

**§ 122-1. Title.**

This chapter shall be known as the "Property Maintenance Code of the Town of Wethersfield" ("this code"), and the standards established by this code shall be referred to as and constitute the minimum property standards of the Town of Wethersfield ("Town").

**§ 122-2. Intent; authority.**

- A. 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, safety and welfare, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and premises as provided by this code. This code is also further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public. This code is further intended to maintain and preserve the beauty of the neighborhoods and to allow for control of blighted premises.
- B. This code shall establish minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.
- C. This code is adopted in accordance with the provisions of Connecticut General Statutes §§ 7-148, 7-148aa and 7-152c.

**§ 122-3. Scope of provisions.**

A. Applicability.

- (1) This code shall apply uniformly to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:
  - (a) Dwellings or dwelling units, including one-family and two-family dwellings and multiple dwellings.
  - (b) Lots, plots or parcels of land **or building(s)**, whether vacant or occupied.
  - (c) Buildings of non-dwelling use, including commercial **and/or industrial** properties.
  - (d) Accessory structures accessory to any building.

(e) All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.

(2) This code shall not apply to barns as identified in the book "Wonderful Barns of Wethersfield," copyright 1994, by Eleanor Buck Wolf, or to any other barn built before 1900, except when the Town Manager or his/her designee determines that existing conditions pose a threat to the health, safety and/or welfare of the public.

**§ 122-4. Definitions.**

The following definitions apply to this chapter:

**ACCESSORY STRUCTURE** — A structure, the use of which is customarily incidental and subordinate to that of a principal building, structure or use on the same lot.

**BLIGHTED PREMISES** —

A. Any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, in which at least one of the following additional conditions exists:

(1) The Town Manager or his/her designee determines that existing conditions pose a serious threat to the health, safety and welfare of the persons in Town;

(2) It is not being maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:

(a) Missing, broken, **inadequately secured** or boarded windows ~~or~~ **doors or other openings into the building. Any such openings that are boarded must be done so in a manner approved by the Building Department;**

(b) Collapsing, **damaged, missing** or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;

(c) Exterior walls which contain holes, breaks, loose or rotting materials;

(d) Foundation **or mason walls are damaged, collapsing, crumbling or** ~~which~~ contain open cracks and breaks;

- (e) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain rust, damage, collapsing or other decay,
  - (f) Rat and/or vermin infestations;
  - (g) Garbage or trash improperly and/or persistently stored or accumulated on the premises;
  - (h) Structurally faulty conditions;
  - (i) Unrepaired fire or water damage;
  - (j) Substantially damaged or missing siding;
  - (k) Persistent existence of one or more vehicles on the property that are inoperable or in a state of disrepair or major disassembly or in the process of being stripped or dismantled including: cars, trucks, campers, motorcycles, boats, mowers, farming and construction equipment any one of which may also have missing doors or windows, holes rust or obvious physical decay or used for storage purposes. State licensed repair facility may be exempt as well as persons receiving approval under Chapter 160;
  - (l) Screening which contain tears or ragged edges
  - (m) In the case of fence, broken or rotted boards or in an otherwise dilapidated condition; or
  - ~~(n)~~(n) Any other exterior condition reflecting a level of maintenance which constitutes a blighting factor for adjacent property owners or occupiers or which is an element leading to the progressive deterioration of the neighborhood. This includes, but is not limited to graffiti, which is defined as the unauthorized application of paint or other material(s).
- (3) It is attracting illegal activity as documented in Police Department records;
  - (4) It is a fire hazard as determined by the Fire Marshal;
  - (5) It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding areas as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties;
  - ~~(3)~~(6) It is a parcel consisting of dwelling, multiple dwelling, or

mixed use property/properties which have been vacant for an extended period of time (vacancy). An extended vacancy means a period of one hundred and twenty (120) days or longer during which time the property has at least one additional violation enumerated under any town ordinance. Said property being vacant for more than 120 days and having at least one additional violation shall be required to submit a property safety plan to the Building, and/or Fire Marshal's Office and/or Central Connecticut Health District and may be subject to inspection;

~~B. Blighted premises shall not include any such building, structure or parcel of land located on any active farm.~~

~~COMMUNITY STANDARD — A judgment by a reasonable member of the community.~~

CONNECTICUT GENERAL STATUTES — Includes any applicable amendments.

OWNER/OCCUPIER — Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

PROXIMATE PROPERTY — Any premises or parcel of land within 1,000 feet of a blighted premises.

#### **§ 122-5. Signs, awnings and marquees.**

A. Signs. All permanent signs and billboards exposed to public view permitted by reason of other ordinances or laws shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated shall be removed forthwith or put into a good state of repair by the owner of the sign.

- B. Awnings and marquees. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

#### **§ 122-6. Removal of weeds and similar vegetation.**

- A. Every owner/occupier of properties upon which a building exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road and to which a public water and/or public sewer lateral has been provided, shall cut, to a height of not more than eight inches, all grass, weeds and similar vegetation not planted as a crop to be harvested or for ornamental purposes.
- B. Every owner/occupier of property shall keep his property free from vegetation of any type which, in the opinion of the Town Manager or his/her designee, is injurious to public health.
- C. Any violation of § 122-6A or B shall constitute a nuisance which may be abated by the Town at the expense of the owner, lessor, lessee or any other person in possession or any one or more of them to whom the Town Manager or his/her designee has given not less than 10 days' written notice of intention to abate such nuisance. Such expense may be collected by the Town in a civil action against any one or more of the above-named persons responsible therefor.

#### **§ 122-7. Storage; littering.**

- A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate on premises in the Town in such a manner as to create an offensive, unsightly or unsanitary condition.
- B. Storage requirements. In the event that property usage would result in the stacking or piling of materials, including equipment

and appliances, even if wanted and useful, they must be so arranged as to prohibit the creation of a blighting factor to their neighbors. Furthermore, all useful, wanted material, including equipment and appliances, stored out-of-doors shall be stored in an orderly fashion in the rear yard.

- C. Throwing or depositing in Town. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables in any part of the Town in such a manner as to create an offensive, unsightly or unsanitary condition. Property owners shall maintain their property litter free.
- D. Throwing or depositing on streets and public grounds. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables upon streets or sidewalks, in any catch basin, drain or watercourse or in parks or any public grounds in the Town, except that solid waste, material designated recyclable and recyclables may be deposited in proper containers.

#### § 122-8. Complaints; warning

- A. Any individual, civic organization, municipal agency, or Town employee affected by the action or inaction of an owner/occupier of property subject to the provisions of this chapter may file a complaint of violation of this chapter with the Town Manager. The Town Manager or his/her designee, upon his or her determination whether there is a violation of this chapter, shall forward a notice letter to the owner/occupier at the time such determination has been made.
- B. Such a notice letter from the Town Manager or his/her designee shall be issued prior to issuing a citation.
- C. Such notice letter shall include:
  - (1) A description of the real estate sufficient for identification, specifying the violation which is/are alleged to exist and the remedial action required;
  - (2) A due date, within a reasonable time, as determined by a town enforcement officer, for the performance of any act required; and
  - (3) The amount of the fines, penalties, costs or fees that may be imposed for noncompliance.
- D. The owner/occupier may not contest a warning.

E. Delivery of a notice letter or citation to the owner/occupier shall be by one of the following methods:

- (1) By personal delivery to the owner/occupier or by leaving the citation or notice letters at the usual place of abode of the owner/occupier with a person of suitable age and discretion;
- (2) By certified or registered mail addressed to the owner/occupier at his or her last known address, **as on filed at the Assessor's Office**, with postage prepared thereon; or
- (3) By posting and keeping posted for 24 hours a copy of the citation or notice letter in placard form in a conspicuous place on the premises.

**Changes of address must be on record in the Assessor's Office within 30-days of change and is the sole responsibility of the owner to notify the town.**

#### § 122-9. Enforcement.

A. If the corrective actions specified in the notice letter are not taken, the Town Manager or his/her designee may issue a written citation to the owner/occupier.

B. A citation shall be in writing and include:

- (1) A description of the real estate sufficient for identification and a description of the violation which exists.
- (2) The amount of the fines, which may not exceed \$100 **per violation**. Each day such violation exists shall constitute a separate offense, and a separate citation may be issued. **Any fee or fine imposed in this section may accrue interest to the maximum amount permitted by law.**
- (3) A statement that the owner/occupier may contest his liability and request a hearing, in accordance with Chapter 73 of the Wethersfield Code, by delivering, in person or by mail, written notice of objection within 10 days of the date of the citation.

~~(4) Effective date: February 1, 2011.~~

C. **No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.**

D. **The imposition of any fees or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.**

~~C.E.~~ Delivery of the citation shall be by the manner provided in § 122-8.

F. In lieu of citation and in accordance with § 7-148(c)(7)(E) of the Connecticut General Statutes, if the owner of any property, the condition of which constitutes an immediate threat to life, health, or safety or is otherwise unfit for human habitation, fails to comply with any order to repair or remove any building or portion thereof, or otherwise remediate the property, issued pursuant to the General Statutes or to the Code of Ordinances of the Town or when there exists actual and immediate danger upon the property, so as to endanger life or property, the official charged with enforcement of such provisions may proceed forthwith to cause to be done all work required to be done in compliance with such an order, and if necessary, to demolish or secure any structure or structures covered by any such order, and the Town shall have a lien on such property for the cost of such work or demolition, except that when no imminent danger exists, the owner of the property shall be given written notice of the Town's intention to undertake said work at least 10 days prior to the commencement thereof, and the Town may recover all ~~the~~ costs of the work or demolition, including any fees or interest related to completing said work, from the owner of such property by appropriate proceeding on complaint of said official. If the issue is of a persistent and recurring nature, the first ten (10) day notice will satisfy all future notice requirements for the same or similar violations.

~~D.G.~~ Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the town and shall constitute a lien upon the real estate against which the fee or recorded and released in the manner provided by the Connecticut General Statutes (CGS) for continuing, recording and releasing property tax liens. Interest related to the lien will accumulate from the date of recording to the date of payment and will be added to the amount owed at the time of payment. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date provided in the CGS to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

#### § 122-10. Severability.

In the event that any part or portion of this code is declared invalid for any reason, all the other provisions of this code shall remain in full force and effect.

#### § 122-11. Construal of terms and provisions

A. Where terms are specifically defined or the meanings of such

terms are clearly indicated by their context, those meanings are to be used in the interpretation of this code.

- B. Where terms are not specifically defined and such terms are defined in the Charter and Municipal Code of the Town of Wethersfield, such terms shall have the same meanings for the interpretation and enforcement of this chapter.
- C. Where terms are not specifically defined in this chapter, they shall have their ordinarily accepted meanings or such meanings as the context may imply.
- D. The provisions of this code shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town of Wethersfield.
- E. 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 provision of the Charter and Municipal Code of the Town of Wethersfield or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Wethersfield shall prevail.