

Public Hearing: February 20, 2024
Council Action: PASSED (9-0-0)
Effective Date: March 10, 2024
Moved By: Deputy Mayor Forrest
Seconded By: Councilor Duric

ORDINANCE - CHAPTER 122, PROPERTY MAINTENANCE

[Amended 03-10-2024]

§ 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, boarding houses, group homes, lodging houses, rooming houses,

tenement houses and unrelated family units.

f. commercial real property

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, 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 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. 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;
 6. It is a parcel consisting of dwelling, multiple dwelling or mixed commercial use property/properties which have been vacant for an extended period of time. 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.

CITATION ENFORCEMENT OFFICER- The Town Manager or his or her designee.

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 blighted premises.

THIRD OR MORE BLIGHT VIOLATION- For the sole purpose of determining if a third or more violation is occurring, a violation is an instance in which a person who received a notice of violation of the ordinance pursuant to Section 112-8 of this Chapter has in the opinion of the citation hearing officer previously cured the violation. A third or more blight violation occurs when three violations have occurred during the prior twelve-month period or if one hundred twenty days have passed

from the notice of violation and the conditions creating such violation have not been cured or when three or more conditions constituting such violation exist at a property simultaneously.

§ 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 122-6B 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 person responsible therefore.

§ 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, sidewalks 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 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(s) which 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.

§ 122-9. Citations.

Citation and assessment hearing procedure.

- A. If a person fails to correct a violation after a warning notice letter is sent pursuant to 122-8, the citation enforcement officer may issue a notice by mail to the person's last-known address on file with the tax collector stating the allegations regarding the violation of this ordinance and the amount of a fine no to exceed \$150 per day or \$1,000 for any third or more violation as defined in § 122-4. The notice shall provide a date by which an uncontested payment of the fines can be made to the town. Payment of such fine, penalties and costs shall be made to the Office of the Town Manager. An uncontested payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other persons making the payment.
- B. If the uncontested payment is not made, the citation enforcement officer at any time within twelve (12) months after the expiration of the time to make an uncontested payment of the amount of the fine pursuant to the notice issued under Section A. of this section may send a citation notice that an assessment is being sought from a citation hearing officer for one or

more of the citations that were the subject of one or more notices issued under Part A of this Section. The notice shall be sent by regular mail to the last-known address of the person on file with the tax collector and shall contain, at a minimum, the following information:

- 1) The allegations of the violation or violations stated in the each of the citation notice or notices issued pursuant to Part A. of this Section for which an assessment is sought.
 - 2) The amount of the fines that the citation enforcement officer is requesting the citation hearing officer to impose as an assessment, which amount not to exceed \$150 per day of violation of this ordinance or \$1000 per day for any third or more blight violation as defined by § 122-4.
 - 3) The fact that the person may contest his or her liability before a citation hearing officer by delivery in person or by mail of a written notice to the Office of the Town Manager within ten (10) days from the date of the notice of citation.
 - 4) That failure to request a hearing will result in an assessment and judgment entered against the person cited, and,
 - 5) That judgment may be issued without further notice.
- B. A person receiving the notice of citation and right to a hearing may admit liability and pay the amount sought as an assessment. Payment of such fine shall be made to the Office of the Town Manager. An uncontested payment made prior to the imposition of an assessment pursuant to this section shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other persons making the payment.
- C. Assessment by default. If the person receiving the notice issued according to part (i) of this section does not deliver or mail a demand for hearing within ten (10) days of that notice to the Office of the Town Manager, the person shall be deemed to have admitted liability and the citation enforcement officer shall certify such person's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter an assessment in the amount of the fines requested by the citation enforcement officer and shall follow the procedures set forth in part 5 of this section for filing the assessment with the court. If the person requests a hearing, is notified of the date, place and time of the hearing in accordance with part ii of this section but fails to appear at the hearing, the citation hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances based on evidence presented at the hearing. The citation hearing officer shall thereafter follow the procedures as set forth in part iv of this section for filing the assessment with the court.
- D. Hearing by citation hearing officer. Any person who requests a hearing within the time specified in this article will be given written notice of the date, time and place for the hearing, which shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of the notice, subject to reasonable requests for good cause shown for continuance or postponement by an interested party. The original or a certified copy of the notice of citation and right to hearing issued pursuant to part i of this section shall be filed with the citation hearing officer, shall thereafter be retained by the Town, and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes, and shall be considered evidence of the facts contained therein. The accused shall have the right to request the issuing citation enforcement officer to be present at the hearing and such individual shall in fact be present at the hearing if so requested. At such hearing, the accused may appear and present evidence on his or her own behalf and municipal officials may present evidence in support of the requested assessment. The hearing officer shall conduct a hearing in the order and form and with

such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing. If he or she determines that the person is not liable, he or she shall dismiss the matter and enter the determination in writing accordingly. If he or she determines that the person is liable for the violation, he or she shall forthwith enter an assessment against the person as provided by this article and shall thereafter follow the procedures as set forth in part E. of this section for filing the assessment with the court.

- E. Notice of assessment and entry of judgment. If the assessment is not paid as of the date of its entry, the citation hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file a certified copy of the notice of the assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator within the boundaries of the Judicial District in which the municipality is located, together with the applicable court entry fee. The certified copy shall not be filed with the court until after the expiration of the thirty-day appeal period set forth in part (f) of this section and must be filed within twelve (12) months of the assessment. A certified copy of the notice of assessment shall constitute a record of assessment and the Clerk of the Superior Court, in accordance with Connecticut General Statutes Section 7-152c (f) shall enter judgment in the amount of such record of assessment and the court entry fee against such person in favor of the municipality. Notwithstanding any other provision of the Connecticut General Statutes, the citation hearing officer's assessment, when so entered as a judgment shall, have the effect of a civil money judgment and a levy of execution on such judgment may be made without further notice to such person.
- F. Appeal. There shall exist a right of appeal in favor of any person against whom an assessment has been entered pursuant to the provisions of this article. An appeal shall be instituted within thirty (30) days of the mailing notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.
- G. 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 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.

§ 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 provisions 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.