

# Blighted Property

## § 235-1. Authority; purpose.

- A. This chapter is enacted pursuant to the authority granted to the Town under C.G.S. § 7-148(c)(7), § 7-148(c)(7)(H)(xv), § 7-148aa and § 7-152c.
- B. This ordinance, as set forth in this chapter, is intended to protect, preserve and promote public health, safety and welfare; to maintain and preserve the beauty of neighborhoods; and to allow for control of blighted premises.

## § 235-2. Definitions.

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

BLIGHTED PREMISES — Any building, structure or parcel of land, including, without limitation, single-family or multifamily residential or commercial, whether occupied or vacant, except exempt property as defined below, in which at least one of the following conditions exists:

- A. It is dilapidated or becoming dilapidated as documented by the Building Official.
- B. It is dilapidated and attracting illegal activity as documented by the Police Department.
- C. It is dilapidated and is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department.
- D. It is determined by the Blight Prevention Board, the Building Official or by the **Health Director or Officer** that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community.
- E. It is not being adequately maintained. The following factors may be considered in determining whether it is not being adequately maintained:
  - (1) Multiple missing, broken, or boarded windows or doors.
  - (2) Collapsing or missing walls, roof, or floors.
  - (3) Seriously damaged or missing siding.
  - (4) A structurally faulty foundation.
  - (5) Excessive amounts of garbage or trash.
  - (6) Abandoned motor vehicles not registered with the Commissioner of Motor Vehicles pursuant to the Connecticut General Statutes, including C.G.S. § 14-12 et seq., including cars, trucks, boats and motorcycles, or other inoperable machinery on the premises visible from the street or any adjoining property.
  - (7) Rodent harborage and/or infestation.
  - (8) Unrepaired fire or water damage.
  - (9) Parking lots left in a state of disrepair or abandonment.

- (10) Any other exterior condition reflecting a level of maintenance which (1) is not in keeping with community standards, (2) constitutes a blighting factor for adjacent property owners or occupiers, or (3) which is an element leading to the progressive deterioration of the neighborhood.
- (11) Creates a substantial and unreasonable interference with the use and enjoyment of nearby premises, as documented by neighborhood complaints, police reports, cancellation of insurance on proximate properties, or similar circumstances.

**BLIGHT PREVENTION BOARD** — The Town officials designated by the First Selectman with the consent of the Board of Selectmen to act as blight prevention officials. The Building official, Fire Marshal, Chair of Zoning Commission, Land Use Director, and Health Director or Officer shall be eligible to be blight prevention officials. The First Selectman shall designate one blight prevention official to direct the blight prevention officials.

**BUSINESS DAYS** — Any day which is neither a Saturday nor Sunday nor a day designated as a legal holiday pursuant to C.G.S. § 1-4.

**DILAPIDATED** — Any building or structure or part thereof which is deemed an unsafe structure, or which is designated as unfit for human habitation by the Building Official.

**DISABLED INDIVIDUAL** — In the case of an owner-occupied residence, an individual who has a disability as that term is defined under the Americans with Disabilities Act of 1990, as amended.

**ELDERLY INDIVIDUAL** — In the case of an owner-occupied residence, an individual 65 years of age or older.

**EXEMPT PROPERTY** — Any building or structure undergoing active remodeling, restoration, repair, or renovation, provided that the blighted condition will be corrected thereby and that the period thereof will not exceed one year from the date of receipt by the Blight Prevention Board of a written complaint.

**LEGAL OCCUPANCY** — Occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes, and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.

**LOW-INCOME INDIVIDUAL** — In the case of an owner-occupied **Redding** residence, an individual who meets income guidelines for eligibility of the Elderly and Totally Disabled Homeowner's Program outlined in C.G.S. § 12-170AA, as administered by the Tax Assessor.

**NEW OWNER/OCCUPANT** — Any owner/occupant who has taken title to or legal occupancy of a property within 30 calendar days of the notice provided in § 235-6.

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**OWNER/OCCUPANT** — All individuals, firms, partnerships, corporations, limited liability corporations or other entities or authorities which own, lease, rent, possess, or are responsible for property within the Town.

**§ 235-3. Prohibition.**

No owner/occupant shall allow, maintain or cause to be maintained any blighted premises.

**§ 235-4. Determination of violation.**

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- A. Upon receiving a written complaint of a possible violation signed by a complainant, the Blight Prevention Board shall make an investigation.
- B. If, after investigation, a probable violation is found to exist, the Blight Prevention Board shall serve written notice to the owner/occupant of the premises where the possible violation exists. The notice shall be sent in the manner prescribed by § 235-6 to the last known address of each owner/occupant. **A copy of such notice shall also be sent to the office of the First Selectman, the Building Official, the Health Director, the Chair of the Zoning Commission, the Chair of the Planning Commission, the Land Use Director, the Chair of the Commission on Aging, the Chief of Police, and the Chief of the Fire Department for the relevant Fire District.**
- C. Such notice shall state the probable violation and the conditions evidencing such violation and require the persons to whom it is delivered to attend a hearing before the Blight Prevention Board to determine whether there has been a violation and, if so, to establish a plan for abatement of such violation, including the date by which such violation shall be fully abated. The notice shall also include the date, time and location of the hearing.
- D. The Blight Prevention Board shall hold a hearing within 30 calendar days of the date of the notice provided in Subsection B. At the hearing, all interested persons shall be given the opportunity to present evidence on the question of whether a violation of this chapter has occurred.
- E. If the owner/occupant who received the notice fails to appear, the Blight Prevention Board may nevertheless determine whether a violation has occurred, provided the Board has made a finding that notice was properly served in accordance with this section.
- F. After the hearing, the Blight Prevention Board shall make a written determination whether a violation has, in fact, occurred. If the Blight Prevention Board determines that a violation exists, it shall include in its written determination the actions to be taken to abate such violation and the date within a reasonable time by which such violation shall be fully abated.
- G. If the Blight Prevention Board determines that no violation has occurred, no further action as to that complaint shall be taken, and the Blight Prevention Board shall serve written notice that no further action as to that complaint shall be taken, to the owner/occupant of the premises where the possible violation exists.

**§ 235-5. Special consideration.**

Special consideration may be given to those who require it in order to correct a violation of this chapter. Specifically, the Blight Prevention Board may grant an owner/occupant additional time to correct a violation where the owner/occupant, or a person acting on his/her behalf, establishes good cause. As used in this section, "good cause" includes, but is not limited to, an elderly individual who is unable to personally correct a violation due to his or her age; a disabled individual who is unable to personally correct a violation due to his or her disability; a low-income individual who is unable to correct a violation due to cost; or an exempt property as defined in § 235-2. In determining whether good cause exists, the Blight Prevention Board shall consider whether other occupants of the premises are able to assist in correcting the violation in a timely fashion and whether the severity of the violation is such that additional time is not warranted.

**§ 235-6. Notice of violation.**

- A. Upon the determination by the Blight Prevention Board that a violation of this chapter exists, the Blight Prevention Board shall serve a written notice of violation to the owner/occupant and shall simultaneously send to each lienholder of the subject property a copy of the notice of violation. The notice of violation shall state:
- (1) The violation;
  - (2) The date upon which the violation shall be remedied;
  - (3) That the failure of the owner/occupant to remedy the violation within the prescribed time shall result in the issuance of a citation in accordance with § 235-10 of this chapter;
  - (4) The amount of the daily civil penalties and any other fines or penalties imposed under § 235-8;
  - (5) That if the owner/occupant fails to remove or remedy the violation, the Town may cause the remediation of the violation at the expense of the owner/occupant; and
  - (6) That the owner/occupant may be subject to such other fines as may be authorized or imposed by the state for a willful violation of this chapter with respect to housing blight of not more than \$250 for each such day that the violation continues to exist under § 235-9.
- B. Delivery of the notice of violation to the owner/occupant shall be by one or both of the following methods:
- (1) By personal delivery to the owner/occupant; or
  - (2) By certified mail, return receipt requested, and simultaneously by regular United States Postal Service mail, addressed to the owner/ occupant at his/her last known address.

**§ 235-7. Extension.**

- A. Notwithstanding the provisions of § 235-6, the Blight Prevention Board:
- (1) Shall, upon request, grant a new owner/occupant a thirty-calendar day extension of the notice of violation and opportunity to remediate set forth therein.
  - (2) May, in its discretion, grant to any owner/occupant one thirty-day extension of the time to remediate the violation.
- B. Any further extensions will require written approval from the Blight Prevention Board.

**§ 235-8. Penalties for offenses.**

- A. Violations of the provisions of this chapter shall be punishable by a civil penalty equal to the greater of \$100 or the maximum amount allowed by C.G.S. § 7-148(c)(7)(H)(xv), as the same may be amended from time to time, for each day a violation exists and continues beyond the date required for remediation set forth in the notice of violation issued under § 235-6 hereof.

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- B. Violators will also be responsible for all costs and expenses associated with enforcement and the collection of any civil penalties, which shall include, but shall not be limited to, attorneys' fees, court costs, mailing costs and filing fees.

**§ 235-9. Willful violations; penalties.**

In addition to the foregoing, any person who, after receiving a notice of violation pursuant to § 235-6 and after a reasonable opportunity to remediate the blighted premises, willfully violates the provisions of this chapter with respect to housing blight, such person shall be fined by the State of Connecticut not more than \$250, or the maximum allowed by C.G.S. § 7-148o, as the same may be amended from time to time, for each day for which it can be shown, based on actual inspection of the property on each such day, that the blighted premises continue to exist after written notice to the owner/occupant as provided herein and the expiration of the time to remediate.

**§ 235-10. Issuance of citations.**

A. The Blight Prevention Board shall issue a citation when a violation of this chapter continues beyond the date by which the Blight Prevention Board required that the violation be remedied. B. The citation shall state:

- (1) A description of the violation.
- (2) The amount of the daily civil penalties levied and that such civil penalties shall be levied from the date of the citation, plus such other fines, penalties, costs and/or fees due.
- (3) That the uncontested payment of such civil penalties, fines, costs and/or fees shall be made within 10 business days of the date of the citation.
- (4) That the owner/occupant may contest his liability before a Citation Hearing Appeals Board by delivering, in person or by mail, within 10 business days of the date of the citation, a written demand for a hearing.
- (5) That if the owner/occupant does not demand a hearing, an assessment and judgment shall be entered against him/her and that such judgment may issue without further notice.
- (6) That the Town shall file a lien against the real estate in accordance with C.G.S. § 7-148aa for the amount of any unpaid civil penalties or other fines, costs and/or fees imposed by the Town in accordance with this chapter.

C. Delivery of the citation shall be by the manner provided in § 235-6 hereof. A copy of the citation shall simultaneously be sent to each lienholder of the subject property.

**§ 235-11. Uncontested payment; time period.**

Any owner/occupant receiving a citation shall be allowed a period of 10 business days from the date of the citation to make an uncontested payment of the civil penalties, fines, costs and/or fees specified in the citation. All amounts shall be made payable to the Town.

**§ 235-12. Payment of civil penalties.**

- A. If the owner/occupant who has been issued a citation pursuant to this chapter wishes to admit liability for any alleged violation, the owner/ occupant may, without requesting a hearing, pay the full amount of the civil penalties, fines, costs and/or fees to the Blight Prevention Board. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such owner/occupant or other person making the payment.
- B. Any owner/occupant who does not deliver or mail written demand for a hearing within 10 business days of the date of the citation shall be deemed to have admitted liability, and the Blight Prevention Board shall certify to the Citation Hearing Appeals Board that such owner/ occupant has failed to respond. The Citation Hearing Appeals Board shall thereupon enter and assess the civil penalties, fines, costs and/or fees provided for by this chapter and shall follow the procedures set forth in § 235-6.

**§ 235-13. Hearing procedure for citations.**

- A. The First Selectman, with the consent of the Board of Selectmen, shall appoint a three-member Citation Hearing Appeals Board. All members of the Citation Hearing Appeals Board shall be residents of the Town as such term is defined in the Charter.
- B. An owner/occupant who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 calendar days nor more than 30 calendar days from the date of mailing of the notice, provided the Citation Hearing Appeals Board shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. An original or certified copy of the citation issued by the Blight Prevention Board shall be filed with and retained by the Town and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. Upon request of the person appealing the citation, the presence of the Blight Prevention Board member who issued the citation shall be required at the hearing. A designated Town official other than any member of the Citation Hearing Appeals Board may present evidence on behalf of the Town. An owner/occupant wishing to contest liability shall appear at the hearing and may present evidence on his behalf. If the owner/occupant who received the citation fails to appear, the Citation Hearing Appeals Board may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes and this chapter. The Citation Hearing Appeals Board may accept from such owner/occupant copies of any relevant investigatory and citation reports and/or any other official documents by mail and may determine thereby that the appearance of such person is unnecessary.
- C. The Citation Hearing Appeals Board shall conduct the hearing in the order and form, and with such methods of proof, as it deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Citation Hearing Appeals Board shall announce its decision at the end of the hearing. If the Citation Hearing Appeals Board determines that the owner/occupant is not liable, the Citation Hearing Appeals Board shall dismiss the matter and enter that determination in writing accordingly. If the Citation Hearing Appeals Board determines that the owner/occupant is liable for the violation, the Citation Hearing Appeals Board shall forthwith enter and assess the civil penalties, fines, costs and/or fees as provided by this chapter.

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- D. If the Citation Hearing Appeals Board's assessment is not paid on the date of its entry, the Citation Hearing Appeals Board shall send by first-class mail a notice of assessment to the owner/occupant found liable and shall file, not less than 30 calendar days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court facility designated by the Chief Court Administrator, together with the applicable entry or filing fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessment against the same owner/occupant may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of the Citation Hearing Appeals Board's record of assessment as well as court costs, against such owner/occupant in favor of the Town. The Citation Hearing Appeals Board's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to the owner/occupant.
- E. An owner/occupant against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal in accordance with C.G.S. § 7-152c(g).

**§ 235-14. Recording of lien.**

Any unpaid civil penalty or other fine imposed pursuant to the provisions of this chapter, and any and all costs and expenses incurred by the Town for the enforcement of this chapter, shall constitute a lien upon the real estate against which the civil penalty or other fine was imposed from the date of such civil penalty or fine. Each such lien may be continued, recorded and released in the manner provided for in C.G.S. § 7-148aa. Each such lien shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property taxes.

**§ 235-15. Removal or remediation by Town.**

If the hearing officer determines the owner/occupant is liable for the violation, the Town may cause or take such action as is necessary to correct the violation. All costs and expenses of such corrective action shall be a lien upon the real estate. The Blight Prevention Board shall cause a certificate of lien to be recorded in the Town Clerk's office within 60 calendar days after completion of such corrective action if all costs and expenses thereof are not reimbursed in full.

**§ 235-16. Other remedies.**

The provisions of this chapter are in addition to, and not in lieu of, any other remedies available to the Town under the Connecticut General Statutes, Connecticut State Building Code, Fire Code, Public Health Code, Zoning Regulations, or other sections of the Town Code.