

## **BLIGHT ORDINANCE**

### **BLIGHT REGULATIONS**

#### **1.1 Purpose and Declaration of Policy.**

It is hereby found and declared that there may exist within the Town of Voluntown any number of blighted premises. It is further found that the existence of these blight conditions adversely affects neighborhood property values within the Town and may threaten the health, safety, or general welfare of its residents and citizens. This ordinance is enacted pursuant to the authority granted to the Town of Voluntown under Connecticut General Statute's section 7-148(c) (7) (H) (xv).

#### **1.2 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**Agricultural** shall mean any premises or portion of a premises or parcel of land that is used for agricultural purposes as defined in the General Statutes, State of Connecticut, Rev. of 1958; Title 1, Chapter 1, Sec. 1-1 (q).

**Blighted Premises** shall mean:

a. Any building, structure, or parcel of land that has been determined to pose a serious or immediate threat to the health, safety, or general welfare of the community by the Zoning Enforcement Officer, Building Official, Director of Health, Fire Marshal, or any official acting within the scope of their authority as designated by the First Selectman.

b. Any building, structure, or parcel of land not being maintained as evidenced by two (2) or more of the following conditions:

1. A building or structure in a state of dilapidation or decay.
2. Missing, broken, or boarded windows or doors.
3. Collapsing or deteriorating exterior walls, roofs, stairs, porches, or chimneys.
4. Exterior walls which contain holes, breaks, loose or rotting materials or are covered by temporary materials including but not limited to tarps, plastic sheeting, Tyvek, or plywood.
5. Deteriorating foundation walls that contain open cracks or breaks.

6. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, porches, stairways, fire escapes, any of which show dilapidation or improper building materials or construction, and standpipes and exhaust ducts which contain rust or other dilapidation.
7. Exterior evidence of vermin infestation.
8. Debris.
9. Trees, shrubs, hedges, grass and plants, which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.
10. Fencing in a dilapidated condition.
11. Graffiti or apparent vandalism.

c. Remains of a structure that has been damaged by fire or other casualties and which is exposed to the elements and no longer serves the purpose for which it was constructed.

d. Any building, structure or parcel of land which creates substantial and unreasonable interference with the use and enjoyment of surrounding residential properties due to fire, public safety, or health code violations.

**Debris** shall mean material which is incapable of immediately performing the function for which it was designed, including but not limited to, abandoned, discarded, or unused objects; junk comprised of equipment such as parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage. This definition shall not be applicable to premises that are a junkyards licensed by the State of Connecticut.

**Decay** shall mean a wasting or wearing away; a gradual decline in strength, soundness, or quality; to become decomposed or rotten, except a contained compost pile.

**Deteriorating** shall mean to become or make something worse in quality, value, or strength.

**Dilapidation** shall mean to become, or make something become, partly ruined, or decayed, especially through neglect.

**Maintained** shall mean to keep in good condition and free of a blighted condition.

**Owner** shall mean any person, firm, institution, partnership, corporation, foundation, entity, or authority who or which holds title to real property or any mortgage or other secured or equitable interest in such property, as

documented in public records.

### **1.3 Prohibition Against Creating or Maintaining Blighted Premises.**

No owner of real property within the Town of Voluntown shall cause or allow blighted premises to be created, nor shall any owner allow the continued existence of blighted premises.

### **1.4 Exemptions.**

The term blighted premises shall not include:

- a. That portion of any structure, building or parcel of land that can be shown by the owner, at the time of a complaint, to have been actively used for agricultural purposes during any period within the preceding five (5) years.
- b. Any building or structure for which a current building permit has been issued.

### **1.5 Designation and Authority of the Blight Enforcement Officer.**

The First Selectman shall appoint the Blight Enforcement Officer. The First Selectman reserves the right to use any or all of the following officials to assist in determinations for any service as deemed necessary: the Zoning Enforcement Officer, Building Inspector, Fire Marshal, Town Attorney or such other person as designated by the Town, acting within the scope of such official's authority. The Blight Enforcement Officer shall have the authority to interpret and enforce the provisions of this ordinance.

### **1.6 Complaints, Notice of Violation.**

a. Signed, written complaints on forms provided by the Town may be submitted to the Blight Enforcement Officer. The Blight Enforcement Officer may also enforce the provisions of this section without having received a signed, written complaint.

b. If the Blight Enforcement Officer determines that there exists a violation of this section, the Officer shall cause written notice of the violation to be given to the owner or owners of the blighted premises. Such notice shall be sent by certified mail - return receipt requested to the owner's last known address as listed in the Tax Collector's Office and to any other such address the Blight Enforcement Officer reasonably believes may be current and by regular mail. If applicable, such notice shall also be sent to any registrant as provided in Section 7-148ii of the Connecticut

## General Statutes.

- c. The Notice of Violation shall contain the following information:
  - 1. The location of the blighted premises.
  - 2. The exact nature of the violation referencing the provision(s) of this section alleged to have been violated.
  - 3. The time allowed for corrective action (not to exceed sixty (60) days).
  - 4. The civil penalty.
  - 5. The name and business address and telephone number of the Blight Enforcement Officer.
- d. Prior to the expiration of the time allowed for corrective action as set forth in the Notice of Violation, the owner may make a written request to the Blight Enforcement Officer for an extension of the time allowed for corrective action. A written extension of up to sixty (60) days may be granted by the Officer upon a determination that the owner has taken reasonable steps to remedy the condition and, under the particular circumstances, granting additional time is warranted. Additional extensions may be granted for good cause but only after consultation and then with the approval of the First Selectman and shall not exceed a single extension of an additional thirty (30) days.

### **1.7 Citation; Fine; Hearing Procedure.**

- a. If the owner fails to take corrective action within the time allowed, (including any extension that may be granted) so that the building, structure or parcel of land is still considered a blighted premises, the Blight Enforcement Officer shall, forthwith, proceed with issuing citation notice(s) alleging that a violation of this section exists and that the owners have failed to take corrective action in accordance with this section.

#### **b. Notice of Citation Providing Uncontested Period to Pay Fine**

If a person fails to correct a violation after notice of violation is provided pursuant to section 1.6, the citation enforcement officer shall 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 of between \$10 to \$100 per day. 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 First Selectman. 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.

c. Citation and assessment hearing procedure

1. Notice of citations and right to hearing on requested assessment.

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 b. 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 section b. 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:

- i. The allegations of the violation or violations stated in the each of the citation notice or notices issued pursuant to Section b. for which an assessment is sought.
- ii. The amount of the fines that the citation enforcement officer is requesting the citation hearing officer to impose as an assessment, which amount is \$10-\$100 per day of violation of this ordinance.
- iii. 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 First Selectman within ten (10) days from the date of the notice of citation.
- iv. That failure to request a hearing will result in an assessment and judgment entered against the person cited, and,
- v. That judgment may be issued without further notice.

2. 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 First Selectman. 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.

3. 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 First Selectman, 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.

4. 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 5. of this section for filing the assessment with the court.

5. 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.

6. 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.

### **1.8 No Waiver of Other Enforcement Actions.**

- a. The provisions in this section shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations that prescribe standards other than are provided in this section. In any case where a provision of this section 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 or State, the provision which established the higher standard for the promotion and protection of the health and safety and property values of the people shall prevail
- b. In any case where a provision of this section 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 or State, the provision which established the higher standard for the promotion and protection of the health and safety and property values of the people shall prevail.