

**DRAFT OF PROPOSED TECHNICAL REVISIONS TO CHAPTER 98, BLIGHTED
PREMISES AND BUILDINGS**

August 5, 2016

Chapter 98. Blighted Premises and Buildings

§ 98-1. Title.

This chapter shall be known as the “Blighted Premises and Building Code of the Town of Rocky Hill” (the “code”) and the standards established by this code shall be referred to as and constitute the minimum property standards within the Town of Rocky Hill (the “Town”).

§ 98-2. Intent; legislative authority.

- A. This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable disease; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and premises as provided by this code. This code is further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public. This code is intended to maintain and preserve the public health, welfare and safety of the Town’s neighborhoods and to allow for the remediation of blighted premises.
- B. This code shall establish the minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.
- C. This Ordinance is enacted pursuant to the authority granted to the Town of Rocky Hill under Connecticut General Statutes §§7-148(c)(7)(H)(xv), 7-148(c)(7)(A); 7-148(c)(7)(E); 7-148aa; 7-148jj; 7-148o; and 7-152c. The Town Council finds that blighted or unsafe buildings and other structures and premises may pose a threat to the health, safety and general welfare of their occupants and other members of the public, and may reduce the value and unreasonably interfere with the use and enjoyment of properties in the vicinity of such premises. The Town Council also finds that buildings, premises and structures within the Town of Rocky Hill should not be allowed to become blighted or unsafe or to remain in such a condition.

- D. This code prohibits any owner or occupier, as defined herein, from allowing, creating, maintaining, or causing to be created or maintained a blighted premises within the Town.

§ 98-3. Scope.

Applicability: This code shall apply uniformly throughout the Town to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:

- A. Dwellings or dwelling units, including one-family and two-family dwellings and buildings with multiple-unit dwellings;
- B. Lots, plots or parcels of land whether vacant or occupied;
- C. Buildings of non-dwelling use, including commercial properties and mixed use properties that may include one or more dwelling units;
- D. Accessory structures to any building;
- E. All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.

§ 98-4. Definitions.

The following definitions apply to this chapter:

1. BLIGHTED PREMISES

Any building or structure, or any part of a structure that is a separate unit, or a parcel of land or any land supporting any building or structure, or any accessory structure, or fence, where the Town Manager and/or his/her designee determines that one or more of the following conditions exists:

- A. The existing conditions pose a serious threat to the health, safety and welfare of the public;
- B. The building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence (the “premises”) is not being properly

maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:

- (1) Missing, broken or boarded windows or doors;
- (2) Collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
- (3) Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
- (4) Foundation walls which contain open cracks and breaks;
- (5) Any signs which are not kept in good repair, have excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated;
- (6) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay, excessive weathering, ripping, tearing or other hole or otherwise constitute a nuisance or a safety hazard;
- (7) Chimneys and similar appurtenances which are in a state of disrepair;
- (8) Insect screens which contain tears or ragged edges;
- (9) Garbage or trash improperly stored or accumulated on the premises, or abandoned, inoperable or unregistered motor vehicles on the premises which remain unmoved for over thirty days (unless the premises is a junkyard licensed by the State of Connecticut);
- (10) Solid waste or any other materials (including equipment) that have accumulated anywhere on premises in the Town in such a manner as to create an offensive, unsightly or unsanitary condition;
- (11) Overgrown grass, weeds or similar vegetation not planted as a crop to be harvested or for ornamental purposes that exceeds twelve inches in height;
- (12) Vermin infestations;
- (13) In the case of a fence, broken or rotted boards or in an otherwise dilapidated condition;

or

- (14) Any other exterior condition reflecting a level of maintenance which is not in keeping with community standards or which constitutes a blighting factor for adjacent property owners or occupiers or which is an element leading to the progressive deterioration of the neighborhood.
- C. The premises is attracting illegal activity as documented in Police Department records and such illegal activity constitutes a violation of this Chapter;
- D. The premises is a fire hazard as determined by the Fire Marshal or as documented in the Fire Department records and such fire hazard constitutes a violation of this Chapter; and/or
- E. The premises is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances.

2. BLIGHT ENFORCEMENT OFFICER(S)

Such individual(s) as are designated by the Town Manager to act as the Blight Enforcement Officer(s).

3. CITATION HEARING OFFICER(S)

The individual(s) appointed by the Town Manager to conduct hearings authorized by this chapter.

4. COMMUNITY STANDARDS

The local norms regarding the condition, upkeep, and maintenance of property by an owner or occupier, as determined by the judgment of a similarly situated reasonable owner or occupier or member of the same neighborhood.

5. NEIGHBORHOOD

An area of the Town comprised of all premises or parcels of land, any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

6. OWNER/OCCUPIER

Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

7. SOLID WASTE

Any solid, liquid, semisolid or contained gaseous material, including but not limited to demolition debris, trash, refuse, and the like.

8. VACANT

A period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.

§ 98-5. Complaints

- A. Any individual, civic organization, municipal agency, or Town employee may file a complaint of violation of this code with the Town Manager or his/her designee. Complaints may be investigated and/or enforced in the discretion of the Blight Enforcement Officer.

§ 98-6. Appointment of Citation Hearing Officers.

The Town Manager shall appoint the number of Citation Hearing Officers he/she deems necessary.

§ 98-7. Powers and Duties; Enforcement

- A. **Powers:** No owner/occupier of real property within the Town shall cause or allow blighted premises to be created, nor shall any owner/occupier allow the continued existence of blighted premises.
 - (1) Immediately following enactment of this code, the Town Manager shall request that all Town department heads report any property of which they are aware which appears to be blighted, as defined in this code. Such reports shall be submitted within 30 days of the Town Manager's request.

The Blight Enforcement Officer is granted the authority necessary to enforce the provisions of this Ordinance in the exercise of his or her discretion. Such authority shall include, but not be limited to, entering premises known to be, or suspected of being, blighted or unsafe for the purpose of conducting inspections, citing violations,

determining enforcement actions, assessment fines, filing liens, designating a building or structure as blighted or unsafe, ordering the demolition of unsafe buildings or structures (provided that the Blight Enforcement Officer does not enter inside any dwelling house or structure on such property), and issuing blight citations to offending owners or occupiers.

B. Inspection and Designation of Blighted of Unsafe Buildings or Structures and Premises:

The Blight Enforcement Officer or his or her designee shall inspect any premises that appear to be blighted or unsafe based upon reports of the director of health or of any other persons who have reason to know of such conditions, or upon such other evidence as the Blight Enforcement Officer deems relevant. Any building, structure or premises that has been determined by the Blight Enforcement Officer to be blighted or unsafe shall be so designated by the Blight Enforcement Officer.

C. Notice and Enforcement

- (1) If any building, structure or premises is blighted, unsafe, or in non-compliance with any provision of this ordinance, the Blight Enforcement Officer shall issue to the owner and/or occupier a written notice of blighted or unsafe premises and shall direct the owner to correct the blighted or unsafe condition within a reasonable period of time, but not more than 60 days of the date of the notice. The notice shall be sent to the owner/occupier by regular mail and certified mail and shall include:
 - (i) the nature of the blighted, unsafe or non-compliant condition;
 - (ii) the date by which the blighted or unsafe conditions must be corrected including a description of the corrective actions to be taken to bring the property into compliance with the order;
 - (iii) that the Blight Enforcement Officer may issue a blight citation to the owner/occupier if the conditions are not corrected and a description of the fines, penalties, costs, fees and other enforcement actions that may be imposed by citation; and
 - (iv) Each person receiving such a notice and order shall be deemed to be jointly and severally liable for correcting the blighted or unsafe conditions.
- (2) Prior to the expiration of the compliance period specified in the notice of blighted or unsafe building, structure or premises, the owner or person receiving the notice may apply to the Blight Enforcement Officer for an extension of the compliance period. The Blight Enforcement Officer may grant one or more extensions of the compliance period, in his or her discretion, none of which may be longer than 60 days, if he or she determines that the owner or other person is diligently working to remedy the blighted or unsafe condition and that under the facts and circumstances an extension is reasonable.
- (3) If the blighted premises or unsafe building or structure is not brought to compliance to the satisfaction of the Blight Enforcement Officer, or demolished, by the conclusion of

the compliance period and any extensions thereof granted by the Blight Enforcement Officer, the Blight Enforcement Officer shall issue a citation and impose a fine of not more than \$100 for each day that the building, structure or premises failed to comply with the provisions of this code. The citation shall inform the person(s) cited: (1) of the allegations against him and the amount of the fines, penalties, costs or fees due; (2) that he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he does not demand such a hearing, an assessment and judgment shall be entered against him; and (4) that such judgment may issue without further notice.

- (4) Unless the cited person(s) pays the stated fine within ten (10) days of the Blight Enforcement Officer's issuance of a citation, the Citation Hearing Officer shall conduct a citation proceeding pursuant to the procedures set forth in Connecticut General Statutes § 7-152c (as it may be amended from time to time). The Citation Hearing Officer may issue a decision without a hearing if the cited owner/occupier fails to request a hearing within ten (10) days of the issuance of the blight citation.
- (5) Any property owner or other person who receives a citation pursuant to this Ordinance has the right to request a hearing before the Citation Hearing Officer by delivering, by hand delivery or mail, written notice of such request within ten days of the date of the citation. If the property owner or other responsible person requests a hearing, the Blight Enforcement Officer shall send written notice, by regular mail and certified mail, of the date, time and place for the hearing. Such hearing shall be held 15 to 30 days from the date of the mailing of the notice of such hearing.
- (6) The Citation Hearing Officer shall conduct the hearing in the form and with the methods of proof as he or she deems fair and reasonable, in accordance with the hearing procedures for citations specified in State law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.
- (7) The Citation Hearing Officer shall issue a written decision within 15 days following the conclusion of the hearing. If he or she determines that the subject property owner or other person having lawful possession or control is not liable, the Hearing Officer shall dismiss the matter and enter the determination, in writing, accordingly. If the Hearing officer determines that the subject property or other person having lawful possession or control owner is liable, it shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this Ordinance ("the Assessment").
- (8) If such Assessment 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 person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of Assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with the required entry fee as established by law. 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, against such person in favor of the municipality. Notwithstanding any 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.

- (9) Any person against whom an Assessment has been entered pursuant to this section or any order, requirement or decision of the Citation Hearing Officer is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment pursuant to Connecticut General Statutes § 7-152c(g), together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing de novo in accordance with the rules of the judges of the Superior Court.
- (10) Any fine which is unpaid 30 days after it is imposed shall constitute a lien upon the real estate against which the fine was imposed from the original date of imposition pursuant to Connecticut General Statutes § 7-148aa.

D. Municipal Performance:

In the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant, or person in control of real property to appeal from the issuance of such citation, or by such appeal being sustained, the Town of Rocky Hill may cause or take such action as is necessary to correct such violation. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant, or person responsible for such property and the Town Attorney may commence an action on behalf of the Town of Rocky Hill to recover all costs, expenses and fees, including attorney's fees, incurred by the Town relating to the violation.

E. Willful Violations:

- (1) Except as provided in subsection (b) of this section, any person who, after written notice and a reasonable opportunity to remediate blighted conditions, willfully violates any regulation adopted pursuant to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148 concerning the prevention and remediation of housing blight shall be fined by the state not more than two hundred fifty dollars for each day for which it can be shown, based on actual inspection of the property on each such day, that the blighted conditions continued to exist after written notice to the owner or occupant as provided in this section, and the expiration of a reasonable opportunity to remediate.

- (2) Any person who is a new owner or new occupant shall, upon written request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to subsection (a) of this section. For the purposes of this section, “new owner” means any person or entity who has taken title to a property within thirty days of the notice, and “new occupant” means any person who has taken occupancy of a property within thirty days of the notice.

§ 98-8. Lien to secure unpaid fines.

Any unpaid fine imposed under § 98-7 shall constitute a lien upon real estate in accordance with Connecticut General Statutes § 7-148aa. Each such lien shall be continued, recorded and released as provided for in § 7-148aa.

§ 98-9. Special consideration for elderly or disabled.

- A. Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly or disabled and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this code.