

Town of Durham
Blight Ordinance
[Proposed]

Article 1. Purpose

The purpose of this ordinance is to define, prohibit and abate blight so as to protect the public health, safety, and welfare of the town, promote the remediation of blighted premises, and have the ability to address situations where blighted premises have a demonstrated impact on property values. This article is adopted in accordance with the provisions of Section 7-148(c)(7)(H)(xv) of the Connecticut General Statutes, as amended.

Article 2. Scope

- A. This ordinance shall apply to the maintenance, use and occupancy of all premises, unless specifically excluded herein, now in existence or hereafter constructed, maintained, or modified and shall include:
 - 1. Dwellings or dwelling units including one-family and two-family dwellings and buildings with multiple dwellings;
 - 2. Commercially zoned properties;
 - 3. Accessory structures to any dwelling or commercial property.

- B. The following premises or structures are exempt from this ordinance:
 - 1. Land and associated structures currently used for agriculture, excluding any dwelling unit, accessory structures to a dwelling unit and those grounds immediately surrounding the dwelling that are related to the dwelling unit;
 - 2. A barn built at least 75 years ago;
 - 3. Town-owned parcels for which a plan for addressing the blighted condition(s) has been developed but funding is not available;
 - 4. Public or semi-public open space and conservation areas preserved in their natural state.

Article 3. Terms Defined

ABANDONED DWELLING: A dwelling with no lawful inhabitants which reasonably appears to be unprotected and permanently left by its owner. Factors which support a finding of abandonment include, but are not limited to, non-payment of taxes, non-payment of mortgage, deteriorating condition of dwelling, interior infestation by vermin, wildlife or feral animals, or disconnection of utilities servicing the dwelling.

ABANDONED VEHICLE: An inoperable or unregistered motor vehicle where inoperable means the vehicle is incapable of being legally operated on public roads without major work or modification.

AGRICULTURE: The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry.

BARN: A detached, accessory structure that was at one time constructed, used or maintained for agricultural purposes and not currently used as a dwelling.

BLIGHT ENFORCEMENT OFFICER: An individual or individuals appointed by the First Selectman or his or her designee to enforce the provisions of this ordinance and issue citations.

BLIGHTED PREMISES: Any building or structure or parcel of land subject to this ordinance in which at least one of the following conditions exist:

- Collapsing or collapsed exterior wall of a structure,
- Collapsing or collapsed roof on a structure,
- Remains of a structure damaged by fire or casualty which is exposed to elements and no longer serves the purpose for which it was constructed,
- Accumulations, exposure, deposit, or burial of any foul, decayed, putrid or offensive substances,
- Outside storage of debris including but not limited to cans, boxes, scrap metal, containers, trash, tires, appliances, and similar debris; which is visible from a public way; and, in an amount that exceeds what is reasonably customary for a dwelling unit for more than 60 days,
- One or more abandoned vehicles on the premises for more than 60 days and visible from the public right of way,
- An abandoned or vacant building that is unsecured from unauthorized entry, or
- Other condition which poses a serious threat to the safety, health, and general welfare of the community as determined by the Health Department, Fire Marshal or Building Official.

Any building or structure in which at least three (3) of the following conditions are visible from a public way:

- One or more missing windows or doors,
- One or more boarded windows or doors,
- Rotted or missing siding,
- Collapsing stairs, porch, or deck,
- Collapsing handrail or railing,
- Overhang or roof extension including awning, patio cover or carport cover that is significantly deteriorated to the point it is disintegrating or can no longer perform its intended function,
- Is attracting illegal activities as documented in police records.

The following shall not be construed as BLIGHTED PREMISES unless posing a serious threat to the safety, health, and general welfare of the community as determined by the Health Department, Fire Marshal or Building Official:

- Un-mowed lawn or overgrown vegetation,
- Dead, diseased, or damaged tree,
- Fence that is dilapidated or has broken or rotted boards,
- Driveway in a state of disrepair, or
- Cosmetic issues including, but not limited to, peeling paint, torn or ragged window screen, or missing or damaged gutters.

CITATION HEARING OFFICER: The Citation Hearing Officer appointed pursuant to Connecticut General Statutes Section 7-152c.

DEBRIS: Material incapable of immediately performing the function for which it is designated, 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; 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; to become decomposed or rotten as evidenced by the lack of maintenance including but not limited to the following conditions: missing or boarded windows or doors, collapsing or missing walls, roofs, seriously damaged or missing siding, gutters or structurally faulty foundation.

DILAPIDATED: Decayed or rotten beyond repair.

FARM: A parcel of land used principally for agricultural activities, forestry, nursery, truck gardening or for raising, keeping or sale of livestock or fowl.

NATURAL FIELD STATE: Areas where grass, weeds, and brush exist in their natural, un-landscaped state.

NATURAL WOOD STATE: Areas where trees and brush exist in their natural, un-landscaped state. **OWNER** – Any person, firm, institution, partnership, corporation, foundation, entity, or authority who or which holds title to real property.

PUBLIC WAY: Premises within the legal limits of any street or road, owned and maintained by the town.

PUBLIC VIEW: Visible from any public right-of way or neighboring property.

STRUCTURE: Any building, dwelling, fence, swimming pool, or similarly constructed object.

VACANT: A continuous period of 180 days or longer during which a dwelling unit is not occupied by human beings.

Article 4. Determination of Violation and Timeframe for Compliance

A. Complaints:

1. Any person may submit a complaint of potential blight to the Blight Enforcement Officer.
2. All complaints must be submitted using a Blight Complaint Form.
3. An anonymous Blight Complaint Form will be accepted, but a signed form will receive a higher priority for review and enforcement.

B. Whenever the Blight Enforcement Official determines that there has been a violation of any provision of this ordinance, except as to abandoned or inoperable vehicles, such official may give an informal notice of such violation to the person responsible therefore, as hereinafter provided. Such Notice shall:

1. Be in writing;
2. Set forth the violations of this ordinance;
3. Specify a final date for the correction of any violation;
4. Be served upon the owner, lessee, or the occupant as the case may require; provided, such Notice shall be deemed to be properly served upon such owner, lessee, 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;
5. Contain an outline of remedial action which, if taken, will effect permanent compliance with the provisions of this ordinance; and

C. Nothing in this Article shall prevent the Blight Enforcement Officer from making initial contact with the owner of Blighted Premises prior to sending a Notice of Violation to discuss the issue, enforcement process or other matters related to the complaint against the premises.

D. Time Frame for Compliance:

1. Owners shall correct the violation within sixty (60) days of receipt of the Notice of Violation.
2. An extension of the sixty (60) days may be granted if the owner begins work within the sixty (60) days, has submitted a schedule for completion of the work, and such schedule is satisfactory to the Blight Enforcement Officer.
3. If the violation presents an imminent health or safety hazard, as determined by the Building Official, Fire Marshal, or Health Department, then the violation shall be corrected immediately.

E. Abatement/Remediation

1. Owners may be required to abate the violation at the owner/occupier's expense
2. Owners may be subject to the town's remediation of the blighted condition and assessing the costs of said remediation against the subject property by levying a lien on the subject property.

F. In addition to all other remedies and any civil penalties/fine, special assessments or lien imposed herein, the provisions of this code may be enforced by injunctive proceedings in the superior court. The Town may recover

from such owner/occupier any and all costs and fees, including reasonable attorney's fees, expended by the Town in enforcing the provisions of this code.

Article 5. Citation Procedure

Citations for violations of this ordinance may be issued by the blight enforcement officer in an amount not to exceed \$100 per violation per day. The blight enforcement officer shall issue citations as a citation officer in accordance with the procedures of Section 1-12 of the Code of Ordinances of the Town of Durham

Article 6. Relation to Other Regulations, Codes and Ordinances

- A. The provisions of this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances, or regulations which prescribe standards other than those provided in this ordinance.
- B. In any case where a provision of this ordinance 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 shall prevail.

Effective Date

Ordinance shall become effective on the date on which a notice of the ordinance has been published in a newspaper having a general circulation in the Town of Durham.