

NUISANCES BLIGHT ORDINANCE

§ 390-1. Purpose.

The purpose of this chapter 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. This chapter is adopted pursuant to C.G.S. §7-148(c)(7)(H)(xv) and is considered a "Blight Ordinance."

§ 390-2. Scope of provisions.

This chapter shall apply 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 C.G.S. §22-3(b); land dedicated as public or semipublic open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses.

§ 390-3. Definitions.

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

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 dilapidated structure
- B. Any structure which is in a state of decay or is open to the elements or unable to provide shelter or serve the purpose for which it was constructed due to damage or decay.
- C. Premises occupied by a structure intended for human occupancy and/or commercial activity in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables, and areas maintained in their original naturally wooded state, natural field state or shoreline state) is allowed to reach and remain at a height of ten (10) inches or greater for a period of ten (10) days, or longer;
- D. Dead, decayed, diseased or damaged trees, or parts thereof, constituting a hazard or danger to public property or persons lawfully therein;

- E. More than one unregistered and unstreetable motor vehicle in the public view, pursuant to C.G.S. §14-150a;
- F. Property with any combination of three or more pieces of nonoperational mechanical equipment excluding licensed motor vehicles stored on the premises and in the public view
- G. Residential or commercially zoned property that has any of the following conditions:
 - (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; and parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which are in the public view.

DECAY — A wasting or wearing away; a gradual decline in strength, soundness or quality; or to become decomposed or rotten, except a contained compost pile.

DILAPIDATED — Decayed or rotten beyond repair. A building or structure that is not being maintained as evidenced by one or more of the following factors which have existed for a period of six (6) months and which may be considered in that determination: broken, missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding; a structurally faulty foundation; graffiti; fire damage; and/or in such condition that they would not qualify to receive a “Certificate of Use and Occupancy” if one were applied for.

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, to also include electric and pneumatic equipment.

NATURAL FIELD STATE — Areas where grass, weeds, and brush exist in their natural, unlandscaped state.

NATURALLY WOODED STATE — Areas where trees, brush and plants 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 nondwelling 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 or land or structures contained within the scope of this article.

PUBLIC VIEW — Visible from any public right-of-way or neighboring property, at grade level.

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.

§ 390-4. Public nuisance.

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 Clinton to maintain such premises or any public right-of-way abutting said premises ~~in such manner that any of the following conditions exist thereon, which shall be defined as blight: as a blighted property.~~

- 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 and/or commercial activity in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables and areas maintained in their original naturally wooded, field, or shoreline state) is allowed to reach and remain at a height of 10 inches or greater for a period of 10 days or longer.~~
- C. ~~Dead, decayed, diseased or damaged trees constituting a hazard or danger to public property or persons lawfully therein.~~
- D. ~~More than one unregistered and unstreetable motor vehicle in the public view, pursuant to C.G.S. §14-150a.~~

- E. ~~Property with any combination of three or more pieces of nonoperational mechanical equipment excluding licensed motor vehicles stored on the premises and in the public view.~~
- F. ~~Property that has any of the following conditions:~~
 - (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 hinders or interferes with the lawful use of abutting premises or blocks or interferes with the use of any public sidewalk and/or private street or right of way or any road sign.~~

§ 390-5. Effect on other ordinances and regulations.

- A. The provisions in this chapter shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this chapter.
- B. In any case where a provision of this chapter 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. Nothing herein shall be construed to require any Town official to hold a sale or public auction of motor vehicles. Any licensed wrecker service or garage shall comply with C.G.S. §14-150, as revised, in such matters as, including but not limited to, owner notification, towing of motor vehicles, storage, and payment of service.
- D. This chapter shall not be intended to affect violations of any other ordinance, code or regulation existing prior to the effective date of this chapter, 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 and/or this chapter as may be appropriate.

§ 390-6. Responsibility for compliance.

The owner, lessee, or occupant of premises subject to this chapter, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this chapter. 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.

§ 390-7. Complaints; notice of violation.

- A. Complaints may be submitted to the Town Manager or the Enforcement Officer First Selectman or his/her designee 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 the Enforcement Officer First Selectman or his/her designee determines that there has been a violation of any provision of this chapter, except as to ~~§390-4D it relates to the presence of more than one unregistered and unstreetable motor vehicle in the public view, pursuant to C.G.S. §14-150a~~, such officer shall give notice of such violation to the person responsible therefor as hereinafter provided.
 - (1) Such notice shall:
 - (a) Be in writing;
 - (b) Be sent by both regular mail and certified mail, return receipt requested;
 - (c) Set forth the violations of this chapter;
 - (d) Specify a final date for the correction of any violation; however, an extension of time may be granted by the enforcement officer;
 - (e) Be served upon the owner or the owner's agent and the occupant, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such 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;
 - (f) Contain an outline of remedial action which, if taken, will effect permanent compliance with the provisions of this chapter; and
 - (g) State that the penalties and enforcement provisions of this chapter will become effective on the final date set for the correction of any violation.
 - (h) 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.
 - (2) A copy of the notice should also be sent to the complainant.
- C. Whenever the Town Manager or the Enforcement Officer First Selectman or his/her designee determines that there has been a violation of ~~§390-4D pertaining to the presence of more than one unregistered and unstreetable motor vehicle in the public view, pursuant to C.G.S. §14-150a unregistered motor vehicles~~, such officer shall give notice of such violation to the person responsible therefor, which notice shall be in compliance with Subsection B, except that:
 - (1) The notice shall specify that the owner has 30 days to correct the violation by removing the vehicle or registering it; and

(2) The notice of the violation may be published in a newspaper having a substantial circulation in the Town of Clinton.

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 chapter and subject to its penalties and enforcement procedures. Any person in violation of ~~§390-4D~~ possessing more than one unregistered and unstreetable motor vehicle in the public view, pursuant to C.G.S. §14-150a, 30 days after notice of alleged violation in accordance with Subsection C above shall be subject to the removal and disposition of the unregistered motor vehicle.

E. Notice pursuant to Subsection C and enforcement pursuant to Subsection D shall not apply to wrecker services until 60 days from the required filing date pursuant to C.G.S. §14-150, provided that the wrecker has complied with statutorily mandated notification procedures and sent copies thereof to the Chief of Police. Such wrecker services shall be licensed pursuant to C.G.S. §14-66 and shall have a principal place of business in the Town of Clinton and shall be in compliance with all applicable Town ordinances, including but not limited to the Zoning Ordinance, and all applicable zoning and wetland permits.

F. Notwithstanding the foregoing, the First Selectman or his designee Town Manager or Enforcement Officer may elect to first provide informal verbal notice to the owner or owner's agent and the occupant of the property in an attempt to resolve the matter prior to formal written notice being sent.

§ 390-8. Appeals.

A. Any person notified in accordance with §390-7 above may appeal said notice of violation(s) to the Board of Selectmen, in writing, within 15 days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the Board of Selectmen or on such later date as established by the Board of Selectmen.

B. The Town hereby specifically adopts the provisions of C.G.S. §7-152e for the establishment of an appeal and citation hearing process for considering all appeals under this chapter.

A. Any person receiving a notice in accordance with §390-7 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 Blight Hearing Board or on such later date as established by the Blight Hearing Board.

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 Blight Hearing Board 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 Blight Hearing Board 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 Blight Hearing Board 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 Blight Hearing Board 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 Blight Hearing Board may appeal to the Superior Court in accordance with Section 7-152c of the General Statutes.

§ 390-9. Penalties for offenses; enforcement.

A. Penalties:

- (1) Each violation of this chapter shall be considered a separate municipal offense.
- (2) Each day any violation continues shall constitute a separate offense.
- (3) Each separate offense under this chapter shall be punishable by a fine of \$100 per day, payable to the Town of Clinton.

B. Enforcement.

- (1) The Town Manager, Enforcement Officer, First Selectman, his/her designee, or any police officer in the Town of Clinton is authorized to issue a citation or summons for a violation of this chapter.
- (2) In addition thereto, the Town Manager or Enforcement Officer First Selectman or his/her designee 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 §390-7 or the Court and reasonable attorney fees incurred by the Town of Clinton to enforce this chapter.
- (3) All fines, court costs, costs of remedial action, and attorney fees, as ordered by the Court, shall constitute a written lien on the subject premises, provided that the owner

of said premises has been notified of the violations as herein provided and was made a party to the enforcement proceedings. Notification of the placement of a written lien will be sent 15 days prior to the placement of a lien in the Clinton land records.

§ 390-10. Willful violations.

A person who willfully violates the provisions of this chapter may be subject to state fines of up to \$250 per day, or the amount authorized by CGS §7-148o. Nothing in this chapter shall preclude the Town of Clinton from pursuing fines and penalties authorized by CGS §7-148o for failure to abate violations.

§ 390-11. Appointment of Blight Hearing Board

The Town Council shall appoint a Blight Hearing Board, comprised of three (3) individuals to hear each appeal pursuant to §390-8. Members of the Blight Hearing Board 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.

§ 390-12. Municipal Performance

In the event any person responsible for a blighted property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement action for such failure, which citation has become final through the failure of such person responsible for a property to appeal from the issuance of said citation, or by such appeal being denied, the Town of Clinton, acting through its Town Manager or Enforcement Officer, may cause to take such action as is necessary to correct such violation(s) as authorized by a court order. The cost to take such action shall be a civil claim by the Town against such person responsible for a property and the Town may bring an action to recover all such costs, including reasonable attorneys fees and expenses incurred.