

# **ANTI BLIGHT ORDINANCE**

**BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF SEYMOUR AS FOLLOWS:**

## ***Section 1: Declaration of Policy.***

This Ordinance is enacted pursuant to Connecticut General Statutes Section 7-148, et seq.

It is hereby found and declared that there may exist within the Town of Seymour (the “Town”) a number of real properties which are vacant and/or in a blighted or dilapidated 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 and is inimical to the health, safety and welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and commercial facilities, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

## ***Section 2: Creation or Maintenance of the Blighted Premises or Dilapidated Building or Structures Prohibited.***

No owner of real property located in the Town of Seymour shall allow, create, maintain or cause to be created or maintained any Blighted Premises or Dilapidated building or structure.

## ***Section 3: Definitions.***

For purposes of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise.

“Ordinary Public View” shall mean the view from public property or the public right-of-way from average grade surrounding the property.

“Blighted Premises” shall mean any building structure or parcel of land in or upon which at least one of the following conditions exist:

1. A building structure or parcel of land is in a condition which creates a serious threat to the safety, health, morals and/or general welfare of the community as determined by the Blight Enforcement Officer, Building Inspector or Zoning Enforcement Officer of the Town of Seymour;
2. Illegal activity is occurring as documented by the Police Department or other enforcement agency;
3. A fire hazard(s) as determined by the Fire Marshal;
4. Missing, damaged or boarded windows or doors; damaged or missing gutters; damaged, decayed or missing siding of one hundred (100) square feet or more; collapsing or missing walls, roofs or parts of walls or roofs; or walls or roofs in need of repair;
5. Structurally faulty foundation, porch, garage, outbuilding or any other accessory building that is/are in need of repair;

6. Fencing that has not been maintained in a reasonable condition;
7. Garbage and trash which is not contained;
8. Brush, grass, weeds or similar vegetation (excluding flowers, ornamental grass, fruits and vegetables, and areas maintained in their original naturally wooded state, or a natural field state or used as farmland) which reach and remain at a height of twelve (12) inches or greater for a period ten (10) days or longer;
9. Two (2) or more abandoned or unregistered motor vehicles located on the premises (unless the premises is a junkyard licensed by the State of Connecticut);
10. The open storage of car parts;
11. The outdoor storage of indoor furniture and appliances within the Ordinary Public View; and/or
12. Firewood which is not neatly stacked within the Ordinary Public View.

“Dilapidated” shall mean any building or structure or part thereof that does not qualify for a certificate of use and occupancy, or which is deemed an unsafe building or structure, and any dwelling or dwelling unit which is designated as unfit for habitation as defined in the State Building Code and the Ordinances of the Town of Seymour.

“Neighborhood” shall mean an area of the Town of Seymour comprising premises or parcels of land any part of which is within a contiguous radius of fifteen hundred (1500) feet of any other parcel within the Town of Seymour.

“Vacant” shall mean a period of sixty (60) days or longer during which space subject to this Ordinance is not legally occupied (except in the case where the property is properly secured and regularly maintained).

“Elderly Individual” shall mean an individual sixty-five (65) years of age or older who does not have a household member available who is capable of providing necessary maintenance.

“Individual with Disability” shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for a mental or physical disability as defined under the Americans with Disabilities Act of 1990 and who does not have another household member capable of providing the necessary maintenance.

“Low Income Individual” shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program.

“Capable Individual” shall mean a person who can be reasonably expected to perform maintenance and yard work around a property or premises, which shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein. (The Town may request documentation to verify such disability).

“Antique Vehicle” means a passenger car or truck that is at least 25 years old.

“Hobby Vehicle” means a vehicle of any age, such as a fire truck or ambulance, retained and preserved as a hobby.

“Motor Vehicle Collector” means a person who:

- a. owns one or more Antique or Hobby Vehicle(s); and
- b. acquires, collects or disposes of an Antique or Hobby Vehicle or vehicle parts for personal use to restore and preserve an Antique or Hobby Vehicle of any age and because of its historic interest.

#### ***Section 4: Enforcement.***

The Blight Enforcement Officer is charged with the enforcement of this Ordinance. He or she may request assistance from the Building Inspector, Zoning Enforcement Officer, Police Department and/or the Fire Marshal.

Blight complaints shall be submitted on a Blight Complaint Form prescribed by the Blight Enforcement Officer, which form shall be available on the Town of Seymour website and in the Seymour Town Hall.

#### ***Section 5: Special Consideration.***

Special consideration shall be given to individuals who are Elderly, Disabled or active members of any branch of the military service in the Town's effort to correct blighted conditions. If an individual is unable to maintain a reasonable level of upkeep of an owner occupied residence because he or she is an Elderly Individual or an Individual with Disability and no Capable Person resides in the residence, the Blight Enforcement Officer shall give the person adequate time to correct the problem. Except as noted below, the Blight Enforcement Officer shall provide adequate time to correct a blight problem to a Low Income Individual who owns and occupies a residence that is designated as blighted. The Blight Enforcement Officer may request documentation to verify that an individual is elderly, disabled or low income.

#### ***Section 6: Violations.***

##### ***A. Warning.***

The Blight Enforcement Officer shall take steps to contact the owner(s) and occupant(s) of the property alleged to be in violation of this Ordinance in person or by phone to explain the alleged violation and request the same to be remediated. The Blight Enforcement Officer may also provide a verbal or written warning for remedial action citing the alleged violation and provide a reasonable period of time for the same to be remediated. If the violation is not corrected or if the Blight Enforcement Officer is unable to contact the owner(s) and occupant(s) within fourteen (14) days after determining that a violation exists, the Blight Enforcement Officer shall then invoke the provisions below.

##### ***B. Notice of Violation.***

A Notice of Violation Form shall be issued by the Blight Enforcement Officer when required and shall contain the following information:

1. The address of the affected property;
2. The exact nature of the blight condition;
3. A statement including the provisions of Section 5 of this ordinance;
4. The time period allowed for remedial action, which period of time shall not exceed 60 days unless additional time is approved by the Blight Enforcement Officer, except for overgrown brush, grass and weeds, which must be corrected within ten (10) days;
5. The civil penalties for continued violation of this ordinance; and

6. The name, email address and business telephone number of the Blight Enforcement Officer.

The Blight Enforcement Officer shall provide the owner(s), occupant(s) and lienholder(s) with Notice of a Violation under this Ordinance by leaving a copy of such violation notice form with the owner or affixed to the premises. He or she shall also forward a copy of the same by certified mail, return receipt request to the owner(s), occupant(s) and lienholder(s). In the event that the owner(s) and/or occupant(s) do not claim such form at the post office, the Blight Enforcement Officer shall leave a copy of the notice at the entryway of the premises.

C. *Civil Penalties.*

The owner(s) and occupant(s) shall have fourteen (14) days from the date notice is provided to remediate the blight conditions prior to any enforcement action being taken. Neither the Blight Enforcement Officer nor any other municipal official shall have the right to enter any dwelling house or structure on the property.

The civil penalty for continuous violation of this Ordinance shall be \$100.00 per day following the expiration of fourteen (14) days after a Notice of the Violation has been provided to the owner(s) and/or occupant(s) of the property. In addition to the civil penalties, the property owner(s) and occupant(s) shall be responsible for all costs associated with the violation, including, but not limited to, attorney's fees, court costs and mailing costs.

Notwithstanding the foregoing, any person who is a new owner or new occupant of the property shall, upon request, be granted a thirty (30) day extension of the notice and opportunity to remediate the violation. The term "new owner" means any person or entity who has taken title to a property within thirty (30) days of the Notice of Violation, and the term "new occupant" means any person who has taken occupancy of a property within thirty (30) days of the Notice of Violation.

Upon application to the Board of Selectman, the Board, after hearing and for cause shown, may reduce or abate civil penalties and costs imposed hereunder.

D. *Anti-Blight Lien.*

Any unpaid civil penalty imposed by the Town of Seymour pursuant to the provisions of this Ordinance shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. 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.

***Section 7: Citation Procedures.***

A. *Issuance of Citations.*

1. The First Selectman of the Town of Seymour shall appoint one or more Citation Hearing Officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this Section.

2. Any Citation may be issued by in-hand service or by certified mail, return receipt requested. If the person named in the Citation fails or refuses to accept the certified mail, the Citation may be sent by regular United States mail.

3. Any person receiving a Citation shall be allowed a period of thirty (30) days from his or her receipt of the Citation to make an uncontested payment of the fine to the Town. If the Citation has been sent by regular mail pursuant to the provisions set forth above, the date and receipt of the Citation shall be considered three (3) business days after the mailing of the same.

4. If a person who has been issued a Citation does not make uncontested payment of the

civil penalty specified in the Citation to the Town within the time allowed under Paragraph 3 above, the Town shall send a notice to the person cited informing him or her as follows:

- a. Of the allegations against him or her and the amount of the civil penalties;
- b. That he or she may contest his or her liability before a Citation Hearing Officer by delivering in person or mail written notice within ten (10) days of the date thereof;
- c. That if he or she does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
- d. That such judgment may issue without further notice.

5. If the person who has been sent notice pursuant to Paragraph 4 above wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the civil penalty in person or by mail to the Blight Enforcement Officer. Any person who does not deliver or mail a written demand for a hearing within ten (10) days of the date of the notice provided for in Paragraph 4 above shall be deemed to have admitted liability and the Blight Enforcement Officer shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall there upon enter and assess the civil penalties, fees and costs provided by this Ordinance and shall follow the procedures as set forth in subsection D below.

B. A person who chooses to appeal a Citation may request a hearing. He or she shall be given written notice of the date, time and place for the hearing by in-hand service or by certified mail, return receipt requested. The hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of mailing of the notice. Notwithstanding the foregoing, the Citation Hearing Officer may grant upon good cause shown any reasonable request by an interested party for postponement or continuance. The presence of the Blight Enforcement Officer shall be required at the hearing to present evidence on behalf of the Town. If the property owner or occupant fails to appear on the date and at the time and place of the hearing, the Citation Hearing Officer shall examine the file and whatever documents the property owner or occupant may have submitted prior thereto and, upon a finding of proper notice and liability, shall declare the property owner or occupant to be in default and shall summarily assess civil penalties, fees and costs. Otherwise, the Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding admission of evidence shall not be strictly applied. All testimony shall be given under oath. If the Citation Hearing Officer shall determine that the property owner or occupant is not liable, the Citation Hearing Officer shall dismiss the matter and enter his or her determination on the record in writing. If he or she determines that the property owner or occupant is liable, the Citation Hearing Officer shall forthwith enter and assess the civil penalties, fees and costs against the property owner or occupant as provided by this Ordinance.

C. If the person who receives the citation does not agree with the Citation Hearing Officer's assessment, he or she may appeal the decision to the Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.

D. If the Citation Hearing Officer's assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days or no more than twelve (12) months after the mailing, a certified copy of the notice of assessment with the Clerk of Superior Court requesting that the Court enter judgment in accordance with the Citation Hearing Officer's assessment. Notwithstanding any provisions of the Connecticut General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

***Section 8: Town Regulations.***

Nothing in this ordinance shall limit the power and authority of the Town Building Inspector, Fire Marshal, Health District or the Planning and Zoning Commission to enforce their respective regulations. The penalties and power of this ordinance shall be in addition to and not in lieu of any other enforcement regulation or procedure exercised by the Town Building Inspector, Fire Marshal, Health District or Planning and Zoning Commission.

***Section 9: Exceptions.***

A. This Ordinance shall not apply to operable unregistered motor vehicles owned by persons serving in the Armed Forces of the United States outside the State of Connecticut.

B. This Ordinance does not apply to a vehicle or vehicle parts:

1. Completely enclosed in a building in a lawful manner not visible from the street; or
2. Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an Antique or Hobby Vehicle stored by a Motor Vehicle Collector on the collector's property, if the vehicle or parts and the outdoor storage area, if any, are:
  - a. maintained in an orderly manner;
  - b. not a health hazard; and
  - c. screened from Ordinary Public View by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp.

No more than two (2) vehicles are allowed under this exemption.

C. Any vehicle which is operational and which is being sold by owner on his or her property.

***Section 10: Effective Date/Revisions.***

This Ordinance was adopted by the Seymour Board of Selectmen and became effective on the 22<sup>nd</sup> day of October, 2013. This Ordinance shall supercede and replace the Anti-Blight Ordinance previously adopted and last amended September 15, 2009 by the Seymour Board of Selectmen.