

Chapter 7

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 7-1—7-25**
- Art. II. Moving Buildings, §§ 7-26—7-39**
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***Cross references**—Zoning committee, § 2-96 et seq.; board of public works, § 2-166 et seq.; school building committee, § 2-306 et seq.; city building inspector to inspect city-owned buildings annually, § 2-334; fire prevention and protection Ch 8; flood and erosion control, Ch. 9; garbage, trash and refuse, Ch. 11; housing, Ch. 13; planning, Ch. 19; inland wetlands and watercourses, § 19-35; streets, sidewalks and public places, Ch. 21; storing building materials on streets restricted, § 21-16; utilities, Ch. 23.

State law reference—State building code applicable to all municipalities, G.S. § 29-253.

ARTICLE I. IN GENERAL

Sec. 7-1. Building permit fees and other regulations—Generally.

(a) No permit to begin work for new construction alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this chapter shall have been paid to the building official (or other authorized municipal agency), nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

(b) The fees for building permits shall be thirty-five dollars (\$35.00) for construction, alteration, removal, repair, demolition or other building operations per first one thousand dollars (\$1,000.00) of value or portion thereof, twenty-five dollars (\$25.00) for second one thousand dollars (\$1,000.00) of value or portion thereof and fifteen dollars (\$15.00) for every one thousand dollars (\$1,000.00) or fraction thereof cost in excess of two thousand dollars (\$2,000.00). These fees are to be charged for building permits for new construction or repairs or alterations for all classes of work related to building construction.

(c) The fee for a certificate of occupancy to be issued pursuant to this Code shall be twenty-five dollars (\$25.00) for construction, alteration, removal, repair, demolition or other building operations per each thousand dollars (\$1,000.00) of value or portion thereof up to two thousand dollars (\$2,000.00) and one dollar (\$1.00) for every one thousand dollars (\$1,000.00) or portion thereof in excess of two thousand dollars (\$2,000.00).

(d) The fees for final reinspection for construction over five thousand dollars (\$5,000.00) shall be fifty dollars (\$50.00) for each trade inspector called for reinspection. This fee shall apply each time an inspector is called for a final reinspection.

(e) The fee for a certificate of approval to be issued pursuant to this Code shall be twenty-five dollars (\$25.00) for substantial compliance with the requirements of this Code, State of Connecticut Building Code, and the International Build-

ing Code for all completed work that requires a building permit but does not require a certificate of occupancy.

(Code 1970, §§ 7-40.1, 7-40.4; Ord. of 7-71; Ord. of 7-86, §§ 1, 2; Ord. of 6-95; Ord. of 9-98; No. 26849-1, 3-13-02; Res. No. 32688-2, 6-11-14)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 7-2. Same—Special fees.

The payment of the fee for the new construction, additions, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for zoning permits and certificates, water taps, sewer connections, electrical, plumbing, mechanical and sprinkler system permits, or fees for inspections, or other privileges or requirements both within and without the jurisdiction of the department of licenses, permits and inspection. (Code 1970, § 7-40.2; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-3. Same—New construction and alterations.

The fee for a building permit shall be based on the volume of the structure, or as otherwise prescribed in the local ordinances, and the building official is authorized to establish by approved rules a schedule of cubic or square foot rates for buildings and structures of all use groups and types of construction as classified and defined in article 2 of the state building code. (Code 1970, § 7-40.3; Ord. of 7-71)

Sec. 7-4. Fee for demolition.

The permit fee for demolition of a building or structure shall be twenty-five dollars (\$25.00) for every one thousand dollars (\$1,000.00) of the cost of the demolition or any fraction thereof. (Code 1970, § 7-40.8; Ord. of 7-71; Ord. of 2-5-97; No. 26849-1, 3-13-02)

Sec. 7-5. Reserved.

Editor's note—Item No. 26849-1, an ordinance adopted on March 13, 2002, deleted § 7-5. Former § 7-5 pertained to fees for signs and derived from the Code of 1970 and an ordinance adopted in July of 1971.

Sec. 7-6. Same—Accounting.

The fees collected for services provided by department of licenses, permits and inspection shall be kept in accurate account and such fees collected shall be deposited monthly in the municipal treasury or otherwise disposed of as required by law.

(Code 1970, § 7-40.12; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-7. Refunds of the permits fee.

In the case of a revocation of a permit or abandonment or discontinuance of a building project, the volume of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder; provided, however, that, all penalties that may have been imposed on the permit holder under the requirements of the basic code shall first be collected.

(Code 1970, § 7-40.13; Ord. of 7-71; No. 26849-1, 3-13-02)

Sec. 7-8. Administrative expenses in processing of applications.

The city may withhold for any refund any cost and administrative expense incurred in connection with application to be minimum fifteen dollars (\$15.00) or ten (10) per cent of fee whichever is larger. After a period of six (6) months the city may withhold minimum fifteen dollars (\$15.00) or fifty (50) per cent of the permit fee.

(Code 1970, § 7-40.14; Ord. of 7-71; No. 26849-1, 3-13-02; No. 26986-1, 6-12-02)

Sec. 7-9. Same—Waiver.

Waiver of building permit fees shall be only by result of action by the common council.

(Code 1970, § 7-40.15; Ord. of 7-71)

Sec. 7-10. Same—Proof of cost of construction to be furnished.

When the job is completed, the chief building official may request proof of the total construction cost done under all approved permits, and the owner, agent, or contractor shall furnish an affidavit of the total construction costs to the chief building official. If the final cost exceeds the fee declared in the application for the building permit, certificate of occupancy can not be issued until additional fee has been paid to the department.

(Code 1970, § 7-40.16; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-11. Order to repair or demolish dangerous buildings; effect of failure to comply; enforcement agent.

(a) The owners of buildings which are unoccupied and as such are considered dangerous, to the public life and safety in the opinion of the building, fire, or health department may be ordered to repair or demolish the same by the chief building official and the owner of any such dangerous building who shall fail to comply with any such notice or order within thirty (30) days of being given a notice or order to repair or demolish such building, or fail to provide adequate security against the hazard of fire, by appropriate means, shall be guilty of a misdemeanor and shall be subject to punishment as provided in article III of this chapter for each and every day such failure to comply continues beyond the date fixed for completion or compliance.

(b) The chief building official shall be the enforcement agent of this section.

(Code 1970, § 2-79; Ord. 12-72; No. 26986-1, 6-12-02)

Sec. 7-12. Special conditions regarding sidewalks.

(a) Every building permit for new construction on a lot that is adjacent to an existing sidewalk shall be required to restore and/or replace the sidewalks and curbs, or any portion thereof, which may be defective prior to the commencement of construction or are damaged during the construction, in accordance with the city standards.

(b) Before a certificate of occupancy can be issued by a chief building official, the department of public works shall submit a report verifying that all sidewalks and curbs have been restored and/or replaced in accordance with the city standards.

(Ord. of 7-86, § 1; No. 26986-1, 6-12-02)

Sec. 7-13. Fines; failure to secure required permit.

Any person who shall commence work for which a permit is required under the provisions of this article prior to making application for or receiving a permit shall be subject to the following fine(s) in addition to the fee for a permit:

Building permit (commercial or residential).....	\$100.00
Electrical, plumbing, heating or sprinkler permit.....	50.00
Demolition permit	200.00

(Ord. of 6-7-95; No. 26849-1, 3-13-02)

Sec. 7-14. Fee schedule—Zoning permits.

The City of New Britain Department of Licenses, Permits and Inspections shall charge the nonrefundable fees set out below for certain site plan approvals:

(a) Site plan approval residential buildings with gross square feet (SF):	
Under 1,000 SF.....	\$25.00
1,001—5,000 SF	50.00
5,001—10,000 SF	100.00
Over 10,000 SF.....	150.00
(b) Site plan approval all other than residential buildings: new construction, addition or accessory structure:	
Up to 5,000 SF	\$100.00
For each additional 1,000 SF or portion	5.00
(c) Site plan approval no structure	50.00
(d) Change of occupancy	50.00
(e) Site plan approval telecommunication towers:	
For new tower.....	300.00
Co-location (new antenna)..	100.00
Annual inspection	100.00

(No. 26849-1, 3-13-02)

Secs. 7-15—7-25. Reserved.

ARTICLE II. MOVING BUILDINGS

Sec. 7-26. Permit—Required; bond.

(a) No person shall move any building or structure through a street without having a building permit and a permit issued by the council, and without also filing a bond in form satisfactory to the board of public works.

(b) No building may be moved through any street other than those designated in the permit. (Code 1970, § 20-9(a), (d); No. 26986-1, 6-12-02)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 7-27. Same—Application.

The application for a permit required by section 7-26 shall state the following:

- (1) The name of the owner of the building to be moved;
- (2) The name of the building mover;
- (3) The precise location from which the building is to be removed, the precise location where it is to be finally relocated, and its position with respect to other buildings on the new site;
- (4) The distance from the proposed front line of the building to the line of the street;
- (5) The streets through which it is to be conveyed;
- (6) The time to be taken in moving the building; and
- (7) The nature or type of building materials and the building's dimensions.

(Code 1970, § 20-9(b))

Sec. 7-28. Fees for moving buildings.

(a) The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be as prescribed in the building code and in the city ordinances.

(b) Fees shall be as follows: For moving a building less than sixteen (16) feet in height on the same lot fifty dollars (\$50.00); for moving a building over sixteen (16) feet in height on the

same lot one hundred dollars (\$100.00); for moving a building in the same street, if moved as a whole, or so as to become an obstacle in such street five hundred dollars (\$500.00).

(c) The moving of all buildings over sixteen (16) feet in height shall be advertised once in a local newspaper. It shall be moved according to the requirements of the ordinances. (Code 1970, §§ 7-40.5—7-40.7; Ord. of 7-71; No. 26849-1, 3-13-02; No. 26986-1, 6-12-02)

Sec. 7-29. Same—Public hearing prerequisite to issuance.

Notice of a public hearing shall be given by the common council by being posted on the City of New Britain website and at least once in a daily newspaper of general circulation published in the city five (5) days prior to the final approval of a permit for the relocation of a building to a site beyond the lot in which the building is presently located. Where the initial application for such permit is denied, no notice of public hearing shall be necessary. (Code 1970, § 20-10; No. 26986-1, 6-12-02; Ord. No. 28482-2, 5-5-05)

Sec. 7-30. Lighting.

If a building being moved through the streets pursuant to a permit required by section 7-26 is to remain in a street at night, it shall be guarded by lighted lanterns in a manner satisfactory to the board of public works. (Code 1970, § 20-9(c))

Sec. 7-31. Recovery of demolition costs.

(a) The cost to the city for the removal or demolition of any building under the terms of this article shall be a charge against the property owner or his estate, and may be liened therefor.

(b) Such costs shall include expenses of soliciting demolition bids, cost of removal, cost of inspections, and all legal and court costs together with interest of monies so expended at the rate of six (6) per cent per annum. (Code 1970, § 20-9; Ord. of 5-74)

Secs. 7-32—7-39. Reserved.

ARTICLE III. ANTIBLIGHT PROGRAM*

Sec. 7-40. Declaration of policy.

This article is authorized pursuant to Connecticut General Statutes, including, but not limited to, section 7-148, including, but not limited to, section 7-148(c)(7)(A)(i) which empowers a municipality to make rules relating to the maintenance of safe and sanitary housing; section 7-148(c)(7)(A)(ii) which empowers a municipality to regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the municipality; section 7-148(c)(7)(A)(iii) which empowers a municipality to cause the removal and demolition of unsafe buildings and structures; section 7-148(c)(7)(H)(ii) which empowers a municipality to regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity; section 7-148(c)(7)(H)(viii) which empowers a municipality to preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises; section 7-148(c)(7)(H)(xi) which empowers a municipality to provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health; section 7-148(c)(7)(H)(xiii) which empowers a municipality to make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants; and section 7-148(c)(7)(H)(xv) which empowers a municipality to make and enforce regulations which define and are intended to prevent housing blight.

***Editor's note**—Res. No. 30710-2, adopted Sept. 9, 2009, amended art. III in its entirety. The former art. III pertained to similar subject matter and derived from an ordinance adopted Oct. of 2000; an ordinance adopted Nov. of 2000; an ordinance adopted Jan. of 2001; and Ord. No. 28482-2, adopted May 5, 2005. Subsequently, Res. No. 31094-5, adopted Jan. 11, 2012, changed the title of Art. III from "Antiblght—Clean and lean program" to "Antiblght program."

It is hereby found and declared that there exists within the City of New Britain a large number of real properties which are vacant and in a blighted condition and that the existence of such vacant and blighted properties contributes to the decline of neighborhoods. It is further found that the existence of vacant and blighted properties adversely affects the economic well being of the city and is inimical to the health, safety and welfare of the residents of the city. It is further found that blighted buildings reduce the city's grand list by allowing the owners of blighted properties to reduce their own tax liability because the blighted conditions reduce the taxable value of the blighted premises, thereby increasing the tax burden on homeowners and other responsible property owners. It is further found that many of the vacant and blighted properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above. (Res. No. 30710-2, 9-9-09; Res. No. 31094-5, 1-11-12)

Sec. 7-41. Creation or maintenance of blighted premises prohibited.

No owner of real property located in the City of New Britain shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted premises. (Res. No. 30710-2, 9-9-09; Res. No. 31094-5, 1-11-12)

Sec. . Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders:

(a) *Accessory structure* shall mean a structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

(b) *A blighting condition* shall refer to any of the conditions identified pursuant to this subsection that could contribute to defining a property as blighted premises. Multiple instances of the same type of blighting condition shall be separate blighting conditions.

(1) Each occurrence of the following public safety conditions shall constitute a blighting condition:

- a. Any felony or misdemeanor arrest on the premises, except any arrest:
 - 1. For trespassing pursuant to a standing order by the owner of the property owner that any person trespassing on the property should be arrested for trespassing.
 - 2. Made pursuant to a complaint by the victim of such crime when the victim is a resident of the premises, or
 - 3. Of any person because such person entered such property in violation of a protective order of any kind.
- b. Any police call to the property arising from complaints by neighbors for noise, loud music or any other disturbances, except any complaint excluded by an antiblight enforcement officer because such officer determines that the complaints are made for false, malicious or frivolous reasons.

(2) Each instance of the following physical conditions shall constitute a blighting condition:

- a. Doors, windows or other openings into houses, apartment buildings or commercial buildings which are (i) broken or missing, (ii) boarded up with unpainted wood, metal or other material or (iii) boarded up, but some or all of the material used to board up the windows or doors in question have been broken, pried off or apart or otherwise vandalized;

- b. Collapsing or missing walls, floors or roof;
 - c. Exterior walls which contain holes, breaks, loose or rotting materials, which are not properly surface-coated to prevent deterioration or the paint on which is significantly discolored or faded;
 - d. Foundation walls which 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, tearing, fading or other decay;
 - f. Chimneys and similar appurtenances which are in a state of disrepair;
 - g. Screening which contains tears or ragged edges;
 - h. Vermin infestation;
 - i. Garbage, trash or abandoned vehicles on the premises unless the premises is a junkyard licensed by the State of Connecticut;
 - j. Uncut grass, weeds or undergrowth at least one (1) foot in length;
 - k. A fence with missing or rotted boards or with broken or ragged links or other material or which, if made from wood, is not properly surface-coated to prevent deterioration, significant discoloration or fading;
 - l. Bushes or trees allowed to grow anywhere in an area more than one (1) foot laterally and less than seven (7) feet vertically over a walkway, driveway or street;
 - m. Accumulation of stagnant or unsanitary water;
 - n. Dead trees deemed hazardous to the public or to adjacent property;
 - o. Display lights or exterior signs in a broken or disassembled state;
 - p. Exterior paint significantly chipped or faded;
 - q. Clothing left hanging from trees, shrubs or fences in the front yard of any residence;
 - r. Interior furniture left outside, exposed to the elements;
 - s. Accumulations of feces or putrefying substances;
 - t. Vehicles parked on premises unlawfully;
 - u. Graffiti, as defined in section 7-60 of this Code of Ordinances;
 - v. Any violation of building, housing, zoning, fire or health codes.
- (c) *Blighted premises* shall mean any building, structure or parcel of land whether vacant or occupied in which (1) City of New Britain determines that existing conditions pose a significant risk to health and safety or because of at least one (1) of the conditions identified in subparagraphs (b)(2)a. or b. of this section or (2) an anti-blight enforcement officer has found there to be at least fifteen (15) occurrences in a one-year period of any of the conditions identified in subsection (b)(2)a. or b. of this section that do not pose a significant risk to health and safety, but which, taken as a whole, such antiblight enforcement officer determines to cause the building, structure or parcel of land to have a significant deleterious effect on neighborhood quality of life, the economic viability of the surrounding area or the taxable value of the property, itself.
- (d) *Building* shall mean a fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or occupied.
- (e) As used herein, *the City of New Britain* shall include the fire marshal, director of health and director of licenses, permits and inspections. In addition, references to actions taken by the fire marshal, the director of health and/or the director of licenses, permits and inspections shall also apply to similar actions taken by the subordinates or representatives of these officials. [General] Statutes, section 29-260.

(f) *Dilapidated* shall mean no longer adequate for the purpose or use for which it was intended or having fallen into partial or total ruin or decay.

(g) *Legal occupancy* shall mean human habitation of a building that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing and all other pertinent codes.

(h) *Neighborhood* shall mean an area of the city comprising buildings, structures or parcels of land any part of which is within a radius of one thousand (1,000) feet of a blighted premises.

(i) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

(j) *Significant risk to health or safety* shall refer to conditions that would likely result in illness, injury or death if allowed to persist.

(k) *Proximate property* shall mean any building, structure or parcel of land within one thousand (1,000) feet of a blighted premises.

(l) *Structure* shall mean that which has been or is built or constructed and which is, or should be, fastened, anchored, attached or rests on a building, foundation or on the ground, including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks or stairways.

(m) *Vacant* shall mean a period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.

(n) *Vacant parcel* shall mean a parcel of land with no buildings or structures thereon.

(o) *Antiblighthouse enforcement officer* means any city official or employee designated by the mayor as such.

(Res. No. 30710-2, 9-9-09; Res. No. 31094-5, 1-11-12)

Sec. 7-43. Lien for costs and expenses incurred by the City of New Britain.

Whenever the owner fails to comply with an order or citation to repair, board, maintain, or demolish a building, sign, or structure and/or

remove the blighting condition or in order to make the property safe and sanitary under any provision of the Connecticut General Statutes or the City of New Britain building, health, housing or safety codes or regulations and the City of New Britain has made repairs, boarded, or demolished the building, sign, or structure and/or removed the blighted condition or to make the property safe and sanitary after the owner's failure to do so, reasonable costs and expenses incurred by the City of New Britain shall be a lien against the real property in accordance with section 49-73b. of the General Statutes.

The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of recording. The costs incurred the City of New Britain, plus interest thereon, in the repair, boarding or demolishing of a building, sign or structure and/or removal of the blighting condition, or to make the property safe and sanitary shall be added to the amount of taxes due on the real property where the building, sign or structure was located.

(Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10; Res. No. 31094-5, 1-11-12; Res. No. 31766-2, 4-11-12)

Sec. 7-44. Violations and penalties.

(a) Each violation of any provision of this article shall be considered a separate offense hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.

(b) When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, an antiblighthouse enforcement officer shall charge to the property owner a fine for each blighting condition addressed in the order until the property owner complies with the order. The fine shall be two-hundred fifty dollars (\$250.00) for each day that each separate blighting condition persist beyond thirty (30) days from the effective date of the order. In the case of violations of subdivision (1) of subsection (b) of section 7-42, conditions shall be considered corrected only if no events identified as blighting conditions under subdivision (1) of subsection (b) of section 7-42 occur on the premises in question

within a period of twenty-one (21) consecutive days. If such a period of twenty-one (21) consecutive days is not met, the entire number of blighting conditions under subdivision (1) of subsection (b) of section 7-42 that contributed to the premises being identified as a blighted premises in the order or modified order shall be considered ongoing blighting conditions for the purpose of assessing a fine of two hundred fifty dollars (\$250.00) per outstanding blighting condition per day after the expiration of the thirty-day period. The fine will double if not paid within ten (10) days of issuance.

(c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.

(d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.

(e) A one-percent per day interest charge shall be applied for failure to pay, within forty-five (45) days, any fine charged for violation of this article. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee or fine was imposed from the original date of such fine or fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

(f) Whenever, under article III of chapter 7 or chapter 13 of this Code or any rule or regulation promulgated by any officer of the city under authority vested in such officer by these ordinances, any act is prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of such ordinance, rule

or regulation shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day any such violation shall continue, shall constitute a separate offense.

(Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10; Res. No. 31094-5, 1-11-12)

Sec. 7-45. Enforcement.

(a) The antiblight enforcement officers shall be responsible for enforcement of this code.

(b) Complaints. The mayor shall cause there to be kept a correlated database of blighting conditions recorded by the departments of the city such that the number of blighting conditions present on each premises may be determined. The antiblight enforcement officers of the city shall regularly review this record. Based on this database or other evidence, an antiblight enforcement officer, any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the City of New Britain. Any complaint made pursuant to this subsection shall be kept in the database provided for in this subsection, correlated by premises in question.

(c) Investigation. An antiblight enforcement officer shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the antiblight enforcement officer observes a condition which he/she believes may constitute a violation of a code outside of his/her competence, he/she shall notify the appropriate personnel, agency or department and request that personnel, agency or department to conduct an inspection and provide to the antiblight enforcement officer a copy of said report together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article. The antiblight enforcement officer shall make a determination, based on the database kept pursuant to subsection (a) of this section, such officer's own investigation, the reports from other code enforcement officials and the

records of police calls to the premises, whether the property is a blighted premises in accordance with this article.

(d) Orders to take corrective action. Enforcement officer makes a determination, pursuant to subsection (c) of this section, that a property is a blighted premises or that fines or fees for a previous violation have remained unpaid for a period of thirty (30) calendar days, and prior notice to the property owner is mandated under the relevant state code, then the City of New Britain shall send a notice of violation and/or unpaid fines or fees and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner can not be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of New Britain website. The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within thirty (30) days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. In the case of violations of subdivision (1) of subsection (b) of section 7-42, conditions shall be considered corrected if no further events identified as blighting conditions under subdivision (1) of subsection (b) of section 7-42 occur on the premises in question during any twenty-one (21) consecutive days after the effective date of the order. A copy of the order shall be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.

(e) The notice from the City of New Britain shall include 1) the allegations against him or her and the amount of fines, penalties, costs or fees due; 2) that the individual may contest liability before a hearing officer appointed by the mayor by delivering in person or by mail written notice within ten (10) days of the date thereof; 3) that if no hearing is demanded an assessment and judgment may be entered and issued without further notice.

(f) Appeal of order. Any person aggrieved by any decision rendered herein may appeal pursuant to section 1-17 of the Code of Ordinances entitled "Procedure of enforcement of municipal ordinances".

(Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10; Res. No. 31094-5, 1-11-12)

Sec. 7-46. Antiblght administrative procedures.

(a) *Creation of blighted premises committee.* The mayor or his designee shall convene a blighted premises committee consisting of the director of licenses and permits, the fire marshal, a representative of the police department, the director of health, a representative of the office of the corporation counsel, the director of municipal development and any other city staff as deemed appropriate.

(b) *Responsibilities of the blighted premises committee.* The blighted premises committee shall be responsible for:

- (1) Creating and maintaining a list of blighted premises within the City of New Britain;
- (2) Coordinating interdepartmental cooperation and action in inspections of blighted premises and in the enforcement of the provisions of this article;
- (3) Developing and implementing specific strategies to eliminate blighted premises within the city.

(c) *Submit annual reports.* The blighted premises committee shall prepare and submit a written report to the mayor and common council annually which report shall include a list of blighted premises within the city and actions planned or taken to eliminate blighted conditions. The report shall be submitted by January 31 for the preceding calendar year.

(d) The blighted premises committee shall also be designated as the urban homesteading agency pursuant to the Urban Homesteading Act established in section 8-169o et seq. of the Connecticut General Statutes and is authorized to take the

necessary steps to acquire abandoned or blighted properties. The Urban Homesteading Act is incorporated by reference as if fully set forth herein. (Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10)

Secs. 7-47—7-49. Reserved.

ARTICLE IV. EXTERIOR ABOVEGROUND RESIDENTIAL FUEL OIL TANKS

Sec. 7-50. Specifications; maintenance.

All new and replacement exterior aboveground residential fuel oil tanks shall be constructed, installed and maintained in accordance with the Connecticut State Building Code in effect at the time of installation and with the following specifications:

- (a) Tanks shall be constructed and placed on a concrete pad of a minimum of four (4) inches thickness reinforced with wire mesh;
- (b) Tank pads shall be constructed with liquid-tight containment facilities of a size sufficient to contain one hundred (100) per cent of the full capacity of the tank;
- (c) The containment facilities shall be equipped with a valve located at the lowest level of the facility to facilitate drainage of water. All containment facilities shall be drained of water and kept free and clear of debris at all times. Except when a containment facility is being drained, all valves installed to facilitate the drainage of water shall be kept in the closed position at all times.
- (d) All tanks and containment facilities shall be maintained free of all rust and corrosion.

(Ord. of 9-10-97; No. 26986-1, 6-12-02)

Secs. 7-51—7-59. Reserved.

ARTICLE V. ANTIGRAFFITI PROCEDURES*

Sec. 7-60. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Graffiti* means any marking left by spray paint, ink marker, adhesive material or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which it appears.

(b) To *remove (graffiti)* means causing graffiti to no longer be visible by painting it over or removing it using solvents, sand blasting, scrubbing or other similar means.

(c) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

(d) *Registered antigraffiti organization* means any volunteer organization certified by the director of licenses, permits and inspections as properly qualified, experienced and suited to engage in graffiti removal.
(Ord. of 1-01)

Sec. 7-61. Graffiti removal.

The owner or person in control of any private property shall maintain the premises, including all structures, trees, fences, etc., free of graffiti. The director of licenses, permits and inspections or the director's representative shall notify the owner of any private property or his agent to properly remove any graffiti that is placed on such owner's property. Such notice may be made verbally or in writing, and, if in writing, shall be by registered mail and addressed to the owner of said property at his or her last known address.
(Ord. of 1-01)

***Cross references**—City antiblight program, § 7-40 et seq.; sales of separate spray paint nozzles prohibited, § 14-301; removal of graffiti from public places and property, § 21-235 et seq.

Sec. 7-62. Registered antigraffiti organizations.

(a) If any registered antigraffiti organization has made an offer to remove graffiti, free of charge, from any property, the owner of which has been notified of the presence of graffiti pursuant to section 7-61, and said property owner refuses to allow the organization to remove the graffiti in question, then the organization may report this refusal to director of licenses, permits and inspections.

(b) Upon notification of such a refusal, director of licenses, permits and inspections or his/her designee shall verify that the property owner does so refuse. The director of licenses, permits and inspections shall fine said property owner fifty dollars (\$50.00) each week that said property owner maintains his/her refusal unless the property owner otherwise causes the graffiti to be removed. In the event the owner fails, neglects or refuses to pay the City of New Britain the amount of the fine within thirty (30) days of receipt of notice of the fine, the city may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. Any such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent of the law, except taxes, and may be enforced in the same manner as property tax liens.

(c) Any property owner may appeal such a fine to the building commission, which shall have the power to exempt the property owner from the fine, reduce the amount of the fine or delay the fine.

(Ord. of 1-01)

