

**Ordinance #892
ANTI-BLIGHT ORDINANCE**

AMENDMENT TO ORDINANCE #887, #846, #845, #823, #757, #714

AMENDMENT TO CODE OF ORDINANCES
CHAPTER 3 BUILDING & BUILDING REGULATIONS
ARTICLE III ANTI-BLIGHT
SEC. 3-41 TO SEC. 3-45

Adopted by the Board of Aldermen: November 12, 2015

Approved by the Mayor:

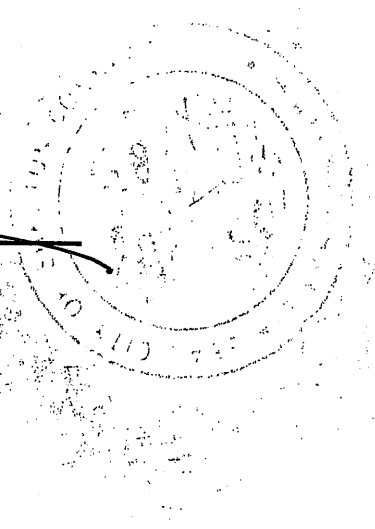
11.20.15 *Mal A. Jones*

Date

Mayor's Signature

Attested to:

Robert D. [Signature]
City/Town Clerk



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CHAPTER 3 BUILDING & BUILDING REGULATIONS
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Be it ordained by the Board of Aldermen of the City of Shelton to amend Ordinance #887 entitled "Anti-blight Ordinance" as follows:

DECLARATION OF POLICY:

This section is authorized pursuant to Connecticut General Statutes Section 7-148 (C)(7)(H)(XV) and Section 7-148aa. The Board of Aldermen hereby finds that the prevention and remediation of housing blight is essential to the economic well-being of the City and to the health, safety, and welfare of the residents of the City.

(a) DEFINITIONS

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

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 which is vacant or improved (hereinafter collectively referred to as "Premises") in which at least one (1) of the following conditions exist:

a) The Premises are 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) The Premises are not being adequately maintained. The following factors may be considered in determining whether the Premises are not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; graffiti; fences in a state of disrepair; fire damage; 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 (specifically excluding land which is farmland); dumpsters/steel storage containers on a non-construction site for a period exceeding forty-five (45) days; unauthorized equipment on site (backhoes, bulldozers, dump trucks, etc.); stockpile of wood or stone for a period exceeding forty-five (45) days; which is not intended for use at the Premises or unfinished exterior residential construction projects which shall include the installation of doors, windows, siding and roofing for a period exceeding sixty (60) days.
- c) The Premises have 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) The Premises have become a place where criminal activity has taken place as documented by police department reports.
- e) The Premises are a fire hazard as determined by the fire marshal.
- f) The Premises are 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. The Director may also be the Anti-Blight Officer.
- 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 or a parcel of land with no structures thereon.
- 6) "Appeals Board" and/or "Hearing Officer" shall mean the Hearing Officer as defined by section 1-11.1 of the Code of Ordinances.
- 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) "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 Anti-Blight Officer shall require members of the Building Department, Police Department, Housing Department, Zoning Enforcement Officers, Anti-Blight Officer and the Fire Marshal's Office to report any real property that they are aware of that appears to be blighted to the Anti-Blight Officer.
- 2) The Anti-Blight 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 Anti-Blight Officer shall review and certify a list of Blighted Premises. Said director shall either approve, disapprove or modify said list.
- 4) The Anti-Blight Officer 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

- 1) The Anti-Blight Officer is charged with enforcing this chapter. The Anti-Blight Officer shall undertake regular inspections of the blighted premises for the purpose of documenting continuing blight. The Anti-Blight Officer shall impose a fine of not less than \$50.00 nor more than \$100.00 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 Anti-Blight Officer, 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 Anti-Blight Officer 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. Further, if the condition which exists on the Premises is similar to a condition which existed in the prior 24 month period on the Premises and was subject to action pursuant to the Ordinance, the Anti-Blight Officer shall impose the maximum fine.
- 2) The Anti-Blight Officer may prescribe administrative procedures for the purpose of effectuating this section.
- 3) Notice of Violations; Corrective Action; Appeal; Lien.
 - a) Once a blighted property is on the list of blighted properties approved by the Anti-Blight Office, the Anti-Blight Officer shall serve a notice of citation on each owner of such blighted property by certified mail or 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, which date shall not be more than thirty (30) days from the date of said citation.

- 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, or a corrective action plan has not been approved by the Anti-Blight Officer, the Anti-Blight Officer shall send written notice to the person cited. Such notice shall inform the person cited:
 - a) Of the alleged violation(s) of this section that have not been corrected and the amount of the fines due and accruing;
 - b) That a lien has been filed on the City of Shelton Land Records against the Blighted Premises pursuant to Connecticut General Statutes Section 7-148aa;
 - c) That he may contest his liability pursuant to Section 1-11.1 of the Code of Ordinances as to the amount of the fine only before the Hearing Officer 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 set forth above in subsection (b);
 - d) That, if he does not timely demand such a hearing, an assessment and judgment shall be entered against him; and the decision of the Anti-Blight Officer shall be final.
 - e) That such judgment may issue without further notice.
 - f) If the owner does not timely demand a hearing as set forth in section (c) above, and the owner fails to correct and/or remove the blighted condition within the time frame set forth pursuant to Section (d)(3)(a) above, then the City may cause such correction and/or removal of the blighted condition by use of the Public Works Department or independent contractor engaged by the City at the expense of the owner of the property. Further, if a hearing is

requested and the hearing officer determines that the owner failed to correct and/or remove the blighted condition, the hearing officer shall provide the property owner with an additional ten (10) days to correct and/or remove the blighted condition. If the property owner fails to correct and/or remove said blighted condition, the city may cause such correction and/or removal of the blighted condition by use of the Public Works Department or by use of an independent contractor engaged by the city at the expense of the owner of the property.

- 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 Anti-Blight Officer 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.

- d) Unpaid fines shall accrue interest at the rate of 1.5% per month.
- e) If the City of Shelton has been required to expend costs and expenses pursuant to Section (d)(3)(6) above, the reasonable expenses and costs incurred by the City of Shelton shall be a lien against the real property in accordance with Connecticut General Statutes Section 49-73 b.

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.