

ORDINANCE RE: DISTRESSED PREMISES

BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Section I. PURPOSE

It is hereby found and declared that there exists within the Town of Stonington a number of real properties, which are in a blighted condition, and that the continued existence of such properties contributes to the decline of neighborhoods. It is further found that the existence of such properties adversely affects the economic well being of the Town of Stonington and is inimical to the health, safety, and welfare of its residents.

Section II. DEFINITIONS

Whenever in this Ordinance the following terms are used, they shall be the meaning respectively ascribed to them in this section.

- A. **BLIGHTED PROPERTY** – Any house, building or structure in which at least one of the following conditions exists:
1. It has been determined by the Town Building Official, Zoning Enforcement Officer or Town Sanitarian that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.
  2. The property is in a state of disrepair or is becoming dilapidated and evidenced by at least two or more of the following:
    - (a) Missing, broken or boarded up windows or doors;
    - (b) Collapsing or missing exterior walls or roofs;
    - (c) Structurally faulty conditions;
    - (d) Unrepaired fire or water damage;
    - (e) Seriously damaged or missing siding;
    - (f) Persistent garbage or trash on the property.
  3. It is a factor as a result of its inadequate maintenance or dilapidated condition that has led to the cancellation of insurance on the subject and/or proximal properties.
  4. It is a factor as a result of the inadequate maintenance or dilapidated condition that has materially contributed to a decline or diminution in property values on proximate properties.
  5. The Fire Marshal has determined that a building or structure is a fire hazard.
- B. **CITATION HEARING OFFICER** – A person or persons appointed by the First Selectman as an officer, as defined in and pursuant to Connecticut General Statutes (C.G.S.) § 7-152c, to serve as the Citation Hearing Officer. Such officer shall be other than any individual who issues citations and shall serve for terms of two years, unless removed for cause.
- C. **DILAPIDATED** – Any building or structure or part thereof which is deemed an unsafe structure as defined in the Connecticut State Building Code, as amended, or any dwelling or unit which is designated as unfit for human habitation as defined by the Connecticut Public Health Code.

- D. ENFORCEMENT OFFICER – A person or persons authorized by the First Selectman to take such enforcement actions and to issue citations as are specified in this Ordinance, who shall not be a Citation Hearing Officer.

### Section III. EXCEPTIONS/SPECIAL CONSIDERATION

This ordinance shall apply to all residential dwelling units and nonresidential space except:

- (a) Any blighted premises for which a site plan or special use permit is pending before the Planning & Zoning Commission.
- (b) Any such building or structure located on any active farm.
- (c) Any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit, provided that said exemption is only applicable during the period such building permit is valid.

### Section IV. CREATION OR MAINTENANCE OF A BLIGHTED PROPERTY PROHIBITED

No owner, agent, tenant and/or person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in Section II, to be created, maintained or continued.

### Section V. NOTICE OF VIOLATION

1. The town, through its designated Enforcement Officer, shall serve written notice to an owner, agent, tenant and/or person responsible for the blighted premises. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the address of the owner as on file with the Town Assessor's office, or any of the persons identified in Section IV of this Ordinance, or in the case of an owner whose address is unknown, by publishing a copy of such notice in a daily or weekly newspaper having a circulation in the Town. If the notice is mailed only to one of the responsible parties, it shall in no way be, or be construed to be, a release of any other responsible party. If there is more than one responsible party identified in the notice, the responsibility for complying with the notice shall be joint and several.
2. Notwithstanding anything to the contrary, the notice shall state the violation(s) of this Ordinance, what steps need to be taken to remedy the violation, demand its abatement within thirty (30) calendar days, and list the amount of fines that would be due and when uncontested payments can be made and accepted. If the owner fails to correct the violation(s), the Town may issue an enforcement citation as specified herein.

### Section VI. ENFORCEMENT CITATION

If any violation remains unabated after 30 days, the Enforcement Officer is hereby authorized by the First Selectman to issue a citation to the violator in accordance with this article. The citation will require payment of a fine of \$100 per day that a violation continues and shall require payment within thirty (30) days from the issuance thereof.

### Section VII. CITATION PROCEDURE

1. The Town hereby adopts the citation procedure and appeal procedure that is set forth, and is in accordance with, C.G.S. §7-152c as that statute may be amended from time to time.
2. In addition to the procedures set forth in paragraph 1 above, the Citation Hearing Officer shall render its decision in writing and shall file it with the Enforcement Officer, the First Selectman and send it by certified mail, return receipt requested, to the owner, agent, tenant, or responsible person, and to all

parties in the proceedings. If the final decision is that the property is blighted, the owner, agent, tenant, or responsible person shall have fifteen (15) calendar days to file with the Enforcement Officer a written timetable to rectify the violation within a reasonable period of time as determined by the Enforcement Officer.

3. The Enforcement Officer shall not have the authority to extend any of the deadlines set out in this Ordinance.
4. If the owner, agent, tenant or responsible person fails to respond to the citation of blight, fails to attend any hearing or adjourned hearing before the Citation Hearing Officer or is unwilling or unable to rehabilitate or maintain the blighted property within a reasonable time, the Enforcement Officer shall impose a penalty of not more than one hundred dollars (\$100.00) per day for each day that the property violates this Ordinance. The fine shall be retroactive to the date of the Enforcement Officer's initial letter to the owner, agent, tenant or responsible party or in the case of an unidentified owner, the date of publication of notice in the daily newspaper. Each day that a violation of this Ordinance exists shall constitute a separate offense. The Enforcement Officer shall impose said penalty by notifying the owner, agents, tenant or responsible party by certified mail, return receipt requested, and shall notify the First Selectman.
5. The final period for the uncontested payment of any citation under this ordinance shall be thirty (30) days after the mailing or delivery of the citation.

#### Section VIII. MUNICIPAL ABATEMENT

1. 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 said citation, or by such appeal being sustained, the Town of Stonington, acting through its designated Enforcement Officer issuing such notice of violation, 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 bring an action to recover all such costs and expenses incurred.
2. If the owner, agent, tenant or responsible person fails to correct the violations, the Town of Stonington may take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the nuisance at any time after the initial twenty-four (24) hour notice of such property.

#### Section IX. RECORDING LIEN

In addition to having a lien for abatement expenses, any unpaid fines or costs of abatement shall constitute a lien upon the real estate in accordance with C.G.S. Section 7-148aa, and each such lien shall be continued, recorded and released as provided for therein.

#### Section X. EFFECTIVE DATE

This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation within the Town.

#### Section XI. MISCELLANEOUS PROVISIONS

1. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
2. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this

ordinance that can be given affect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

Adopted – June 30, 2010

Effective – July 21, 2010