

**Minutes of Suffield Town Meeting
08/29/2024**



The Town Meeting of the Town of Suffield was called to order by Town Clerk Kathleen Dunai, at 6:00 PM. The Town Meeting was held at the Suffield Middle School, 350 Mountain Road, Suffield, CT.

Upon nomination by Kristen Lambert, 22 Old Farms Lane, with a second by Lee Corbert, 815 Mountain Road, Edward McAnaney, 85 Wren Drive was unanimously elected moderator by voice vote.

There were no additional nominations for moderator from the floor.

Moderator McAnaney asked those in attendance to stand for the Pledge of Allegiance.

Town Clerk Kathleen Dunai read the Legal Notice into record as published in *the Hartford Courant* on August 22, 2024.

Derek Donnelly, 988 Russell Avenue with a second by Colin Moll, 12 Audubon Drive made the following motion: **I move that paper balloting be waived at tonight's Town Meeting and that all votes be conducted by voice vote.**

The motion could not be determined by voice vote. Moderator McAnaney called for a raise of hands. The motion passed by show of raised of hands.

Laura Brady, 290 South Grand Street with a second by David Shute, 1165 Halladay Avenue, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Town Right of Way Ordinance, as approved by the Board of Selectmen.

Moderator McAnaney invited First Selectman Colin Moll to the podium to present tonight's Power Point presentation.

There were no questions from the floor.

The resolution passed by voice vote.

Kristen Lambert, 22 Old Farms Lane with a second by Michael Fitzgerald, 967 Hill Street presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby approves the proposed amendments to §270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectman.

Moderator McAnaney invited First Selectman Colin Moll to the podium to present tonight's Power Point presentation.

There were no questions from the floor.

The resolution passed by voice vote.

Darlene Burrell, 623 Forrest Road with a second by, Kristen Lambert, 22 Old Farms Lane, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Blight Ordinance, as approved by the Board of Selectmen

Moderator McAnaney invited First Selectman Colin Moll, Town Attorney Derek Donnelly and Bill Hawkins, Director of Planning and Development to the podium to present tonight's Power Point presentation.

There were several questions from the floor.

A voice vote was not able to be determined.

Moderator McAnaney called for a hand vote.

Town Clerk Kathy Dunai, Assistant Town Clerks Michele Urch and Erica Boucher in addition to Kristen Lambert counted hands for the vote.

24 Voted "Yes"

60 Voted "No"

The resolution failed by show of hand vote.

Arthur P Christian II, 1097 River Boulevard with a second by, Robert Glen Vincent, 1193 Sheldon Street, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Farm Building Exemption Ordinance, as approved by the Board of Selectmen, as amended.

Moderator McAnaney invited First Selectman Colin Moll to the podium to present tonight's Power Point presentation.

Derek Donnelly, 988 Russell Avenue with a second by Michele Urch, 312 North Grand Street made the motion to amend section 3 of the purposed ordinance to correct the filing date from May 21, 2024 to November 21, 2024.

There were no questions from the floor.

The motion passed by voice vote.

Kimberlee Colston, 489 Warnertown Road, with a second by Michele Urch, 312 North Grand Street, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby approves the proposed amendments to Chapter 159 of the Town Ordinances, adding §159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.

Moderator McAnaney invited First Selectman Colin Moll, Town Attorney Derek Donnelly and Building Inspector Michael Addington to the podium to present tonight's Power Point presentation and answer questions.

Numerous questions and numerous comments were made regarding this motion.

Brian Fitzgerald, 1210 Newgate Road with a second by Maryanne Hornish, 864 Thrall Avenue moved to table the resolution.

The motion to table the resolution passed by voice vote.

Susan Hastings, 472 Hill Street with a second by, Kimberlee Colston, 489 Warnertown Road presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby approves the removal of the Zoning & Subdivision regulations in Chapters 310 & 315 from the Town Ordinances, as approved by the Board of Selectmen.

Moderator McAnaney invited First Selectman Colin Moll to the podium to present tonight's Power Point presentation and answer questions.

There were no questions from the floor.

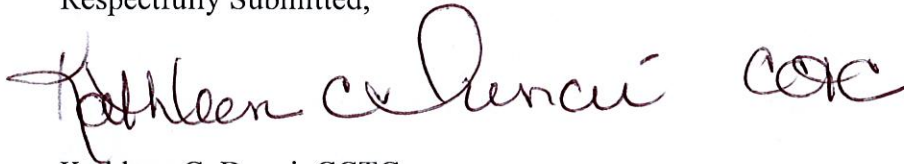
The resolution passed by voice vote.

Jeremiah Mahoney, 499 South Grand Street with a second by Kathie Harrington, 700 North Street, motioned to close the August 29th, 2024 Town Meeting.

The motion to adjourn passed unanimously by voice vote.

The Town Meeting concluded at 7:26 PM.

Respectfully Submitted,

A handwritten signature in dark ink, reading "Kathleen C. Dunai" followed by a stylized monogram or set of initials.

Kathleen C. Dunai, CCTC

Town Clerk

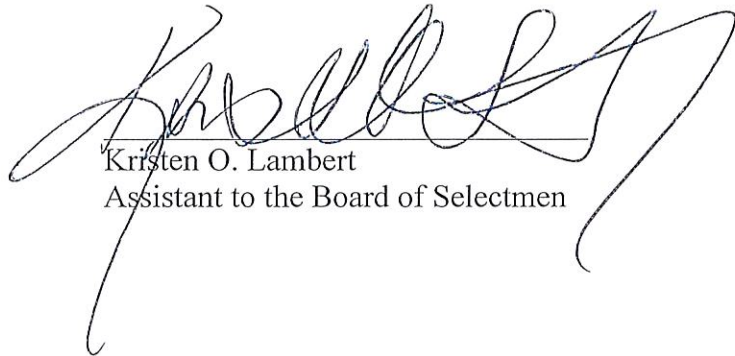
RETURN OF NOTICE

I HEREBY CERTIFY that on August 22, 2024, I caused notice to be given of the foregoing Warning for a Town Meeting to be held August 29, 2024 by posting upon a signpost or other exterior place near the office of the Town Clerk of the Town of Suffield a printed or written warning signed by the selectmen.

I HEREBY CERTIFY that on August 22, 2024, I published a like warning in the Hartford Courant, a newspaper having a circulation in Suffield.


I HEREBY CERTIFY that such posting and such publication all being at least five days previous to holding the meeting, including the day that such notice was given, but not including the day of the holding of such meeting

I HEREBY CERTIFY that a copy of such Warning is hereby filed with the Town Clerk of Suffield.



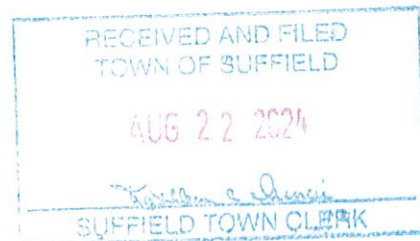
Kristen O. Lambert
Assistant to the Board of Selectmen

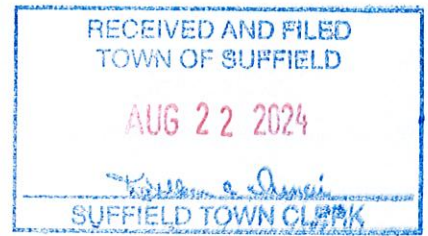
I hereby certify that on or before the day of such meeting, the foregoing Notice and Return of Notice are duly recorded in the records of the Town of Suffield, Connecticut.



Kathleen Dunai
Town Clerk

Dated: August 22, 2024





LEGAL NOTICE
NOTICE OF SPECIAL TOWN MEETING
TOWN OF SUFFIELD

Notice is hereby given that a Special Town Meeting of the inhabitants of the Town of Suffield, Connecticut, qualified to vote in a Town Meeting, will be held at the Auditorium in Suffield Middle School, 350 Mountain Road, Suffield, CT on Thursday, **August 29, 2024** at 6:00 p.m. for the following purposes to wit:

1. To consider and act upon a Town Right of Way Ordinance as approved by the Board of Selectmen.
2. To consider and act upon an amendment to § 270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.
3. To consider and act upon a Blight Ordinance as approved by the Board of Selectmen.
4. To consider and act upon a Farm Building Exemption Ordinance as approved by the Board of Selectmen.
5. To consider and act upon an amendment to Chapter 159 of the Town Ordinances, adding § 159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.
6. To consider and act upon a resolution removing the Town Zoning Regulations & Subdivision Regulations, Chapters 310 and 315 from Town's Published Ordinances and instead publishing those ordinances on the Town website.

Copies of supporting materials may be found on the Town website at www.suffieldct.gov or by visiting the Town Clerk's Office, 83 Mountain Road, Suffield, CT beginning on August 22, 2024.

Dated at Suffield, Connecticut this 21st day of August, 2024.

BOARD OF SELECTMEN

Colin Moll, First Selectman
Mel Chafetz, Selectman
Kathleen Harrington, Selectman
Peter Hill, Selectman
Jeremiah Mahoney, Selectman

ITEM 1: To consider and act upon a Town Right of Way Ordinance as approved by the Board of Selectmen.

PROPOSED RIGHT OF WAY ORDINANCE
(SECTION TO BE ASSIGNED AFTER PASSAGE)

- 1) Purpose. The following ordinance is enacted in order to protect the public's investment into its infrastructure.
- 2) Permit Required for Excavation Work. No person shall open, dig through, or otherwise excavate any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town without first applying for and receiving a permit. Said permit shall not be applicable to excavation covered by Section V. of the Planning and Zoning Regulations.
- 3) Applications. The Suffield Public Works Department shall create an application for a permit to open, dig through, or otherwise excavate any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town in accordance with this ordinance. All applications, at a minimum, shall require a ticket with Call before you Dig, and an appropriate bond or certificate of insurance indemnifying the Town for the work permitted and a determination as to whether traffic safety measures are required. Such application shall be authorized after approval by the Director Of Public Works. The Public Works Department shall charge an administrative fee of \$50.00 for the processing of each application.
- 4) Excavation work. All applicants approved to open, dig through, or otherwise excavate any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town as set forth in this ordinance shall (1) give the Suffield Department of Public Works twenty-four (24) hours' notice before beginning any work authorized by the applicant's permit; (2) keep a copy of the permit granted by the Suffield Department of Public Works at the work site, which shall be made available to any agent or employee of the Town of Suffield upon their request; and (3) shall follow and comply with all other conditions imposed by the Suffield Department of Public Works on the applicant's permit, including any required traffic safety measures as may be required.
- 5) Revocation of Permit. Permits granted by the Suffield Department of Public Works pursuant to this ordinance may be revoked by the Director of Public Works at his or her sole discretion and for the following reasons: (1) if the work authorized by the permit is not completed within thirty (30) days of the permit being granted; (2) if the application is found to contain any materially false information; (3) if the applicant violates any Federal, State or local law or regulation prior to or during the commencement of any work authorized by the permit; (4) if, while performing any work authorized by the permit, the applicant causes any injury or damage to any person or property; or if (5) such work results

in the concentration and/or discharge of the surface or subsurface water onto public or private property resulting in damage to that property.

6) Penalty. Any person who violates this ordinance, by opening, digging through, or otherwise excavating any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town without a permit or violating a provision of this ordinance shall be solely responsible for immediately repairing all Town property to its previous condition. Any person who fails to immediately repair Town property pursuant to this ordinance shall fully reimburse the Town of Suffield for any expenses incurred by the Town of Suffield in repairing town property damages by unauthorized work upon demand.

7) Outstanding Payments. Any payments required under this ordinance shall be due and payable within 30 days. Any individual that fails to pay all amounts due within 30 days shall be fined \$250 dollars per day until such time as all amounts outstanding are paid in full.

ITEM 2: To consider and act upon an amendment to § 270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.

PROPOSED AMENDMENT TO § 270-9.

§ 270-9. Property tax waived if less than certain amount. [Amended 12-19-2019]
The Town of Suffield, commencing with the property tax list of October 1, 1991, waives any property tax due the Town in an amount less than \$25 five dollars.

ITEM 3: To consider and act upon a Blight Ordinance as approved by the Board of Selectmen.

PROPOSED BLIGHT ORDINANCE
(SECTION TO BE ASSIGNED AFTER PASSAGE)

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 exist 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 and land preserved in its natural state through conservation easements.

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 Board of Selectmen 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) Its 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 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.

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

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 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, the Board of Selectmen, may waive and release said penalties and liens if

- a) The Town or a non-profit organization acquires the property; or
- b) At the time of the sale of the Blighted Property the bona fide purchaser demonstrates the financial ability and intention to immediately rehabilitate the Blighted Property; or
- c) All rehabilitation is completed in accordance with a stipulated plan to rehabilitate the blighted property while holding all penalties and liens in abeyance.

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

Section XII: Administrative responsibilities.

- a) The 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.

ITEM 4: To consider and act upon a Farm Building Exemption Ordinance as approved by the Board of Selectmen.

PROPOSED ORDINANCE ESTABLISHING A TAX EXEMPTION FOR FARM
BUILDINGS
(SECTION TO BE ASSIGNED AFTER PASSAGE)

STATEMENT OF PURPOSE: Recognizing the importance of farms to the character of Suffield the Town hereby enacts the following ordinance:

1. Tax Exemption for Farm Buildings: Pursuant to the authority granted by Connecticut General Statutes §12-91(c), the Assessor shall grant a reduction in the property tax assessment for any building used actually and exclusively in farming, as defined in §1-1 of the Connecticut General Statutes, or for any building used to provide housing for seasonal employees of such farm. Such exemption shall be in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00) of assessed value of each eligible building.

2. Residences Excluded Properties: The exemption shall apply only to buildings used actually and exclusively for farming operations and shall not apply to any residence except for a building used exclusively as a residence for seasonal farm employees. This exemption shall not apply to any farm building that receives an additional form of abatement, such as a building abated as part of a dairy farm.

3. Application: Upon passage, a farm owner shall make written application on forms as adopted by the Assessor identifying each building for which this exemption is claimed on or before May 1, 2024. In each year thereafter, On on or before the first day of November or the extended filing date granted by the Assessor pursuant to §12-42 of the Connecticut General Statutes, a farm owner shall make written application on forms as adopted by the Assessor identifying each building for which this exemption is claimed. The All applications shall include a notarized affidavit certifying that the owner, derived at least fifteen thousand dollars (\$15,000.00) in gross sales or incurred at least fifteen thousand dollars (\$15,000.00) in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year (October 1) for which such application is made.

4. Leased Property: In the event the farm is owned by one person or entity and leased to another person or entity who conducts farming operations, then the application must provide a notarized affidavit from the Lessee certifying that the Lessee, derived at least fifteen thousand dollars (\$15,000.00) in gross sales or incurred at least fifteen thousand dollars (\$15,000.00) in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year (October 1) for which such application is made. The owner shall file an affidavit attesting to the identity of the

lessee.

5. Failure to file: Failure to file the application on or before the first day of November, or the extended filing date granted by the Assessor pursuant to §12-42 of the Connecticut General Statutes, shall be considered a waiver of the right to such exemption for the assessment year.

6. Appeal: Any person aggrieved by any action of the Assessor shall have the same rights and remedies for appeal and relief as are provided in the Connecticut General Statutes for taxpayers claiming to be aggrieved.

7. Effective Date: Said ordinance shall become effective fifteen (15) days from publication thereof.

ITEM 5: To consider and act upon an amendment to Chapter 159 of the Town Ordinances, adding § 159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.

PROPOSED AMENDMENT TO CHAPTER 159 OF THE TOWN ORDINANCES, ADDING
§ 159-7

§ 159-7. Unauthorized Use and Occupancy Fee.

A building or structure shall not be used or occupied in whole or in part, without a Certificate of Use and Occupancy issued by the Building Official.

A. Requirements for a Certificate of Use and Occupancy.

1. A Certificate of Use and Occupancy shall be issued only after the Building Official conducts a final inspection certifying that the building, structure or work performed pursuant to the building permit substantially complies with the provisions of the adopted State Building Code.

B. Fee for Unauthorized Use and Occupancy.

1. Any owner, contractor, entity, or other person who occupies a building or structure in violation of this ordinance may be subject to a fee of two hundred and fifty dollars. Each day the violation continues shall be deemed a separate offense.

C. Appeal.

1. Any person aggrieved by this ordinance may appeal to the Building Code Board of Appeals under §8-3 of the Suffield Town Code.

ITEM 6: To consider and act upon a resolution removing the Town Zoning Regulations & Subdivision Regulations, Chapters 310 and 315 from Town's Published Ordinances and instead publishing those ordinances on the Town website.

Removal of Publication of Zoning Regulations and Subdivision Regulations from Town Ordinance

Removal of Publication of Subdivision Regulations and Zoning Regulations from Town Ordinance; Access to Regulations on Town Website.

A. The Town of Suffield shall remove the text of the Subdivision Regulations (Ch 310) and Zoning Regulations (Ch 315) from the Town Ordinance and delete the entirety of Part III: Rules and Regulations from the Town Ordinance.

B. The Town of Suffield or the Town of Suffield Planning and Zoning commission shall publish, or cause to be published, the Subdivision Regulations and Zoning Regulations on the Town's website for public access and shall ensure that any amendments to such regulations are published within a reasonable time.

LEGAL NOTICE
NOTICE OF SPECIAL TOWN MEETING
TOWN OF SUFFIELD



Notice is hereby given that a Special Town Meeting of the inhabitants of the Town of Suffield, Connecticut, qualified to vote in a Town Meeting, will be held at the Auditorium in Suffield Middle School, 350 Mountain Road, Suffield, CT on Thursday, **August 29, 2024** at 6:00 p.m. for the following purposes to wit:

1. To consider and act upon a Town Right of Way Ordinance as approved by the Board of Selectmen.
2. To consider and act upon an amendment to § 270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.
3. To consider and act upon a Blight Ordinance as approved by the Board of Selectmen.
4. To consider and act upon a Farm Building Exemption Ordinance as approved by the Board of Selectmen.
5. To consider and act upon an amendment to Chapter 159 of the Town Ordinances, adding § 159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.
6. To consider and act upon a resolution removing the Town Zoning Regulations & Subdivision Regulations, Chapters 310 and 315 from Town's Published Ordinances and instead publishing those ordinances on the Town website.

Copies of supporting materials may be found on the Town website at www.suffieldct.gov or by visiting the Town Clerk's Office, 83 Mountain Road, Suffield, CT beginning on August 22, 2024.

Dated at Suffield, Connecticut this 21st day of August, 2024.

BOARD OF SELECTMEN

Colin Moll, First Selectman
Mel Chafetz, Selectman
Kathleen Harrington, Selectman
Peter Hill, Selectman
Jeremiah Mahoney, Selectman

ITEM 1: To consider and act upon a Town Right of Way Ordinance as approved by the Board of Selectmen.

PROPOSED RIGHT OF WAY ORDINANCE
(SECTION TO BE ASSIGNED AFTER PASSAGE)

- 1) Purpose. The following ordinance is enacted in order to protect the public's investment into its infrastructure.
- 2) Permit Required for Excavation Work. No person shall open, dig through, or otherwise excavate any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town without first applying for and receiving a permit. Said permit shall not be applicable to excavation covered by Section V. of the Planning and Zoning Regulations.
- 3) Applications. The Suffield Public Works Department shall create an application for a permit to open, dig through, or otherwise excavate any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town in accordance with this ordinance. All applications, at a minimum, shall require a ticket with Call before you Dig, and an appropriate bond or certificate of insurance indemnifying the Town for the work permitted and a determination as to whether traffic safety measures are required. Such application shall be authorized after approval by the Director Of Public Works. The Public Works Department shall charge an administrative fee of \$50.00 for the processing of each application.
- 4) Excavation work. All applicants approved to open, dig through, or otherwise excavate any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town as set forth in this ordinance shall (1) give the Suffield Department of Public Works twenty-four (24) hours' notice before beginning any work authorized by the applicant's permit; (2) keep a copy of the permit granted by the Suffield Department of Public Works at the work site, which shall be made available to any agent or employee of the Town of Suffield upon their request; and (3) shall follow and comply with all other conditions imposed by the Suffield Department of Public Works on the applicant's permit, including any required traffic safety measures as may be required.
- 5) Revocation of Permit. Permits granted by the Suffield Department of Public Works pursuant to this ordinance may be revoked by the Director of Public Works at his or her sole discretion and for the following reasons: (1) if the work authorized by the permit is not completed within thirty (30) days of the permit being granted; (2) if the application is found to contain any materially false information; (3) if the applicant violates any Federal, State or local law or regulation prior to or during the commencement of any work authorized by the permit; (4) if, while performing any work authorized by the permit, the applicant causes any injury or damage to any person or property; or if (5) such work results

in the concentration and/or discharge of the surface or subsurface water onto public or private property resulting in damage to that property.

6) Penalty. Any person who violates this ordinance, by opening, digging through, or otherwise excavating any road, street, highway, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town without a permit or violating a provision of this ordinance shall be solely responsible for immediately repairing all Town property to its previous condition. Any person who fails to immediately repair Town property pursuant to this ordinance shall fully reimburse the Town of Suffield for any expenses incurred by the Town of Suffield in repairing town property damages by unauthorized work upon demand.

7) Outstanding Payments. Any payments required under this ordinance shall be due and payable within 30 days. Any individual that fails to pay all amounts due within 30 days shall be fined \$250 dollars per day until such time as all amounts outstanding are paid in full.

ITEM 2: To consider and act upon an amendment to § 270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.

PROPOSED AMENDMENT TO § 270-9.

§ 270-9. Property tax waived if less than certain amount. [Amended 12-19-2019]
The Town of Suffield, commencing with the property tax list of October 1, 1991, waives any property tax due the Town in an amount less than \$~~25~~ five dollars.

ITEM 3: To consider and act upon a Blight Ordinance as approved by the Board of Selectmen.

PROPOSED BLIGHT ORDINANCE
(SECTION TO BE ASSIGNED AFTER PASSAGE)

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 exist 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 and land preserved in its natural state through conservation easements.

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 Board of Selectmen 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) Its 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 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.

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

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 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, the Board of Selectmen, may waive and release said penalties and liens if

- a) The Town or a non-profit organization acquires the property; or
- b) At the time of the sale of the Blighted Property the bona fide purchaser demonstrates the financial ability and intention to immediately rehabilitate the Blighted Property; or
- c) All rehabilitation is completed in accordance with a stipulated plan to rehabilitate the blighted property while holding all penalties and liens in abeyance.

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

Section XII: Administrative responsibilities.

- a) The 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.

ITEM 4: To consider and act upon a Farm Building Exemption Ordinance as approved by the Board of Selectmen.

PROPOSED ORDINANCE ESTABLISHING A TAX EXEMPTION FOR FARM
BUILDINGS
(SECTION TO BE ASSIGNED AFTER PASSAGE)

STATEMENT OF PURPOSE: Recognizing the importance of farms to the character of Suffield the Town hereby enacts the following ordinance:

1. **Tax Exemption for Farm Buildings:** Pursuant to the authority granted by Connecticut General Statutes §12-91(c), the Assessor shall grant a reduction in the property tax assessment for any building used actually and exclusively in farming, as defined in §1-1 of the Connecticut General Statutes, or for any building used to provide housing for seasonal employees of such farm. Such exemption shall be in an amount not to exceed one hundred thousand dollars (\$100,000.00) of assessed value of each eligible building.
2. **Excluded Properties:** The exemption shall apply only to buildings used actually and exclusively for farming operations and shall not apply to any residence except for a building used exclusively as a residence for seasonal farm employees. This exemption shall not apply to any farm building that receives an additional form of abatement, such as a building abated as part of a dairy farm.
3. **Application:** Upon passage, a farm owner shall make written application on forms as adopted by the Assessor identifying each building for which this exemption is claimed on or before May 1, 2024. In each year thereafter, on or before the first day of November or the extended filing date granted by the Assessor pursuant to §12-42 of the Connecticut General Statutes, a farm owner shall make written application on forms as adopted by the Assessor identifying each building for which this exemption is claimed. All applications shall include a notarized affidavit certifying that the owner, derived at least fifteen thousand dollars (\$15,000.00) in gross sales or incurred at least fifteen thousand dollars (\$15,000.00) in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year (October 1) for which such application is made.
4. **Leased Property:** In the event the farm is owned by one person or entity and leased to another person or entity who conducts farming operations, then the application must provide a notarized affidavit from the Lessee certifying that the Lessee, derived at least fifteen thousand dollars (\$15,000.00) in gross sales or incurred at least fifteen thousand

dollars (\$15,000.00) in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year (October 1) for which such application is made. The owner shall file an affidavit attesting to the identity of the lessee.

5. **Failure to file:** Failure to file the application on or before the first day of November, or the extended filing date granted by the Assessor pursuant to §12-42 of the Connecticut General Statutes, shall be considered a waiver of the right to such exemption for the assessment year.
6. **Appeal:** Any person aggrieved by any action of the Assessor shall have the same rights and remedies for appeal and relief as are provided in the Connecticut General Statutes for taxpayers claiming to be aggrieved.
7. **Effective Date:** Said ordinance shall become effective fifteen (15) days from publication thereof.

ITEM 5: To consider and act upon an amendment to Chapter 159 of the Town Ordinances, adding § 159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.

PROPOSED AMENDMENT TO CHAPTER 159 OF THE TOWN ORDINANCES, ADDING
§ 159-7

§ 159-7. Unauthorized Use and Occupancy Fee.

A building or structure shall not be used or occupied in whole or in part, without a Certificate of Use and Occupancy issued by the Building Official.

A. Requirements for a Certificate of Use and Occupancy.

1. A Certificate of Use and Occupancy shall be issued only after the Building Official conducts a final inspection certifying that the building, structure or work performed pursuant to the building permit substantially complies with the provisions of the adopted State Building Code.

B. Fee for Unauthorized Use and Occupancy.

1. Any owner, contractor, entity, or other person who occupies a building or structure in violation of this ordinance may be subject to a fee of two hundred and fifty dollars. Each day the violation continues shall be deemed a separate offense.

C. Appeal.

1. Any person aggrieved by this ordinance may appeal to the Building Code Board of Appeals under §8-3 of the Suffield Town Code.

ITEM 6: To consider and act upon a resolution removing the Town Zoning Regulations & Subdivision Regulations, Chapters 310 and 315 from Town's Published Ordinances and instead publishing those ordinances on the Town website.

Removal of Publication of Zoning Regulations and Subdivision Regulations from Town Ordinance

Removal of Publication of Subdivision Regulations and Zoning Regulations from Town Ordinance; Access to Regulations on Town Website.

A. The Town of Suffield shall remove the text of the Subdivision Regulations (Ch 310) and Zoning Regulations (Ch 315) from the Town Ordinance and delete the entirety of Part III: Rules and Regulations from the Town Ordinance.

B. The Town of Suffield or the Town of Suffield Planning and Zoning commission shall publish, or cause to be published, the Subdivision Regulations and Zoning Regulations on the Town's website for public access and shall ensure that any amendments to such regulations are published within a reasonable time.

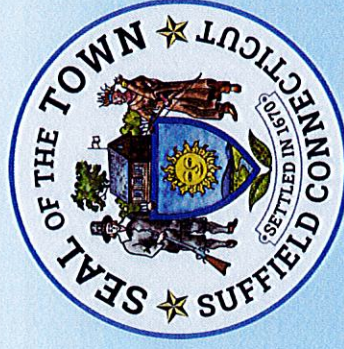
Town Meeting

Presented by the Board of Selectmen
August 29, 2024



Town Meeting

Presented by the Board of Selectmen
August 29, 2024



Agenda

1. To consider and act upon a Town Right of Way Ordinance as approved by the Board of Selectmen.
2. To consider and act upon an amendment to §270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.
3. To consider and act upon a Blight Ordinance as approved by the Board of Selectmen.
4. To consider and act upon a Farm Building Exemption Ordinance as approved by the Board of Selectmen.
5. To consider and act upon an amendment to Chapter 159 of the Town Ordinances, adding §159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.
6. To consider and act upon a resolution removing the Town Zoning Regulations & Subdivision Regulations, Chapter 310 and 315 from Town's Published Ordinances and instead publishing those ordinances on the Town website.

Town Right of Way Ordinance

Purpose: To protect the public's investment in its infrastructure.

Too often, road pavement is excavated by contractors or utility companies to access or install underground infrastructure without the Town's knowledge or approval. This ordinance protects the Town's investment in its roadways by monitoring and permitting that work.

This ordinance creates a process similar to how most of our neighboring towns handle these issues.

Town Right of Way Ordinance

What it does:

- Requires a permit before any work can begin on any road, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town.
- Requires that any and all work will be inspected and approved by the DPW Director while in progress and upon completion.
- Requires a \$50.00 administrative fee.
- Requires the applicant reimburse the Town for any expenses incurred to repair damages.

Town Right of Way Ordinance

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Town Right of Way Ordinance, as approved by the Board of Selectmen.



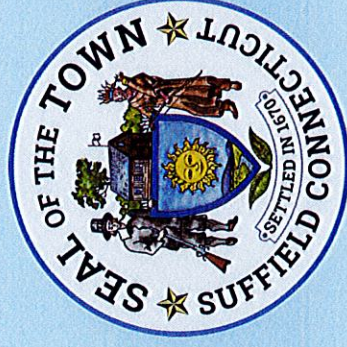
Amendment to the Waiver of Property Tax Ordinance

Purpose: To amend Ordinance §270-9 to waive property tax from under \$25.00 to \$5.00.

In 2016 and 2017 the Town conducted a review of its ordinances. Suggestions were made by our vendor including a change to this ordinance. This ordinance should not have been changed and the increase waiver amount has proven unworkable for the Town. This amendment changes the waiver amount back from \$25.00 to \$5.00 as it was prior to 2017.

Amendment to the Waiver of Property Tax Ordinance

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the proposed amendments to §270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.



Blight Ordinance

Purpose: To prevent properties from becoming blighted and eliminate blighted properties that already exist within the Town.

In the 2023 legislative session, the General Assembly made significant changes to the state statutes that allow Towns to deal with blighted properties. This ordinance is the Town codifying those changes into the Town code.

Importantly: This ordinance specifically exempts farm properties.

Blight Ordinance

What it does: Defines Blight:

- 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) Its 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.

Blight Ordinance

What it does: Allows the Town to consider individual circumstances:

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).

Blight Ordinance

What it does: Provides the Town with additional tools to address run down properties.

- The Zoning Regulations currently address removing junk, unregistered vehicles and landscaping that interferes with public safety (line of sight). As a result, the Zoning Enforcement Officer already has a process to deal with these complaints. The Blight Ordinance would supplement what is already in place. The Blight Ordinance is another tool to allow the Town to enforce action on dilapidated properties.

Blight Ordinance

What it does: Enforcement

- Complaint based similar to Zoning Enforcement, except complaints come to the Blight Enforcement Officer (BEO).
- BEO investigates to determine if complaint is valid.
- If complaint is valid, a notice of violation is sent to the property owner allowing 30-days for corrective action. The BEO has discretion to work with the owner if a longer time is needed to achieve compliance.
- If enforcement advances, a citation with the potential to impose fines can be sent to the owner.
- The owner can appeal at that time and dispute the citations & fines.
- If there is no compliance or the appeal is not successful, fines, penalties, fees, and costs associated with the action can be sent to Superior Court for judgment/liens or a blight receivership.

Blight Ordinance

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Blight Ordinance, as approved by the Board of Selectmen.



Farm Building Exemption Ordinance

Purpose: To provide a tax exemption on eligible farm buildings not to exceed an assessed value of \$100,000 on each eligible building.

The Town of Suffield has always recognized and understood the importance of our farms and retaining our rural character.

The provisions of Section 12-91(c) of the Connecticut General Statutes allows for such a local ordinance for Farm Buildings.

The purpose of such an ordinance would further protect, preserve, and promote the welfare and quality of life of our farming community by exempting certain farm buildings.

Farm Building Exemption Ordinance

- Thirty Three (33) other Towns have adopted the exemption.
- The exemption will only apply to buildings exclusively used for farming operations.
- It will not apply to any residence except for those housing seasonal farm employees.
- The exemption will not apply to any farm building that already receives a different abatement (e.g. Dairy Abatement).

Farm Building Exemption Ordinance

- In order to qualify the farmer must derive at least \$15,000 in gross receipts from the farming operation or incur at least \$15,000 in expenditures related to the farming operation in the most recently completed tax year prior to application.
- The farmer should be prepared to provide the Assessor with an IRS Schedule F (Form 1040) Farm Profit and Loss from the most recent tax year.
- Must apply for the exemption **annually** on or before November 1st. Applications will be mailed with the farmer's Personal Property declaration. Applications will also be available on the Town website and in the Assessor's Office.
- Leased Farm Buildings are eligible if the Lessee provides a notarized affidavit certifying annual gross sales or expenses of at least \$15,000.

Farm Building Exemption Ordinance

Questions or comments?



AMENDMENT

The original version of the ordinance passed by the Board of Selectmen presumed that this ordinance would be presented to Town meeting in the early spring and would be implemented prior to May of 2024. That was not the case. Accordingly, we will entertain an amendment to change the first application from May 1, 2024 to November 1, 2024.

MOTION: I move to Amend Section 3 of the proposed ordinance to change the date May 1, 2024 to November 1, 2024.

Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Farm Building Exemption Ordinance, as approved by the Board of Selectmen, as amended.



Amendment to Chapter 159, Building Construction Ordinance

Purpose: To prohibit builders from occupying a home or structure before obtaining a Certificate of Occupancy and allow the Building Department a means of enforcement.

In recent years that Town has had more and more unpermitted work result in people occupying property without a Certificate of Occupancy. This is a major life safety issue.

At present, the only option the Town has is to enforce this through an expensive Court action.

Amendment to Chapter 159, Building Construction Ordinance

What it does:

- Codifies that there can be no Certificate of Occupancy without a final inspection by the Building Official.
- Provides for a fee of \$250 dollars per day for the occupancy of a building without a Certificate of Occupancy.
- Provides for residents to appeal to the Building Code Board of Appeals if aggrieved by the ordinance.

Amendment to Chapter 159, Building Construction Ordinance

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the proposed amendments to Chapter 159 of the Town Ordinances, adding §159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.



Publication of Town Zoning Regulations & Subdivision Regulations

Purpose: To remove the Town Zoning Regulations & Subdivision Regulations, Chapter 310 and 315 from Town's Published Ordinances and instead publish those ordinances on the Town website.

Reason: For the last several years the Town has simultaneously published the Zoning Regulations on the website and through the online ordinances (e-code 360). This has been problematic. However, because the Zoning Regulations are amended periodically, the Town Ordinances online memorializes an obsolete version. In addition, the chapter and section numbering in the regulations was changed to fit the ordinance numbering system making it more confusing for the public, board and commission members, and town staff. The Planning and Zoning Department maintains up-to-date versions which are on the Town website. By only publishing the Regulations on the website, we will eliminate all confusion.

Publication of Town Zoning Regulations & Subdivision Regulations

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the removal of the Zoning & Subdivision regulations in Chapters 310 & 315 from the Town Ordinances, as approved by the Board of Selectmen.



Agenda

1. To consider and act upon a Town Right of Way Ordinance as approved by the Board of Selectmen.
2. To consider and act upon an amendment to §270-9 of the Town Ordinances regarding waiver of property taxes, as approved by the Board of Selectmen.
3. To consider and act upon a Blight Ordinance as approved by the Board of Selectmen.
4. To consider and act upon a Farm Building Exemption Ordinance as approved by the Board of Selectmen.
5. To consider and act upon an amendment to Chapter 159 of the Town Ordinances, adding §159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.
6. To consider and act upon a resolution removing the Town Zoning Regulations & Subdivision Regulations, Chapter 310 and 315 from Town's Published Ordinances and instead publishing those ordinances on the Town website.

Town Right of Way Ordinance

Purpose: To protect the public's investment in its infrastructure.

Too often, road pavement is excavated by contractors or utility companies to access or install underground infrastructure without the Town's knowledge or approval. This ordinance protects the Town's investment in its roadways by monitoring and permitting that work.

This ordinance creates a process similar to how most of our neighboring towns handle these issues.

Town Right of Way Ordinance

What it does:

- Requires a permit before any work can begin on any road, sidewalk, parking lot, or other surface-level improvement which is owned or maintained by the Town.
- Requires that any and all work will be inspected and approved by the DPW Director while in progress and upon completion.
- Requires a \$50.00 administrative fee.
- Requires the applicant reimburse the Town for any expenses incurred to repair damages.

Town Right of Way Ordinance

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Town Right of Way Ordinance, as approved by the Board of Selectmen.



Amendment to the Waiver of Property Tax Ordinance

Purpose: To amend Ordinance §270-9 to waive property tax from under \$25.00 to \$5.00.

In 2016 and 2017 the Town conducted a review of its ordinances. Suggestions were made by our vendor including a change to this ordinance. This ordinance should not have been changed and the increase waiver amount has proven unworkable for the Town. This amendment changes the waiver amount back from \$25.00 to \$5.00 as it was prior to 2017.

Amendment to the Waiver of Property Tax Ordinance

Questions or comments?



Town of Suffield

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Blight Ordinance

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Blight Ordinance

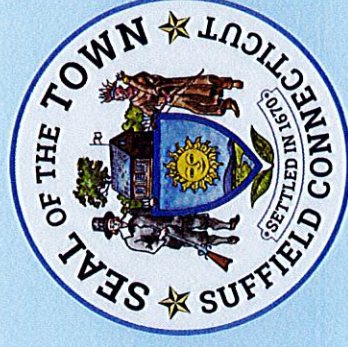
Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the Blight Ordinance, as approved by the Board of Selectmen.



Farm Building Exemption Ordinance

Purpose: To provide a tax exemption on eligible farm buildings not to exceed an assessed value of \$100,000 on each eligible building.

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The provisions of Section 12-91(c) of the Connecticut General Statutes allows for such a local ordinance for Farm Buildings.

The purpose of such an ordinance would further protect, preserve, and promote the welfare and quality of life of our farming community by exempting certain farm buildings.

Farm Building Exemption Ordinance

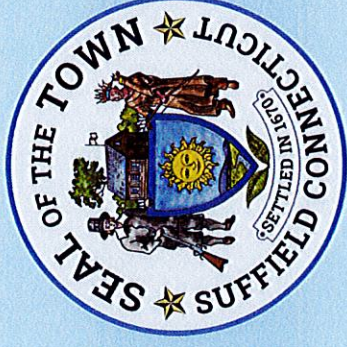
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Farm Building Exemption Ordinance

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Farm Building Exemption Ordinance

Questions or comments?



AMENDMENT

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Town of Suffield

Vote on Resolution

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Amendment to Chapter 159, Building Construction Ordinance

Purpose: To prohibit builders from occupying a home or structure before obtaining a Certificate of Occupancy and allow the Building Department a means of enforcement.

In recent years that Town has had more and more unpermitted work result in people occupying property without a Certificate of Occupancy. This is a major life safety issue.

At present, the only option the Town has is to enforce this through an expensive Court action.

Amendment to Chapter 159, Building Construction Ordinance

What it does:

- Codifies that there can be no Certificate of Occupancy without a final inspection by the Building Official.
- Provides for a fee of \$250 dollars per day for the occupancy of a building without a Certificate of Occupancy.
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Amendment to Chapter 159, Building Construction Ordinance

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the proposed amendments to Chapter 159 of the Town Ordinances, adding §159-7 to the Building Construction Ordinance as approved by the Board of Selectmen.



Publication of Town Zoning Regulations & Subdivision Regulations

Purpose: To remove the Town Zoning Regulations & Subdivision Regulations, Chapter 310 and 315 from Town's Published Ordinances and instead publish those ordinances on the Town website.

Reason: For the last several years the Town has simultaneously published the Zoning Regulations on the website and through the online ordinances (e-code 360). This has been problematic. However, because the Zoning Regulations are amended periodically, the Town Ordinances online memorializes an obsolete version. In addition, the chapter and section numbering in the regulations was changed to fit the ordinance numbering system making it more confusing for the public, board and commission members, and town staff. The Planning and Zoning Department maintains up-to-date versions which are on the Town website. By only publishing the Regulations on the website, we will eliminate all confusion.

Publication of Town Zoning Regulations & Subdivision Regulations

Questions or comments?



Town of Suffield

Vote on Resolution

Resolved: That the Town Meeting of the Town of Suffield hereby approves the removal of the Zoning & Subdivision regulations in Chapters 310 & 315 from the Town Ordinances, as approved by the Board of Selectmen.

