Sec. 1. Purpose
The purpose of this Ordinance is to define, prohibit and abate blights and nuisances and to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values.

Sec. 2. Scope of Provisions
This Ordinance shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified 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
The following definitions shall apply in the interpretation and enforcement of this Ordinance.

Abandoned: the occupants have vacated the premises and do not intend to return, which intention may be evidenced by the removal by the occupants or their agent of substantially all of their possessions and personal effects from the premises and either (1) nonpayment of rent for more than two months in the case of a rental property, or (2) an express statement by the occupants that they do not intend to occupy the premises after a specified date.

Blighted Property: A property whereon any of the following conditions and/or structures exist, including but not limited to vacant or abandoned properties or structures:

a) Any structure which is in a state of dilapidation or decay; or is open to the elements; or unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, or decay;

b) 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;

c) 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;

d) Two or more unregistered motor vehicles in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;

e) Residentially zoned property with any combination of ten or more pieces of mechanical equipment stored on the premises and in the public view;

f) Residential or commercially zoned property that has any of the following conditions:
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1) Premises containing accumulated debris, not including compost piles or piles of grass and/or brush which are not visible from a public right-of-way and do not otherwise constitute a public health or safety hazard; or

2) 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 or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign,

Debris: Material which 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 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 which are in the public view.

Decay: A state of visible decomposition or rot

Dilapidated: Decayed beyond repair

Enforcement Officer: means the Town Manager or his/her designee(s) and/or the building code enforcement officer(s) or his/her designee(s).

Legal Occupant: A person with the legal right to inhabit a building or portion thereof by virtue of ownership, lease or an owner’s written consent

Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine.

Natural field state: Areas where grass, weeds, and brush exist in their natural, unlandscaped state.

Naturally wooded state: Areas where trees and brush exist in their natural, unlandscaped state.

Person: Any man, woman, corporation, or other legal entity capable of owning real property.

Premises: 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,” 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.

Public view: Visible from any public right-of-way.

Structure: Any building, dwelling, fence, swimming pool, or similarly constructed object.

Vacant: A building or portion thereof that is not actually inhabited by a legal occupant for a period of sixty (60) days or longer.

Sec. 4. Public Nuisance
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It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of South Windsor to maintain such premises or any public right-of-way abutting said premises as a blighted property.

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) Complaints may be submitted to the Town Manager or the Enforcement Officer by members of the public, but such complaints must be in writing and signed on forms provided by the Town.

b) Whenever the Town Manager or Enforcement Officer determines that there has been a violation of any provision of this ordinance, except as to Section 3(d), such officer shall give notice of such violation to the person responsible therefore, as hereinafter provided. Such notice shall:

1) Be in writing;
2) Set forth the violations of this ordinance;
3) Specify a final date for the correction of any violation;
4) Be served upon the owner or the owner’s agent, or the legal occupant as the case may require, provided, such notice shall be deemed to be properly served upon such owner or agent, or upon such legal occupant, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by this notice, or if such person is served with such notice by any other method authorized or required under the laws of this State;
5) Contain an outline of remedial action to be taken to affect permanent compliance with the provisions of this ordinance;

6) State that the penalties and other enforcement provisions of this ordinance will become effective on the final date set for the correction of any violation without further notice, and

7) State that the liability may be contested before the Hearing Officer by delivering written notice of protest to the Town Manager or Enforcement Officer within ten (10) days.

c) Whenever the Town Manager or Enforcement Officer determines that there has been a violation of Section 3(d) pertaining to unregistered motor vehicles, such officer shall give notice of such violation to the person responsible therefore which notice shall be in compliance with Section 7(a), except that:

1) The notice shall specify that the owner has thirty (30) days to correct the violation by removing the vehicle or registering it; and

2) Notice of the alleged violation shall be published in a newspaper having a substantial circulation in the Town of South Windsor.

d) Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this ordinance and subject to its penalties and enforcement procedures. Any person in violation of Section 3(d) thirty (30) days after notice of alleged violation in accordance with Section 7(b) above, shall be subject to the removal and disposition of the unregistered motor vehicle.

e) Whenever a noticed violation is not corrected by the date specified in said notice, in addition to all other legal remedies authorized by law and this ordinance, the Town Manager or Enforcement Officer is further authorized to enter vacant or abandoned premises during normal business hours for the purpose of remediating the blight condition(s). In no event, shall the Town Manager or Enforcement Officer enter a dwelling house or structure on such property without the prior written consent of the owner.

Sec. 8. Appeals

a) Any person receiving a notice in accordance with Section 7 above may appeal said notice of violation(s) by filing a written notice of appeal with the office of the Town Manager or the Enforcement Officer within ten (10) days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven (7) days after the decision of the Hearing Officer or on such later date as established by the Hearing Officer.

b) In scheduling formal appeal hearings, the violator shall be notified by mail of the place and time of the hearing. Such notice shall be provided at least fifteen (15) days but not more than thirty (30) days prior to the scheduled hearing date.

c) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
d) In considering an appeal, 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) Any person aggrieved by the decision of the Hearing Officer may appeal to the Superior Court in accordance with Section 7-152c of the General Statutes.

Sec. 9. Penalties and Enforcement

a) Penalties:

1) Each violation of this ordinance shall be considered a separate municipal offense.

2) Each day any violation continues shall constitute a separate offense.

3) Each separate offense under this ordinance shall be punishable by a fine of one hundred dollars ($100.00) payable to the Town of South Windsor.

b) Enforcement

1) The Town Manager, Enforcement Officer, or any police officer in the Town of South Windsor is authorized to issue a citation or summons for a violation of this ordinance.

2) In addition thereto, the Town Manager or Enforcement Officer is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including costs of remedial action(s) authorized by Section 7 or the Court and the reasonable attorney's fees incurred by the Town of South Windsor to enforce this ordinance.

3) All fines, Court costs, costs of remedial action, and attorney’s fees, as ordered by the Court, shall constitute a lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made a party to the enforcement proceedings.

Sec. 10 Appointment of Hearing Officer(s)

The Town Manager shall appoint one or more Hearing Officer(s) to hear each appeal pursuant to Section 8. The Hearing Officer(s) shall be appointed within ten (10) days of receipt of a notice of appeal. The officer(s) appointed shall not be a police officer, or employees or persons who issue citations or fines, or a person employed by any department which oversees or enforces anti-blight or condemnation proceedings.
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Officer(s) may be compensated by the Town with the funds appropriated for this purpose as recommended by the Town Manager.

Sec. 11. Special Assessments Committee

Pursuant to C.G.S. § 7-1 48ff, as amended:

a) The Town Manager shall appoint not less than six taxpayers of the Town to a special assessment committee to determine the following:

1. The fiscal effect of a special assessment on the revenue of the Town;
2. Identification of properties that may be subject to special assessment;
3. The amount of property tax generated by said properties and the cost to the Town of code enforcement of such properties, including costs for police and fire personnel;
4. Recommendations with respect to the form and extent of any assessment; and
5. The standards for imposition of the assessment.

b) The committee must include at least six taxpayers, one of whom is a landlord, the tax assessor and representatives from zoning, health, housing, fire and other safety code compliance, i.e. the building department. In establishing the standards, the committee must include consideration of the number of outstanding health and housing and safety violations for the property, the number of times the health, housing and safety personnel have had to inspect the property and the cost to the Town to enforce code compliance on the property.

c) The committee shall prepare a report and deliver it to the Town Manager within sixty (60) days of its appointment. The Town Manager will place the report on the agenda for the next regularly scheduled Town Council meeting. Once the report has been submitted for review, the Town Council shall determine whether to authorize the establishment of a new ordinance for the issuance of special assessments to property owners based on the cost to the Town of code inspections and enforcement including fire and police personnel, the cost to provide notice to the property owners to cure blight, housing, health or safety code violations. The ordinance established must provide for notice to the owner(s) and a time period to cure the violation before the fine is imposed and the assessment is issued, and the appeal rights of the property owner(s).

This ordinance was adopted at the regular meeting of the South Windsor Town Council on April 16, 2012. Ordinance #195 shall become effective ten (10) days after publication in a newspaper having circulation in South Windsor.

Dated at South Windsor, CT this 18th day of April 2012.

ATTEST:

Lori Trahan, Town Clerk