

## REVISED ORDINANCE FOR CONVERSION OF SEASONAL DWELLINGS TO YEAR-ROUND USE

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Special Town Meeting to be held on the 26<sup>th</sup> day of March 2018:

The Town of Lebanon Health and Building Departments have identified homes that were built or have been used as seasonal dwellings to be more particularly set forth in a Notice to be placed in the Lebanon Land Records. Owners of these properties who wish to convert to year-round use and occupancy shall prepare and file with the Town of Lebanon Land Use Department the Residential Conversion Application. Once a dwelling is approved for year-round use and occupancy the Town will file a Notice in the Land Records to that effect.

**1) APPLICATION PROCESS.** The application shall include the following:

- a) information on the existing active or abandoned septic system, water supply and heating system;
- b) location of any planned improvements to the dwelling and its water supply and sewage disposal system;
- c) requisite soils data which may require deep hole testing (test pits) which shall be conducted during the wet season (February through May) as defined in CT Public Health Code, unless determined otherwise by the Health Department;
- d) information on the location of all well or wells located on other properties within 75 feet of the boundaries of the lot and, if so, the name and address of the owner and general location of such well(s); and
- e) \$150.00 application fee.

All information presented in the application will be based on current available data.

**2) HEALTH STANDARDS.** The sewerage disposal system serving the proposed year-round use and occupancy of the dwelling must have the approval, in writing, of the Lebanon Director of Health and be in compliance with the CT Public Health Code Section 19-13-B100a, as amended.

**3) BUILDING STANDARDS.** The dwelling must have the approval, in writing, of the Lebanon Building Official and be in compliance with the following minimum standards established for year-round dwelling purposes:

**a) Structural**

- i) Foundation elements display no evidence of pending or actual failure;
- ii) Visible exterior and interior framing elements appear in good condition and adequate for the intended loading;
- iii) Exterior walls and roof(s) display no evidence of excessive settlement or structural distress;
- iv) Building determined to be relatively weather-tight;
- v) At least one window suitable for egress exists in each bedroom area;
- vi) All entry areas deemed safe and clear; adequate railings provided; and
- vii) Light and ventilation minimum standards: 8% of floor area (4% operable) in each room, except lavatories.

**b) Electrical**

- i) Service entry cable, meter housing, ground rod(s), and distribution panel are determined to be in safe and serviceable condition;
- ii) Electrical service capacity appears adequate for existing or planned loads;
- iii) Distribution panel and circuitry appear adequate for existing or planned loads;
- iv) Distribution panel indexed for individual circuits;
- v) Smoke detectors and carbon monoxide (if appropriate) detectors in place and operable;
- vi) Minimum of two (2) receptacles available in each room (excluding bathrooms); and,
- vii)

**c) Plumbing**

- i) Residence supplied with reliable and safe potable water. Provide well water potability test results taken not less than 30 days prior to application by a CT certified laboratory or vendor;
- ii) All plumbing (supply and drainage) lines protected against freezing and physical damage;
- iii) Residence provided with reliable domestic hot water at all sinks utilized for cooking, cleaning or bathing;
- iv) Minimum of one water closet, one lavatory, and one bath or shower;
- v) No apparent leaks in either supply or waste water systems; and
- vi) Sump pump discharge not directed to public way or creating a nuisance.

**d) Building Energy**

- i) Windows – Minimum of double pane glass or single pane with storm units installed; and
- ii) Heating system – appears adequate, operable, safe, and accessible.

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**4) PUBLIC WATER.** For seasonal dwellings served by or to be served by public water, the owner must obtain confirmation from the public water service provider that all necessary improvements have been made sufficient to supply year-round water.

### **5) APPEAL PROCESS.**

a) Any owner of a property designated by Building and Health Officials as built or used as a seasonal property who disagrees with such designation may contact said Officials to address the issue farther; and the Building and Health Officials may make any adjustments to such designations they deem appropriate.

b) If unsatisfied with the resolution after having met with Building and Health Officials, such owner may appear and be heard before the Lebanon Board of Selectmen on the issue of whether such property should have been designated as having been built or used as seasonal property. The Lebanon Board of Selectmen shall have the power to make any adjustments to such designations as it deems appropriate.

c) If unsatisfied with the outcome before the Board of Selectmen, such owner may appeal to the Superior Court.

**6) DEFINITIONS.** For the purposes of this Ordinance, the following terms shall have the meanings indicated:

**a) YEAR-ROUND USE AND OCCUPANCY** – The continuous, regular, or periodic use of a building or structure throughout any given calendar year and which is not a seasonal use.

**b) SEASONAL DWELLING** – A dwelling unit designed, used or intended to be for Seasonal Use. Seasonal Use is defined as the continuous, regular, periodic, or occasional use of a building or structure for dwelling purposes principally and primarily between April 1<sup>st</sup> and November 15<sup>th</sup> of each year.

**c) OCCASIONAL USE AND OCCUPANCY** – Nothing in this ordinance shall be construed as prohibiting the infrequent or occasional use of a seasonal dwelling outside of the April 1 to November 15 period, nor shall this infrequent or occasional use be evidence of the year-round use and occupancy of the dwelling. Infrequent or occasional use shall mean (1) occupancy or use of the residence for a period not to exceed 72 consecutive hours or (2) occupancy or use of the residence not to exceed two 48-hour periods per calendar month.

**7) PENALTIES.** Any person or persons found to be in violation of any section or provision of this Ordinance shall be subject to enforcement or penalty actions as provided for by the Connecticut General Statutes, Connecticut Public Health Code and Ordinances of the Town of Lebanon, including but not limited to a fine of \$25 a day.

This ordinance supersedes any prior ordinance pertaining to the conversion of Seasonal dwellings to year-round use.

This ordinance will take effect Fifteen (15) days after publication in accordance with the General Statutes.

Dated this 27<sup>th</sup> day of March 2018.

Mary Ellen Wieczorek  
Town Clerk

Effective the 19<sup>th</sup> day of April 2018.