

BOROUGH OF LITCHFIELD, CONNECTICUT

Board of Warden and Burgesses
P.O. Box 913, 21 Torrington Road, Litchfield CT 06759

Blighted and Unsafe Premises Ordinance

§ 36-1. Purpose.

The purpose of this chapter, adopted pursuant to Connecticut General Statutes Section 7-148(c)(7)(H)(xv), is to define, prohibit and provide for the abatement of blight and to preserve and protect property values, historic value, health, safety and general welfare of the Borough of Litchfield and its residents.

§ 36-2. Scope

This chapter shall apply to all residential, nonresidential and undeveloped parcels now in existence or hereafter constructed, maintained, or modified but shall not include land dedicated as public or semi-public open space or preserved in its natural state or areas designated as inland wetlands and watercourses and shall not apply to agricultural uses as permitted by the Zoning Regulations of the Town of Litchfield.

§ 36-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter: BLIGHTED

PROPERTIES- Any building or structure, or any part of a structure that is a separate unit, or an undeveloped parcel of land, and in which at least one of the additional following conditions exists:

- A. The Building Official determines that existing conditions pose a serious threat to the health and safety of persons in the Borough.
- B. The Director of Health determines that existing conditions violate the Public Health Code of the State of Connecticut in one or more ways and that this poses a serious threat to the health of persons in the Borough.
- C. It is not being maintained and contributes to housing decay, as evidenced by the existence of one or more of the following conditions:
 - (1) Missing, broken or boarded windows or doors;
 - (2) Collapsing or missing walls, roof or floor;
 - (3) Exterior walls and roofs 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) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay;
 - (6) Chimneys and similar appurtenances which are in a state of disrepair;
 - (7) Vermin infestation;
 - (8) Graffiti;
 - (9) Garbage, debris, trash or two or more unregistered motor vehicles in the public view, pursuant to Section 14- 1 S0a of the Connecticut General Statutes, that have remained in the public view

on the premises for a period of 15 (fifteen) days or longer; or

(10) Damage caused by fire, water, or other natural causes.

D. Illegal activities are conducted at the premises, as documented in Police Department records.

E. It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department records, or damaged caused by fire.

F. It 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 or the cancellation of insurance on proximate properties.

BUILDING CITATION HEARING OFFICER (Hearing Officer)- An individual(s) appointed by the Borough Warden to conduct hearings authorized by Borough of Litchfield Code of Ordinances.

BUILDING OFFICIAL - Such individual as is designated by the Borough Warden to administer the state building code and to enforce building ordinances.

DEBRIS - Material which is in the public view and is incapable of immediately performing the function for which it was designed, including, but not limited to abandoned, discarded, or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered, inoperable, missing parts, not complete in appearance, or in an obvious state of disrepair; and parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, and containers.

DECAY - A state of visible decomposition or rot.

DIRECTOR OF HEALTH - Such individual as is designated by the Board of Warden and Burgesses to administer and enforce the Public Health Code of the State of Connecticut.

GRAFFITI - Any letters, numbers, word or words, writings or inscriptions, symbols, drawings, carvings, stickers, etchings or any other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages or destroys the real or personal property of another, and for which the property owner has not had an adequate opportunity to remedy. This chapter shall not be construed to prohibit easily removable markings on public sidewalks and streets used in connection with traditional children's games.

LEGAL OCCUPANCY - Occupancy in accordance with state building, state fire, local zoning, local housing and all other pertinent codes.

NEIGHBORHOOD - The Borough of Litchfield.

OWNER - Any person, firm, institution, partnership, corporation, foundation, entity or authority who or which holds title to real property or any mortgage or other secured or equitable interest in such property, as appears in the Litchfield land records.

PUBLIC VIEW or VIEW - Visible from any public right-of-way.

PREMISE or PROPERTY - A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises" or "property," where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or other structures contained within the scope of this article.

PROXIMATE PROPERTY - Any premises or parcel of land abutting or within 100 feet of a blighted premises.

STRUCTURE - Any building, dwelling, fence, swimming pool, or similarly constructed object.

UNDEVELOPED PARCEL - A parcel of land with no structure(s) thereon.

2

§ 36-4. Prohibition against creating or maintaining Blighted Premises.

No owner of real property, taxable or tax-exempt, within the Borough of Litchfield shall cause or allow blighted properties to be created, nor shall any owner allow the continued existence of blighted properties.

+

§ 36-5. Certification of list of Blighted Premises.

- A. Within **90 (ninety) days** of the enactment of this chapter, the Borough Warden shall complete a list of blighted premises, and submit this list to the Board of Warden and Burgesses at the next regularly scheduled meeting. Within **60 (sixty) days** after receipt of this list, the Board of Warden and Burgesses shall approve, disapprove or modify said list. In the event that the Board of Warden and Burgesses chooses not to approve, disapprove or modify the list within 60 (sixty) days from the date it receives said list, then said list will be deemed to have been approved.
- B. The list of blighted premises shall be updated and published by the Board of Warden and Burgesses at least once annually by August 31st of each calendar year. The Board of Warden and Burgesses may review, update, and publish the list of blighted properties from time to time during the year, at their complete and sole discretion.
- C. The Litchfield Historic District Commission may request the addition of any premises to or deletion from the blighted premises list for consideration by the Board of Warden and Burgesses.
- D. Any individual or any civic organization affected by the action or inaction of an owner of property subject to the provisions of this chapter may file, in writing, a complaint of violation of this chapter with the Borough Warden which sets forth the address of the property and facts concerning the condition of such property. If the Borough Warden has reason to believe that an owner has violated the provisions of this chapter, the Warden shall request the addition of the subject property to the blighted premises list for consideration by the Board of Warden and Burgesses.
- E. The addition of any new blighted premise to the existing list of blighted premises may be stayed while an application for a Certificate of Appropriateness concerning said property is pending before the Historic District Commission.

§ 36-6. Enforcement and hearings with property owners.

Once said list of blighted premises, or any additions thereto, has been approved by the Board of Warden and Burgesses, the Borough Warden, or designee, shall undertake regular inspections conducted from the public right of way for the purpose of documenting continuous blight and shall issue a citation and impose a penalty of not more than \$100.00 (one hundred dollars) for each day that the building or structure or unit, or part thereof, or parcel of land is in violation of this chapter.

- A. The fees shall accumulate for each day that the building or structure or unit, or part thereof, or a parcel of land is in violation of this chapter.
- B. At any time within 12 (twelve) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued for an alleged violation of this chapter, the Borough Warden shall send notice, via certified mail, to the person cited. Such notice shall inform the person cited of the allegations against them, and the amount of the fines, penalties, costs or fees due; that they may contest liability before a Building Citation Hearing Officer by

delivering in person or by mail written notice within 10 (ten) days of the date thereof; that if they do not submit a written demand for such a hearing, assessment and judgment shall be entered against them and any unpaid fine shall constitute a lien upon the subject real estate against which the fine was imposed as set forth in Subsection F of this section; and that such judgment shall attach without further notice.

- C. If the person who is sent notice pursuant to Subsection B of this section wishes to admit liability for any alleged violation, they may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the Borough

3

Warden. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail a written demand for a hearing within 10 (ten) days of the date of the first notice provided for in Subsection B of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines provided for within this chapter and shall follow the procedures set forth in Subsection F of this section.

- D. Any person who requests a hearing shall be given written notice, via certified mail, of the date, time and place for the hearing. Such hearing shall be held not less than 15 (fifteen) days nor more than 30 (thirty) days from the date of the mailing of notice of hearing, provided that 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 notice of violation issued by the Borough Warden, or their designee, shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the Borough Warden, or their designee, shall be required

at the hearing if such person so requests. A person wishing to contest their liability shall appear at the hearing and may present evidence on their behalf. A designated municipal official, other than the Hearing Officer, may present evidence on behalf of the municipality. If such person fails to appear, the Hearing Officer may enter an assessment by default against them upon a finding of proper notice and liability under this chapter. The Hearing Officer may accept from such person copies of police reports, 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 they 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 may consider all relevant facts and circumstances and may require personal appearance of the violator and the Enforcement Officer if the presence of said Enforcement Officer is requested in writing in accordance with Section 7-152(c) of the General Statutes. The Hearing Officer may waive fines as of the date the property owner commenced, or caused to be commenced, the abatement of the violation, through the date the violation is actually cured, for good cause shown, or in instances where the abatement of the violation was delayed due to weather conditions, or other acts of nature. If the violation is not cured at the time of the appeal hearing, the Hearing Officer may also suspend the issuance of additional fines if it is found that the property owner cannot maintain a reasonable level of upkeep of the owner-occupied residence because the individual is elderly or disabled and no capable person resides in the residence, to give the person adequate time to correct the problem. The Hearing Officer may also waive all fines for property owners who qualify for financial assistance to cure the violations.

- E. The Hearing Officer shall announce their decision at the end of the hearing. If the Hearing Officer determines that the owner is not liable, the Hearing Officer shall dismiss the matter and enter their determination, in writing, accordingly. If the person demonstrates that the owner intends to

rehabilitate or demolish the blighted structure, by the submission of documentation such as construction plans, permits and the availability of funds to pay for such work, satisfactory to the Hearing Officer, then the Hearing Officer shall stay the matter and enter their determination, in writing, accordingly. Said stay shall be expressly conditioned upon the rehabilitation or demolition of the blighted structure within

three months and that any rehabilitation and/or demolition must conform to the regulations of the Litchfield Historic District Commission and the Land Use Regulations of the Borough and Town of Litchfield. If the conditions of the stay have not been met within three months, the Hearing Officer shall enter and assess the fines, penalties, costs or fees against such person as provided by this chapter retroactive to the date of the hearing. If the Hearing Officer determines that the person is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this chapter. If the Hearing Officer determines that the person is liable for the violation but is in good faith abating the blight by conducting repairs, renovations, or removal of debris, the Hearing Officer then may, in their sole discretion, waive a portion of or all of the fines accumulated so that the person may apply funds to abating the blight.

4

F. If such assessment is not paid on the date of its entry, any unpaid fine shall constitute a lien upon the real estate against which the fine was imposed from the original date of such fine. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after the effective date of this chapter and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

§ 36-7. Municipal performance.

In the event any owner 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 of the real property to appeal from the issuance of such citation, or by such appeal being sustained, the Borough of Litchfield may cause or take such action as is necessary to correct the violation. The cost to take such action shall be a civil claim by the Borough against such owner of such property and the Borough Attorney may bring an action to recover all such costs and expenses incurred. In addition, the Borough may take immediate enforcement action in the case of a violation at a property that is the third or more such blight violation at such property during the prior twelve-month period.

§ 36-8. Administrative responsibility.

The Assessor may reduce the assessment of any building that has been rehabilitated in accordance with the provisions of this chapter. The assessment shall be adjusted after the building is rehabilitated. The adjusted assessment shall reflect the value of the structure prior to rehabilitation. The adjusted assessment shall be applicable for a period not to exceed three years.

§ 36-9. Other remedies.

The provisions of this chapter are in addition to, and not in lieu of, any other remedies available to the Borough under the Connecticut General Statutes, Connecticut State Building Code, Fire Code, Public Health Code, Zoning Regulations of the Town of Litchfield and/or the Borough Code of Ordinances.

