

Chapter 236

NUISANCES

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[HISTORY: Adopted by the Town of Windsor Locks 9-14-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Buildings and building construction — See Ch. 155.
Housing Code — See Ch. 187.

Solid waste — See Ch. 299.

§ 236-1. Purpose.

The purpose of this chapter is to define, prohibit and abate blights and nuisances and to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values.

§ 236-2. Applicability.

This chapter shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified but shall exclude agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes; land dedicated as public or semi-public open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses.

§ 236-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

BLIGHTED PREMISES — Any building, structure or parcel of land, 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 attracting illegal activity as documented by the Police Department;
- C. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department;

- D. It is determined by the Building Official or by Health Department reports 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 maintained. The following factors may be considered in determining whether a building, structure or parcel of land is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding; a structurally faulty foundation; garbage or trash; abandoned, inoperable or unregistered motor vehicles on the premises in violation of Section 14-150a of the Connecticut General Statutes (unless the premises is a junkyard legally licensed by the State of Connecticut); overgrown grass or weeds of at least one foot in length; graffiti; and fire damage; or
- F. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of abutting premises or block or interferes with the use of any public sidewalk and/or private street or right-of-way or any road sign.

DILAPIDATED — Any building or structure or part thereof that would not qualify for a certificate of use and occupancy or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Basic Building Code.

EXEMPT PROPERTY — Any Town-owned property; and any building or structure undergoing remodeling, restoration, repair or renovation, provided that the blighted condition will be corrected thereby and that the period thereof does not exceed six consecutive months.

§ 236-4. Public nuisance.

No person, firm, corporation, or other legal entity shall cause or allow any blighted premises, as defined in the preceding section, to be created or continued on any real property located within the Town of Windsor Locks. Any exempt property, as defined in the preceding section, shall not be considered a blighted premises and, therefore, shall not be subject to the provisions hereof.

§ 236-5. Minimum standards.

- A. The provisions in this chapter shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this chapter.
- B. In any case where a provision of this chapter 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, the provision which establishes the higher standard for the promotion and protection of the health and safety and property values of the people shall prevail.
- C. This chapter shall not affect violations of any other ordinances, codes or regulations existing prior to the effective date of this chapter, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

§ 236-6. Responsibility for compliance.

The owner, lessee, or occupant of premises subject to this chapter, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this chapter. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

§ 236-7. Notice of violations.

- A. Complaints may be submitted to the First Selectman, or his designee(s), by members of the public, but such complaints must be in writing and signed on forms provided by the Town. In instances where a member of the public may wish to remain anonymous, the First Selectman, or his designee(s), may, in his or her sole discretion, serve as the complainant and complete and sign said form.
- B. Whenever the First Selectman, or his designee(s), determines that there has been a violation of any provision of this chapter, except as to abandoned, inoperable or unregistered motor vehicles, such officer shall give notice of such violation to the person responsible therefor, as hereinafter provided. Such notice shall:
- (1) Be in writing;
 - (2) Set forth the violations of this chapter;
 - (3) Specify a final date for the correction of any violation;
 - (4) Be served upon the owner or the owner's agent, or the occupant as the case may require; provided such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by this notice; or if such person is served with such notice by any other method authorized or required under the laws of this state;
 - (5) Contain an outline of remedial action which, if taken, will affect permanent compliance with the provisions of this chapter; and
 - (6) State that the penalties and enforcement provisions of this chapter will become effective on the final date set for the correction of any violation.
- C. Whenever the First Selectman, or his designee(s), determines that there has been a violation of this chapter pertaining to abandoned, inoperable or unregistered motor vehicles, such officer shall give notice of such violation to the owner of the property on which such vehicle so remains in compliance with Subsection B, except that:
- (1) The notice shall specify that said owner has 30 days to correct the violation by removing the vehicle or registering it; and
 - (2) Notice of the alleged violation shall be published in a newspaper having a substantial circulation in the Town of Windsor Locks.

- D. Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this chapter and subject to its penalties and enforcement procedures. Any person in violation of this chapter pertaining to abandoned, inoperable or unregistered motor vehicles shall be subject to the removal and disposition of such vehicle 30 days after notice of the alleged violation in accordance with Subsection C above.

§ 236-8. Appeals.

Any person notified in accordance with § 236-7 above may appeal said notice of violation(s) to the Housing Code Appeals Board, in writing, within 10 days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the Housing Code of Appeals or on such later date as established by the Housing Code of Appeals.

§ 236-9. Penalties for offenses; enforcement.

A. Penalties.

- (1) Each violation of this chapter shall be considered a separate municipal offense.
- (2) Each day any violation continues shall constitute a separate offense.
- (3) Each separate offense under this chapter may be punishable by a fine of \$100 payable to the Town of Windsor Locks.

B. Enforcement.

- (1) The First Selectman, his designee(s), or any police officer in the Town of Windsor Locks is authorized to issue a citation or summons for a violation of this chapter.
- (2) In addition thereto, the First Selectman, or his designee(s), is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs, including costs of remedial action(s) authorized by the Court and reasonable attorney's fees incurred by the Town of Windsor Locks to enforce this chapter.

- C. All fines, court costs, costs of remedial action, and attorney's fees, as ordered by the court, shall constitute a lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made a party to the enforcement proceedings.