

Chapter 203. Blight

[HISTORY: Adopted by the Town Council of the Town of Southington 1-23-2007; amended in its entirety 6-11-2012 (Ch. 5, Art. III, of the 1989 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Planning and development agencies — See Ch. 112.

§ 203-1. Purpose.

The purpose of this chapter is to define, prohibit and abate blights and nuisances, including unsightly materials and unregistered and inoperable motor vehicles, from property within the Town of Southington, and to protect, preserve and promote public health, safety and welfare, and to preserve and protect property values. This chapter is adopted pursuant to Connecticut General Statutes and is considered a "blight ordinance."

§ 203-1.1. Legislative Authority.

[Added 3-12-2018]

This chapter is enacted pursuant to Connecticut General Statutes, §§ 7-148(c)(7)(H)(xv) and 7-152c, and Public Acts 2012, No 12-146.

§ 203-2. Scope of provisions.

This chapter shall apply to the maintenance of all business, industrial and residentially zoned premises now in existence or hereafter constructed, maintained or modified but shall exclude agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes; land dedicated as public or semipublic open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses.

§ 203-3. Definitions of blight.

The following definitions shall apply in the interpretation and enforcement of this chapter:

DECAY

A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.

DILAPIDATED

Decayed or rotten beyond repair.

INOPERABLE

Inoperable, as used herein, shall be defined as a motor vehicle which is incapable of being legally operated on public roads without major work or modifications. Missing parts or broken or severely damaged components shall be prima facie evidence of inoperability.

INOPERABLE MOTOR VEHICLE

A motor vehicle located on private property which is inoperable.

MOTOR VEHICLE

Any vehicle propelled or drawn by any power other than muscular, as defined in C.G.S. § 14-1(53), as amended.

PERSON

Any man, woman, corporation or other legal entity capable of owning real property.

PREMISES

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 nondwelling 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 buildings, dwellings, parcels of land or structures contained within the scope of this chapter.

PUBLIC VIEW

Visible from any public right-of-way or neighboring property at grade level.

STRUCTURE

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

UNREGISTERED MOTOR VEHICLES

Any motor vehicle which is not registered and displaying number plates in accordance with Connecticut General Statutes Chapter 246.

UNSIGHTLY MATERIALS

Parts of motor vehicles as well as, but not limited to, unusable and/or discarded household appliance, furniture, equipment, building materials, junk and refuse, as well as any other materials which are unsanitary.

§ 203-4. Public nuisance.

- A. It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Southington to maintain any structure which is in a state of dilapidation or decay, is open to the elements, or unable to provide shelter. It shall further be a public nuisance if upon the premises there is unsightly material, inoperable or unregistered motor vehicles. Such condition shall be defined as "blight."
- B. If the property has been defined as blight, it shall further be in violation if:
 - (1) The grass, weeds or similar vegetation, excluding flowers, fruits and vegetables and areas maintained in its original natural wooded or field state, is allowed to remain and reach a height of 10 inches or greater for a period of 10 days or longer.
 - (2) Having dead, decayed, diseased or damaged trees.
- C. Exemptions. The following shall be exempt from the application of the ordinance:
 - (1) Motor vehicles in an attached or detached garage or similar structure constructed of building materials used for permanent structures.
 - (2) Motor vehicle recycler's yard, licensed pursuant to C.G.S. § 14-67i; not in violation of any zoning regulations of the Town of Southington.
 - (3) Motor vehicles stored in a place or depository maintained in lawful space and manner by the Town.

- (4) Farm equipment used on a property, the principal use of which is agricultural, whether for gain or private consumption either by owner or tenant, is excluded from the effect of this section. The term "farm equipment" does not include any type of motor vehicle licensed by the State of Connecticut for travel on the public highway except vehicles bearing farm plates. The term "farm" includes stock, dairy, poultry, fruit and truck farms.
- (5) Motor vehicles upon premises having dealers' or repairers' licenses from the Connecticut Motor Vehicle Department.

§ 203-5. Cost of removal.

The Town shall have the right to collect from any owner of an unregistered or inoperable motor vehicle or from the person in possession or control, or owner of the property where such violation of this section exists, the costs incurred in removing and/or disposing of such motor vehicle or other personal property. A bill for the Town's costs of removal and disposal shall be promptly sent by the Town to the appropriate person. When the full amount of costs due the Town is not paid by the appropriate person within 30 days after the bill for such costs has been submitted, the Town may file a lien upon such property.

§ 203-6. Minimum standards.

- A. The provisions in this chapter shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this chapter.
- B. In any case where a provision of this chapter 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 people shall prevail.
- C. This chapter shall not be intended to affect violations of any other ordinances, code or regulation existing prior to the effective date of this chapter, 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 and/or this chapter as may be appropriate.

§ 203-7. Responsibility of compliance.

The owner, lessee or occupant of premises subject to this chapter, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this chapter. Whenever the person, as herein defined, is a corporation or other legal entity, the statutorily required officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

§ 203-8. Notice of violations.

- A. Complaints must be submitted to the Town Manager or his/her designee by members of the public or employees of the Town. The complaint must be in writing on the form(s) provided by the Town. Unsigned complaint forms will be reviewed to the extent possible. The Manager or his/her designee shall report the complaint to the Building Official who shall advise the Town Manager or his/her designee whether a violation exists.
[Amended 3-12-2018]
- B. Whenever the Town Manager or his/her designee determines that there has been a violation of this chapter, he/she shall forward it to the Zoning Enforcement Officer. Such Zoning Enforcement Officer shall give notice of such violation to the person responsible therefor, as hereinafter provided. Such notice shall:

- (1) Be in writing.
 - (2) Be sent to the violator by certified mail, return receipt requested.
 - (3) Set forth the violations of this chapter.
 - (4) Specify a final date for the correction of any violation.
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter pursuant to the current violation.
 - (6) State that the penalties and enforcement provisions of this chapter will become effective on the final date set for the correction of any violation.
- C. If the person responsible does not correct the violation in the time prescribed, the Zoning Enforcement Officer shall forward his report to the Police Department for enforcement.
- D. Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this chapter and subject to its penalties and enforcement procedures.
- E. Notwithstanding the foregoing, the Town Manager or his/her designee may elect to first provide informal verbal notice to the owner or owner's agent and the occupant of the property in an attempt to resolve the matter prior to formal written notice being sent.

§ 203-9. Appeals.

- A. Any person notified in accordance with § **203-8** above may appeal said notice of violation(s) to the Town Manager or his designee, in writing, within 15 days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the Town Manager or his designee or on such later date as established by the Town Manager or his designee.
- B. The Town hereby specifically adopts the provisions of Connecticut General Statutes, § 7-152c, for the establishment of an appeal and citation hearing process for considering all appeals under this chapter.

§ 203-10. Penalties for offenses; enforcement.

[Amended 3-12-2018]

- A. Criminal violations. Pursuant to Connecticut General Statutes, § 7-148(c)(7)(H)(xv), any person or entity who, after written notice and failure to comply with the remedial action outline and/or the final correction date to fix the blighted conditions as required under § **203-8B(4)** and **(5)** of this chapter, willfully violates § **203-4** of this chapter, may be fined by the State of Connecticut not more than \$250 for each day for which it can be shown, based upon actual inspection of the property on each such day, that the blighted conditions continued to exist after written notice to the owner, occupant or entity as provided in § 203-8B(1) and the expiration of a reasonable opportunity to remediate. This section is designated as a violation pursuant to Connecticut General Statutes, § 53a-27.
- B. Any person who is a new owner or new occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Subsection A of this section. For the purposes of this section, "new owner" means any person or entity who has taken title to a property within 30 days of the notice, and "new occupant" means any person who has taken occupancy within 30 days of the notice.
- (1) The Southington Police Department is the issuing authority for any violation of this chapter.
 - (2) All fines, court costs, costs of remedial action, and attorney's fees, as ordered by the Court, shall constitute a written lien on the subject premises, provided the owner of said premises has

been notified of the violations as herein provided and was made a party to the enforcement proceedings. Notification of the placement of a written lien will be sent by certified mail 15 days prior to the placement of a lien in the Southington Land Records.

BLIGHT

Sec. 203-1. Declaration and purpose.

It is hereby found and declared that there may exist within the Town certain real properties which are in a blighted condition and whose continued existence in such condition adversely affects the economic well-being of the Town, contributes to the decline of neighborhoods, and jeopardizes the health, safety, welfare, and/or quality of life of people within the Town. It is further found that many of the properties which exist in a blighted condition can be rehabilitated and that rehabilitation would eliminate, remedy, and prevent the adverse effects previously described. This article is enacted pursuant to Section 7-148(c)(7)(H)(xv) of the Municipal Powers Act (C.G.S. § 7-148(c)(7)(H)) and seeks to encourage rehabilitation of blighted premises. The intent and purpose of this article is to provide the Town with a tool to address serious conditions—conditions which jeopardize the health, safety, welfare, and/or quality of life of town residents.

Sec. 203-2. Scope of provisions.

This article shall apply uniformly to the maintenance of all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified but shall exclude agricultural lands as defined below, land dedicated as public or semipublic open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses.

Sec. 203-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Abandoned means the owner(s) or occupant(s) have vacated the premises and based upon readily ascertainable information, do not intend to return, which intention may be evidenced by the removal by the occupants or their agent of substantially all of their possessions and personal effects from the premises and either:

- (1) Nonpayment of rent for more than two (2) months, in the case of a rental property; or
- (2) An express statement by the occupants that they do not intend to occupy the premises as of or after a specified date.

Agricultural lands means any land suitable with reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors, for the cultivation of plants, for the production of human food and fiber or other useful and valuable plant products and for the production of animals, livestock and poultry useful to man and the environment and may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas. Agricultural lands do not include any building or structure thereon in a state of disrepair or become dilapidated or containing debris thereon. Notwithstanding anything contained herein, the conditions described in subsections (10) and (15) of the definition of "state of disrepair or becoming dilapidated" shall also apply to agricultural lands.

Blighted premises means real property, including any occupied, vacant, or abandoned buildings or structures located thereon, which is and continues to be in a state of disrepair or is becoming dilapidated as defined below.

Blight Prevention Officer. The town official to serve as the blight prevention officer shall be designated by the by Planning and Zoning with oversight by the Town Manager.

Blight Hearing Officer means an individual(s) appointed by the Town Manager with approval by the Town Council to conduct hearings. Such individual(s) shall have relevant experience in zoning matters.

Building or structure means an edifice of any kind, or any piece of work artificially built or composed of parts joined together in some form which is built or constructed on any real property. The words "building" or "structure" shall be construed as if followed by the words "or part(s) thereof." Accessory buildings or structures, canopies, awnings, marquees, and each and every type of portable equipment shall be considered "building" or "structures" within the meaning of this definition.

Debris means material which is incapable of immediately performing the function for which it was designed including, but not limited to: , discarded, or unused objects; junk comprised of equipment or machinery such as automobiles, boats, and recreational 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.

State of disrepair or becoming dilapidated means in a physically deteriorating condition which, if left unabated, would cause an unsightly, unsafe, or unsanitary condition or a nuisance to the general public. Examples of the foregoing include:

- (1) Multiple missing, broken or boarded up windows and/or doors;
 - (2) Significantly damaged or missing siding;
 - (3) Collapsing or missing walls, roofing materials or flooring;
 - (4) Exterior walls which contain holes, breaks, significant loose or rotting materials;
 - (5) Foundation walls which contain open cracks and breaks;
 - (6) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, gutters, stairways, fire escapes, standpipes and exhaust ducts in serious degradation or disrepair;
 - (7) Chimneys and similar appurtenances which are in a state of disrepair;
 - (8) Infestation by rodents or other pests;
 - (9) Excessive amounts of "garbage", "refuse", "rubbish" (as those terms are defined in Section 7-3 of this Code) or debris;
 - (10) One or more inoperative or unregistered motor vehicles or visibly inoperative boats parked, kept, or stored on the property unless garaged in a permanent structure on the property;
 - (11) Commercial parking lots left in a state of disrepair or abandonment (e.g. excessive potholes, pavement cracks and weeds);
 - (12) Shrubs, hedges, 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 with the following exemption: maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design or naturalized areas as defined herein, 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. "Naturalized areas" is 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 biodiversity, reducing water use, and reducing maintenance costs. For purposes of this article, "weed" shall mean non-native plants, as well as invasive plants as defined in Connecticut Public Act 04-203. Overgrown brush, overgrown grass, weeds and/or similar vegetation of at least ten inches (10") in height, shall be deemed a blighted condition hereunder.
 - (13) Graffiti;
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- (14) It is determined by the Blight Prevention Officer, building official, Fire Marshal, Police Chief or Director of Health that the building, structure or parcel of land is in a condition which poses a serious threat to the safety, health and general welfare of the community;
 - (15) It is determined by the Blight Prevention Officer that any building, structure or parcel of land is a factor causing serious depreciation of property values in the neighborhood;
 - (16) It is determined by the Blight Prevention Officer that any building, structure or parcel of land substantially and unreasonably interferes with the reasonable and lawful use and enjoyment of other premises in the neighborhood.
 - (17) Any other evidence that reasonably demonstrates that a property would cause an unsightly, unsafe, or unsanitary condition or a nuisance to the general public.

Except as provided for herein, the determination of what constitutes a blight condition shall be within the sound discretion of the Blight Prevention Officer.

Sec. 203-4. Prohibition against blighted premises.

No owner of real property located in the Town shall allow, create, maintain, fail to abate or cause to be created or maintained, a blighted premises.

Sec. 203-5. 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 in this article.
- (b) If a provision of this article is found to be in conflict with a provision of any building, fire, zoning, safety, or health ordinance, regulation, or other law of the town or state and such provision of this article establishes a higher standard for the promotion and protection of the health and safety and property values, this article shall prevail unless otherwise prohibited by law.
- (c) This article shall not affect violations of any other ordinances, codes or regulations existing prior to the effective date of this article, 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.

Sec. 203-6. Responsibility for compliance.

The owner, lessee, or occupant of premises subject to this article, including the agents thereof, shall be jointly and severally liable and obligated to comply with the provisions of this article. Whenever the person, as herein defined, is a corporation or other legal entity, the officers, shareholders or members thereof shall be jointly and severally responsible with that corporation or other legal entity for compliance herewith.

Sec. 203-7. Administration and enforcement.

- (a) Upon the observation of the Blight Prevention Officer and/or upon receiving a written complaint of a possible violation of this article signed by the complainant in his/her legal name, the Blight Prevention Officer shall initiate an investigation.

If, after completing an investigation, the Blight Prevention Officer determines that a violation of this article exists, he/she shall issue a written warning to the owner/occupier at the time such determination has been made if the violation does not pose an imminent threat to public health or safety. Such a warning from the Blight Prevention Officer shall be issued prior to issuing a citation. Such written warning shall include:

- (1) The address of the real property on which the violation exists;
- (2) A due date for the performance of any act required to remedy the violation and what action needs to be taken to remedy the violation;
- (3) The allegations against the property owner(s), including the conditions existing on the real property which evidence the violation;
- (4) The amount of fines, penalties, costs, or fees due or that may be due pursuant to Section 203-1 herein.

The owner/occupier may not contest a warning before a Blight Hearing Officer. The delivery of a written warning to the owner/occupier shall be accomplished by leaving a copy of such written warning with the owner(s) of the real property on which the violation exists or by affixing the notice of violation to the blighted premises. The Blight Prevention Officer shall also send a copy of the written warning by both first-class mail and certified mail, return receipt requested, to the last known address of the owner(s) and mortgagees. The Blight Prevention Officer shall not be required to issue a written warning under this section in matters involving an imminent threat to the safety, health and general welfare of the public.

- (b) If a written warning is issued pursuant to subsection (a) above and the violation is not remedied within the time prescribed therein, the Blight Prevention Officer shall issue a notice of violation by leaving a copy of such notice of violation with the owner(s) of the real property on which the violation exists or by affixing the notice of violation to the blighted premises. The blight prevention officer shall also send a copy of the notice of violation by both first-class mail and certified mail, return receipt requested, to the last known address of the owner(s) and mortgagees. Should the Blight Prevention Officer fail to receive confirmation of receipt by the owner of record, they shall have the matter served by a marshal in accordance with Connecticut General Statutes. Abode service shall be deemed acceptable.
- (c) The notice of violation shall inform the owner(s) of the real property on which the violation exists of the following:
 - (1) The address of the real property on which the violation exists;
 - (2) The allegations against the property owner(s), including the conditions existing on the real property which evidence the violation;
 - (3) The amount of fines, penalties, costs, or fees due or that may be due pursuant to Section 203 herein;
 - (4) That the property owner(s) must remedy the violation(s) of this ordinance within thirty (30) calendar days of the notice of violation or such longer period as permitted by the blight prevention officer in his/her discretion;
 - (5) That the property owner(s) may contest liability before the blight hearing officer by delivering in person or by mail written notice of such request to the Blight Prevention Officer within ten (10) calendar days of the notice of violation;
 - (6) That, if the property owner(s) does not demand such a hearing or remedy the violation(s), an assessment and judgment shall be entered against the property owner(s);
 - (7) That the judgment may issue without further notice.
- (d) As permitted by the hearing procedure for citations set forth in C.G.S. § 7-152c et al, which the Town specifically adopts herein, the Town Manager shall appoint, with the approval of the Town Council, a one or more Blight Hearing Officer. The Blight Hearing Officer(s) shall have relevant experience in zoning matters. No hearing officer shall be a police officer, employee of the town, or a person who issues citations. All blight hearing officers shall be appointed for terms not to exceed two years and shall take office on the first

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business day in January following a general town election. The powers, duties, and responsibilities of the Blight Hearing Officer shall be those set forth for citation hearing officers in C.G.S. § 7-152c and this article.

- (e) If the person who is sent notice pursuant to subsection (c) of this section wishes to admit liability for any alleged violation, he/she 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 Manager. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.
- (f) If:
 - (1) No hearing has been requested within ten (10) calendar days of the notice of violation; and
 - (2) The violation has not been remedied within thirty (30) calendar days of the notice of violation or such longer period as permitted by the Blight Prevention Officer;

The property owner(s) of the real property on which the violation exists shall be deemed to have admitted liability and the Blight Prevention Officer shall certify such property owner(s) failure to respond to the notice of violation to the Blight Hearing Officer. The blight hearing officer shall thereupon issue a citation by delivering same to the property owner(s) in the same manner prescribed above for the initial notice of violation and assess the fines, penalties, costs, or fees provided for in Section 203-10 of this article unless, pursuant to its discretion afforded below, it determines that certain circumstances exist which warrant a delay in citation or assessment. The date of the citation shall commence the daily fine established in Section 203-10.

- (g) Whenever a noticed violation is not corrected by the date specified in said notice, in addition to all other legal remedies authorized by law and this article, the Blight Enforcement Officer or his/her designee(s) are further authorized to enter the blighted premises during normal business hours for the purpose of remediating blighted conditions at the sole cost and expense of the property owner, provided that neither the blight enforcement officer nor his or her designees shall enter any occupied dwelling house or other structure so existing on the blighted premises without proper authorization. Such cost and expense shall constitute a lien on the property and may be foreclosed by the town.
- (h) Notwithstanding other provisions of this Code, the Town Building Department shall be permitted to issue building permits to property owners for purposes of the remediation of blighted premises when delinquent property taxes exist with respect to such property, provided that all other requirements for the issuance of any such permits are satisfied.
- (i) Prior to issuing a citation or assessing fines under this article, the Blight Hearing Officer may give special consideration to property owner(s) who are disabled, elderly, or low income who cannot maintain a reasonable level of upkeep of the real property at which they reside. In such circumstances, the Blight Hearing Officer may allow the property owner(s) a reasonable amount of time to remedy the violation, the duration of which shall be in the discretion of the Blight Hearing Officer but shall not exceed six (6) months from the hearing date or from the date of the notice of violation where a hearing is not requested. In order to exercise his/her discretion, the Blight Hearing Officer shall require either testimony or a written affidavit from each affected property owner (if they are truly unable to appear in person before the Blight Hearing Officer for a hearing) attesting that no person resides at the real property who can perform the necessary maintenance, repairs, yard work, etc., to remedy the violation and the property owner is unable to afford to hire the services of a third-party contractor to perform the remedial services. For purposes of this article:
 - (1) A property owner shall be considered disabled if he/she has a mental or physical disability as defined under the American with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008.
 - (2) A property owner shall be considered elderly if he/she is over the age of sixty-five (65) years old.
 - (3) A property owner shall be considered low income if his/her household gross annual income for the previous calendar year was equal to or less than one hundred fifty (150) percent of the poverty level,

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according to the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2).

- (j) The Blight Prevention Officer is authorized to initiate legal proceedings in the state superior court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs and the reasonable attorney's fees incurred by the town to enforce this article.
- (k) All fines, court costs, costs of remedial action, and attorney fees, as ordered by the court, shall constitute a lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made a party to the enforcement proceedings in superior court.
- (l) The Hearings shall be scheduled as needed.

Sec.203-8. Violations and penalties.

A violation(s) of the provisions of this article shall be subject to a fine of one hundred dollars (\$100.00) per day for each day a violation continues to exist. The date the citation was issued by the Blight Hearing Officer shall be the commencement date for the fine.

Sec. 203-9. Failure to pay fine and appeals.

- (a) Upon the expiration of the ten (10) day period for the uncontested payment of fines, the Blight Prevention Officer shall send notice to the person cited. Such notice shall inform the person cited:
 - (1) Of the allegations against him/her/it and the amount of fines, penalties, costs or fees due.
 - (2) That he/she/it may contest liability before the hearing officer, by delivery, in person or mail, of written notice within ten (10) days of the date thereof.
 - (3) That if he/she/it does not contest liability and demand a hearing as set forth herein, a citation shall be entered against him/her/it; and
 - (4) That such citation may issue without further notice.
- (b) All notices and hearings related to such citations shall be given and held, respectively, in accordance with the citation hearing procedures set forth in state law.
- (c) Any property owner or other person who receives a citation pursuant to this chapter has the right to request a hearing before the hearing officer by delivering, by hand delivery or mail, written notice of such request within ten (10) days of the date of the notice of blighted or unsafe premises. If the property owner or other person responsible requests a hearing, the Blight Prevention Officer shall set written notice, by certified mail, of the date, time and place for the hearing. Such hearing shall be held no less than fifteen (15) or more than thirty (30) days from the date of the mailing of the notice of such hearing.
- (d) The hearing officer shall conduct the hearing in the form and with the methods of proof as he or she deems fair and reasonable, in accordance with the hearing procedures for citations specified in state law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.
- (e) The hearing officer shall issue a written decision within a reasonable time following the conclusion of the hearing. If he or she determines that the subject property owner or other person having lawful possession or control is not liable, the hearing officer shall dismiss the matter and enter the determination, in writing, accordingly. If the hearing officer determines that the subject property or other person having lawful possession or control owner is liable, he or she shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this chapter.
- (f) Any fine which is unpaid thirty (30) days after it is imposed shall constitute a lien upon the real estate against which the fine was imposed from the original date of imposition.

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Sec. 203-10. Superior court judgment.

The failure to pay the citation or assessment of any fine(s) by the Blight Prevention Officer may result in the entry of judgment by the superior court as provided by C.G.S. § 7-152c(f).

Sec. 203-11. Recording of lien.

Pursuant to C.G.S. § 7-148aa, any unpaid fine imposed pursuant to the provisions of this article shall constitute a lien upon the real property against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded, and released in the manner provided by state statutes for continuing, recording, and releasing municipal real property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 1997, except real property taxes assessed by the town and may be enforced in the same manner as property tax liens.

Sec. 203-12. Nuisance claims.

Nothing in this article shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance. Furthermore, if a property owner(s) remedies blighted premises in response to a notice of violation or citation issued under this article, any such remedy shall not bar a nuisance claim against the property owner by any person. A violation of any portion of this article shall not be deemed to create a nuisance per se.