

**PROPOSED ORDINANCE**

**REVISED ANTI-BLIGHT PROGRAM**

Pursuant to the powers vested in the Board of Aldermen by virtue of Section 93 of the Charter of the City of Ansonia and Connecticut General Statutes Section 7-148, the Board of Aldermen hereby declares that:

- A. The Anti-Blight program as set-forth in Section 13-46 et. al. provides for the assessment of fines with respect to violations of the Anti-Blight program; and
- B. The proposed changes to the Anti-Blight Program will assist in the efficiency and effectiveness of Ansonia's Anti-Blight enforcement and remediation efforts.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ANSONIA THAT:**

- 1. Section 13-46 et. al. be repealed in its entirety and replaced with the following Ordinance of the City of Ansonia:

**Sec. 13-46. - Declaration of policy.**

This article is authorized pursuant to Connecticut General Statutes, section 7-148(c)(7)(H)(xv) which empowers a municipality to make and enforce regulations which define and are intended to prevent housing blight, including regulations providing for reduction of assessments, maintenance of property, specification standards to determine neglect and fines for each violation of up to two hundred dollars (\$250.00) per day.

**Sec. 13-47. - Creation or maintenance of blighted premises prohibited.**

No owner of real property located in the City shall allow, create, maintain, or cause to be created or maintained, any blighted premises.

**Sec. 13-48. - Definitions.**

For the purpose of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

- (a) Blighted Premise shall mean any building, structure or parcel of land in which at least one of the following blighted conditions exist. Multiple instances of the same type of blighted condition shall be separate blighting conditions.

(1) Each instance of the following physical conditions shall constitute a blighting condition:

- a. It is determined by the building official or anti-blight enforcement officer that the building, structure or parcel of land is in a condition which poses a significant threat to the safety, health, morals and general welfare of the community;

- b. It is attracting illegal activity as documented by the police department;
- c. It is a fire hazard as determined by the fire marshal or as documented by the fire department;
- d. It is a substantial factor causing serious depreciation of the property values in the neighborhood.
- e. Doors, windows or other openings into houses, apartment buildings or commercial buildings which are (i) broken or missing, (ii) boarded up with unpainted wood metal or other material or (iii) boarded up, but some or all of the material used to board up the windows or doors in question have been broken, pried off or apart or otherwise vandalized;
- f. Collapsing or missing walls, floors or roof;
- g. Exterior walls which contain holes, breaks, loose or rotting materials, which are not properly surface-coated to prevent deterioration or the paint on which is significantly discolored or faded;
- h. Foundation walls which contain open cracks and breaks;
- i. Overhang extensions, including, but not limited to, canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust, tearing, fading or other decay;
- j. Chimneys and similar appurtenances which are in a state of disrepair;
- k. Screening which contains tears or ragged edges;
- l. Vermin infestation;
- m. Garbage, trash or abandoned vehicles on the premises unless the premises is a junkyard licensed by the State of Connecticut;
- n. Uncut grass, weeds or undergrowth at least one (1) foot in length;
- o. A fence with missing or rotting boards or with broken or ragged links or other material or which, if made from wood, is not properly surface coated to prevent deterioration, significant discoloration or fading;
- p. Bushes or trees allowed to grow anywhere in an area more than one (1) foot laterally and less than seven (7) feet vertically over a walkway, driveway or street;

- q. Accumulation of stagnant or unsanitary water;
- r. Dead trees deemed hazardous to the public or to an adjacent property;
- s. Display lights or exterior signs in a broken or disassembled state;
- t. Exterior paint significantly chipped or faded;
- u. Clothing left hanging from trees, shrubs or fences in the front yard of any residence;
- v. Interior furniture left outside, exposed to the elements;
- w. Accumulations of feces or putrefying substances;
- x. Vehicles parked on premises unlawfully;
- y. Graffiti, as defined in the Ansonia City Code;
- z. Any violation of building, housing, zoning, fire or health codes.

(b) *Building Official* shall have the meaning defined in Connecticut General Statutes Section 29-260.

(c) *Capable Individual* shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age; without a physical or mental disability as defined herein.

(d) *Dilapidated* shall mean any building or structure or part thereof, that would not qualify for a certificate of use and occupancy, or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for habitation as defined in the state basic building code and the revised ordinances of the city.

(e) *Disabled Individual* shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

(f) *Elderly Individual* shall mean an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance.

- (g) Legal Occupancy shall mean human habitation which is legal by virtue of compliance with state building, state fire safety, local zoning, local housing and all other pertinent codes, and which shall further be demonstrated by the proof of occupancy evidenced through a bonafide lease agreement, rent receipt or utility statement.
- (h) Low Income Individual shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is in the upper limit of step 5 as set forth in the Connecticut General Statutes Section 12-170 aa (c). It is immaterial that a person is not elderly with regards to this article because the reference to the Section 12-170 aa (c) is only for the purpose of providing a guideline for this article.
- (i) Neighborhood shall mean an area of the city comprising premises or parcels of land any part of which is within a contiguous radius of eight hundred (800) feet of any other parcel within the city.
- (j) Vacant shall mean a period of sixty (60) days or longer during which space subject to this article is not legally occupied.
- (k) Owner shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of Ansonia.
- (l) Significant Risk to Health and Safety shall refer to conditions that would likely result in illness, injury or death if allowed to persist.

#### **Sec 13-49. – Lien for Costs and Expenses Incurred by the City of Ansonia**

Whenever the owner fails to comply with an order or citation to repair, board, maintain or demolish a building, sign, or structure and/or remove a blighting condition or in order to make the property safe and sanitary under any provision of the Connecticut General Statutes or the City of Ansonia building, health, housing or safety codes or regulations and the City of Ansonia has made repairs, boarded or demolished the building, sign or structure and/or removed the blighting condition or to make the property safe and sanitary after the owner's failure to do so, reasonable costs and expenses incurred by the City of Ansonia, shall be a lien against the real property in accordance with Connecticut General Statutes Section 49-73b.

The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of the recording. The costs incurred by the City of Ansonia, plus interest thereon, in the repair, boarding, or demolishing of a building, sign or structure and/or removal of the blighting condition, or to make the property safe and sanitary shall be added to the amount of taxes due on the real property where the building, sign or structure was located.

**Sec. 13-50. – Violations and Penalties.**

(a) Each violation of any provision of this article shall be considered a separate offense hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.

(b) Violations of the provisions of this article shall be punishable by a fine of one hundred dollars (\$100.00) for each day a violation exists and continues and will commence on day of notice. If prior notice to the property owner is mandated by state code, then the fine will commence for each day beyond the notice period as long as the blighted conditions persists. The fine will increase to two hundred dollars (\$250.00 ) per day if not paid within thirty business days of issuance.

(c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.

(d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.

(e) A one (1) per cent per day interest charge shall be applied for failure to pay, within forty-five (45) days, any fine charged for violation of this article. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee was imposed from the original date of such fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

(f) When the property owner has failed to correct and/or remove a blighting condition within ten (10) business days of receiving a notice of violation from the City, the City may cause such correction and/or removal of the blighting condition by use of City staff or an independent contractor engaged by the City at the expense of the owner of the property. Costs incurred by the City of Ansonia for the removal and/or correction of blighting conditions shall be recorded on the Ansonia Land Records as a lien against real property.

**Sec. 13-51. - Special consideration.**

Special consideration may be given to the individuals that are elderly or disabled in the city's effort to correct blighted conditions. If an individual cannot maintain a reasonable level of upkeep of the owner

occupied residence because the individual is elderly or disabled and no capable person resides in the residence, the enforcement officer may give the person adequate time to correct the problem. Except as noted below, where the residence that is a low income individual and owns and occupies a residence that is designated as blighted, the enforcement officer may give special consideration to the person by providing adequate time to correct the problem.

**Sec. 13-52. Enforcement.**

(a) Enforcement. The Blight Enforcement Officer of the City of Ansonia and his/her designee shall be responsible for enforcement of this Code.

(b) Complaints. Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the City of Ansonia.

(c) Investigation. The City of Ansonia shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the inspector observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department, he/she shall notify the appropriate agency or department and request that agency or department to conduct an inspection and provide to the blight officer a copy of said report together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article.

(d) Orders to take corrective action. The City of Ansonia shall track all investigations pursuant to subsection (b) of this section and shall maintain a record of all violations. If these records reveal any premises to be blighted premises and prior notice to the property owner is mandated under the relevant state code then the City of Ansonia shall serve a notice of violation and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner cannot be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of Ansonia website. The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within the statutorily mandated notice after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. A copy of the order shall be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.

(e) The notice from the City of Ansonia shall include:

- 1) the allegations against him or her and the amount of fines, penalties, costs or fees due;

2) that the individual may contest liability in a hearing before a Blight Appeal Officer appointed by the Mayor by delivering in person or by mail written notice within ten (10) business days of the date thereof;

3) that if no hearing is demanded an assessment and judgment may be entered and issued without further notice;

4) that the City may act to remove and/or correct blighting conditions if not removed and/or corrected by the property owner within ten (10) business days after the date of the notice;

5) that costs incurred by the City of Ansonia for the removal and/or correction of blighting conditions shall be recorded on the Ansonia Land Records as a lien against real property.

(f) Appeal of Order. Any person aggrieved by any decision rendered herein may appeal pursuant to the appeals process set forth in this article.

#### **Sec. 13-53. - Appeals procedure.**

Within ten (10) business days from the receipt of written notification of the violations, any individual may request an appeal of the decision by filing a written request in the town clerk's office of the City.

A Blight Appeal Officer shall be appointed by the Mayor for the purpose of hearing blight appeals under this section. The Blight Appeal Officer shall meet with the individual making appeal within ten (10) business days of the town clerk receiving notice of the desire for an appeal. The clerk shall notify the Blight Appeals Officer of the appeal.

(1) The Blight Appeal Officer shall render a decision within twenty-four hours after the hearing.

(2) If the appellant does not for any reason meet with the Blight Appeals Officer within the ten (10) business day period, the appellant waives his or her right to an appeal.

#### **Sec 13-54 – Administration of Collected Fines**

All funds collected by the City as fines through the Anti-Blight Program shall be deposited into an account that may be administered by the building official or anti-blight enforcement officer to be used for associated costs in enforcing and administering this Anti-Blight Program, including but not limited to other anti-blight initiatives and remediation. The account shall be a revolving account.

This Ordinance shall be effective \_\_\_\_\_, 2014

Approved \_\_\_\_\_

Adopted

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk