

TOWN OF PLYMOUTH

Property Maintenance and Code Enforcement

ARTICLE IV

Sec. 7-60

Declaration of policy:

It is found and declared that there exist within the Town of Plymouth (Town) properties with residential and nonresidential structures that are substandard with respect to structural integrity or maintenance. It is further found that certain conditions causing these structures to be substandard adversely affect the economic well being of the Town and are harmful to the health, safety and welfare of Town residents. These conditions include, but are not limited to the following: structural deterioration, lack of maintenance, infestation, fire hazards, accumulating refuse on private property, storage of **two or more unregistered vehicles, including campers** providing such vehicles are on the Assessor's tax list, and unsanitary conditions. It is further found that certain of these substandard structures can be repaired, rehabilitated, reconstructed or reused so as to provide decent, safe and sanitary housing and commercial facilities, thereby eliminating, remedying, and preventing the adverse conditions described above. It is further found that the lack of maintenance and progressive deterioration of certain structures create blight and initiate slums, and that if the same are not curtailed and removed, these undesirable conditions will grow and spread, necessitating future expenditures of large amounts of public funds to correct and eliminate.

Declaration of purpose. The purpose of this article is to protect the public, health, safety, and welfare as follows:

- (1) By establishing minimum standards governing the maintenance, appearance, and condition of residential and nonresidential premises,
- (2) By fixing responsibilities and duties upon owners, operators and occupants, and
- (3) By authorizing and establishing procedures for enforcement, inspection and penalties.

Section 7-61

Definitions:

For the purposes of This Ordinance the following words and terms shall mean as follows:

Abandoned property: Any real property on which there is a vacant structure and on which:

(1) Real property taxes have been delinquent for one (1) year or more and orders have been issued by the Town's fire marshal, building official or health director and there has been no compliance with those orders within the prescribed time given by such official or within ninety (90) days, whichever is longer; or

(2) The owner has declared in writing to the building official that his property is abandoned.

Abandoned vehicle and exceptions: As defined in Sec. 10-61; Sec 10-62; and 10-63

Accumulating refuse: Refuse that accumulates on any ~~private~~ premises and is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers that are approved by the Town for such use.

Blighted Premises: Real property, including any Building or Structure located thereon, which is and continues to be in a state of disrepair or is becoming dilapidated.

Deterioration: The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use.

Exposed to public view: Any premises or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public.

Exterior of the premises: Open space on the premises outside of any building thereon.

Extermination: The control and elimination of insects, rodents and vermin.

Garbage: As defined in Sec. 8-24

Infestation: The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

Junkyard: As defined in Article 2, Section C of the Plymouth Planning and Zoning Regulations.

Nuisance:

(1) Any public nuisance as defined by statute or ordinance.

(2) Any attractive nuisance. An attractive nuisance is defined as the presence of any condition which may prove detrimental to the health or safety of children and adults, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned wells, shafts, basements, excavations, refrigerators, vehicles, lumber, and garbage,

refuse, rubbish, and any structurally unsound fences or other structures.

- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (5) Fire hazards. Any situation, process, material, or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property as determined by the Town fire marshal or his duly authorized agent.

Occupant: As defined in Sec. 8-24 of the Housing Code

Operator: As defined in Sec. 8-24 of the Housing Code

Owner: As defined in Sec. 8-24 of the Housing Code

Parties in interest: Any person claiming an interest of record pursuant to a bona fide mortgage, assignment of lease or rent, lien, or security in the property.

Premises: As defined in Sec. 8-24 of the Housing Code

Public authority:

Any officer (or his or her designee) who is in charge of any department or branch of the government of the city relating to health, fire, building regulations or to other activities concerning buildings in the Town.

Putrescible: Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation, resulting in the formation of foul-smelling products.

Refuse: As defined in Sec. 8-24 of the Housing Code

Rubbish: As defined in Sec. 8-24 of the Housing Code

State of Disrepair or becoming dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public which may be evidenced by one or more of the following conditions:

- (1) multiple missing, broken or boarded up windows and/or doors;
- (2) collapsing or missing walls or roof or chimneys
- (3) seriously damaged or missing siding;
- (4) fire or water damage;
- (5) infestation by rodents or other pests;

- (6) excessive amounts of garbage or trash on the property;
- (7) ~~two~~ **one** or more inoperative, abandoned, or recreational vehicles such as campers or unregistered vehicles or inoperative boats parked, kept or stored on the premises unless garaged or the premises is properly permitted as a junk yard;
- (8) commercial parking lots left in a state of disrepair or abandonment; and
- (9) vacant buildings or structures left unsecured or unguarded against unauthorized entry.

This Ordinance: Shall Mean Sections 7-60 through 7-73 of the Plymouth Code of Ordinances.

Section 7-62

Applicability: Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business, **town** or industrial occupancy shall comply with the provisions of this article. Such compliance is required whether or not such building shall have been constructed, altered or repaired before or after the enactment of this article. Such compliance further is required irrespective of any permits or licenses issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. This article shall also apply to mobile home parks.

Section 7-63

Higher standard to prevail in case of conflict with other laws or ordinances, preemption by the state.

In any case where the provisions of this article impose a higher standard than set forth in any other Town ordinances or under the laws of the state or federal governments, then the standards as set forth herein shall prevail. If the provisions of this ordinance impose a lower standard than any other Town ordinance or under the laws of the state or federal governments, then the higher standard set forth therein shall prevail. The provisions of This Ordinance shall not apply to any case where the state has the exclusive right to bring an action to abate a public nuisance involving any real property or portion thereof for the purposes enumerated in Sections 19a-343 et seq. of the Connecticut General Statutes or any duly adopted amendments thereto.

Section 7-64

Enforcement of and compliance with other ordinances.

No waiver, relief from enforcement, or certification of compliance with This Ordinance shall constitute a defense against any violation of any other town ordinance applicable to any structure or premises. Any provision herein shall not relieve any owner, operator or

occupant from complying with any such other provision, nor any official of the Town from enforcing any such other provision.

Section 7-65

Maintenance of exterior of premises - Duties of owners.

It shall be the duty of all owners of premises to keep the exterior of the premises and all structures thereon free of all abandoned vehicles (unless the premises are a legal junkyard), nuisances, garbage, refuse, rubbish, infestations, and filth. The exterior of every structure or accessory structure (including fences and walls) shall be maintained free of broken glass, loose shingles, crumbling stone or brick, or other condition reflective of deterioration of blighted premises or inadequate maintenance. The outside structure walls shall not have any holes, loose boards, or any broken, cracked or damaged siding that admits rain, cold air, dampness, rodents, insects or vermin. Every building shall be maintained as to be weather and water tight. Where weekly curbside pickup of garbage, refuse and rubbish is not available, it further shall be the duty of every dwelling owner to provide a place reasonably calculated to maintain sanitary conditions and to minimize its exposure to public view before transfer for safe and sanitary disposal.

Section 7-66

Duties of operators and occupants.

An operator or occupant of a dwelling shall have the duty and responsibility of removing garbage, refuse and rubbish generated by him to the curb on the day curbside pickup is scheduled in closed containers intended for that purpose. Where weekly curbside pickup is not available, an operator or occupant of a dwelling shall have the duty and responsibility to remove garbage, refuse and rubbish generated by him to the place provided by the owner or to arrange with the owner for its transfer for safe and sanitary disposal.

Section 7-67

Prohibition against creating or maintaining blighted premises, penalty:

No owner, operator or occupant of real property in the Town shall cause or allow Blighted Premises to be created, nor allow the continued existence of Blighted Premises. An owner, operator or occupant of real property is deemed to have created and allowed to continue the existence of Blighted Premises by failing to observe the respective duties of owners, operators and occupants as provided in this article. The violation of this provision shall be punished by a fine of **fifty (\$50.00)** dollars. Each day any violation of this provision continues shall constitute a separate offense for up to a total of forty (40) days and/or a maximum fine of **two thousand (\$2,000.00)** dollars. In addition, any condition caused or permitted to exist in violation of any of the provisions of This Ordinance shall be deemed a public nuisance. Said nuisance may be abated by the Town

as provided by law, and each day that such condition continues shall be regarded as a new and separate offense and shall be deemed to be an infraction.

Fines collected by the Town shall be put in a separate fund to be used to eliminate blight on the Town.

Section 7-68

Enforcement:

- a) Any individual affected by the action or inaction of any owner of real property or other premises subject to the provisions of This Ordinance, any civic organization, any appropriate municipal agency and/or the Code Enforcement Committee may file, in writing, a complaint of violation of any provision of This Ordinance with the Building Official.
- b) If the Building Official has reason to believe that an Owner has violated the provisions of This Ordinance, the building Official shall serve a notice of violation and an order to correct such violation on the owner of record of the real property via certified mail. The order shall require the owner to comply with the requirements of This Ordinance in the manner specified in said order within sixty (60) days. A copy of the order shall be filed with the Town Clerk, and any subsequent purchaser of the real property shall be subject to such order.
- c) The Building Official will comply with Plymouth Ordinance 602/8-50.

Section 7-69

Appeals, Hearings:

- a) Any person who is aggrieved as a result of being served with a notice of violation in accordance with This Ordinance may request, and upon payment of a twenty-five dollar (\$25.00) fee payable to the Town, shall be granted a hearing on the matter before the Housing Board of Appeals; provided that such person shall file with the land use department a written appeal bearing the grounds thereof within fourteen (14) calendar days after receipt of the notice of violation. Such appeal to the Housing Board Of Appeals may be for either a revocation or extension of the notice of violation.
- b) The Housing Board Of Appeals shall conduct a hearing within forty-five (45) days of its receipt of appeal. These hearings shall be public meetings, Subject to notice requirements of Connecticut General Statute 1-200 et. Seq. Anyone wishing to contest liability shall appear at the hearing in person

or by counsel and may present evidence on his/its behalf. If the owner fails to appear in person or by counsel, the Housing Board Of Appeals may enter an assessment by default against the owner, upon a finding that proper notice was made and liability established under applicable statutes and This Ordinance. The Housing Board Of Appeals shall submit its decision to the owner and the building official within ten (10) days of the hearing.

- c) The Housing Board Of Appeals, after full hearing, shall sustain, modify or withdraw the notice of violation. Modifications from the notice of violation may be granted if the aggrieved person can establish to the board's satisfaction that:
 - 1) title to the blighted premises has recently been conveyed;
 - 2) There is a financial hardship;
 - 3) The premises has been the subject of a recent bank foreclosure; or
 - 4) The property owner is elderly on a fixed income which would pose a severe financial hardship to comply with remediation;
- d) When extending a time frame for compliance, the board may, after due consideration, grant up to two (2) additional sixty (60) day periods not to exceed a total of one hundred eighty (180) days from receipt of the original notice of violation.
- e) If liability is found, and the owner fails to pay the assessment on the date of its entry, the building official shall send by first class mail a notice of assessment to the person found liable, and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Town Clerk of the Town. The certified copy of the notice of assessment shall constitute a record of assessment. A person against whom an assessment has been entered is entitled to judicial review by way of appeal, pursuant to Connecticut General Statutes.

Section 7-70

Code Enforcement Committee:

- (a) The mayor or the mayor's designee shall convene a Code Enforcement Committee consisting of the chief of police or his/her designee, and a code enforcement police officer, zoning enforcement officer, and the ~~director of health,~~ **Town Sanitarian,** fire marshal, tax assessor, director of public works and chief building official, or their designees, and three (3) town electors appointed by the mayor who represent the interests of property owners within the Town. The mayor shall assign any Town staff deemed appropriate to assist the committee. The Code Enforcement Committee shall hold

monthly meetings to bring forth issues and violations of This Ordinance, building, housing, fire, health, zoning and all other codes, ordinances and regulations pertaining to dwellings, buildings and vacant property located within the Town. The Code Enforcement Committee shall make recommendations to any enforcement authority responsible for obtaining compliance with laws, codes, ordinances and regulations pertaining to any condition affecting real property, including but not limited to the Building Official, pursuant to and in accordance with this Ordinance.

(b) The Code Enforcement Committee shall submit an annual budget request and may submit supplemental funding requests to the Board of Finance to be appropriated as a sub-category within the Building Department budget and administered by the chief building official.

(c) Any member of the Code Enforcement Committee who has had warnings, citations, infractions or orders issued under his authority against any owner, occupant or operator of a property found to be in violation of This Ordinance or any other law regulation or code involving the property may bring the matter to the Code Enforcement Committee for action. The Code Enforcement Committee, upon a finding that the owner, occupant or operator has either not appealed or has exhausted his right of appeal, and upon a further finding that the condition or conditions are detrimental to the public health, safety, or welfare, or are depressing the property values of property within the neighborhood may vote to approve a plan of abatement. Any such plan may be carried out by either Town personnel or private contractor, and shall be monitored by the Code Enforcement Committee for compliance with its approval plan. The Code Enforcement Committee also may approve payment of the costs of such abatement from the Code Enforcement Committee's budgeted funds.

(d) At least ten (10) days prior to any work being performed under a plan of abatement approved by the Code Enforcement Committee, a notice of abatement shall be issued to the Owner of the subject Premises by the Building Official. The expenses incurred for the inspection, repair, demolition, removal or other disposition of the subject Premises in order to secure such Premises or to make it safe and sanitary under any provision of the Connecticut General Statutes or pursuant to building, health, housing or safety codes or regulations of the Town shall be recovered from the Owner of the subject Premises for which such expenses were incurred. Within thirty (30) days after such work has ceased, the Town shall file a certificate of such lien pursuant to Section 49-73b of the Connecticut General Statutes and give notice to the owner of the real estate in the same manner as provided in Section 49-34 of the Connecticut General Statutes.

(e) The Code Enforcement Committee shall provide a report to the Town Council every 6 months with activities and a list of properties that are on the Blight List for the Council to certify. Properties on the Blight list shall have photos and documentation.

(f) The Code Enforcement Committee shall maintain a record of all proceeding and file minutes with the Town Clerk's Office.

Section 7-71

Appeals, expenses incurred and foreclosure:

(a) The Code Enforcement Committee shall provide an accounting of any unpaid fines and costs the Town has incurred in carrying out any plan of abatement and provide an accounting to the Town Attorney, with a request that any unpaid fine or expenses incurred by the Town of the inspection, repair, demolition, removal or other disposition of any real estate in order to secure such real estate or to make it safe and sanitary be reduced to a judgment that can be recorded and enforced.

(b) The Code Enforcement Committee may recommend premises that are suitable for rehabilitation to the Plymouth Town Council for acquisition and rehabilitation through any appropriate rehabilitation programs as resources permit.

(c) The code Enforcement Committee may recommend to the Town Attorney that the premises be taken by foreclosure.

Section 7-72

Assessor authorized to freeze assessment of rehabilitated buildings:

To better achieve the rehabilitation of Blighted Premises, the Town Assessor is authorized to freeze the assessment of any building that was the object of an enforcement action by any member of the code enforcement committee and has been substantially rehabilitated. Upon recommendation by the code enforcement committee and approval by the Town Council, the Town Assessor shall freeze the assessment of any building that has been substantially rehabilitated to reflect the value of the structure prior to rehabilitation and shall be applicable for a period up to five (5) years. No property owner shall receive this benefit if it was determined that the property owner caused any condition or violation of any code or regulation that required enforcement. If, however, the property becomes the object of an enforcement action by any member of the code of enforcement committee during the five-year period, the adjusted assessment may be revoked by the Town Assessor.

Section 7-73

Enforcement: Citations

Any order issued pursuant to the authority of the Building Official, Code Enforcement Committee, ~~Director of Health~~, **Town Sanitarian** or Zoning Enforcement Officer, may be enforced by citation by any person authorized pursuant to Chapter 11 of the Town of Plymouth Code Of Ordinances. Such a citation shall be preceded by written

warning, providing notice of the specific violation and/or order to be corrected. Persons issued citations under this Ordinance shall have the right to appeal pursuant to Chapter 11 of the Town of Plymouth Code Of Ordinances and Section 7-152(c) of the Connecticut General Statutes.

Effective Date:

This Ordinance shall be effective February 1, 2011.

AMEND Section 11-2 (1) to add "c" Sections 7-60 thru 7-73