

BLIGHT ORDINANCE

for the Town of Suffield

Section I: Purpose.

This Ordinance is enacted pursuant to the Municipal Powers Act (Sec. 7-148, et seq.) of the State of Connecticut General Statutes (CGS). It is hereby found and declared that there ~~may~~ exists within the Town of Suffield a number of real properties, which are vacant and/or in a blighted condition, whose continued existence may contribute to the decline of the Town ~~in~~ several ways. It is further found that the existence of such properties adversely affects the economic well-being of the Town and is unfavorable to the health, safety, and general welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, or reused so as to provide decent, safe and sanitary housing and commercial facilities, and that such rehabilitation, reconstruction, or reuse would eliminate, remedy and prevent the adverse conditions described above. This ordinance is sensitive to the private property rights of the citizens of Suffield and to extenuating circumstances due to age, disability, and citizens' economic situations.

Section II: Scope of Provisions.

No owner of real property located in the Town of Suffield shall allow, create, maintain, or cause to be created or maintained, blight. This Ordinance shall apply to the maintenance of all properties now in existence or hereafter constructed, maintained, or modified but shall exclude: any active farm as defined in the Zoning Regulations, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Section III: Definitions.

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

- 1) *Abandoned and/or Vacant* shall mean any property which by any reasonable objective observation, has been relinquished and is vacant.
- 2) *Blight Enforcement Officer* shall mean any individual appointed by the ~~First Board of~~ Selectman to enforce the provisions of this article.
- 3) *Blighted Property* or *Blighted Properties* shall mean, as the case may be, the condition of any structure, or any part of a building or structure that is a separate unit, or parcel of land upon which a structure is located in which at least one of the following conditions exist:
 - a) It is in a condition, which poses a serious threat to the safety, health, and general welfare of the community, i.e., a life-threatening condition or a condition, which puts

at risk the health or safety of citizens of the Town, as determined by the designated Blight Enforcement Officer, the Building Official, the Zoning Enforcement Officer, the Fire Marshal or the North Central District Health Department.

- b) It's condition is attracting illegal activity as documented by the Police Department.
 - c) It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.
 - d) It is not being maintained as evidenced by the existence of at least one of the following conditions: it is open to the elements, or has collapsing or missing walls or roofs, missing or boarded windows or doors, siding that is seriously damaged or missing, or is unable to provide shelter, or serve the purpose for which it was constructed due to damage dilapidation, decay, or severe animal infestation; the property in the public view is chronically neglected or abandoned.
 - e) It has material which is incapable of performing the function for which it is designed including, but not limited to: abandoned, discarded, or unused objects; more than one abandoned, discarded, or unused motor vehicle; equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, garbage, and all such other debris that are in the public view. Notwithstanding the foregoing, Blighted Properties shall not include such temporary conditions, not to exceed six (6) months in duration, as may be reasonably related to the repair or restoration of the property.
- 4) *Dilapidation* shall mean partial ruin, decay or disrepair of any property such that it would not qualify for a certificate of use and occupancy, or which is deemed unsafe or which is designated as unfit for habitation as defined in the current edition of the Connecticut State Building Code.
 - 5) *Blight* shall mean the existence of a Blighted Property, whether the property is a residential or commercial building.
 - 6) *Premises* shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this ordinance.
 - 7) Property maintenance violations shall mean the violation of the following standards with respect to buildings and structures:
 - a. The exterior of buildings and structures shall be maintained so that it is not dilapidated, deteriorating, or decaying, nor open to the elements. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open

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cracks or leaks or are structurally faulty; overhang extensions, including but not limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.

b. *Property maintenance violations* shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk as described in the towns Sidewalk Ordinance, and/or public or private street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.

~~c. *Property maintenance violations* shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by complaint(s) from adjoining and nearby property owners.~~

8) *Public view* shall mean visible from any public or private street or right-of-way ~~or neighborhood.~~

Section IV: Prohibition against creating or maintaining blighted properties.

No person, firm, business entity, voluntary association or nonprofit organization shall cause or permit a Blighted Property or Blighted Properties, as defined herein, to be created, or the existence thereof continued, on any real property located in the Town of Suffield in such a manner that it causes or contributes to blight.

Section V: Special Consideration.

Special consideration may be given to individuals that are disabled, elderly, or low income in the Town's effort to correct blight. If an individual cannot maintain a reasonable level of upkeep of his or her owner-occupied residence and no capable person resides in the residence, the town may give the person a reasonable amount of time to correct the problem, the duration of which shall be at the discretion of the Blight Enforcement Officer.

- 1) *Capable Individual* shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.
- 2) *Disabled Individual* shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.

- 3) *Elderly Individual* shall mean an individual sixty-five (65) years or older, who does not have a household member capable of providing the necessary maintenance.
- 4) *Low Income Individual* shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of “qualifying income” established by CGS Section 12-170d(a)(3).

Section VI: Enforcement

- 1) *General Provisions.* The Board of Selectmen shall be responsible for administering and supervising the enforcement of this Ordinance.

The Board of Selectmen shall appoint a Blight Enforcement Officer. The Blight Enforcement Officer shall enforce the provisions of this section and any rules or regulations promulgated under this section. The Blight Enforcement Officer may initiate inspections and investigations of blight and shall receive information and complaints concerning violations of this section. The Blight Enforcement Officer shall determine violations of this section and shall make at least two documented attempts to resolve those violations with the owner of the blighted property. If no resolution can be achieved, the Blight Enforcement Officer shall take steps to enforce this ordinance and; may order the owner of the Blighted Property to abate such violations, issue citations and penalties for violations of this section; and may effectuate the removal or abatement of the blight condition under the procedures set forth in this section.

Prior to enforcement, The the Blight Enforcement Officer shall serve a written notice to an owner of the Blighted Property of the violation(s) of this section by leaving a copy of such notice with the owner or mailing such notice by regular mail to the owner’s last known address on file with the tax collector. Nothing in this section shall preclude the Town of Suffield from providing notice in another manner permitted by applicable law. The failure of the owner to receive the Notice of Violation shall not affect the validity of the service.

- 2) The notice of violation shall contain the following information;
 - a) The address of the affected property.
 - b) The exact nature of the violation.
 - c) The time allowed for corrective action (not to exceed 30 days).
 - d) The penalty for continued violation of this ordinance and the \$100 fine for each day the Blighted Property remains in violation of this ordinance which can be enforceable subsequently as a lien on the owner’s property and which may also be converted into court judgments.
 - e) Inform the owner that they may schedule a resolution conference with the Blight Enforcement Officer within ten (10) days from the date of the Notice of Violation.

3) *Imposition of Fine.* If the owner fails to remediate the violation within thirty (30) calendar days after the Notice of Violation is served, the Blight Enforcement Officer shall impose a penalty against the owner in accordance with Section 7-148. Each day that the Blighted Property

is in violation of this article shall constitute a separate offense and the penalty shall begin to accrue on the thirty-first (31) day after the date of the Notice of Violation and continue to be levied each day until the violation is corrected and the owner informs the Blight Enforcement Officer that the blight violation has been remediated. All fines imposed for violations of this article shall be paid to a fund maintained by the Town of Suffield.

4) Citation. If the owner fails to remediate the violation within thirty (30) days after the Notice of Violation is served, the Blight Enforcement Officer shall serve a written civil citation upon the owner of the premises by having such notice served by State Marshal with the owner or by mailing such notice by certified mail to the owner's last known address on file with the tax collector. Nothing in this section shall preclude the Town of Suffield from providing notice in another manner permitted by applicable law. The failure of the owner to receive the citation shall not affect the validity of the service.

The citation shall inform the owner:

- a) Of the allegations against said person and the amount of the fines, penalties, costs, or fees due.
- b) That the fines, penalties, costs or fees will continue to accrue on a daily basis until the owner remediates the blight violation and provides notice to the Blight Enforcement Officer that the blight violation is remediated.
- c) That said person may contest his or her liability before the Blight Appeals Committee by delivering, in person or by first class mail, written notice to the Blight Enforcement Officer within ten (10) days of notice.
- d) That if said person does not demand such a hearing, an assessment and judgment shall be entered against him or her.
- e) That such judgment may issue without further notice.
- f) That any unpaid fine imposed pursuant to the provisions of this section shall constitute a lien upon the property against which the penalty was imposed from the date of such penalty.

Section VII: Resolution Conference

Within ten (10) days of the date of the Notice of Violation to the owner of a property, the owner may request a resolution conference with the Blight Enforcement Officer. The purpose of the resolution conference is to determine whether the owner is willing and able to remediate the Blighted Property.

Neither the request for, nor the scheduling of a resolution conference shall toll or abate the service of a civil citation upon the owner or the imposition of fines in accordance with this ordinance. However, at the resolution conference the Blight Enforcement Officer may grant an

extension of time to complete the remediation at his or her sole discretion. If the owner completes remediation within the time granted, the Blight Enforcement Officer shall waive all fines imposed.

Section VIII: Hearing Procedure for Citations.

- 1) The Town hereby specifically adopts the provisions of CGS Section 7-152c for the establishment of a citation hearing process for alleged violations of this and other ordinances.
- 2) There shall be a Appeals Committee consisting of three (3) residents of the Town of Suffield, appointed by the First Selectman and approved by the Board of Selectmen, who shall act by majority vote as citation hearing officers in all hearings for alleged violations of this and other Ordinances.
- 3) The Blight Enforcement Officer, at any time within three (3) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued for an alleged violation of this ordinance, shall send notice to the person cited. Such notice shall inform the person cited with the same information in the written civil citation as required by Connecticut General Statutes.
- 4) If the person who is sent notice pursuant to subsection (3) of this section wishes to admit liability for any alleged violation, they may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town Clerk. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (3) of this section shall be deemed to have admitted liability, and the Blight Enforcement Officer shall certify such person's failure to respond to the Appeals Committee. The Appeals Committee shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in CGS Section 7-152c(f).
- 5) Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The procedures and conduct of such hearing, the assessment of fines, penalties, costs or fees and the entry of judgment in Superior Court upon such assessment shall be as provided in CGS Section 7-152c. The Town of Suffield may place a lien on the property or the insurance policy covering the property may be assessed per CGS Sections 47a-53 and 49-73b for costs incurred to remedy the blight.

Section IX: Minimum Standards

Nothing in this ordinance shall limit the power and authority of the Town Building Official, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall. The Suffield Police Department or the North Central District Health Department to enforce their respective regulations.

- 1) In any case where a provision of this ordinance 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, if such provision of this ordinance establishes a higher standard for the promotion and protection of the health, safety, and property values of the people such provision shall be enforceable pursuant to the procedures established herein.
- 2) This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or subsequent to the effective date of this ordinance. Such violations shall be governed by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or regulations in effect at the time the violation occurred, and/or by enforcement of this ordinance, as may be appropriate.

Section X: Blight liens authorized.

The Blight Enforcement Officer is hereby authorized, in accordance with the provisions of Section 7-148aa of the Connecticut General Statutes and this article, to place a lien on any and all Blighted Property as security for any unpaid penalty or fine on behalf of the Town. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens and may be enforced in the same manner as property tax liens, including enforcement by foreclosure.

Section X: Blight Receivership authorized.

The Blight Enforcement Officer is hereby authorized, in accordance with the provisions of Section 8-169aa of the Connecticut General Statutes and this article, to apply for a Receivership on qualifying Blighted Property as set forth in the statute.

Section XI: Waiver of Liens and Penalties.

Prior to the commencement of litigation, ~~and subject to the review of the First Selectman Board of Selectmen, the Blight Enforcement Officer~~ may waive and release said penalties and liens ~~in if~~

- a) ~~The event the Town or a non-profit organization~~ acquires the property;
- b) ~~or~~ at the time of the owner's sale of the Blighted Property to a bona fide third party purchaser ~~if, in his or her opinion, the buyer has who can demonstrate~~ the financial ability and intention to immediately rehabilitate the Blighted Property;
- c) ~~or upon the establishment of a stipulated plan to rehabilitate the Blighted Property at which time~~ hold all penalties and liens in abeyance until all rehabilitation is completed.

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Subsequent to the commencement of litigation, the ~~Board of Selectmen~~Board of Selectmen ~~Town Attorney or~~
their designee shall have the authority to compromise, waive and release said penalties and
liens at his or her sole discretion.

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Section XII: Administrative responsibilities.

- a) The ~~First Selectman~~Board of Selectmen may prescribe administrative procedures for the purpose of implementing the provisions of this article.
- b) All funds collected by the Blight Enforcement Officer shall be deposited into a continuing account dedicated for the expenses of the municipality related to the enforcement and administration (i.e. legal fees, court costs, service of process, mailing, copying costs, etc.) of ordinances regulating blight and state and local health, housing and safety codes and regulations, including expenses related to community police and the remediation of blighted conditions, when authorized. The account shall be administered by the Board of Finance.

Section XIII. Effective Date.

Effective Date: This Ordinance shall be effective thirty days after passage by Town Meeting.

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