect to any premise(s), only as required by the Connecticut Freedom of Information Act.
- C. If an owner, occupant or other person in charge of a premise(s) fails or refuses to permit free access and entry to the premise(s) under his control, or any part thereof, with respect to which an inspection authorized by this code is sought to be made, the Building Official may petition a court of competent jurisdiction to obtain an inspection warrant.

Sec. 4-77. Notice of violation.

- A. Whenever the Building Official determines that any premise(s) or any part thereof fails to meet the requirements set forth in this code or in applicable rules and regulations issued pursuant thereto, the Building Official, in accordance with existing federal, state and/or municipal law, shall issue a notice of violation setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:
 - (1) Be in writing.
 - (2) Describe the premise(s) where the violations are alleged to exist or to have been committed.
 - (3) Specify each alleged violation of this code or of applicable rules and regulations issued pursuant thereto.
 - (4) Specify the last day by which such violations shall be corrected.
 - (5) Specify any appeal procedure.
 - (6) Be served upon the owner, occupant, operator or agent of the premise(s) personally or by certified mail, addressed to the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the premise(s).
- B. At the end of the period of time allowed for the correction of any violation alleged, the Building Official shall re-inspect the premise(s) described in the notice to determine compliance with the notice of violation.

Sec. 4-78. Penalties for offenses.

- A. Each violation of any provision of this code shall be considered a separate offense hereunder.
- B. Each day any violation of any provision of this code shall continue shall constitute a separate offense hereunder.
- C. Each separate offense shall be punishable by a fine of not more than \$100 per day administered pursuant to the provisions of Section 1-9 and 1-10 of the Killingly Code of Ordinances.
- D. The imposition of any fine or civil penalty shall not be construed to prevent the enforcement of other laws related to the premise(s) or to prevent the initiation of other enforcement measures or penalties, as appropriate. In addition to the remedies set forth in this Code and the Connecticut General Statutes, the Building Official shall have all the powers and duties pursuant to the Building Code, including the right to institute civil actions for injunctive relief and abatement of nuisance.

Sec. 4-79. Necessary repairs.

- A. Whenever an owner, operator or agent of any premise(s) fails, neglects or refuses to make repairs or other corrective action ordered by the notice of violation issued pursuant to this code, the Building Official by or through agents, employees, servants and/or contractors may undertake such repairs or action, when in the Building Official's judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50% of the fair market value of the premise(s) to be repaired.
- B. Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator or agent by registered or certified mail, return receipt

requested or in hand service by the Building Official, or his or her designee, or other Code Enforcement Officer.

- C. Every owner, operator or agent of a premise(s) who has received notice of the intention of the Building Official through agents, employees, servants and/or contractors to make repairs or take other corrective action shall give entry and free access to the agent of the Building Official for the purpose of making such repairs. Any owner, operator or agent of a premise(s) who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a penalty of not less than \$100 for each such failure to comply with this section.
- D. When repairs are made or other corrective action taken at the direction of the Building Official, the cost of such repairs and corrective action shall constitute a debt in favor of the Town of Killingly against the owner of the repaired structure. In the event such owner fails, neglects or refuses to pay the Town of Killingly the amount of this debt within 10 days of written demand therefore, it shall be recoverable in a civil action against the owner or the owner's successor, brought in a court of competent jurisdiction by the Town of Killingly which shall possess all rights of a private creditor.

Sec. 4-80. Landlord Registration

In order to facilitate compliance with this code, by April 1, 2012, any individual owner of an existing occupied or vacant residential rental housing unit shall be required to file and maintain on file the current residential address of the owner of such property in the Building Safety and Inspections Office of the Town of Killingly. Any other owner, such as a corporation, partnership, trust or other legal recognized entity, shall file and maintain on file the current residential address of the agent in charge of the building in the Office of the Building and Housing Inspection of the Town. If such residential address changes, notice of the new residential address shall be provided by such owner or agent in charge of the building to the Building Safety and Inspections Office of the Town of Killingly not more than 21 days after the date that the address change occurred.

Sec. 4-81. Declaration of unfit dwellings.

- A. The Building Official shall declare any premise(s) unfit for human habitation when any of the following defects or conditions is found and when in the Official's judgment such defect creates a hazard to the health, safety or welfare of the occupants or of the public:
 - (1) Any premise(s) which is damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin-infested and/or contains hazardous levels of lead-based paint or other substance.
 - (2) Any premise(s) which lacks basic illumination, ventilation, plumbing, electrical, heating or required sanitation facilities.
 - (3) The general condition of the premise(s) is unsanitary, unsafe and/or unhealthful.
 - (4) Any premise(s) which is in violation of §§ 4-46, 4-48 or 4-65B of this code.
- B. Whenever any premise(s) has been designated as unfit for human habitation, the Building Official shall placard the premise(s) indicating that it is unfit for human habitation and, if occupied, shall order such premise(s) vacated within a reasonable time, said time to be not less than twenty-four (24) hours or more than ten (10) days.

This section shall not restrict any action of the Building Official in vacating such premise(s) if acting under § 4-80 of this code.

- C. Whenever any tenant in any premise(s) is displaced as the result of the enforcement of this code against the owner, the owner of such building, dwelling, dwelling unit or structure shall be liable for any payments made by the town to any displaced tenant pursuant to Chapter 135 of the General Statutes. If any owner fails to reimburse the town for any payments which the town has made to any displaced tenant and for which the landlord is liable, the town may bring civil action against such owner in Superior Court for the recovery of such payments and for the costs of the town, together with reasonable attorney's fees, in bringing such action.
- D. Whenever any premise(s) has been placarded and vacated, the Building Official may order services and utilities to be turned off or disconnected and all utility meters to be removed. All charges for discontinuance or restoration of such services and utilities shall be the owner's expense.
- E. For any premise(s) which has been designated as unfit for human habitation and vacated, it shall be the duty of the owner to close all windows, doors and other openings by suitable means so that unauthorized use or access into the premise(s) is prevented.
- F. No premise(s) which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Building Official and the placard removed by the Building Official.
- G. The Building Official shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the premise(s) is deemed by the Building Official and Fire Marshal as safe, sanitary and a fit place for human habitation.
- H. No person shall deface or remove the placard from any premise(s) which has been designated as unfit for human habitation and has been placarded as such, except as provided in Subsection F.
- I. Whenever any premise(s) has been designated as unfit for human habitation, such order shall be filed with the Clerk of the Town of Killingly for inclusion in the land records of the town.
- J. Any person affected by any decision of the Building Official or by any designation or placarding of a premise(s) as unfit for human habitation shall upon request be granted a hearing on the matter under the procedure set forth in § 4-82 of this code. However, such appeal will not stay the designation or placarding of a premise(s) as unfit for human habitation and the actions required by such order.

Sec. 4-82. Means of Appeal.

- A. Application for appeal. Any person directly affected by a decision of the Building Official or a notice or order other than a citation issued under this code shall have the right to appeal to the board of appeals, pursuant to Section 4-3 of the Killingly Code of Ordinances, provided that a written application for appeals 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 hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

- B. Appeals of any citation issued pursuant to this Code shall be pursuant to Section 1–10 of the Town of Killingly Ordinances for Violations of Ordinances.

Sec. 4-83. Effect of other rules and regulations.

No rule, regulation or schedule of fines made or set by the Building Official pursuant to this Rental Housing Standards Code shall be effective until its effective date after adoption by the Town Council of the Town of Killingly.

- AND -

(B)

Chapter 1

CITATIONS FOR VIOLATIONS OF ORDINANCES

Amend: Section 1-10(e)

BY ADDING: (8): Chapter 4, Article III. Section 4-30 through Section 4-160 Rental Housing Standards Code

KILLINGLY TOWN COUNCIL

Robert B. Young
Chairman

Dated at Killingly, Connecticut
this 8th day of March, 2011