

Approved

Ordinance No. shall be amended and adopted in accord with the following.

ARTICLE III. ANTI-BLIGHT ORDINANCE

Sec. 4-41. Declaration of policy.

(a) This article is enacted pursuant to the Municipal Powers Act of the Connecticut General Statutes and general police powers including those set forth in G.S. 7-148(c)(7) and the Town Charter. This article is intended to be enforced as a blight ordinance, pursuant to G.S. 7-148(c)(7)(H), and, because the town has determined that blight is a significant nuisance to the town, as a nuisance ordinance, pursuant to G.S. 7-148(c)(7)(E).

(b) It is hereby found and declared that there exist in the Town of Windham a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of neighborhoods, and results in a deleterious effect upon residential and commercial properties. Further, it is found that the existence of blight adversely affects the economic wellbeing of the town and is inimical to the health, safety and welfare of the residents of the Town of Windham. Moreover, many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, clean-up or reuse of the most egregious examples of blighted and nuisance properties would eliminate, remedy and prevent the adverse conditions described. (Ord. of 6-3-03, § X-1)

Sec. 4-42. Definitions.

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

Citation hearing officer. The Town Manager shall appoint one (1) or more citation hearing officers, as defined in and pursuant to G.S. 7-152c, such officers shall be other than any individual who issues citations, and the town shall institute a citation hearing procedure pursuant to that statute and act in accordance with the procedures set forth therein.

Blighted property. Any building, structure or parcel of land, including single family or multi-family residential or commercial, whether occupied or vacant, in which at least one (1) of the following conditions exists:

(1) It does not comply with any municipal, state or federal law, regulation and Code provision regarding occupancy, care, maintenance and upkeep, including:

- a. The Town Housing Code.
- b. The Town Zoning Regulations.
- c. The State Building Code.
- d. The State Health Code.
- e. The State Fire Safety Code.

As each may be amended from time to time.

(2) It is being used for or used as store or harbor for illegal activity as documented by the police department or the state police, including criminal activities per investigations, arrest warrant applications and actual arrests or convictions;

(3) The condition of the building, structure or parcel of land constitutes an unsafe structure and poses a serious or immediate danger to the safety, health or general welfare of the community;

(4) It is not being adequately maintained, as determined from one or any combination of the following factors: missing, broken or boarded windows or doors; excessively peeling paint, collapsing or missing walls, roof or floors; excessively damaged or missing siding or the building is otherwise dilapidated; a structurally faulty foundation; physical hazards, rodent harborage and infestation, improper storage of garbage, trash, large, uncontrolled brush piles, rubbish, grocery carts, tires, hubcaps; keeping more than one unregistered vehicle in good working order and ready for registration, or any abandoned or junk vehicle, or discarded vehicle parts (as such terms are defined under section 8-42) on the premises visible from a public way (unless the premises is a junkyard legally licensed by the State of Connecticut); graffiti; fire damage;

(5) It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible to maintain in a safe condition for the use of the public pursuant to section 8-44, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash which would in any way impede or imperil public travel upon said sidewalk or render it unsafe or unsightly; or

(6) It attracts or harbors vectors, rodents, insects, vermin and disease carrying animals. *Designated enforcement officer.* The designated enforcement officer(s) are those authorized by the first selectman to take such enforcement actions and to issue citations as are specified in this article.

Dilapidated. Any building or structure or part thereof that would not qualify for occupancy or which is an unsafe structure, and any dwelling unit or units which is unfit or unsafe for human habitation or is unsafe for persons walking around it or nearby it.

Exempt property:

(1) Any property acquired by the town through foreclosure, eminent domain, or by a deed in lieu of foreclosure would only be exempt from the provisions of this article during the first six (6) months from the date of the foreclosure; and

(2) Any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.

Neighborhood. An area of the town comprised of premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the town.

Sidewalk. Improved and unpaved areas adjacent to streets, highways, and those public rights of ways used for vehicular traffic, which are used for pedestrian or bicycle traffic. (Ord. of 6-3-03, § X-2)

Cross references: Definitions generally, § 1-2.

Sec. 4-43. Creation or maintenance of a blighted property prohibited.

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in section 4-42, to be created, maintained or continued.

(Ord. of 6-3-03, § X-3)

Sec. 4-44. Enforcement.

(a) The Town of Windham, acting directly or by or through its designated enforcement officer or officers, may enforce this article according to law by civil action or in such manner is authorized by Town Charter and ordinance. In addition to any other remedy, such officer may serve written notice to an owner, agent, tenant or other responsible person of any violation and may order the correction and cessation of such violation, which shall constitute an order to abate. The notice may be hand delivered or mailed to the last known address of the owner, operator or any of the persons identified in section 4-43. If the notice is mailed only to one (1) of the responsible parties it shall in no way be or be construed to be a release of any other responsible party nor evidence that any other party is responsible. If there is more than one (1) responsible party identified in the order, the responsibility for complying with the order shall be joint and several.

Notwithstanding anything to the contrary, the notice shall state the violation(s) of this article and, when necessary for the health and safety of town residents, the enforcement officer may require abatement within twenty-four (24) hours from the time of notification or immediately as may be necessary. (b) If the owner, agent, tenant or responsible person fails to correct the violations or fails to provide notice to the town of his or her intent to correct the violations set forth in the order to abate within a reasonable period of time, and if any violation continues unabated after ten (10) days from the date such order to abate served or if the owner fails to correct the violations as set forth in his or her notice to the town, the town may issue an enforcement citation with a fine up to the amount set forth in Section 1-7 of the Code of Ordinance or to such higher amount as the Town Council may establish from time to time.

(c) If the owner, agent, tenant or responsible person fails to correct the violations the town may take any action necessary to abate the nuisance at any time after the initial twenty-four-hour notice and order at the expense of the owners and send an invoice for the town's costs of such abatement to the owner of the property. The expense incurred by the town to abate the violation, together with a reasonable administrative fee that relates to the abatement, as set forth in the invoice, the amount set forth in such invoice shall become a lien upon the land if such invoice remains unpaid for a period of over six (6) months, and said officer shall file upon the land records a notice of the lien which shall state the address of the property, the name of the record owner, and the amount of the lien. Said lien may be foreclosed and enforced in the same manner as an emergency lien or other municipal lien.

(d) In addition to other remedies, without limitation, the enforcement officer is authorized to issue correction orders signed by the person responsible. The enforcement officer may, through such a signed order, establish, *inter alia*, deadlines, plans and methods for compliance, penalties, the requirement for certifications upon stages of compliance, the requirement of the involvement of professional opinion, and access to property for the purposes of determining compliance. The signed order shall be

enforceable in the same manner and to the same extent as any correction or administrative order issued hereunder, including fines, injunctive relief, attorneys fees and penalties. A signed order by the person responsible shall not be the subject of an appeal or a hearing, and shall be final.

(Ord. of 6-3-03, § X-4)

Sec. 4-45. Hearing procedure for citations.

The Town of Windham shall adopt hearing procedures for enforcement citations in compliance with the requirements of G.S. 7-152c. No appeal of a citation shall stay any administrative or judicial proceedings upon the violation or upon a notice.

(Ord. of 6-3-03, § X-5)

Sec. 4-46. Municipal abatement.

In any action to enforce this article or to enforce any violation hereof, including the failure to pay a fine or penalty, the town may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorneys fees and its witness fees, and such other relief as permitted by law.

(Ord. of 6-3-03, § X-6)

Sec. 4-47. Recording of 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 G.S. 7-148aa, and each such lien shall be continued, recorded and released as provided for therein.

(Ord. of 6-3-03, § X-7)

Sec. 4-48. Violation.

A violation of this article is a public nuisance under section 1-7 of this Code. (Ord. of 6-3-03, § X-8)