

## Chapter 172. Blighted Properties

[HISTORY: Adopted by the Town of Putnam 12-16-2019 STM.<sup>[1]</sup> Amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 172, Blighted Properties, adopted 4-15-2013 STM.*

### § 172-1. Declaration of policy.

- A. This chapter is enacted pursuant to the Municipal Powers Act of the Connecticut General Statutes and general police powers, including those set forth in C.G.S. § 7-148(c)(7) and the Town Charter. This chapter is intended to be enforced as a blight ordinance, pursuant to C.G.S. § 7-148(c)(7)(H), and, because the Town has determined that blight is a significant nuisance to the Town, as a nuisance ordinance, pursuant to C.G.S. § 7-148(c)(7)(E).
- B. It is hereby found and declared that there exist in the Town of Putnam a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of neighborhoods, and results in a deleterious effect upon residential, commercial and industrial properties. Further, it is found that the existence of blight adversely affects the economic well-being of the Town and is inimical to the health, safety and welfare of the residents of the Town of Putnam. Moreover, many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleanup or reuse of the most egregious examples of blighted and nuisance properties would eliminate, remedy and prevent the adverse conditions described.

### § 172-2. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

#### **BLIGHTED PROPERTY**

Any building, structure or parcel of land, including single-family or multifamily residential, commercial or industrial, whether occupied or vacant, in which at least one of the following conditions exists:

- A. The condition of the building, structure or parcel of land constitutes an unsafe structure and poses a serious or immediate danger to the safety, health or general welfare of the community as certified by the Building Official or Fire Marshal.
- B. It is not being adequately maintained, as determined by the following factors: missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding or the building is otherwise dilapidated; a structurally faulty foundation; physical hazards, rodent harborage and infestation, improper storage of garbage, trash, rubbish, grocery carts, tires, hubcaps; contains abandoned motor vehicles in violation of the Town of Putnam Abandoned Vehicle Ordinance,<sup>[1]</sup> or is a structure which has suffered damage due to fire, natural disaster or otherwise, which damage would require substantial repair if such substantial repair is not commenced within 60 days of the incident causing the damages or if such repairs, once commenced, are substantially abandoned for a continuous period of 30 days.
- C. It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible to maintain in a safe condition for the use of the public or if the sidewalk is in violation of any ordinance in the Town of Putnam or the Putnam Special Services District regarding maintenance of sidewalks, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash which would in any way impede or imperil public travel upon said sidewalk or render it unsafe or unsightly.

- E. It is dilapidated. Any building or structure or part thereof that would not qualify for occupancy or which is an unsafe structure, and any dwelling unit or units which are unfit or unsafe for human habitation or are unsafe for persons walking around them or nearby them.
- F. It is a property occupied by a structure intended for human occupancy in which grass, weed or brush is allowed to reach and maintain a height of 18 inches or greater and which situation continues for 20 days or longer. Property maintained in its natural state, gardens, ornamental plantings and property subject to conservation easement shall be exempt from this provision.
- G. It is a property occupied by a structure intended for human occupancy which contains two or more dead, decayed, diseased or damaged trees which constitute a hazard or danger to adjacent premises, the occupants of the subject premises or adjoining public property, including sidewalks and roadways.

**CITATION HEARING OFFICER**

The Mayor of Putnam shall appoint one or more citation hearing officers, other than police officers or Town employees or persons authorized to issue citations, to conduct hearings authorized by C.G.S. § 7-152c. The Town shall institute a citation hearing procedure pursuant to C.G.S. § 7-152c and act in accordance with the procedures set forth therein. Hearing officers are authorized to issue assessments regarding blight citations in accordance with C.G.S. § 7-152c.

**CITATION ENFORCEMENT OFFICERS**

The citation enforcement officers are any police officer of the Putnam Special Services District or any state police officer exercising his jurisdiction outside the Putnam Special Services District and within the Town of Putnam, the Building Official of the Town of Putnam and his or her assistant, the Zoning Enforcement Officer of the Town of Putnam and his or her assistant, the Fire Marshal of the Town of Putnam and his or her deputy, and when special circumstances require, any other person designated by the Mayor as a citation enforcement officer.

**EXEMPT PROPERTY**

Any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.

[1] *Editor's Note: See Ch. 302, Vehicles, Abandoned.*

**§ 172-3. Creation or maintenance of blighted property prohibited.**

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property shall cause or allow any blighted property, as defined in § 172-2, to be created, maintained or continued.

**§ 172-4. Enforcement.**

**A. Notice of violation and opportunity to correct.**

- (1) Prior to issuing citations for violation of this chapter, such citation enforcement officer shall mail written notice to an owner, agent, tenant or other person responsible for any violation at the last known address of the person on file with the tax collector. If the notice is mailed only to one of the responsible persons, it shall in no way be or be construed to be a release of any other responsible persons nor evidence that any other person is responsible. If there is more than one responsible party identified in the order, the responsibility for complying with the notice shall be joint and several. Notwithstanding anything to the contrary, the notice shall state the violation(s) of this chapter and, when necessary for the health and safety of Town residents, the citation enforcement officer may require abatement within 24 hours from the time of notification, or immediately, as may be necessary. If the person fails to correct the violations or fails to provide notice to the Town of his or her intent to correct the violations set forth in the order to abate within a reasonable period of time, and if any violation continues unabated after 20 days from the date such order to abate is served or if the person fails to correct the violations as set forth in the notice of violation, the Town may issue an enforcement citation as specified in this chapter.

- (2) If a Town ordinance sets a specific time for compliance, such as the time for the removal of ice and snow

failure to remove ice and snow from sidewalks.

- B. If the owner, agent, tenant or responsible person fails to correct the violations within the time stated by the citation enforcement officer and the notice provided in Subsection **A** of this section, the Town may take any action necessary to abate the nuisance as authorized by law and shall invoice the persons for its costs and expenses.
- C. Any person who is a new owner or a new occupant may request an extension which will be granted for good cause shown to a date determined by the citation enforcement officer. For the purpose of this section "new owner" means any person or entity who has taken title to a property within 30 days of the notice and "new occupant" means any person who has taken occupancy of a property within 30 days of the notice.

## § 172-5. 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 § 172-4, 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 chapter and the amount of a fine of \$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 Mayor. 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.

## § 172-6. Citation and assessment hearing procedure.

- A. Notice of citations and right to hearing on requested assessment. The citation enforcement officer, at any time within 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 § 172-5 of this chapter, may send a citation notice that an assessment is being sought from a citation hearing officer for one or more of the citations which were the subject of one or more notices issued under § 172-5. 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 citation notice or notices, issued pursuant to § 172-5, for which an assessment is sought.
  - (2) The amount of the fines that the citation enforcement officer is requesting the citation hearing officer impose as an assessment, which amount is \$100 per day of violation of this chapter.
  - (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 Mayor within 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.
  - (5) That judgment may issue 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 Mayor. An uncontested payment made prior to the imposition of an assessment pursuant to Subsection **C** of 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 Subsection **A** of this section does not deliver or mail a demand for hearing within 10 days of that notice to the Office of the Mayor, 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 Subsection **E** 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 Subsection **D** 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

forth in Subsection **E** 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 chapter will be given written notice of the date, time and place for the hearing, which shall be held not less than 15 nor more than 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 Subsection **A** of this section shall be filed with the citation hearing officer, shall thereafter be retained by the Town, shall be deemed to be a business record within the scope of C.G.S. § 52-180, 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 chapter and shall thereafter follow the procedures as set forth in Subsection **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 Subsection **F** of this section and must be filed within 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 C.G.S. § 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 chapter. 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 C.G.S. § 52-259 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.

## § 172-7. Citation and assessment penalties arising from violations of other municipal ordinances.

The following ordinances shall be enforceable by citation pursuant to the provisions of C.G.S. § 7-148, in addition to any other penalties contained in the respective ordinances and the respective amounts specified as fine or penalty pursuant to the procedures set forth in this chapter:

- A. The Town of Putnam Sidewalk Ordinance Governing Snow Removal and Sidewalk Maintenance.
- B. The Town of Putnam Property Identification Ordinance.

## § 172-8. Recording of lien.

After judgment is entered by the Superior Court imposing an assessment in accordance with § 172-6 of this chapter, the unpaid assessment constitutes a lien upon the real estate in accordance with C.G.S. § 7-148aa, and each such lien shall be recorded, continued and released as provided for therein.

the Town of Putnam. The provisions of this chapter are in addition to and not in derogation of or serving as a restriction upon any other available remedy to the Town or any municipal official, including but not limited to judicial proceedings seeking injunctive or punitive relief.