

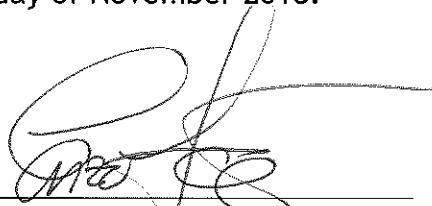
LEGAL NOTICE
TOWN OF CROMWELL

The Town Council of the Town of Cromwell, Connecticut will hold a Public Hearing on Wednesday November 7, at 6:30 p.m. in the Cromwell Town Hall, Council Chambers, located at 41 West Street, Cromwell, CT regarding amending Chapter 97, Blight or Unsafe Premises Ordinance.

Citizens may attend and offer comments on the proposed amendments.

Copies of the amendments, in their entirety, are available for public inspection at the office of the Town Clerk, 41 West Street, Cromwell, Connecticut and will be posted on-line at www.cromwellct.com.

Dated at Cromwell, Connecticut this 6th day of November 2018.



Enzo Faienza, Mayor
For the Town Council

Chapter 97
Cromwell
Blight or Unsafe Premises Ordinance
CHAPTER 97. BUILDINGS, BLIGHTED

[HISTORY: Adopted by the Board of Selectmen of the Town of Cromwell 9-24-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 99.
Health standards — See Ch. 146.
Housing standards — See Ch. 151.
Property maintenance — See Ch. 162.
Sanitation — See Ch. 189.
Zoning — See Ch. 236.

§ 97-1. Purpose

The purpose of this Ordinance is to define, prohibit and abate blighted property and public nuisances; to protect, preserve, and promote the public health, safety and welfare; and to preserve and protect property values.

§ 97-2. Scope of Provisions

This Ordinance 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 in Section 22-3(b) of the Connecticut General Statutes; land dedicated as public or semi-public open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses.

§ 97-3. Definitions

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

Abandoned: the occupants have vacated the premises and 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 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 after a specified date.

Blight Enforcement Officer: Means the Town Manager or his/her designee and/or the building code enforcement and or Health and Compliance officer(s) or his/her designee(s).

Blighted Property: A property whereon any of the following conditions and/or structures exists, including occupied, vacant or abandoned properties or structures:

- a) Existing conditions pose a serious threat to public health or safety, and/or impede public officials from making inspections, as determined by the Building Official, Health and Compliance Officer (s), Fire Marshal, Director of Human Services, and/or the Police, and/or their designees, including but not limited to premises that are:
 - 1) being used to conduct illegal activities
 - 2) a fire hazard, as determined by the Fire Marshal or as documented in the Fire Department Records; and
 - 3) creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, building official reports, etc.
- b) Any structure which is in a state of dilapidation or decay; or is open to the elements; or unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, or decay, as evidenced by the existence of one or more of the following conditions:
 - 1) Missing windows or doors.
 - 2) Collapsing or missing walls, roof, or floor.
 - 3) Exterior walls which contain holes, breaks, loose or rotting materials, or which are not properly surface-coated to prevent deterioration.
 - 4) Foundations walls which contain open cracks and breaks.
 - 5) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, which contain rust or other decay.
 - 6) Chimneys and similar appurtenances which are in a state of disrepair.
 - 7) Insect screens which contain tears and ragged edges.
 - 8) Vermin infestation.
 - 9) Garbage, trash, or abandoned vehicles on the premises (unless the premises is a junkyard licensed by the State of Connecticut).
 - 10) Any vacant building or structure with overgrown grass or weeds at least one foot in height.

11) Graffiti.

- c) Premises occupied by a structure intended for human occupancy, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables, and areas maintained in their original naturally wooded state, or a natural field state) is allowed to reach and remain at a height of twelve (12) inches or greater for a period of ten (10) days, or longer;
- d) Dead, decayed, diseased or damaged trees, or parts thereof, constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;
- e) Two or more unregistered motor vehicles in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;
- f) Residentially zoned property with any combination of ten or more pieces of mechanical equipment stored on the premises and in the public view;
- g) Residential or commercially zoned property that has any of the following conditions:
 - 1) Premises containing accumulated debris, not including compost piles or piles of grass and/or brush which are not visible from a public right-of-way and do not otherwise constitute a public health or safety hazard; or
 - 2) Landscaping on any premises, including, but not limited to trees, shrubs, hedges, grass, and plants which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign; and
- h) Property that has graffiti which includes words, letters, murals or other artwork that is in the public view and was not approved by the property owner or which otherwise violates state statutes and/or Town zoning regulations and/or ordinances.

Debris: Material which is incapable of immediately performing the function for which it was designed 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 state of visible decomposition or rot.

Dilapidated: Decayed beyond repair.

Health Director: Such individual as is designated by the Town Manager to administer the State Health Code and to enforce Town Health Ordinances.

Hearing Official: An individual(s) appointed by the Town Manager to conduct hearings as authorized by of the Town Code.

Legal Occupant: A person with the legal right to inhabit a building or portion thereof by virtue of ownership, lease or an owner's written consent.

Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine.

Natural field state: Areas where grass, weeds, and brush exist in their natural, unlandscaped state.

Naturally wooded state: Areas where trees and brush exist in their natural, unlandscaped state.

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 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 buildings, dwellings, parcels of land or other structures contained within the scope of this article.

Public view: Visible from any public right-of-way.

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

Vacant: A building or portion thereof that is not actually inhabited by a legal occupant for a period of sixty (60) days or longer.

§ 97-4. Public Nuisance

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 Cromwell to maintain such premises or any public right-of-way abutting said premises as a blighted property.

§ 97-5. Minimum Standards

- a) The provisions in this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are 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, and property values of the people shall prevail.
- c) This ordinance shall not affect violations of any other ordinances, 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.

§ 97-6. Responsibility for Compliance

The owner, lessee, or occupant of premises subject to this ordinance, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this ordinance. 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.

§ 97-7. Enforcement

- a) It shall be prohibited for a property to be a blighted property or a public nuisance. Complaints may be submitted to the Blight Enforcement Officer by members of the public, but such complaints must be in writing and signed.
- b) Whenever the Blight Enforcement Officer determines that there has been a violation of any provision of this ordinance, except as to Section 3(e), such officer shall give 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 or the owner's agent, or the legal occupant as the case may require; provided, such notice shall be deemed to be properly served upon such owner or agent, or upon such legal occupant, if a copy thereof is posted in a conspicuous place in or about the dwelling

affected by this notice; or if it is sent certified mail, return receipt requested; 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 to be taken to affect permanent compliance with the provisions of this ordinance;
 - 6) State that the penalties and other enforcement provisions of this ordinance will become effective on the final date set for the correction of any violation without further notice; and
 - 7) State that the liability may be contested before the Hearing Officer by delivering written notice of appeal to the Town Manager within ten (10) days.
- c) Whenever the Blight Enforcement Officer determines that there has been a violation of Section 3(e) pertaining to unregistered motor vehicles, such officer shall give notice of such violation to the person responsible therefore which notice shall be in compliance with Section 7(b), except that:
- 1) The notice shall specify that the owner has thirty (30) days to correct the violation by removing the vehicle or registering it; and
 - 2) Notice of the alleged violation shall be published in a newspaper having a substantial circulation in the Town of Cromwell.
- 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 ordinance and subject to its penalties and enforcement procedures. Any person in violation of Section 3(e) thirty (30) days after the notice of violation in accordance with Section 7(b) above, shall be subject to the removal and disposition of the unregistered motor vehicle. The Blight Enforcement Officer shall not enter such property to remove and/or dispose of an unregistered motor vehicle without the prior written consent of the owner or an appropriate court order.
- e) 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 ordinance, the Blight Enforcement Officer and his or her designees are further authorized to enter vacant or abandoned premises during normal business hours for the purpose of remediating the blight condition(s). The Blight Enforcement Officer shall not enter property that includes a dwelling house or structure without the prior written consent of the owner or an appropriate court order.

§ 97-8. Appeals

- a) Any person receiving a notice in accordance with Section 7 above may appeal said notice of violation(s) by filing a written notice of appeal with the office of the Town Manager within ten (10) days of the date of said notice.
- b) The hearing and appeal process shall be governed in accordance with Section 7-152c of the General Statutes.

§ 97-9. Penalties and Enforcement

- a) Penalties:
 - 1) Each violation of this ordinance shall be considered a separate municipal offense.
 - 2) Each day any violation continues shall constitute a separate offense.
 - 3) Each separate offense under this ordinance may be punishable by a fine of one hundred dollars (\$100.00) per day for each violation payable to the Town of Cromwell. In determining the amount of the fine, special consideration may be given to those who require it in order to correct a violation of this Ordinance. Specifically, additional time may be given to correct a violation where the violator establishes good cause. As used in this section, "good cause" includes, but is not limited to, an elderly individual who is unable to personally correct a violation due to his age, a disabled individual who is unable to personally correct a violation due to his disability, or a low income individual who is unable to correct a violation due to cost. In determining whether good cause exists, it will be considered whether occupants of the premises are able to assist in correcting the violation in a timely fashion and whether the severity of the violation is such that additional time is not warranted.
- b) Enforcement
 - 1) The Blight Enforcement Officer is authorized to issue a citation or summons for a violation of this ordinance.
 - 2) In addition thereto, the Blight Enforcement Officer is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including costs of remedial action(s) authorized by Section 7 or the Court, and the reasonable attorney's fees and costs incurred by the Town of Cromwell to enforce this ordinance.

- 3) All fines, Court costs, costs of remedial action, and attorney's 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.