

Town of Groton Blight Ordinance.

Adopted after public hearing on December 4, 2018.

Sec. 5-3. - Blighted premises.

(1) *Purpose.*

- (a) This section is enacted pursuant to authority granted by the Connecticut General Statutes, including without limitation by C.G.S. § 7-148(c)(7)(H)(xv), as amended by P.A. 12-146, §§ 2 and 4; C.G.S. § 7-148o(b) and C.G.S. § 7-152c.
- (b) This section prohibits any owner, occupant, agent, tenant and/or person in control of real property located in the Town of Groton, from allowing, creating, maintaining or causing to be created or maintained blighted premises.
- (c) This section shall apply to public and private property, regardless of principal or accessory uses, and is intended to protect, preserve, and promote public health, safety and welfare, including the preservation of property values.
- (d) Notwithstanding the foregoing, this section shall not apply within the jurisdictional boundaries of the City of Groton or Groton Long Point.

(2) *Definitions.* The following words, terms, and phrases shall have the following meaning ascribed to them in this section:

- (a) *Blighted premises* means any building, structure or parcel of land where at least one of the following conditions exists:
  1. A condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.
  2. A building or structure is a fire hazard.
  3. The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public and be evidenced by one or more of the following conditions:
    - a. Missing, broken or boarded up windows and doors longer than six months.
    - b. Collapsing or missing exterior walls or roof, or other exterior features including, but not necessarily limited to, stairs, porches, railings, hatchways, chimneys or floors.
    - c. Seriously damaged or missing siding or roofing.
    - d. Unrepaired fire or water damage longer than six months.
    - e. Rodent harborage and/or infestation.
    - f. Persistent garbage or trash on the property.
    - g. Storage of unregistered vehicles and/or waste materials as described in Section 4.12 of the Zoning Regulations.
    - h. Rubbish, broken glass, trash, refuse, debris, stumps, roots, or boats and machinery in a state of disrepair that cannot be used for its intended purposes.
    - i. Parking lots in excess of ten parking spaces in a state of disrepair or abandonment evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement or macadam, or within medians and buffers.

- j. Shrubs, hedges, grass, plants, weeds or any other vegetation that have been left to grow in an unkempt manner that are covering or blocking means of egress or access to any building or that are blocking, interfering with, or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line.
  - k. On any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than two feet.
  - l. The overall condition of the property structure and/or grounds causes an unreasonable negative impact on the value of neighboring properties.
- (b) *Town* means the Town of Groton, CT.
- (c) *Blight ordinance enforcement officer* means a town official(s) and/or employee(s) designated by the town manager to enforce this section to compel compliance, to issue citations and/or to take other actions authorized under this Ordinance.
- (d) *Naturalized areas*, for the purpose of this section, shall be defined as contiguous areas of vegetation that come from natural regeneration and/or intentional plantings with native plant material. These areas are an approach to landscaping as a means of promoting bio diversity, reducing water use, and reducing maintenance costs.
- (3) *Exemptions*. The following properties and/or portions of properties shall be exempt from this section:
  - (a) Agricultural lands pursuant to C.G.S. § 22-3(b);
  - (b) Land dedicated as public open space or parks;
  - (c) Land preserved in its natural state through conservation easements or conservation restrictions;
  - (d) Areas designated as buffers or development free areas by a land use agency;
  - (e) Upland review areas or wetlands and watercourses;
  - (f) Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design, or naturalized areas as defined in subsection (2)(d), provided they do not cover or block means of egress or access to any building or block, interfere with, or otherwise obstruct any sightline, road sign, or emergency access to or at the property or promote rodent harborage and/or infestation.
  - (g) Land and buildings directly associated with waste stream management and disposal, which operate and are used under, and in full compliance with, validly issued state, federal and local permits and approvals. Examples are a landfill, a transfer station, a publicly-owned treatment works, a recycling facility, and a junkyard. This exemption excludes only those areas that actually contain waste or recyclable materials, and does not include separate land and buildings, such as offices, used in connection with such activities.
- (4) *Prohibition*. No owner, agent, occupant and/or a tenant required by a lease to maintain a property, and/or any person in control of real property located in the town shall allow, maintain or cause to be maintained a blighted premises.
- (5) *Enforcement*
  - (a) The blight ordinance enforcement officer 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 administrative, legal or equitable 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 and may establish deadlines, plans and methods for compliance, 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 5-3. If the notice is mailed only to one of the responsible parties it shall in no way be, or be construed to be, a release of any other responsible party or evidence that any other party is responsible. If there is more than one 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, notwithstanding any provision herein to the contrary, when necessary for the health and safety of town residents, the enforcement officer may require abatement within 24 hours from the time of notification or in exigent circumstances, may require abatement immediately.

- (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 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 Ordinances or to such higher amount as the Town Council may establish from time to time by resolution. Said citation shall be subject to the provisions of Section 7 of this Ordinance.
  - (c) If the owner, agent, tenant or responsible person fails to correct the violations as ordered, the Town may take any action necessary to abate the nuisance at any time after the initial period established in the 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. Said access may include reasonable entry to the property, after notice, to accomplish said purposes. 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, shall become a lien upon the land if such invoice remains unpaid for a period of over six 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 as provided in Section 7-148aa of the General Statutes.
  - (d) In addition to other remedies, without limitation, the enforcement officer is authorized to issue correction orders signed by the person(s) responsible. The enforcement officer may, through such a signed order, establish, *inter alia*, deadlines, plans and methods for compliance, penalties, a requirement for certifications upon stages of compliance, a 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, attorney fees and penalties. A signed order by the person responsible, and any fines imposed therein, shall not be the subject of an appeal or a hearing, and shall be final.
- (6) *Penalty for violation.* Violations of this section shall be punishable by a civil penalty of no less than \$10.00 and no more than \$100.00 for each day a violation continues. Each day after due notice of the violation has been served shall constitute a separate offense.
- (7) *Enforcement citation.*
- (a) A citation hearing procedure per C.G.S. § 7-152c is hereby established for purposes of this section. The town manager shall appoint one or more citation hearing officers for the town.
  - (b) If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per subsection (5) hereof has expired, the blight code enforcement officer may

issue a citation to the owner and occupant, and may issue a citation to any other person responsible for the violation in accordance with this section. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.

- (c) Any person issued a citation pursuant to this section shall be entitled to a hearing to contest the citation pursuant to the provisions of C.G.S. § 7-152c.
- (d) At any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees set by a citation issued pursuant to this section, the town shall send notice to the person or persons cited to inform the person or persons:
  - 1. Of the allegations against him/her/it and the amount of the fines, penalties, costs or fees due;
  - 2. That he/she/it may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof;
  - 3. That if he/she/it does not demand such a hearing, an assessment and judgment shall be entered against him/her/it; and
  - 4. That such judgment may issue without further notice.

For purposes of this subsection (7), notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the tax collector. If the person to whom notice is issued is a registrant, the town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

- (e) If the person to whom notice is sent pursuant to this section wishes to admit liability, he/she/it may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the town.
  - (f) Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for by subsection (7)(c) of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine, penalties, costs or fees provided for by this section and shall follow the procedures for obtaining a judgment from the Superior Court set forth in C.G.S. § 152c(f).
  - (g) A person who makes a timely request for a hearing shall be given written notice of the date, time and place of the hearing. The hearing shall be held at a time and conducted in the manner provided by C.G.S. § 7-152c(e).
    - 1. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this section.
    - 2. If the hearing officer's assessment is not paid on the date of its entry, he shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment and an entry fee with the clerk of a superior court facility designated by the chief court administrator.
    - 3. The person against whom an assessment has been entered by the hearing officer pursuant to this section is entitled to judicial review by way of appeal pursuant to the provisions and requirements of C.G.S. § 7-152c(g).
- (8) *Recording of lien.* Any unpaid fine imposed shall, upon issuance, constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa. Each such lien may be perfected by recording, and may be continued, recorded and released as provided for in C.G.S. § 7-148aa and the General Statutes.

(9) *Municipal performance.*

- (a) In addition to any penalties as permitted by statute, and the citation, hearing and assessment provisions of this section, the blight code enforcement officer is authorized to institute any and all legal proceedings before the superior court to compel compliance with this section.
- (b) In the event the blight code enforcement officer prevails in such legal proceedings, 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.

(10) *Exceptions and pending approvals.* Any blighted premises for which any land use or building permit application for improvements to the blighted premises is pending, or which has been sold to a bona fide purchaser, shall be exempt from the provisions of this section for a period of 90 days from the date of submittal of a complete application to the town or from the date of sale.

(Ord. No. 281, §§ 1—10, 8-20-13)