



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
Public Hearing on Ordinances
August 25, 2009

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Aldermanic President John Anglace opened the Public Hearing at approximately 9:30 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 Kenneth Olin - present
Alderman John P. Papa - present
Alderman Anthony Simonetti - present

**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. #823 - ANTI-BLIGHT ORDINANCE

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY, AUGUST 25, 2009 IMMEDIATELY FOLLOWING THE PUBLIC HEARING ON WATER MAIN ASSESSMENTS 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.

AUGUST 14, 2009

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

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, WEEDS OR GRASS MORE THAN TEN (10) INCHES HIGH (SPECIFICALLY EXCLUDING LAND WHICH IS FARMLAND).

- (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 A SINGLE AND DISTINCT 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 THE 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 AND 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 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 MAILING A NOTICE OF CITATION TO THE OWNER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF SUCH OWNER 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 A 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 THE 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 NOTICE;
 - (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 VIOLATION(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 asked if any member of the public wished to speak on the proposed Ordinance.

A.J. Monaco, 22 Sharon Court

I agree with the Anti-Blight Ordinance, I think it's a very good idea. I own two businesses in Shelton, one is an automotive center and a Connecticut emissions station; also, a deli, Pine Rock Deli, which is run by my wife, Joanne.

We're concerned about the blight list because I do live in Pine Rock Park and there are a few properties that really need to be cleaned up. I'd like to see it cleaned up a little bit. As I said, I'd like to see people get together in the Park and see some houses cleaned up. I've talked to a few people in the Park, and they'd like to get together and see something done on the blight list itself. Whatever I can do to help to make it work, I'd like to see it happen.

Thank you.

Alderman Finn stated, Corporation Counsel Welch asked me to read this into the record. We received a letter from the Zoning Enforcement Officer Tom Dingle dated August 13th pertaining to the Ordinance. Tom made a recommendation under Section D – Enforcement, 3, Hearing Procedures for citations. He would like us to please consider “served by a City Sheriff” in the place of Certified Mail. The Sheriff can serve the property owner at his place of business, normally where the property tax invoice is mailed. Certified Mail can take 30 days for the City to be notified by the Post Office, and no one would accept the mail.

Alderman Anglace stated, the reason that Counsel asked it to be read into the record is that it came from Tom Dingle who couldn't be here; he's the Zoning Enforcement Officer. We do want to consider that in making the final adjustments to the Ordinance, and Counsel will do that.

Mr. Dingle's letter of August 14, 2009 reads as follows:

To: Board of Aldermen
From: Tom Dingle, ZEO
Date: August 14, 2009
RE: Anti-Blight Ordinance

As the Zoning Enforcement Officer, I have observed several permitted projects which have been stalled by the property owner due to lack of funds or for other reasons.

Due to these recent observations, the blight ordinance should also include the following:

1. Dumpsters on site over 90 days,
2. Steel storage containers over 90 days,
3. Unauthorized equipment on site – (back hoe, bull dozers and dump trucks, etc.)

- 4. Stockpile of firewood which is not organized.
- 5. Stockpile of stone for the construction of walls, etc.
- 6. Unifinished residential projects including the installation of doors, windows, siding, roofing, etc.

Please inspect the foundation at Booth Hill Road and Federal Road and the addition at 110 North Street to see first-hand how these activities are impacting the neighborhoods.

cc: R.D. Schultz, Planning and Zoning Administrator
P. Tisi, Planning and Zoning Administrator/ZEO
C. DeFilippo, Community Development Director
File #09-38

Alderman Anglace asked if any other member of the public wished to speak. Being none, at 9:36 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