

Town of Colchester
Blight Ordinance
August 24, 2016

Section 1 Declaration of Purpose

It is declared that the presence of blighted properties adversely affects the quality of life of the residents and the economic well-being of the Town of Colchester. The purpose of this Ordinance is to define, prohibit, and abate blights; to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values within the Town of Colchester. This Ordinance is adopted pursuant to Connecticut General Statutes §7-148(c)(7)(H)(xv) and is deemed to be a Blight Ordinance.

Section 2 Scope

This Ordinance shall apply uniformly to the maintenance of all residential, nonresidential, commercial/industrial, and undeveloped premises now in existence or hereafter constructed, maintained, modified or abandoned/vacated. The following shall be excluded: 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; and areas designated on Town of Colchester maps as inland wetlands and watercourses.

No owner of real property located in the Town of Colchester shall allow, create, maintain, or cause to be created or maintained a blighted property as detailed in Section 3 of this Ordinance. This Ordinance recognizes all applicable State of Connecticut statutes and Town of Colchester codes such as building codes, zoning codes, fire codes and health codes.

Section 3 Definitions

Blight Enforcement Committee shall be a multi-disciplined committee designated to enforce the provisions of this Ordinance. It shall be comprised of the Town's Building Official, Zoning Enforcement Official, Director of Health or any designee of the afore mentioned and any other Town of Colchester employee designated by the Board of Selectmen.

Blighted Premises is any building, structure or parcel of land, including without limitation, single family or multi-family residential, industrial or commercial, whether occupied or vacant in which at least one of the following conditions exists:

- 1) It is deemed an unsafe structure or designated as unfit for human habitation by the Building Official;
- 2) It is a fire hazard as determined by the Fire Marshall or as documented by a Fire Department Officer;
- 3) It is determined by the Director of Health or designee 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;
- 4) It is not being adequately maintained and is visible from either the street or from an adjacent property. The following factors shall be considered in determining whether a premise is not being adequately maintained:
 - a) multiple missing, broken or boarded windows or doors;
 - b) collapsing, seriously damaged, or missing walls, roof, siding or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors;
 - c) persistent accumulation of garbage or trash on the premises;
 - d) chronically neglected and/or inoperable motor vehicles, camper trailers, or boats being stored on the premises, unless garaged, for a period of time in excess of 60 days; or two or more unregistered motor vehicles in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;
 - e) outside storage, for a period of time in excess of 60 days, of material or equipment which is incapable of performing the function for which it is designed, including, but not limited to, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, or containers;

- f) rodent harborage and/or infestation;
- g) dead, decayed, diseased or damaged trees constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;
- h) chronically overgrown grass, weeds, or similar vegetation that is allowed to reach and remain at a height of twelve (12) inches or greater; cultivated gardens and areas maintained in their naturally wooded, field, or shoreline state are specifically excluded from the height requirement so stated;
- i) commercial parking areas left in a state of disrepair or abandoned.

Building Official is an individual who administers the state building code and any applicable ordinances of the Town.

Citation Hearing Officer is an individual appointed by the Board of Selectmen to conduct official hearings authorized by this Ordinance, who may not be a police officer or a Town employee or person who issues citations on behalf of the Town.

Director of Health or health district designee is an individual who administers state health regulations applicable to this Ordinance.

Designated Blight Enforcement Official is the individual whom the Blight Enforcement Committee designates to investigate and to act upon the complaint.

Issuance of Citation is the notification that fines and the penalties are being assessed against the owner of the premises for the Violation of this Ordinance.

Let For Occupancy or Let is to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Notice of Violation is the initial notification in writing of a violation to the owner of the premises.

Occupancy is the purpose for which a building or portion thereof is utilized or occupied.

Owner is any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises shall mean a lot or parcel and all buildings, structures, or uses located thereon.

Zoning Enforcement Official is an individual who oversees and enforces the Town's Land Development Regulations otherwise known as zoning regulations.

Section 4 Minimum Standards

- 1) The provisions in this Ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this Ordinance.
- 2) 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, the provision which establishes the higher standard for the promotion and protection of the health, safety and property values of the residents of the Town shall prevail.
- 3) This Ordinance shall not affect violation of any other ordinances, code or regulation existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of these ordinances, codes, or regulations in effect at the time the violation occurred.

Section 5 Responsibility for Compliance

The premises under control of the Owner, including the agents thereof, are subject to this Ordinance, and shall be jointly and severally obligated to comply with the provisions of this Ordinance. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with the corporation or other legal entity.

Section 6 Reporting a Complaint

Complaints by residents of the Town of Colchester ~~members of the public~~ shall be submitted to the First Selectman or his/her designee. The First Selectman or a designee shall forward the complaint to the Blight Enforcement Committee who shall assign an appropriate Designated Enforcement Official.

Section 7 Notice of Violation

- 1) Whenever the Blight Enforcement Committee or Designated Enforcement Official determines that there has been a violation of any provision of this Ordinance, except as to Section 3, 4(d) pertaining to unregistered motor vehicles, the Designated Blight Enforcement Official shall give notice of the Violation to the owner of the premises responsible therefore, as hereinafter provided.

Such notice shall:

- a) be in writing;
 - b) set forth the violation(s) of this Ordinance;
 - c) specify a final date which will be at least thirty (30) days and not exceed sixty (60) days for the correction of any violation;
 - d) be served upon the owner or owner's agent; provided such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, as by any method authorized or required under the laws of this State;
 - e) contain an outline of remedial action which, if taken, will result in the permanent compliance with the provisions of this Ordinance;
 - f) state the penalties and enforcement provisions of this Ordinance that will become effective on the final date set for the correction of any violation;
 - g) inform the owner of the opportunity for a preliminary meeting as set forth in Section 8.
- 2) Whenever the Designated Blight Enforcement Official determines that there has been a violation of Section 3, 4(d), the enforcement official shall give notice of such violation to the person responsible. The notice shall be in compliance with above Section 7 (1) and any applicable Town

of Colchester Land Development Regulations specific to camper units or recreational vehicles and junk vehicles as well as include the following:

- a) the notice shall specify that the owner has thirty (30) days to correct the violation by removing the vehicle or registering it;
- b) the 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 ordinance and subject to its penalties and enforcement procedures.

Section 8 Preliminary Meeting

Within ten (10) days of receiving a Notice of Violation in accordance with Section 7, the Owner of the premises may request a preliminary meeting to discuss the Notice of Violation with the Designated Blight Enforcement Official who issued the Notice of Violation or the Blight Enforcement Committee. The preliminary meeting shall be held within ten (10) days following the receipt of a written request by the property owner for such a preliminary meeting.

At the preliminary meeting, a proposed remedial action plan to fully correct any violation(s) of this Ordinance shall be discussed and agreed upon in writing with the Owner.

The purpose of the preliminary meeting is to develop a voluntary remedial action plan in lieu of the formal Enforcement Citation and penalties as set forth in this Ordinance. Any voluntary remedial action plan will be subject to the requirements, time limits and other factors as stated in this Ordinance.

Nothing contained in this Section 8 shall be construed as limiting the Town of Colchester's rights and remedies under this Ordinance and the Town reserves the right to proceed at any time with the enforcement of penalties against the Owner(s) who does not comply with the proposed voluntary remedial action plan.

Section 9 Issuance of Citation

The Designated Blight Enforcement Official is authorized to issue a Citation if a violation remains unabated after the final correction date as set forth in the Notice of Violation or in the Preliminary Meeting voluntary remedial action plan. The Citation shall:

- 1) Be in writing;
- 2) State the address of the affected property;
- 3) Identify the nature (description) of the violation and the remedial action that is required to be in compliance;
- 4) State the penalty amounts and enforcement actions of a lien as outlined in Section 10 for the continued violation of this ordinance;
- 5) Specify a final date of at least thirty (30) days but not to exceed sixty (60) days for correction of the violation;
- 6) State the right to appeal the Citation.

The Citation must be mailed by either certified mail, with a return receipt requested, or by electronic mail with a read-receipt sent to the owner or owner's agent of the property. This notice must also meet the same standards as the notices to remedy a health, housing, or a safety code violation.

Section 10 Appeals and Citation Hearing

Within ten (10) days of receipt of a written Citation, the Owner may request an appeal of the Blight Violation and penalties by filing a written request to the First Selectman's Office.

Appeals of any action by the Blight Enforcement Committee or any member of the Committee or any other Town employee or Town appointed designee shall be heard by a Citation Hearing Officer appointed by the Board of Selectmen. The Connecticut Uniform Administrative Procedures Act shall guide the Hearing Officer. Connecticut General Statutes Section 7-152c establishes the appeal and citation hearing process for all appeals under this Ordinance.

The Designated Blight Enforcement Official shall attend the hearing.

Section 11 Penalties, Fines, Lien

Each Violation of this Ordinance shall be considered a separate offense and for each day that any Violation continues beyond the final correction date set in the Notice of Violation, or voluntary remedial action plan, it shall constitute a separate offense. Each separate offense under this Ordinance shall have a penalty or fine of fifty-dollars (\$50.00) per day for the first thirty-days of the citation. The fee will increase to an amount of one-hundred dollars (\$100.00) per day for continuation of the Violation and any unpaid fine after thirty-one days.

The Designated Enforcement Official or the Citation Hearing Officer is NOT permitted to waive any assessed fines.

Penalties or fines may include the recovery of all costs associated with the violation incurred by the Town of Colchester including attorney's fees and/or remediation costs.

Payment of the assessed fine, penalty or the issuance of a lien will not remove the property owner from the responsibility to correct the blighted condition(s).

Any fines or penalties unpaid after sixty (60) days may constitute the placing of a lien upon the real estate in accordance with Connecticut General Statute 7-148aa. Such lien shall be continued, recorded and released as provided in the aforementioned Connecticut General Statutes.

All fines are to be made payable to the Town of Colchester at the town clerk's office. A dated receipt will be required as a proof of the payment. Proof of the correction of the blighted premises will require a site visit by the designated town official who issued the notice of violation and citation. A written statement confirming that the blighted conditions were corrected will be submitted by the designated town official to the First Selectman's office for final approval.

Blight Ordinance References

Colchester 2015 Plan of Conservation & Development Effective June 21, 2015

Colchester Land Development Regulation Effective January 15, 2015

Colchester Charter Chapters 30 & 55 as noted in Land Development Regulations

Connecticut Department of Public Health Sec. 19-13-B Chapter 11 Environmental Health

Connecticut General Statute Section 1-1 (q) regarding Agriculture

Connecticut General Statutes Annotated Title 7. Municipalities (C.G.S.A. § 7-148)
Effective October 1, 2015

2015 CCM Annual Convention Topics in Municipal Law: Successfully Enforcing Your Blight Ordinance

2012 International Property Maintenance Code

Blight Ordinances from various Connecticut towns:

Ansonia

Montville

Avon

New Canaan

Brookfield

North Haven

Clinton

Rocky Hill

Cromwell

Seymour

East Hartford

South Windsor

East Lyme

Stamford

Glastonbury

West Haven

Griswold

Westport

Guilford

Wethersfield

Madison

Woodbridge