

**Ordinance #207
Amends Ordinance # 195
Anti-Blight Ordinance**

Town of South Windsor Anti-Blight Ordinance

Sec. 1. Purpose

It is hereby found that within the Town of South Windsor there exists dangerous and blighted properties which adversely affect the health, safety and welfare of the residents of the Town, which constitute a nuisance, and which affect the economic well-being of the Town.

Sec. 2. Scope of Provisions

This ordinance shall apply to all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified in the Town of South Windsor, but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land dedicated as public or semi-public open space or preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Sec. 3. Definitions

Blighted structure shall mean any building or structure or any part of a building or structure, including, but not limited to, a separate unit attached or connected thereto, as well as the land, parking areas and other improvements to the real property where the building or structure is located, in which at least one of the following conditions exist as determined by the Town Manager or Zoning Enforcement Officer:

- (a) Failure to maintain the building or structure (including the land, parking areas and other improvements to the real property where the building or structure is located); factors that may be considered to determine whether a property is being maintained include, but are not limited to, missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; improperly stored garbage, trash, debris or abandoned or junk vehicles located thereon; dilapidation such that the property is deteriorated to the extent that it would not receive a certificate of occupancy if applied for.
- (b) Attraction of illegal activity or attractive nuisance.
- (c) Fire hazard or fire damage that has not been corrected or repaired for a period of 60 days.
- (d) Existence or use that creates a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other properties within the neighborhood as documented by neighborhood complaints or by the cancellation of insurance on other properties in the neighborhood.
- (e) Premises, occupied by a structure intended for human occupancy, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables, and areas maintained in their original naturally wooded state, or a natural field state) is allowed to reach and remain at a height of twelve (12) inches or greater for a period of ten (10) days, or longer;
- (f) Dead, decayed, diseased or damaged trees, or parts thereof, constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;
- (g) One or more unregistered motor vehicles (including trailers) in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;
- (h) Landscaping on any premises, including, but not limited to trees, shrubs, hedges, grass, and plants which physically hinder or interfere with the lawful use of abutting premises or block

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comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage.

Sec. 4 Prohibitions

(a) No owner, lessee, or occupant of real property located in the Town of South Windsor shall cause or allow real property to be blighted, dangerous, or a nuisance, as defined herein.

Sec. 5. Minimum Standards

a) The provisions in this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.

b) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, the provision which establishes the higher standard for the promotion and protection of the health and safety, and property values of the people shall prevail.

c) This ordinance shall not affect violations of any other ordinances, code or regulation existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed

Sec. 6. Responsibility for Compliance

The owner, lessee, or occupant of premises subject to this ordinance, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this ordinance. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

Sec. 7 Enforcement

(a) Notice of violation. If the Town Manager or Enforcement Officer determines that there has been a violation of any provision of this ordinance, he or she shall issue a notice of violation, the form of which is set forth herein, by mailing said notice of violation to the owner of the subject property by certified mail, return receipt requested, to the address of said owner as recorded in the Tax Collectors office and by certified mail, return receipt requested, to the subject property for notice to a lessee or occupant. Service may also be made by in-hand or abode service by a duly authorized Connecticut Sheriff. The notice of violation shall contain sufficient details about the violation, to give the owner, lessee, or occupant adequate notice thereof. The notice of violation shall also contain sufficient details about the required repairs to give the owner, lessee, or occupant adequate notice thereof. The owner, lessee, or occupant shall be required to remove or correct the violation within 15 days after the receipt of the notice. The owner, lessee, or occupant may demand a hearing before the Blighted Property Appeals Board if, within said fifteen-day period, he or she makes a written demand therefore that is received by the official who issued the notice of violation within said fifteen-day period. Such request shall be mailed to the official who issued the notice of violation by certified mail, return receipt requested, or delivered using an overnight carrier. A hearing, if any, shall be conducted on or before the 30th day after the date of the mailing, publication or service of the notice of violation. The failure of the owner, lessee, or occupant to request a hearing shall constitute a waiver of the right thereto. The receipt of a timely, written request for a hearing will

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(a) Where the Town Manager or Enforcement Officer determine that there is a condition that causes an immediate danger to the health, safety or welfare of the users, occupants or owner of property or to health, safety or welfare of the residents of the town or that there is an immediate danger to other property, such officer shall cause the town or its agents or employees to make immediate repairs or to effect whatever other work may be necessary to eliminate the cause or causes of such danger and place a lien on the subject property for the cost of the repairs or other work.

(b) Where the Town Manager or Enforcement Officer determines that there is a condition that causes an immediate danger to the health, safety or welfare of the users, occupants or owner of property or to health, safety or welfare of the residents of the town or that there is an immediate danger to other property, such officer and his agents shall have the right to enter upon said property for the purpose of evaluating the extent and causes of the danger and for making repairs.

(c) As soon as is practicable under the circumstances, the officer entering property for a purpose set forth above shall take all reasonable efforts to contact the owner, lessee, or occupant of the subject property and give information concerning the need for immediate action.

Sec. 11. Special Consideration

Special consideration may be given to individuals who are elderly or disabled and who demonstrate that the issuance of a notice of violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. If the official who issued the notice of violation has reason to believe that these facts exist, he or she shall, as soon as is practicable but in no event more than five business days after the discovery of such alleged facts, convene a meeting of the Blighted Building Appeals Board for the purpose of determining whether to afford special consideration to the property owner. Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the town or its agents will perform the necessary work and place a lien on the property for the cost thereof as hereinabove set forth.

Sec. 12. Blighted Property Appeals Board

There shall be established a Blighted Property Appeals Board which shall consist of three members and two alternates who shall be appointed by the Mayor with the approval of the Town Council and all of whom shall be electors of the town. The first term of the members and alternates of the Board shall end on November 30, 2016. Thereafter, the members and alternates shall serve for four-year terms commencing on December 1 and ending on November 30. Any vacancy in any term of office of a member or alternate shall be filled in accordance with the provisions of the Town Charter.

Ordinance # 207 was adopted at the January 19, 2016 Regular Meeting of the South Windsor Town Council. This ordinance shall become effective ten (10) days after publication in a newspaper having circulation in South Windsor.

ATTEST: Lori Trahan, Town Clerk

