



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
Public Hearing on Ordinances  
January 26, 2010

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**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Aldermanic President John Anglace opened the Public Hearing at approximately 7 p.m. All those present pledged allegiance to the flag.

**ROLL CALL**

Aldermanic President John F. Anglace, Jr. - present  
Alderman Lynne Farrell - present  
Alderman John "Jack" Finn - present  
Alderman Stanley Kudej - present  
Alderman Eric McPherson - present  
Alderman Noreen McGorty - present  
Alderman John P. Papa - present  
Alderman Anthony Simonetti - present

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Legal Notice  
City of Shelton

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING:

- AMENDMENT TO ORD. #845 - ANTI-BLIGHT ORDINANCE

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY, JANUARY 26, 2010 SET FOR 7 P.M. IN THE AUDITORIUM AT SHELTON CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO.

JANUARY 14, 2010

## 1. AMENDMENT TO ORDINANCE #845 – ANTIBLIGHT ORDINANCE

**Anti-Blight – Ordinance #845  
Amendment to Ordinance #714, 757 & 823**

**Be it ordained by the Board of Aldermen of the City of Shelton to amend Ordinance #714, #757 and #823 entitled “Anti-blight Ordinance” as follows:**

*DECLARATION OF POLICY:*

This section is authorized pursuant to Connecticut General Statutes Section (C)(7)(H)(XV) and Section 7-148aa, it is hereby found and declared that there exist within the City of Shelton a number of taxable and tax-exempt real properties containing vacant and blighted buildings and that the existence of such vacant and blighted buildings adversely affects the economic well-being of the city and is inimical to the health, safety, and welfare of the residents of the city. It is further found that many of the vacant and blighted buildings can be rehabilitated, reconstructed, and reused so as to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, and reuse would eliminate, remedy, and prevent the adverse conditions described above.

**(a) DEFINITIONS**

For the purpose of this section, the following words and terms shall have meanings ascribed as follows:

- 1) Blighted premises shall mean any building or any part of a building or structure that is a separate unit, or a parcel of land in which at least one (1) of the following conditions exist:
  - a) It is determined by the city Building Official, Zoning Enforcement Officer, Anti-Blight Officer, or by health department reports 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 the citizens of the city.

- b) It is not being adequately maintained, 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 damages; a foundation that is structurally faulty; garbage, trash, rubbish, boxes, paper, plastic or refuse of any kind; old furniture, bedding, appliances or anything of the like, or abandoned cars, boats, or any motorized vehicle or other inoperable machinery situated on the premises or the public right of way (unless the premises is a junkyard legally licensed by the State of Connecticut), rodent harborage and/or infestation, overgrown brush, shrubs or, weeds ~~or grass more than than (10) inches high~~ (specifically excluding land which is farmland), dumpsters/steel storage containers on a non-construction site for a period exceeding ninety (90) days, unauthorized equipment on site (backhoes, bulldozers, dump trucks, etc.) stockpile of wood or stone for a period exceeding ninety (90) days and unfinished exterior residential construction projects which shall include the installation of doors, windows, siding and roofing for a period exceeding ninety (90) days.
- c) It has been cited for code violations as documented in the Office of Building Inspection and Enforcement, Housing Code Inspection, Zoning Enforcement Officer's and Anti-Blight Officer's Reports.
- d) It has become a place where criminal activity has taken place as documented by police department reports.
- e) It is a fire hazard as determined by the fire marshal. ~~or as documented in fire department reports.~~
- f) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood as cancellation of insurance on proximate properties.

- 2) Building Official shall mean Building Official as defined in Connecticut General Statute Section 29-260.
- 3) Dilapidated shall mean a building or structure or part thereof that would not receive a certificate of occupancy if applied for.
- 4) Director shall mean the Director of the Office of Community Development for the City of Shelton.
- 5) Vacant shall mean a period of sixty (60) days or longer during which a building or structure or part thereof, or land is not legally occupied.
- 6) Appeals Board and/or Hearing Officer shall mean the Building Board of Appeals.
- 7) Legal occupancy shall mean occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing, and all other pertinent codes, which habitation must be substantiated by a bona fide lease agreement, a rent receipt or a utility statement.
- 8) Neighborhood shall mean an area of the city comprised of all premises or parcels of land any part of which is within a radius of four hundred (400) feet of any part of any other parcel or lot within the city.
- 9) Vacant shall mean a parcel of land with no structures thereon.
- 10) Unit shall mean any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be single and distanced space.

**b) PROHIBITION OF CREATING OR MAINTAINING  
BLIGHTED PREMISES**

No person, firm or Corporation shall cause or permit blighted premises, as defined herein, to be created or the existence thereof continued on any real property located in the City of Shelton.

**c) CERTIFICATION OF LIST OF BLIGHTED PREMISES**

- 1) The Director shall require members of the building Department, Police Department, Housing Department, Zoning Enforcement Officers, and the Fire Marshal's Office to report any real property that they are aware of that appears to be blighted to the Office of Building Inspection/Housing Code Enforcement Officer; the City Officials shall submit their reports to the Office of Building Inspection/Housing Code Enforcement Officer; the City Officials shall submit their reports to the Office of Building Inspection/Housing Code Enforcement Officer within ten (10) days of the director's request.
- 2) The Office of the Building Inspection/Housing Code Enforcement Officer shall use this information and any other information on blighted premises that may be available to complete a list of blighted premises.
- 3) The Building Official shall review and certify a list of blighted premises. Said director shall either approve, disapprove or modify said list.
- 4) The Building Official and Director shall inform the Board of Aldermen's Public Health & Safety Committee at a meeting and at such other times as the Director deems appropriate, of said list.
- 5) On or about the first of each month, all city department heads shall report any real property they are aware of that appears to be blighted to the Director. The Director shall conduct inspections and prepare and update on a monthly basis a list of blighted premises. A copy of the updated list shall be provided monthly to the aldermanic subcommittee.

d) ENFORCEMENT BY DIRECTOR OF COMMUNITY  
DEVELOPMENT

- 1) The Director of Community Development is charged with enforcing this chapter. The Director or its designees shall undertake regular inspections of the blighted premises for the purpose of documenting continuing blight. The Director, or its designee, shall impose a fine of not less than \$10 nor more than \$100 for each day that a building, structure or any part thereof or a parcel of land violates this chapter. The fine shall be retroactive to the date that the director, or its designee, serves the notice of citation to the owner. Each day that the building or structure or the parcel of land is in violation of this chapter shall constitute a separate offense. The Director shall impose fines for blight by serving a notice of citation on the owner in accordance with this section and shall notify the Board of Aldermen of the citation and amount of the fine imposed.
- 2) The director may prescribe administration procedures for the purpose of effectuating this section.
- 3) Hearing procedure for citations.
  - a) Once a blighted property is on the list of blighted properties approved by the director, the director shall serve a notice of citation on each owner of such blighted property by a city sheriff or a state marshal or, in the case of an owner who cannot be identified or one whose address is unknown, by publishing a copy of such notice of citation in a daily or weekly newspaper having general circulation in the City of Shelton. The notice of Citation (hereinafter "citation") shall state that the property is cited for violating this section, list the specific violation or violations, set forth the specific amount of the daily fine levied and state that such fine shall be levied from the date of the citation for each day that any listed violation continues unless all violations are corrected by a designated date, and state that, if the fine is uncontested, it must be paid in full no later than 10 days from the expiration of the designated deadline for correcting violations by mutual agreement with the owner, provided that the extended deadline must be contained in writing signed by the owner and the director, and further provided that no date for correcting violations shall be more than 30 calendar days from the date of citation. For

the purposes of this section, a facsimile signature shall be deemed a signature.

- b) If all of the violations listed in the citation are not corrected within the initial or extended designated period, as the case may be, and the fine is not paid by the deadline for uncontested payment, then, within 60 days from the expiration of the final period for the uncontested payment of the fine for any citation issued under this section, the director shall send written notice to the person cited. Such notice shall inform the person cited:
- 1) Of the alleged violation(s) of this section that have not been corrected and the amount of the fines due;
  - 2) That he may contest his liability before the Building Board of Appeals by delivering in person or by mail to the Director a written demand for such a hearing within 10 days of the date of said invoice;
  - 3) That, if he does not timely demand such a hearing, an assessment and judgment shall be entered against him; and
  - 4) That such judgment may issue without further notice.
- c) If the property owner who was sent notice pursuant to subsection B of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines admitted to, in person or by mail to the Director. Such payment shall be inadmissible in any civil or criminal proceeding to establish the conduct of such person or other person making the payment. Any owner served with a notice pursuant to Subsection B of this section who does not deliver or mail written demand for a hearing within 10 days of the date of said notice shall be deemed to have admitted liability, and the director shall certify to the hearing officer such owner's failure to demand a hearing. The hearing officer shall thereupon enter and assess the fines provided for by this section and shall follow the procedures set forth in subsection E of this section.

- d) Any property owner 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 15 days nor more than 30 days from the date of the mailing the notice of hearing, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial citation issued by the director shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of the Connecticut General Statutes Section 51-180 and evidence of the facts contained therein. The presence of the director shall be required at the hearing if the owner so requests. An owner wishing to contest liability shall appear at the hearing in person or by counsel and may present evidence in his/its behalf. The director, or his designee, may present evidence on behalf of the municipality. If the owner fails to appear in person or by counsel, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes and this section. The hearing officer may accept from the owner copies of any investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she 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 hearing officer shall announce his decision at the end of the hearing, if he determines that the owner is not liable, the hearing officer shall dismiss the matter and enter his/her determination in writing accordingly. If the Hearing Officer determines that the owner is liable for the violations(s), he shall forthwith enter and assess the fines against such owner.
- e) If such assessed fine 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 owner found liable and shall file, not less than 30 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 within the boundaries of the judicial district in which the municipality is



located, together with an entry fee of \$8. 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 \$8, against such person in favor of the municipality. Notwithstanding any other 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.

- f) 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 30 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 general statutes section 52-259, in the superior court for the geographical area in which the municipality is located, which shall entitle such owner to a hearing in accordance with the rules of the judges of the Superior Court.

5) Unpaid fines constitute a lien upon the real estate; payment and release of fines.

- a) Any unpaid fine imposed pursuant to the provisions of this section shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. 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. 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 tax liens. The fine shall be retroactive to the date of service of the director's initial notice of citation to the owner.

- b) All funds shall be deposited into a trust in agency account to be administered by the Board of Aldermen to be used for associated costs in enforcing and administering this ordinance (i.e. legal fees, court costs, serving of papers, etc.) which shall be a continuing account.
- c) The Board of Aldermen may waive and release blight fines and liens of the City of Shelton. If in the Board's opinion, a buyer has the financial ability and intention to immediately rehabilitate the blighted premises, or the board may hold all penalties and liens until all rehabilitation is completed to the satisfaction of the Director.

**e) SEVERABILITY**

*If any provision of this section or the application thereof shall be held invalid or unenforceable, the remainder of this section, or the application of such terms and provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.*

Alderman Anglace explained, tonight's public hearing is on the amendment to Ordinance 845, the Anti-blight Ordinance. Just a little background – we recently adopted an amendment to the ordinance and then if you recall, the Mayor had vetoed it, and we over-rode the veto. We said that we would put his two concerns into the form of an amendment to the Anti-blight Ordinance so that we could act on it.

In Section 1b, we're striking the words "or grass more than 10 inches high," and in Section 1e, we're striking the words "or as documented in Fire Department reports."

Those are the only two changes that are being proposed. With that background, we'll proceed to take public comment on the amendment to Ordinance 845.

Alderman Anglace asked if any member of the public wished to speak. Being no member of the public, he recognized Alderman Finn.

Alderman Jack Finn

I spoke with Fire Chief Jones after our last Public Health and Safety meeting pertaining to striking out or as documenting the Fire Department reports. He indicated to me that he sees no problem with this being stricken out but he'd like to see it worded, "official Fire Department reports by the Fire Chief." The reason for "official document reports by the Fire Chief" being put in the ordinance is, Johnny's Pizza in downtown Shelton, there

was a report submitted by the Fire Chief to our Economic Development Officer who is also our Blight Officer, pertaining to Johnny’s Pizza, which had Johnny’s Pizza put back on the anti-blight list. He also pointed out to me that the Fire Marshal is not present at all fire scenes unless he’s requested to be at the scene. That was the reasons behind his comments to me to indicate “or official fire department documents by the Fire Chief.”

Alderman Finn stated, on page 5, where it says “hearing procedures and citations,” I spoke with Mrs. DeFilippo today; she wanted to know when this was going to be on the agenda. I told her it was going to be on the agenda here; she didn’t know if she was going to be here or not, she was hoping to be present. She would like us to consider toward the bottom of the page, after the words “correcting violations,” that’s four lines up from the bottom of the page. She would like to see the following excluded from the ordinance: “by mutual agreement with the owner, provided that the extended deadline must be contained in writing signed by the owner and the director.” Mrs. DeFilippo had a very good point that she doesn’t believe a property owner can sign the document to say that we could go ahead and fine them. Basically that is what this paragraph is saying. I would make that recommendation.

Alderman Anglace asked if any other member of the public wished to speak. Being none, at 7:10 p.m., Alderman Kudej MOVED to close the Public Hearing; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

Respectfully submitted,

Patricia M. Bruder  
Clerk, Board of Aldermen

Date Submitted: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

BY: \_\_\_\_\_

Mark A. Lauretti  
Mayor, City of Shelton