

BLIGHTED PROPERTIES

Section I – Definitions.

For the purpose of this article, the following words and terms shall have the following meanings:

Anti-Blight Officer shall mean an individual appointed by the First Selectman to enforce the provisions of this article.

Blighted Property or *Blighted Properties* shall mean, as the case may be, any building or structure, or any part of a building or structure that is a separate unit, or a vacant parcel of land in which at least one (1) of the following conditions exist:

- (1) It is determined by the Town's Building Official or by its Director of Health that existing conditions pose a serious or immediate danger to the community, i.e., a life-threatening condition or a condition which puts at risk the health or safety of citizens of the Town.
- (2) It is not being adequately maintained; without limitation, the following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; damaged, decaying, or deteriorating condition that could allow vermin or other wildlife interior access; a foundation that is structurally faulty; garbage, trash or abandoned motor vehicles situated on the property (unless the property is a junkyard legally licensed by the State of Connecticut).
- (3) It has been cited for violations of State statutes and/or State regulations, Windsor Locks Charter or Code provisions, or zoning regulations, or conditions to permits granted by the Zoning Board or Zoning Board of Appeals, which violations have not been corrected.
- (4) It has become a place where criminal activity has taken place as documented by Police Department reports.
- (5) It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.
- (6) It is a factor creating a substantial and unreasonable risk of interference with the reasonable and lawful use and enjoyment of other space within the building or other properties within the Neighborhood as documented by Neighborhood complaints, or cancellation of insurance on proximate properties.

- (7) It is a factor that is seriously depreciating property values in the Neighborhood.
- (8) It contains unauthorized outside storage or accumulation of junk, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of inoperable motor vehicles, boats, motorcycles or other inoperable machinery on the property or the public right of way. For the purposes of this article "authorized" shall pertain to local, state or federal laws and/or regulations.
- (9) It has been vandalized, or otherwise damaged to the extent that it is seriously depreciating property values in the Neighborhood.
- (10) It contains a Property Maintenance Violation as defined by this Section.

Building Official shall mean the building official as defined in Connecticut General Statutes Section 29-260.

Dilapidated shall mean a building or structure or any part thereof that would not receive a certificate of occupancy if applied for, regardless of whether one had been previously issued.

Housing Blight shall mean the existence of a Blighted Property, whether residential or commercial, within the same Neighborhood as a residential property or properties.

Neighborhood shall mean an area of the Town comprised of all properties or parcels of land, any part of which is within a radius of four hundred (400) feet of any part of another parcel or lot within the Town.

Property Maintenance Violation

- (a) *Property Maintenance Violation* shall mean the violation of the following standards with respect to lots or parcels:
 - (1) All premises shall be graded, drained, kept free of persistent standing water and maintained in a clean, safe and sanitary condition. Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.
 - (2) No shopping baskets, carts or wagons shall be left unattended or standing, and the baskets, carts or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.

- (3) All fences shall be maintained. Such maintenance shall include, but not be limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences which may become in disrepair.
 - (4) All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but not be limited to, the replacement of trees and shrubs which may die or otherwise be destroyed. Grass, weeds or similar growths shall not reach a height greater than nine (9) inches on any premises. Front yards shall not be allowed to deteriorate into unattended, bare dirt patches.
 - (5) The planting strip fronting the premises shall be maintained in a safe condition, neat, mowed as necessary, and free of litter, poison ivy, ragweed, and other noxious plant.
 - (6) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs and replacement accomplished. All off-street parking facilities shall be swept as often as necessary in the determination of the Anti-Blight Officer.
 - (7) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent accumulations of trash, garbage, litter, debris and rubbish. The owner of the property shall maintain the premises litter-free, and shall remove discarded or inoperative appliances, furnishings or machinery.
 - (8) All signs exposed to the public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. A non-operative or broken electrical or other sign shall be repaired or removed.
 - (9) Refuse and recycling receptacles shall be emptied on a regular basis and shall be removed from the street or curb within two (2) days following collection.
 - (10) All places of business that serve food or drink to patrons (e.g., restaurants, cafes, bars, etc.) shall maintain receptacle(s) for the disposal of cigarettes on their premises and shall empty the receptacle(s) on a regular basis.
- (b) *Property maintenance violations* shall also mean the violation of the following standards with respect to buildings and structures:

- (1) 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 the presence of graffiti, 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.
 - (2) The foundation walls of every building shall be maintained in good repair and in a structurally sound condition.
 - (3) Foundations, floors and walls shall be in good painted or finished condition without peeling.
 - (4) Exterior walls (including doors and windows), roofs, and the areas around doors, windows, chimneys and other parts of a building shall be maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects and materials shall be removed, repaired or replaced.
 - (5) Buildings and structures shall be maintained free of insect, vermin, bird, rodent, and other wildlife harborage and infestation.
 - (6) Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety and fire hazards.
 - (7) All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.
- (c) *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 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.

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

Unit shall mean any space within a building that is or can be rented by a tenant for his/her or its sole use, and is intended to be a single and distinct space.

Vacant and/or Abandoned shall mean that a building or structure or any part thereof, or land, is not legally occupied for a period of sixty (60) days or longer.

Vacant Parcel shall mean a parcel of land with no intact building structure(s) thereon.

Section II – Prohibition against creating or maintain 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 Windsor Locks in such a manner that it causes or contributes to Housing Blight.

Section III – Enforcement.

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

The Anti-Blight Officer shall enforce the provisions of this section and any rules or regulations promulgated under this section. The Anti-Blight Officer may initiate inspections and investigations of blight and shall receive information and complaints concerning violations of this section. The Anti-Blight Officer shall determine violations of this section; 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.

- (b) *Notice of Violation.* The Anti-Blight Officer shall serve a written notice to an owner of the Blighted Property of the violation(s) of this section by personal in-hand service or by mailing such notice by regular mail to the owner's last known address on file with the tax collector. If the person to whom such notice is issued is a registrant, the municipality may deliver such notice in accordance with Section 7-148ii of the Connecticut General Statutes, provided nothing in this section shall preclude a municipality 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.

The Notice of Violation shall:

- (1) Describe the blighted conditions that violate this section and direct the owner to remove, correct, or abate the violation within seven (7) calendar days from the date of the Notice;
 - (2) Inform the owner that the failure to remove, correct, or abate the violation shall result in the issuance of a citation in accordance with this Ordinance and fines imposed of one hundred dollars (\$100.00) a day for each day that the Blighted Property remains in violation of this article which can be enforceable subsequently as a lien on the owner's property, and which may also be converted into court judgments;
 - (3) Inform the owner that the failure to remove, correct, or abate the violation may cause the removal or abatement of the violation at the expense of the owner; and
 - (4) Inform the owner that the owner may schedule a resolution conference with the Anti-Blight Officer within seven (7) calendar days from the date of Notice of Violation.
- (c) *Imposition of Fine.* If the owner fails to remediate the violation within seven (7) calendar days after the Notice of Violation is served, the Anti-Blight Officer shall impose a penalty against the owner of one hundred dollars (\$100.00) for each day that the Blighted Property is in violation of this article. 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 eighth (8th) 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 Anti-Blight Officer in writing 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 Windsor Locks as set forth in Section IX.

- (d) *Citation.* If the owner fails to remediate the violation within seven (7) calendar days from the date of the Notice of Violation, as provided in Section 146-47b above, the Anti-Blight Officer shall serve a written civil citation upon the owner of the premises by personal, in-hand service or by mailing such citation to the owner's last known address on file with the tax collector. If the person to whom such notice is issued is a registrant, the municipality may deliver such notice in accordance with Section 7-148ii of the Connecticut General Statutes, provided nothing in this section shall preclude a municipality 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:

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

Section IV – Citation Hearings Before the Hearing Officer.

Appointment of Hearing Officer. The First Selectman shall appoint a Hearing Officer, which Hearing Officer shall conduct citation hearings for violations of this section.

(a) *Notice of hearing; notice of violation retained.*

- (1) 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 that the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.
- (2) An original or certified copy of the initial notice of violation issued by the Anti-Blight Officer shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein.

(b) *Admission of liability; failure to respond; fines assessed.*

- (1) If any person cited pursuant to this article wishes to admit liability for any alleged violation, said person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the Town. Said payment shall be inadmissible in any proceeding, civil

or criminal, to establish the conduct of such person or other person making the payment.

- (2) Any person cited pursuant to this article who does not deliver or mail written demand for a hearing in accordance with Section 146-47(d) above shall be deemed to have admitted liability, and the Anti-Blight Officer shall certify such person's failure to request a hearing.
- (3) The Hearing Officer 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 Subsection 146-48(d)(6) of this Article.

(c) Hearing Procedure.

- (1) The presence of the Anti-Blight Officer shall be required at the hearing, if such person who was cited so requests.
- (2) A person wishing to contest his or her liability shall appear at the hearing and may present evidence on his or her behalf. A designated Town official may present evidence on behalf of the Town of Windsor Locks.
- (3) If the person cited fails to appear, the Hearing Officer may enter an assessment by default against said individual upon a finding of proper notice and liability under the applicable ordinance or regulation. Before the time and date of the hearing, the Hearing Officer may accept from the cited individual copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary and find in favor of such person.
- (4) The hearing procedure shall be taken under oath or affirmation. In considering an appeal, the standard of proof shall be by preponderance of the evidence. The Hearing Officer shall consider all facts and circumstances that said Hearing Officer deems to be relevant. All evidence and testimony must be presented at the time of said hearing; no other testimony or evidence shall be considered.
- (5) The Hearing Officer shall announce its decision at the end of the hearing and shall issue a written decision within five days after the conclusion of the hearing. If the Hearing Officer determines that the person is not liable, it shall dismiss the matter and enter its determination, in writing, accordingly. If the Hearing Officer determines that the person is liable for the violation, he shall forthwith enter, in writing, its determination and an assessment of the fines, penalties, costs or fees against such person as provided for in this article.

- (6) If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.
- (7) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Section V – Resolution Conference.

Within seven (7) days of the date of the Notice of Violation by the owner of a property, the owner may request a resolution conference with the Anti-Blight 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 in accordance with Section 146-47(d) or the imposition of fines.

However, at the resolution conference, and except in cases involving a public health danger, the property owner may request an extension of time to complete the remediation. The Anti-Blight Officer may grant this request in his or her sole discretion and so notify the owner of the extension in writing. If the owner completes remediation within the time granted by the Anti-Blight Officer, the Anti-Blight officer shall waive all fines imposed.

Section VI – Remedial action authorized.

- (a) *Remediation by Town with Permission of Owner.* A property owner may request that the Town of Windsor Locks, its employees, agents, or servants, including independent contractors hired by the Town of Windsor Locks, enter upon his or her property to remediate the blight violation(s). The First Selectman may grant or deny the request in his sole discretion.

If the First Selectman grants the request, then prior to the entry of the Anti-Blight Officer and/or other Town employees upon owner's property, the property owner must agree in writing to the date(s), time, location and nature of the remediation and release the Town of Windsor Locks, its employees, agents, and servants, including independent contractors hired by the Town of Windsor Locks, from liability for any injury or harm caused by the remediation or the entry onto the property.

- (b) *Remediation by Town for Public Health Danger.* Upon the failure, neglect, or refusal of any owner to remediate violations that are dangerous to the public health, safety, or welfare within seven (7) calendar days from the date of the Notice of Violation, the Town may cause such remediation by Town employees, agents or an independent contractor engaged by the Town.
- (c) *Remediation by Court Order.* In all cases where an owner has failed to remediate the blight violation(s) within seven (7) calendar days from the date of the Notice of Violation, the Town may seek a court order allowing such remediation by Town employees, agents or an independent contractor engaged by the Town.
- (d) *Use of Funds for Remediation under this Section.* Where an owner has given permission to the Town to remediate violations, or where the Town undertakes remediation of violations that are dangerous to the public health, safety or welfare, or where the Town has received a court order, the First Selectman may assign Town employees to remedy the blighted condition(s) if staffing levels are sufficient to do so without causing disruption to other Town business. If the First Selectman does not so assign Town employees to remedy the blighted condition(s), then said First Selectman may consult with the Board of Finance regarding whether funds for taking remedial action are available in the account described in Subsection 146-53(c). If adequate funds are available in said account, the First Selectman may use these funds to take, or cause to be taken, action to remedy the blighted condition. If adequate funds are not available in said account, the First Selectman may take, or cause to be taken, action to remedy the blighted condition if said First Selectman deems it appropriate to utilize funds from a different account. If funds for taking remedial action are so used, the owner will be responsible for reimbursing the Town for the cost of the remediation, as set forth below.

(e) *Owner's Responsibility to Pay for Remediation/Penalty.* Upon completion of any remediation of blight violations by the Town, its employees, agents, servants, or independent contractors hired by the Town of Windsor Locks under this section, the First Selectman or his/her designee shall determine the cost of the remediation and shall bill the owner therefore. The owner shall be responsible to pay a penalty to the Town in the amount of the cost of the remediation. Upon the failure of the owner to pay the Town the cost of the remediation within thirty (30) days from the date of such bill, the First Selectman or his/her designee shall cause to be recorded on the land records of the Town a sworn statement detailing the cost and expense incurred for the abatement work, the date the work was done, and the location of the property upon which the work was done. The recordation of the sworn statement shall constitute a lien on the property. The First Selectman, in his sole discretion, may grant the owner additional time, greater than thirty (30) days from the date of such bill, to pay the penalty.

Section VII - Blight liens authorized.

The Anti-Blight 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 VIII - Waiver of Liens and Penalties.

Prior to the commencement of litigation, and subject to the review of the First Selectman, the Anti-Blight Officer may waive and release said penalties and liens in the event the Town acquires the property; or at the time of the owner's sale of the Blighted Property to a bona fide third party purchaser if, in his or her opinion, the buyer has the financial ability and the intention to immediately rehabilitate the Blighted Property; or hold all penalties and liens in abeyance until all rehabilitation is completed. Subsequent to the commencement of litigation, the Town Attorney shall have the authority to compromise, waive and release said penalties and liens in his or her sole discretion.

Section IX - Administrative responsibilities.

- (a) The First Selectman may prescribe administrative procedures for the purpose of implementing the provisions of this article.
- (b) All funds collected by the Anti-Blight 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, Anti-Blight Officer's stipend,

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.