

Blight Ordinance

Section 1: Purpose.

It being found by the Borough Meeting that the existence of blighted properties, buildings and structures adversely affects the economic well-being of the Borough of Jewett City and is inimical to the health, safety, and general welfare of its residents, the purpose of this chapter, adopted pursuant to Connecticut General Statutes Section 7-148(c)(7)(H)(xv), therefore to define, prohibit and provide for the abatement of blight on properties so as to preserve and protect property values in the Borough of Jewett City and the well-being of its residents and property owners.

Section 2: Scope.

This chapter applies to all parcels of land within the Borough of Jewett City upon which blight exists with the exception of:

- A. Agricultural lands as defined in Connecticut General Statutes § 22-3(b), as amended;
- B. Land dedicated as public or semipublic open space or preserved in its natural state through conservation easements; or
- C. Areas designated as inland wetlands and watercourses.

Section 3: Definitions.

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

- A. **BLIGHTED PROPERTY**- to be a property, structure, building at or on which a blighted condition exists.
 - 1. It has been determined by the Blight Enforcement Officer that a condition exists on property that poses a serious or immediate threat to the health, safety, or general welfare of the community.
 - 2. A property is in a state of neglect or a house, building, structure, or any part thereof, on the property is dilapidated and/or one or more of the following conditions(s) exist(s) thereon:
 - a. Missing, broken or inadequately secured windows or doors;
 - b. Collapsing or missing exterior walls or roofs;
 - c. Structurally deficient conditions;
 - d. Unrepaired fire or water damage;
 - e. Substantially damaged or missing siding;

- f. The persistent existence of garbage or trash on the property not completely contained within trash or refuse containers securely sealed by covers. Covering yard debris with tarp is not permitted;
- g. The persistent existence of more than two vehicles on the property that are inoperable or in a state of disrepair or major disassembly or in the process of being stripped or dismantled including, cars, trucks, campers, motorcycles, boats, mowers, farming and construction equipment any one of which may also have missing doors or windows, holes, rust, or obvious physical decay, or used for storage purposes;
- h. Accumulated debris not properly stored or used for its intended purposes including plastics, glass, papers, junk, furniture, appliances, scrap metal, tires, batteries, containers, garbage and building materials;
- i. Tarpaulins used for weather protection (roof coverings) for periods exceeding one hundred eighty days (180) days in lieu of permanent approved roofing materials;
- j. Overgrown vegetation and herbaceous materials including grass exceeding 12 inches in height, including overgrown trees and shrubbery impeding pedestrian traffic and/or vehicular traffic on sidewalks and streets;
- k. The Fire Marshal has notified the Blight Enforcement Officer that a building or structure is a fire hazard and is a factor creating a substantial problem with Public Safety for the use and enjoyment of neighboring properties.
- l. The Health Officer has determined that a building or structure is a Health Hazard due to insect and/or rodent infestation. The storage of debris on the property that serves as a haven for insect or rodent infestation is not permitted. The Blight Enforcement Officer shall independently inspect and verify if a blight condition exists.

DEBRIS

Anything that for a period of 30 days or longer remains in public view on premises and that is incapable of immediately performing the function for which it was designed.

Debris includes, but is not limited to:

- A. Abandoned, discarded, or unused objects;
- B. Furniture, equipment or appliances that are missing parts, not complete in appearance, and in an obvious state of disrepair; and
- C. Cans, boxes, scrap metal, tires, batteries, containers, garbage, parts of furniture or equipment and similar objects.

DECAY or DECAYED

A wasting or wearing away; a gradual decline in strength, soundness or quality; decomposed or rotten, except as to a contained compost pile.

DILAPIDATED

Any Building, Structure or parcel of land, or part thereof in a state of disrepair or ruin as a result of age or neglect, and/or which is deemed unsafe pursuant to the Connecticut State Building Code, or the Connecticut Public Health Code, as they may be amended from time to time, or any dwelling or dwelling unit which is designated as unfit for human habitation as defined by the Connecticut Public Health Code including but not limited to a building, structure, or parcel of land that evidences disrepair that presents a safety concern or evidences conditions that are likely to cause sickness, disease, or injury to the general welfare of any of the persons living therein or of the general public.

MECHANICAL EQUIPMENT

Any apparatus other than motor vehicles, including but not limited to electric and pneumatic equipment, that is designed to be operated by an engine or to be towed by any apparatus propelled by an engine.

OWNER

Any natural or legal entity having an ownership interest in a premises or buildings that are subject to this chapter. "Owner" or "Occupant" includes a "registrant" as defined in Connecticut General Statutes § 7-148hh (1).

PREMISES

Any parcel of land or structure or building including residential, commercial and industrial.

PUBLIC VIEW

Visible at ground level from any public right-of-way or adjacent premises.

STRUCTURE

Any dwelling, shed or similar construction that is enclosed in whole or in part.

Section 4: Creation or maintenance of blight prohibited.

Each owner or occupant of a premises or structures subject to this chapter shall comply with its provisions and shall not cause or allow such premises or structures to become blighted or to remain in a blighted condition. These obligations exist jointly and severally on affected owners or occupants.

Section 5: Minimum standards.

- A. This chapter shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations that prescribe standards other than are provided herein, and the Blight Enforcement Officer is expressly authorized to seek any and all remedies at law or equity to compel compliance with the requirements of 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 Borough or the state, the provision that establishes the higher standard for the protection, preservation and promotion of public health, safety and welfare and the preservation and protection of property values shall prevail.

Section 6: Designation and authority of blight enforcement officer.

The Blight Enforcement Officer shall be a Borough Official and/or employee designated by the Warden. The Blight Enforcement Officer shall be responsible for enforcing, and is hereby granted the authority to enforce this chapter and to issue citations and/or take other actions as he or she deems necessary to compel compliance with this chapter.

Section 7: Complaints; notice of violation.

- A. Signed, written complaints on forms provided by the Borough may be submitted to the Blight Enforcement Officer. The Blight Enforcement Officer may enforce the provisions of this chapter without having received a signed, written complaint.
- B. If the Blight Enforcement Officer determines that there has been a violation of this chapter, the officer shall cause notice of the violation to be given to the owner or owners or occupants of the premises upon which the violation exists, as provided below. Such notice shall be sent to the owner's last known address as listed in the Griswold Tax Collector's office or, as applicable, to the registration address provided under Connecticut General Statutes § 7-148ii. Such notice shall:
 - (1) Set forth the provision(s) of this chapter that have been violated and the facts establishing such violation(s);
 - (2) Specify a final date for the correction of any violation;
 - (3) Be served upon the owner by a State Marshal authorized to serve process in New London County.
 - (4) State that the fines and enforcement provisions of this chapter will become effective on the final date for correction of any violation, including any extension(s) thereof.

- C. The Blight Enforcement Officer is required to issue only one notice of violation, even though there are multiple violations and even though the same violation may exist for multiple days.

Section 8: Extension of correction period.

Prior to the expiration of the correction period specified in the notice of violation, the owner of the premises receiving a notice may apply, in writing, to the Blight Enforcement Officer for an extension of the correction period. The Blight Enforcement Officer may, in writing, grant one extension of the correction period of no more than 30 days if the officer determines that the owner is diligently working to remedy the blighted condition and that under the facts and circumstances an extension is reasonable. The Blight Enforcement Officer may provide one or more subsequent extensions only upon the approval of the Warden.

Section 9: Appointment of citation hearing officers.

The Warden of the Borough shall appoint citation hearing officers as needed to conduct the hearing provided by section 10C of this chapter. Neither the Blight Enforcement Officer nor any Borough employee of official, or Law Enforcement Officer shall be appointed as a citation hearing officer under this chapter. Three hearing officers shall sit on each appeal.

Section 10: Citation; fine; hearing procedure

- A. If on or after the original or any extended correction date the Blight Enforcement Officer determines that the cited blight condition(s) has/have not been fully abated, the Blight Enforcement Officer may issue a citation, which shall include the fines set forth in this chapter. The Blight Enforcement Officer need not issue more than one citation, even though there may be multiple violations that exist for multiple days.
- B. Each violation of this chapter shall be subject to a fine of \$50.00 per day, payable to the Borough of Jewett City. No fine shall commence until 30 days have elapsed, after the Hearing Officers have rendered a decision and notified the owner, agent, tenant or responsible party or in the case the owner cannot be located, the date of publication of notice in the newspaper. Each day that the violation of this Ordinance exists shall constitute a separate offense. The Hearing Officers shall follow the procedure adopted pursuant to the Connecticut General Statutes 7-152c.
- C. Any entity issued a citation may contest their liability before the Citation Hearing Officers by delivering in person or by Certified Mail Return Receipt Requested written notice within ten days of the date thereof; to the Warden of the Borough of Jewett City that he does contest said citation. Any entity that does not deliver or

mail a written demand for a hearing within 10 days of the date of the first notice shall be deemed to have admitted liability.

- D. Any entity who requests a hearing shall be given written notice by Certified Mail Return Receipt Requested of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of mailing of the notice.
- E. The Borough of Jewett City hereby adopts the hearing procedures set forth in Connecticut General Statutes 7-152c, as amended, as its hearing procedure for citations issued under this chapter.
- F. A copy of the Borough of Jewett City Blight Ordinance shall be issued with each citation issued.

Section 11: Recording Liens

In addition to having a lien for abatement expenses, all unpaid fines or costs shall constitute a lien upon the real estate in accordance with Connecticut General Statutes § 7-148aa, and each such lien shall be continued, recorded and released as provided therein.