

**TOWN OF CROMWELL
TOWN COUNCIL
PUBLIC HEARING
April 29, 2015**

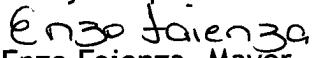
The Town Council of the Town of Cromwell, Connecticut will hold a Public Hearing on the 29th, day of April at 7:05 p.m. in the Cromwell Town Hall, Room 224/5, located at 41 West Street, Cromwell, Connecticut.

At said public hearing, the Town Council will consider and may act on proposed amendments to:

1. Chapter 211 -Taxation, Article VI, §211-21D, Tax Relief Deferral Program for Elderly and Disabled Homeowners of deferred taxes when property is sold.
2. Chapter 76 Alcoholic Beverages, Article IV §76-8, §76-9, Notice of intent to renew Liquor Permit.
3. Chapter 178 Peddling and Soliciting, §178-8, B. Fees, §178-12, C. Exemptions; registration of charitable organizations.
4. Chapter 97, Buildings Blighted -Significant revisions

A copy of the proposed ordinances are available for public inspection at the Office of the Town Clerk, 41 West Street, Cromwell, Connecticut 06416 and will be posted online at www.cromwellct.com.

Dated at Cromwell, Connecticut this 14th day of April 2015.


Enzo Faienza, Mayor (Re)
For the Town Council

Article VII. Tax Relief DEFERRAL PROGRAM for Elderly and Disabled Homeowners

- § 211-18. Statutory Authority; Purpose.
- § 211-19. Eligibility.
- § 211-20. Application.
- § 211-21. Administration; Computation of Benefits.
- § 211-22. Appeal Procedures.
- § 211-23. Applicability.
- § 211-24. Periodic Program Review.
- § 211-25. Effective Date.
- § 211-26. Repeal of Former Tax Abatement Program.

§ 211-18. Statutory Authority; Purpose.

The Town of Cromwell hereby enacts a tax deferral program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the Town of Cromwell on the terms and conditions provided herein. The program is enacted for the purpose of preventing eligible homeowners from having to sell or transfer their homes as a result of tax liability. This program shall be known as the “Cromwell Senior and Disabled Tax Deferral Program.”

§ 211-19. Eligibility.

An applicant shall meet the following criteria to be eligible for this program:

(A) Taxpayer Qualifications

- (1) Tax Deferrals shall be granted in connection with real property owned and occupied as a principal residence by taxpayers of the Town of Cromwell who are, at the time of application:
 - a. Sixty-five (65) years of age and over, or whose spouses, living with them, are sixty-five years (65) of age or over, or sixty (60) years of age or over and the surviving spouse of a taxpayer qualified in the Town of Cromwell under this section at the time of his or her death, or with respect to real property on which such residents or their spouses are liable for taxes under §12-48; or
 - b. Under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total

disability benefits under Social Security, or who have not been engaged in employment covered by Social Security and accordingly have not been qualified for those benefits, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security, provided such residents or their spouses under subparagraph (a) or (b) above, have been taxpayers of Cromwell for one year immediately preceding the receipt of tax benefits under this section.

- (2) Taxpayers otherwise eligible under this section who are unit owners of a cooperative shall also be eligible for a tax deferral in accordance with C.G.S. § 12-129n, as amended from time to time.
- (3) Taxpayers with only a life use interest in real property who use the property as their principal residence and pay property taxes may qualify for a tax deferral, provided that the record owner(s) consent to the deferral and the filing of a lien on the land records.
- (4) Upon the death of a beneficiary of a tax deferral, the surviving spouse may continue to be eligible if he or she is sixty (60) years of age or older as of the date of the qualifying taxpayer's death. The surviving spouse will be required to file for a deferral with the Town Assessor annually and meet all other program eligibility guidelines. The surviving spouse may apply as a primary applicant if totally disabled prior to reaching the qualifying age as specified in (A)(1) b of this section.
- (5) Principal residence shall be defined as full-time residence at the property for which deferral is sought for at least one year preceding the date of application. "Full-time" shall mean occupancy as the qualifying taxpayer(s)' residence for more than 183 days of each calendar year.
- (6) All real estate taxes for the property must be current by May 1 next following the date of application for tax deferral.

(B) Income Qualifications

- (1) Residents must meet the requirements with respect to maximum income allowable during the calendar year preceding the year in which a deferral application is made. Maximum qualifying income limits for each applicant shall not exceed those set forth in C.G.S. § 12-170aa plus \$5,000. Because the income ceilings for program qualification are based on the guidelines used by the state Office of Policy and Management (OPM) in connection with its tax relief program for the elderly and disabled, they shall be adjusted annually to reflect each year's current income standards.
- (2) Upon recommendation of the Board of Finance, the maximum allowable income levels may be modified by the Board of Selectmen. Such changes, if any, are to be implemented prior to the beginning of the next ensuing application period.
- (3) The applicant's qualifying income is the total income of the applicant and all record owner(s) or, in the case of a tenant in common or a qualifying taxpayer with life use who pays the property taxes, his or her total income, each together with the applicant's spouse, as applicable or as defined in the State Guidelines for Elderly and Totally Disabled Tax Relief Programs. In addition, qualifying income shall include adjusted gross income as defined in the Internal Revenue Code of 1954 as amended, Social Security benefits, railroad retirement benefits, income from other tax-exempt retirement and annuity sources, as well as any other taxable and nontaxable income.
- (4) Specifically excluded from qualifying income are Social Security payments made on behalf of a dependent person, casualty loss reimbursement by insurance companies, grants for disaster relief and life insurance proceeds.

§ 211-20. Application.

(A) Application for benefits under this program shall:

- (1) Be made on forms provided by the Town Assessor or the Town of Cromwell; and
- (2) Be accompanied by proof of all income from the prior calendar year including a copy of the applicant's SSA-1099 and federal tax returns for the preceding calendar year and any other income documentation as may be requested by the Assessor to determine eligibility hereunder. If a tax return is not filed, an SSA-1099 and all other 1099 forms received shall be provided along with any other

income documentation as may be requested by the Assessor to determine eligibility hereunder. The Applicant shall sign an affidavit verifying that all income has been reported; and

- (3) If applicable, be accompanied by proof of disability such as an SSA-1099 showing Medicare deduction, a properly identifiable writing from the Department of Social Security stating that the applicant is disabled and indicating the amount of Social Security Benefits received, such as a TPQY, or proof of permanent and total disability from a federal, state, municipal, or other government related program deemed comparable; and
 - (4) Be filed with the Assessor of the Town of Cromwell any time between February 1 and April 15 of any year that benefits are first claimed. There is no exception to this filing period. All qualifying taxpayers will be required to file a new application annually with the Town Assessor to maintain their eligibility; and
 - (5) Be signed and notarized by all record owner(s) and persons with life use of the property.
- (B) Applications and other documentation presented in support of the application for tax relief shall not be open for public inspection except as required by law.
- (C) Any resident deemed eligible for tax deferral benefits shall be a “qualifying taxpayer” for purposes of this Article.

§ 211-21. Administration; Computation of Benefits.

- (A) General authority of administration:
- (1) The Assessor is hereby authorized to implement this program, and to adopt such rules and regulations and procedures, consistent with Section 12-129n, as may be necessary for the proper administration of this program.
 - (2) The Assessor of the Town of Cromwell shall determine whether each applying taxpayer is eligible for a tax deferral under this program and shall notify the Tax Collector and each applicant in writing of his or her eligibility and the amount of deferred tax by June 1 or within two weeks following establishment of that year's mill rate, whichever occurs later.

(B) Benefits:

- (1) Any property tax deferral benefits received by any resident in accordance with the provisions of this section shall not disqualify such resident from receiving any benefits described in §§12-129b to 12-129d, inclusive, and §12-170aa, and any such property tax relief provided under this section shall be in addition to any benefits for which a resident is eligible under those sections.
- (2) In cases where a qualifying taxpayer holds title to real property jointly with non-qualified persons, the qualifying taxpayer will receive a deferral benefit in an amount proportional to his or her ownership interest, and the non-qualified persons shall not receive any tax deferral.
- (3) The tax deferral shall be granted in connection with principal residences, including the improvements and the minimum lot size required for the zone in which the principal residence is situated, but shall not include excess acreage as determined by the Town Assessor.

(C) Limitation on Tax Deferrals:

- (1) The Town's total deferred property tax revenue that may be granted annually by Cromwell shall be determined by the Board of Finance and shall not exceed an amount equal to 10% of the total real property tax assessed in Cromwell in the preceding tax year. If the qualified applications for deferred tax exceed the total deferred property tax revenue set by the Board of Finance for that year, the amount of deferred tax allowed for each qualifying taxpayer shall be equitably prorated in accordance with each qualifying taxpayer's share of the total deferred tax requested by all qualifying taxpayers.
- (2) The tax deferral amount for each taxpayer shall be based on the tax assessment for the year preceding the application, and, upon approval of benefits, shall remain in effect for one year, unless one of the following occurs:
 - a. A revaluation results in less tax owed on a property than the deferred tax amount, which would require that the deferred tax amount be reduced;
 - b. The property has a significant increase or decrease in value, or

- c. The Town's total deferred property tax revenue exceeds the maximum amount established in subsection (C)(1) above, requiring a pro-rata decrease in the deferral amount for all eligible residents.
- (3) The property tax deferral amount, together with any other relief received by a qualifying taxpayer under the provisions of §§ 12-129b to 12-129d, inclusive, and 12-170aa, shall not exceed 75% of the total amount of annual tax due for any eligible real property.
- (4) The total amount of all liens and accrued interest, if any, shall not exceed the assessed value of the property. Qualifying taxpayers or their designees will receive an annual statement from the Collector indicating total amounts deferred to date.
- (5) While both are in effect, qualifying taxpayers shall only be eligible for benefits from one of the senior and/or disabled tax relief programs offered by the Town of Cromwell pursuant to either Article VI Cromwell Senior Citizen Tax Abatement Program or this Article VII Cromwell Senior and Disabled Tax Deferral Program.

(D) Deferred Tax Liens:

- (1) The Tax Collector shall cause an interest-free lien in the amount of the tax deferred to be filed with the Town Clerk and recorded on the land records annually. All liens filed pursuant hereto may be foreclosed in the same manner and according to the same provisions provided in the general statutes for foreclosure of a municipal property tax lien.
- (2) **Any such lien shall have a priority in the settlement of the qualifying taxpayer's estate, and shall be valid without any limitation of time. All deferred taxes shall be reimbursed to the town no later than; (1) the actual date of a sale, transfer or other conveyance of the real property, or (2) within one hundred and eighty (180) days of the death of the qualifying taxpayer(s). Deferred taxes not paid when due shall accrue interest at the same rate and shall be subject to the same rules provided for by state law with respect to payment and collection of delinquent real property taxes.**

§ 211-22. Appeal Procedures.

- (1) Any taxpayer claiming to be aggrieved by the decision of the Town Assessor in determining tax deferral benefits may appeal to the Board of Selectmen within thirty days from the date of the mailing of notice of such decision, by filing a written appeal with the Senior Services Director.
- (2) The appeal shall include the taxpayer's name and address, reason for the appeal, appellant's estimate of the value of his or her property and the signature of the taxpayer. The Senior Services Director shall report the notice of appeal to the Board of Selectmen for their consideration and may make a recommendation to the Board of Selectman as to a decision on the appeal. The Board of Selectman shall hear the appeal within forty-five (45) days of the date upon which the appeal is filed and shall render a decision on the appeal within thirty (30) days of the date of hearing the appeal. The Senior Services Director shall notify the taxpayer in writing of the Board of Selectmen's decision within fifteen (15) days hereafter.

§ 211-23. Applicability.

This Article shall apply to real property taxes on the grand list of October 1, 2012, becoming due and payable in the fiscal year beginning July 1, 2014.

§ 211-24. Periodic Program Review.

This tax relief program shall be reviewed by the Board of Selectmen and by the Board of Finance the first and second year after implementation and then every two years thereafter or as deemed necessary. The Board of Finance will make recommendations for continuation, modification or termination of this program to the Board of Selectmen.

§ 211-25. Effective Date.

This Article is effective as of January 31, 2014.

**PROPOSED AMENDMENTS TO ORDINANCE CHAPTER 76
REGARDING NOTICE OF INTENT TO RENEW LIQUOR PERMIT**

ARTICLE IV: Renewal of Liquor Permits

§ 76-8. Notice of Application to Renew Liquor Permit Required.

Pursuant to Public Act No. 14-48, each person who files with the Department of Consumer Protection an application pursuant to section 30-39 of the Connecticut General Statutes for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic beverages within the Town of Cromwell shall simultaneously give written notice of each such liquor permit renewal application to the Chief of Police of the Town of Cromwell or his or her designee.

The Chief of Police or his or her designee shall have fifteen (15) days from receipt of a notice of renewal application to provide comments to the Commissioner of Consumer Protection regarding such liquor permit renewal.

§ 76-9. Penalties for offenses.

Any person failing to provide notice in accordance with the provisions of this article shall be fined not more than \$99.00 for each offense.

Chapter 178. PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Selectmen of the Town of Cromwell 9-9-1980.
Amendments noted where applicable.]

CHARTER REVISION

Effective with the general election held in November 2013, the Town changed to a Town Council/Town Manager form of government. According to Charter § 11.04, any references in Town ordinances to the "First Selectman" or to the "Board of Selectmen" shall now be deemed to refer to the "Town Manager" or the "Town Council," as appropriate.

GENERAL REFERENCES

Bazaars and raffles – See Ch. 88.
Food establishments – See Ch. 137.
Loitering – See Ch. 160.

§ 178-1. License required.

[Amended BOS 2-14-1996]

- A. No person shall, within said Town, sell or offer for sale or solicit orders for any provisions, fruits or any articles of food or goods, wares or merchandise, except milk, newspapers and bakery goods, sold within said Town, nor shall any person solicit subscriptions for magazines, books, etc., unless he shall obtain a license to do so from the Chief of Police, which said license may contain such conditions as the Chief of Police may deem expedient and shall be revocable at his discretion, upon notice. This chapter shall not apply to occupants of stores or shops within the Town.
- B. This chapter shall not apply to the selling of food and the parking of cars by residents during the Greater Hartford Open Golf Tournament. To be exempt, the activity must be operated by the property owner. Property owners who sell food need to obtain a health license from the Cromwell Public Health Coordinator. Compliance with Connecticut General Statutes § 12-409 (concerning sales and use taxes), as amended, is the responsibility of the property owner.

§ 178-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER

Includes "hawker" and "huckster" and shall mean any person, as defined below, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise, either on foot, from any animal, vehicle or stationary location.

PERSON

Any individual or group of individuals associated in any form, whether principal or agent, unless specifically exempted by statute from the provisions hereof.

SOLICITOR or CANVASSER

Any person traveling by foot, animal or vehicle, or by means of telephone, taking or attempting to take orders for the sale of goods, wares or merchandise for future delivery or for services to be performed in the future, whether or not such solicited sales are by sample and whether or not deposits or advance payments are collected.

§ 178-3. Application procedure.

[Amended BOS 2-14-1996]

Said peddlers and solicitors shall make application for such a license in person at the office of the Chief of Police upon a required application form.

§ 178-4. Issuance of license.

[Amended BOS 2-14-1996]

- A. It shall be mandatory for any solicitor or canvasser and/or any peddler to apply for a license with the Chief of Police and to provide him with the following data in order to procure such a license:
- (1) Complete identification, including date and place of birth, residence and permanent address, physical description and prior criminal record, if any.
 - (2) Signature.
 - (3) Name of employer.
 - (4) Nature of the product of services in which he is interested.
 - (5) Purposes in obtaining the license.
 - (6) Organization he represents.
 - (7) The nature and extent of the proposed operation in the Town and the description and number of vehicles, if any, to be operated in connection with such operation.

- (8) Evidence of compliance with Connecticut General Statutes § 12-409 (concerning sales and use taxes), as amended.
- (9) Evidence of Health Code compliance, where applicable.

B. No license shall be issued to the following:

- (1) Any person, association or corporation any of whose members have been convicted of any crime involving moral turpitude, including but not limited to rape, sexual battery, corruption of a minor, child molestation, harassment or offenses relating to dangerous drugs, as defined by the Connecticut General Statutes.
- (2) Any person who has been determined to be mentally and/or physically impaired so as to render him or her incapable of holding a license.
- (3) Any applicant who has been convicted of any felony or misdemeanor involving the use of physical violence within five years of the date of application.
- (4) Any person who is on probation or parole at the time of application shall be reviewed by the Chief of Police to determine if a license shall be issued. The Chief of Police may require additional information or the personal appearance by the applicant, or both.
- (5) Any person on probation or parole for a felony who has completed less than two years of probation or parole, or to any person on probation or parole for a misdemeanor who has completed less than six months of said probation or parole.
- (6) Nothing in this section shall be construed as to limit the discretion of the Chief of Police to refuse to issue a license for these or other related issues.

§ 178-5. Permitted hours of operation.

[Amended BOS 2-14-1996]

Such licensee, with or without vehicles, shall be licensed to do business only between 8:00 a.m. and 9:00 p.m.

§ 178-6. Form of license; display required upon request.

Each licensee shall receive, with his license, identification bearing the name of the licensee, license number and the words "licensed peddler, Town of Cromwell" or "licensed solicitor, Town of Cromwell," as the case may be, and with the expiration date of the license. Such identification must be available for inspection while engaged in peddling or soliciting and must be shown to any inhabitant of the Town upon request.

No such identification shall be used by any person other than the licensee to whom the same was issued.

§ 178-7. Expiration of license; license not transferable.

Such licenses, unless sooner revoked, shall expire on the last day of December succeeding the date of the issue thereof and shall be a personal license to the licensee and shall not be transferable.

§ 178-8. Fees.

[Amended BOS 2-14-1996; BOS 5-10-2006]

[A.] Fees for peddlers and solicitors shall be computed and paid upon the issuance of any license and badge pursuant to the prescribed schedule:

- (1) Persons proposing to peddle or solicit on foot: minimum fee of \$50 for each calendar month or portion thereof; and licenses may be obtained for a longer period at \$50 per calendar month up to the period of one calendar year ending December 31, but in no event to exceed the maximum fee per year set forth in Connecticut General Statutes § 21-37.
- (2) Persons proposing to peddle or solicit from a wagon, motor vehicle, railroad car or other conveyance: minimum fee of \$50 per calendar month or portion thereof; and licenses may be obtained for a longer period at \$50 per calendar month up to the period of one calendar year ending December 31, but in no event to exceed the maximum fee per year set forth in Connecticut General Statutes § 21-37.

[B.] No fee shall be required of one selling products of the farm or orchard actually produced in Cromwell by the seller or anyone exempt by state law or by legal residents of the Town of Cromwell.]

[Note* Proposed Amendment deletes previous subsection B as unnecessary since farmers and gardeners are exempt from this ordinance per C.G.S. § 21-37 as noted in section 178-12.C of this ordinance]

§ 178-9. Regulation of operations.

Any person soliciting or peddling within the Town of Cromwell, whether or not required to register under the provisions of this chapter, shall conform to the following regulations:

- A. The solicitor or peddler shall conduct himself at all times in an orderly and lawful manner.
- C. The solicitor or peddler shall give a written receipt for all orders taken within the Town of Cromwell, which receipt shall be signed by the solicitor or peddler and shall set forth a brief description of the goods, wares or merchandise ordered, the total price thereof and the amount of the downpayment received by the solicitor or peddler from the purchaser, if any.
- D. No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.
- E. It shall be the duty of any police officer of the Town of Cromwell to require any person seen peddling or soliciting and who is not known by such officer to be duly licensed to produce his peddler's or solicitor's license and to enforce the provisions of this chapter against any person found to be violating the same.
[Amended BOS 2-14-1996]

§ 178-10. Revocation of license; hearing procedure for citations.

[Amended BOS 2-14-1996]

- A. Licenses issued pursuant to this chapter may be revoked upon the issuance of a citation by the Chief of Police of the Town of Cromwell, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for license.
- F. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser.
- G. Any violation of this chapter.
- H. Hearings concerning any violation of, or penalties imposed pursuant to, this chapter, including revocation of any license issued hereunder, shall be in accordance with Connecticut General Statutes § 7-152c, as the same may be amended from time to time. The Town Manager shall appoint not more than two persons to serve as hearing officers. Any such hearing officer shall not be a police officer or employee or person who issues citations. The compensation of the hearing officers shall be set by the Town Council. In addition to the requirements of Connecticut General Statutes § 7-152c, all hearings under this chapter shall conform to the requirements for fundamental fairness, rules of evidence, and other procedures required by law for administrative hearing involving the imposing of fines or penalties, or the revocations of licenses.
[Amended TC 6-16-2014]

§ 178-11. Violations and penalties.

[Amended BOS 5-10-2006]

Any persons violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$99, and each such date of violation shall constitute a separate offense.

§ 178-12. Exemptions; registration of charitable organizations.

[Amended BOS 2-14-1996]

- A. This chapter shall not apply to salesmen selling goods to retail or wholesale stores for resale or to wholesalers selling and delivering their wares and goods to the merchants of the Town or to goods, merchandise or foodstuffs sold and delivered by the merchants of the Town or to vendors of newspapers or to the sale of goods by students of the schools of the Town, provided that such sales have been approved by the Board of Education.
- B. Charitable, philanthropic, ecclesiastical and civic organizations regularly organized and/or functioning in the Town shall be exempt from the provisions of this chapter, provided that each person before peddling or soliciting on behalf of the same shall register with the Chief of Police the name and address of the organization, the name and address of the persons intending to peddle or solicit and the purpose of the object therefor. The registration fee shall be \$5 for any such organization and may be waived for good cause. A copy of such registration shall be provided each registrant. Such registration shall serve as a means of identification.
- C. This chapter shall not apply to sales by farmers and gardeners **of** [or] the produce of their farms, gardens and greenhouses, including fruits, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

[Note* Proposed amendment corrects a typographical error. Statutory term is “of” not “or” and intent of statute is to permit farmers and gardeners to sell their produce without a license, not to exempt any sale of any item from someone who happens to be a farmer or a gardener.]

- D. Nothing in this chapter shall be construed to limit in any manner the Transportation Commissioner's statutory authority concerning state highways.
- E. Nothing in this chapter shall be construed as empowering the Town of Cromwell to prohibit, regulate, control or impose a fee on any person operating any

business on any state highway or land abutting any state highway pursuant to a contract with the state.

§ 178-13. Required records.

[Amended BOS 2-14-1996]

It shall be the duty of the Chief of Police to keep records of all licenses granted under the provisions of this chapter in a book provided for that purpose, giving the number and date of each license, name, age and residence of the person so licensed, the amount of the license fee paid and also the date of revocation of any license and to keep a detailed account of all fees collected for such licenses and to turn said fees over immediately to the Treasurer of the Town.

Anti-Blight Ordinance – Chapter 97

97-1. Purpose

The purpose of this Ordinance is to define, prohibit and abate blights and nuisances and to protect, preserve, and promote 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.

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

- a) 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;
- b) Existing conditions pose a serious threat to public health or safety as determined by the Building Official, Health Director, Fire Marshal and/or the Police.
- c) Premises improved with a structure intended for human occupancy, on 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 thereon;

- 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 three 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 for household use 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;
- h) Graffiti: a mural 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,

Blight Enforcement Officer: means the person designated by the Town Manager, including the Director of Health, the Town's Zoning Enforcement Officer, the Chief of Police and/or the Town Manager's designee(s).

Building Official: Such individual as is designated by the Town Council to administer the State Building Code and to enforce Town Building 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 Council to administer the State Health Code and to enforce Town Health Ordinances.

Hearing Officer: 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 with moving parts, including but not limited to, those which operate by an internal combustion engine, or which are designed to be towed by any apparatus propelled by an internal combustion engine, but excluding duly registered passenger motor vehicles.

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 chapter.

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.

Zoning Enforcement Officer: An individual authorized to issue citations for violations of the Zoning Regulations of the Town.

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) Complaints may be submitted to the Blight Enforcement Officer by members of the public, but such complaints must be in writing and signed on forms provided by the Town.

b) Whenever the Blight Enforcement Officer determines that there has been a violation of any provision of this ordinance, except as to Section 3(d), 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 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 protest to the Blight Enforcement Officer within ten (10) days.

c) Whenever the Blight Enforcement Officer determines that there has been a violation of Section 3(d) 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(a), 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(d) thirty (30) days after notice of alleged violation in accordance with Section 7(b) above, shall be subject to the removal and disposition of the unregistered motor vehicle.

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). In no event, shall the Blight Enforcement Officer enter a dwelling house or structure on such property without the prior written consent of the owner.

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 or the Blight Enforcement Officer within ten (10) days of the date of said notice.

b) The hearing and appeal process shall be governed by Section 1-1.B of the Code and in accordance with Section 7-152(c) 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 shall be punishable by a fine of one hundred dollars (\$100.00) per day for each violation payable to the Town of Cromwell.

b) Enforcement

- 1) The Blight Enforcement Officer, or any police officer in the Town of Cromwell, 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 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.