DESIGNATION OF BUILDINGS OR STRUCTURES AS HAZARDOUS OR UNSANITARY

Sec. 60-9. Purpose.

The purpose of this section is to provide for the designation of buildings or structures as hazardous or unsanitary and to provide the procedures for the demolition or repair of such buildings, which shall be carried out in compliance with the requirements of this ordinance and/or requirements set forth under the Connecticut General Statutes.

Sec. 60-10. Definition of hazardous buildings.

All buildings or structures which have any or all of the following defects shall be deemed to be "hazardous buildings":

(a) Unsanitary, constituting a hazard to health or safety because of inadequate maintenance, dilapidation or neglect through abandonment, or because of a lack of proper sanitation, or otherwise dangerous to life and/or property; and/or

(b) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

Sec. 60-11. Administration by building inspector.

This section shall be administered by the City of Derby building official, who shall:

(a) Determine if a certain structure or building appears to be a hazardous building as defined above;

(b) Upon determining that a structure or building is hazardous, the building official shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the land records of the city, to appear before him on the date specified in the notice to show cause why the building or structure reported to be hazardous should not be repaired or demolished;

(c) Hold a public hearing to hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as above provided, shall offer relative to the building in question; notice of time and place of the public hearing shall be published in a newspaper having a general circulation in the City of Derby at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days prior to the public hearing and the second not less than two (2) days prior to the public hearing;

(d) At such hearing, the building official shall solicit the testimony, either written or oral, of appropriate officials of the City of Derby as to the condition of the buildings or structures;

(e) Make written findings of fact from the testimony offered pursuant to subsections (c) and (d) whether or not the building in question is hazardous within the meaning of section 60-11 hereof;

(f) Issue an order based upon the findings of fact made pursuant to subsection (e), commanding the owner, occupant, mortgagee, lessee, agent, and/or other persons having an interest in the building found to be hazardous within a time to be specified in said order, which time shall not be less than twenty-five (25) days from the date of service of the order was made upon those persons described above.

Sec. 60-12. Service of notice, findings and orders.

All notice, findings and orders shall be served by certified or registered mail, or by any proper officer including but not limited to State Marshal and by posting a copy thereof on said building. In the event any such owner or interested person cannot be located to receive any such notice, finding and/or order, then service shall be made by publication at minimum twice in a newspaper having general circulation in the City of Derby.

Sec. 60-13. Appeal of order.

(a) Within twenty (20) days after the order is served, the owner, occupant, or other parties with an interest in said building, upon filing of a twenty-five dollar ($25.00) fee, payable to the city, may appeal the order as provided in section 60-11 of the City of Derby code to the Board of Appeals for its review of the order, which order may be affirmed, modified, extended or otherwise altered by said Board of Appeals.

(b) In the event the appellant is aggrieved by the decision of the Board of Appeals, the appellant may appeal said decision to the state Codes and Standards committee by filing his/her appeal within seven (7) days of receipt of the notice of filing of the decision with the building official. The appeal shall be made pursuant to section 60-25 City of Derby code and section 29-266 et seq. Connecticut General Statutes.

(c) In the event the appellant is aggrieved by the decision of the state Codes and Standards committee, the appellant may appeal to the superior court in and for the judicial district where such building or structure is located pursuant to Section 29-266, et seq. Connecticut General Statutes.

Sec. 60-14. Demolition, removal and recovery of costs.

If the owner, occupant or other parties fail to comply with the order provided for in section 60-11, and/or upon the expiration of the appeal period provided in section 60-13, the building official shall cause such building or structure to be repaired or demolished including removal of debris as the facts may warrant, and shall notify the said interested persons of the costs of such repairs, demolition or removal which costs shall become a municipal lien against the land on which the building is or was situated, provided such lien is recorded on the land records within the time provided by and under Chapter 847 of the Connecticut General Statutes as the same is currently enacted and as may be amended from time to time. The City of Derby may recover the costs of such repair, demolition and/or removal as provided by and under and within the limitations and power of Chapter 847 of the Connecticut General Statutes as the same is currently enacted and as may be amended from time to time.

Sec. 60-15. Penalties for violation.

Violation of the provisions of this section shall be punishable by a penalty of ninety-nine dollars ($99.00) per day. Each day a building or structure is in violation of this section shall constitute a separate offense.