

**TOWN OF ENFIELD
LEGAL NOTICE**

THE FOLLOWING AN ORDINANCE AMENDING CHAPTER 14 SECTIONS 14-171 THROUGH 14-187 PROPERTY MAINTENANCE was adopted by the Enfield Town Council at a Regular Meeting held on December 17, 2018 pursuant to Chapter III Section 6 of the Enfield Town Charter. Said ordinance shall become effective on the 1st day of January 2019, that day being the fifteenth day following final passage.

PROPERTY MAINTENANCE ORDINANCE

Section 14-171. Purpose and Declaration of Policy

- (a) This article is enacted pursuant to C.G.S. §§ 7-148(c)(7), 7-148aa, and 7-152c as amended and is considered a blight ordinance.
- (b) This article prohibits any person in control of real property located in the Town of Enfield from allowing, creating, maintaining or causing to be created or maintained blighted premises. This article also establishes penalties for violations.

Section 14-172. Definitions

For the purpose of this article the following terms shall have the meanings set forth herein unless the context clearly indicates a different meaning.

- (a) *Blight* means premises containing any one of the following conditions:

- 1. It has been determined by the Town building official, director of health, fire marshal, Town engineer, zoning enforcement officer, or other appropriate official, as designated by the Town Manager, acting within the scope of their authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.
- 2. Missing or boarded doors or windows for a period of more than 90 (ninety) days. Should boarded windows or doors be necessary for any additional period up to 180 (one-hundred eighty) days, a valid building permit is required.
- 3. Collapsing or missing exterior walls, roofs, floors or foundations.
- 4. Collapsing, substantially damaged or dilapidated exterior features which may include, but are not necessarily limited to, stairs, ramps, porches, handrails, railings, fences, hatchways, chimneys, metal smoke stacks, attic vents or floors.
- 5. Exterior walls which contain holes, fractures, breaks, loose or rotting materials.

6. Severely damaged, cracked, broken or missing siding, stucco, brick, stone or clapboards.
7. Fifty percent of any one exterior wall containing mold.
8. Fifty percent of any one exterior elevation or exterior wall with flaking, peeling, chipped or blistered paint on any one exterior elevation which is visible to the public; or having exterior paint which is chipped, blistered, flaking or peeling on more than one wall.
9. Unrepaired fire, wind, or water damage.
10. Rodent harborage and or infestation.
11. Persistent garbage, refuse or trash.
12. Parking lots in a state of disrepair or abandonment, evidenced by cracks, potholes, fractured asphalt and cement, overgrowth of vegetation within the surfaces, pavement or macadam, or medians and buffers.
13. Shrubs, hedges, grass, and plants that have been left in an unkempt manner by covering or blocking 50 (fifty) percent or more of the structure, its windows, doors or means of access;
14. Dead, decayed, or damaged trees which pose a threat to neighboring properties or to the public's safety.
15. Grass, weeds or similar growths reaching a height greater than 12 inches. Nor shall the owner of any undeveloped premises allow any grass, weeds, or similar growths thereon greater than 12 inches in height to remain within 25 feet of a street line or any adjoining property line of any premises with a building or dwelling location thereon whether said building or dwelling is occupied or not. Maintained gardens, including flowers and vegetables are excluded from this subsection.
16. Graffiti or vandalism.
17. The storage of an inoperable or unsightly motor vehicle.
18. The storage of junk occupying a total cumulative area of 100 square feet.
19. A tarp on a roof in excess of 90 days; any deteriorated or unsecured tarp.

20. Unsanitary swimming pools which harbor insects, reptiles, amphibians, or other conditions posing a nuisance to neighboring properties.

- (b) *Building* means any structure having a roof and intended for shelter, housing, or enclosure of person, animals or materials. Any other structure eight (8) feet or more in height shall be considered a building, including a solid fence or wall, but excluding a public utility pole or flag pole.
- (c) *Citation Hearing Officer* means any individual appointed pursuant to C.G.S. § 7-152c to hear contested cases.
- (d) *Housing Blight* means residential premises containing any of the conditions enumerated in section 14-172(a) and in violation of section 14-173 herein.
- (e) *Inoperable motor vehicle* means a motor vehicle that is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components.
- (f) *Junk* means a worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use and or material including but not limited to household appliances, parts of motor vehicles, furniture, equipment, building materials and refuse.
- (g) *Motor vehicle* means a vehicle as defined by Connecticut General Statute section 14-1, as may be amended from time to time, including, but not limited to an automobile, truck, van, motor vehicle trailer, camper trailer, boat trailer, house trailer, mobile home, motorcycle, and/or any other motorized wheeled vehicle designated or used for highway purpose.
- (h) *Open area* means any area that is visible from any public way or adjacent properties.
- (i) *Person* means any individual, corporation, or other legal entity capable of occupying, owning or possessing real property.
- (j) *Premises* means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises," where the context requires, shall be deemed to include any building, dwellings, parcels or land or structures.
- (k) *Property Maintenance Inspector* means any individual appointed by the Town Manager for purposes of enforcing this article.
- (l) *Public Nuisance* means any premises containing any of the conditions enumerated in section 14-172(a).

(m) *Structure* means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences, provided such fence or wall is less than eight (8) feet in height.

(n) *Unightly motor vehicle* means a motor vehicle which is substantially damaged, vandalized, dismantled, and/or partially dismantled.

(o) *Town* means Town of Enfield.

Section 14-173. Blighted Premises Prohibited

- (a) No person owning real property shall cause or allow blighted premises to be created, nor shall any such person allow the continued existence of blighted premises. Blighted premises are prohibited. Such creation or maintenance of blighted premises shall be considered a public nuisance and shall be prohibited and shall subject such person to enforcement and penalties pursuant to this ordinance.
- (b) Any building, structure, premises or any part of a structure that is a separate unit, in which exist any one or any combination of the conditions defined as blight in section 14-172 shall be deemed to be blighted.

Section 14-174. Exemptions

- (a) The following properties shall be exempt from the application of Section 14-172 (a)(14) and (15):
 - 1. Agricultural lands pursuant to C.G.S. § 22-3(b).
 - 2. Land dedicated as public open space.
 - 3. Land preserved in its natural state through conservation easements or conservation restrictions.
 - 4. Areas designated as buffers by land use agencies.
 - 5. Upland review areas, wetlands and watercourses.
 - 6. Those lots with slopes in excess of 15 (fifteen) degrees or escarpments left to grow wild provided they are keeping with the established setting and natural character of the neighborhood.
- (b) One inoperable or unsightly motor vehicle shall be allowed in an open area of real property, provided:
 - 1. The motor vehicle shall be rendered safe. The motor vehicle's exterior shall be fully intact and shall be locked or otherwise secured. The motor vehicle shall be free of jagged, sharp, or protruding metal or glass parts. The motor vehicle shall be

covered and secured by a motor vehicle cover designed for such use. Tarps or other plastic covers are not acceptable.

2. The motor vehicle shall be located behind the front line(s) of the dwelling, which is the portion of the house that is closest to the street.

(c) Farms are exempt from the application of section 14-172(17).

Section 14-175. Designated Enforcement Officer

The Property Maintenance Inspector is charged with the enforcement of this article and is hereby authorized to take such enforcement actions as specified herein.

Section 14-176. Violation Complaints

Complaints of alleged violations shall be submitted in writing, including electronic mail or citizen request procedure available at www.enfield-ct.gov, and shall be signed by the individual making the complaint, including electronic signature.

Section 14-177. Notice of Violation

- (a) The Town, through its Property Maintenance Inspector, shall serve written notice to the person responsible for the blighted premises. The notice may be hand-delivered or mailed by certified mail, return receipt requested to the last known address of the owner, or such notice may be served by any other method authorized or required in Connecticut. A copy of the notice shall also be sent to the lien holder of the property per C.G.S. § 7-148gg.
- (b) Such notice shall state the violation and demand its abatement within 30 (thirty) calendar days. If the owner fails to correct the violation or provide a written plan of correction which may include a bona fide purchase and sale agreement which addresses the blighted condition that is acceptable to the property maintenance inspector, the Property Maintenance Inspector may issue an enforcement citation as specified herein. Any violation which pertains only to grass weeds, or similar growths reaching a height greater than 12 inches, or the accumulation of persistent garbage, refuse or trash shall be given a ten-day corrective action period upon receipt of written violation.
- (c) If the person responsible for the blighted premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a newspaper having a substantial circulation in the Town. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.

Section 14-178. Enforcement Citation

- (a) If any violation remains unabated after 30 (thirty) days, the Property Maintenance Inspector is hereby authorized to issue a citation to the violator in accordance with this article. The citation will require immediate payment.
- (b) If any violation which pertains only to grass, weeds, or similar growths reaching a height greater than 12 inches, or the accumulation of persistent garbage, refuse or trash remains unabated after ten days, the property maintenance inspector is hereby authorized to issue a citation to the violator in accordance with this article. The citation will require immediate payment.
- (c) Failure to remedy the violation shall subject the violator to criminal penalties as permitted by statute, including referral to the State's Attorney's Office for criminal prosecution.

Section 14-179. Penalty for Violation

- a. Violations of the provisions of this ordinance shall be punishable by a fine of no less than \$75 (seventy-five dollars) each day the violation continues after the date of the citation. Each day of each violation shall constitute a separate offense subject to the established \$75 (seventy-five dollar) fine.
- b. If a hearing is requested pursuant to section 14-180 herein and the Citation Hearing Officer finds liability, fines assessed shall accrue from the date of the issuance of the citation.

Section 14-180. Citation Procedure

Any person issued a citation pursuant to this article shall be entitled to a hearing to contest the citation pursuant to the provisions of C.G.S. § 7-152c. The request for a hearing shall be made to the Town Manager. If any person so cited chooses not to timely request a hearing, he shall be deemed to have admitted liability. The Town Manager shall appoint a Citation Hearing Officer. The Citation Hearing Officer shall not be a police officer, any other Town employee or any person who has the authority to issue citations.

Section 14-181. Notice of Penalty Assessment with Clerk of Superior Court.

If enforcement citation fines levied in accordance with this chapter are not paid within 30 (thirty) days, despite proper notice to the person found liable, the Citation Hearing Officer shall file a certified copy of the unpaid fines with the clerk of the superior court. Notice with the clerk of the superior court shall be filed within 12 months. The clerk shall enter judgment in favor of the Town. The judgment shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to such person.

Section 14-182. Appeal of Penalty Assessment to Superior Court; Blight Review Committee

- (a) A person against whom a judgment has been entered is entitled to judicial review in accordance with the provisions of C.G.S. § 7-152c; or
- (b) After the appeal period pursuant to C.G.S. § 7-152c has passed, any person having been issued a citation may seek relief of enforcement citation fines from the Blight Review Committee by contacting the Town Manager's Office.

Section 14-183. Recording of Lien

- (a) Any unpaid imposed fine for housing blight violations shall constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa. Each lien shall be continued, recorded and released as provided for in C.G.S. § 7-148aa.
- (b) Any unpaid imposed fine for a blight or public nuisance violation, other than housing, shall be enforced in accordance with the Connecticut General Statutes, including the filing of a judgment lien when appropriate.
- (c) Any unpaid costs associated with bringing the premises into compliance per section 14-184 herein shall constitute a lien upon the real estate in accordance with C.G.S. § 49-73b. Each lien shall be continued, recorded and released as provided for in C.G.S. § 49-73b.

Section 14-184. Municipal Performance

- (a) The Town may take such steps as are necessary to abate blight on any premises in violation of this article.
- (b) In addition to any civil or criminal penalties as permitted by statute, the Property Maintenance Inspector is authorized to institute any and all legal proceedings before the superior court to compel compliance with this article.
- (c) In the event that the Property Maintenance Inspector prevails in any legal proceedings provided for herein, the violator shall be liable for all costs of bringing the property into compliance and shall further be liable for all legal costs incurred by the Town in bringing the property into compliance, including its reasonable attorney's fees.

Section 14-185. Pending Special Permit, Site Plan or Property Sale Exception

- (a) Any blighted premises for which a building permit, special use permit, or site plan application is required in order to remediate the blighted premises shall be exempt from the provisions of this ordinance for a period of 30 (thirty) days in order for the property owner or his designee to apply for any required building permit, special use permit or site plan approval, and shall be further exempt therefrom during the

pendency of the review of such application by the municipal agency having jurisdiction.

- (b) Any blighted premises which has been sold to a bona fide purchaser shall be exempt from the provisions of this ordinance for a period of 30 (thirty) days from the date of sale for any remediation work not requiring a building permit, special use permit, or site plan approval.
- (c) Any blighted premises which has been sold to a bona fide purchaser and which requires a building permit, special use permit or site plan approval for required remediation work, shall be subject to the provisions of subsection (a), above, commencing on the date of sale.

Section 14-186. Minimum Standards

- (a) The provisions in this article shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided for in this article.
- (b) In any cases where a provision of this article 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, and property values of the residents shall prevail.
- (c) This article shall not affect violations of any other ordinance, code or regulation existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Section 14-187. Responsibility for Compliance

All persons subject to this article shall be jointly and severally obligated to comply with the provisions of this article. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

Ordinance #18-3

Proposed By: By Request

Approved By: Christopher W. Bromson, Town Manager

Reviewed By: Maria S. Elsdon, Acting Town Attorney

Proposal Introduced to Council: September 4, 2018

Date for Public Hearing Set: September 17, 2018 & December 3, 2018

Proposed Ordinance Posted: September 18, 2018 & December 4, 2018

Newspaper Warning:	September 21, 2018 & December 7, 2018
Council Holds Public Hearing:	October 1, 2018 & December 17, 2018
Date of Final Passage:	December 17, 2018
Notice of Ordinance Published	December 21, 2018
Effective Date:	January 1, 2019

Suzanne F. Olechnicki, Town Clerk, Dated December 18, 2018