

TOWN OF PUTNAM
ANTI-BLIGHT ORDINANCE

Sec. 1. Declaration of policy.

(a) This article is enacted pursuant to the Municipal Powers Act of the Connecticut General Statutes and general police powers including those set forth in G.S. 7-148(c)(7) and the Town Charter. This article is intended to be enforced as a blight ordinance, pursuant to G.S. 7-148(c)(7)(H), and, because the town has determined that blight is a significant nuisance to the town, as a nuisance ordinance, pursuant to G.S. 7-148(c)(7)(E).

(b) It is hereby found and declared that there exist in the Town of Putnam a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of neighborhoods, and results in a deleterious effect upon residential, commercial and industrial properties. Further, it is found that the existence of blight adversely affects the economic wellbeing of the town and is inimical to the health, safety and welfare of the residence of the Town of Putnam. Moreover, many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, clean-up or reuse of the most egregious examples of blighted and nuisance properties would eliminate, remedy and prevent the adverse conditions described.

Sec. 2. Definitions.

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

BLIGHTED PROPERTY: Any building, structure or parcel of land, including single family or multi-family residential, commercial or industrial, whether occupied or vacant, in which at least one (1) of the following conditions exists:

(1) It does not comply with any municipal, state or federal law, regulation and Code provision specifically including where applicable the regulations of the Putnam Special Services District regarding occupancy, care, maintenance and upkeep, including:

- a. The Town Planning and Zoning Regulations as may be amended from time to time.
- b. The State Building Code as it may be amended from time to time.
- c. The State Health Code as it may be amended from time to time.
- d. The Life Safety Code and the Fire Safety Code as it may be amended from time to time.
- e. The District Department of Health for the Northeast District Regulations as may be amended from time to time.

(2) It has been the site of documented illegal activities as referenced by a complaint to or report from the Putnam Special Services District Police Department or the State Police for the State of Connecticut which activities resulted in one or more convictions;

(3) The condition of the building, structure or parcel of land constitutes an unsafe structure and poses a serious or immediate danger to the safety, health or general welfare of the community as certified by the Building Official or Fire Marshall;

(4) It is not being adequately maintained, as determined by the following factors: missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding or the building is otherwise dilapidated; a structurally faulty foundation; physical hazards, rodent harborage and infestation, improper storage of garbage, trash, rubbish, grocery carts, tires, hubcaps; or a violation of the Town of Putnam or Putnam's abandoned motor vehicle ordinance or structure which has suffered damage due to fire, natural disaster or otherwise which damage would require substantial repair if such substantial repair is not commenced within sixty (60) days of the incident causing the damages or if such repairs once commenced are substantially abandoned for a continuous period of 30 days;

(5) It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible to maintain in a safe condition for the use of the public or if the sidewalk is in violation of any ordinance in the Town of Putnam or the Putnam Special Services District regarding maintenance of sidewalks and/or removal of ice and snow from sidewalks, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash which would in any way impede or imperil public travel upon said sidewalk or render it unsafe or unsightly; or

(6) It attracts or harbors vectors, rodents, insects, vermin and disease carrying animals.

(7) Dilapidated. Any building or structure or part thereof that would not qualify for occupancy or which is an unsafe structure, and any dwelling unit or units which is unfit or unsafe for human habitation or is unsafe for persons walking around it or nearby it.

(8) A property occupied by a structure intended for human occupancy in which grass, weed or brush is allowed to reach and maintain a height of 18 inches or greater and which situation continues for 20 days or longer. Property maintained in its natural state, gardens, ornamental plantings and property subject to conservation easement shall be exempt from this provision.

(9) A property occupied by a structure intended for human occupancy which contains two or more dead, decayed, diseased or damaged trees which constitute a hazard or danger to adjacent premises the occupants of the subject premises or adjoining public property including sidewalks and roadways.

(10) A property occupied by a structure intended for human occupancy which either the building or grounds of which create a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports or reports from appropriate municipal or other governmental officials.

CITATION HEARING OFFICER: The Mayor of Putnam shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, to conduct hearings authorized by G.S. 7-152c. The town shall institute a citation hearing procedure pursuant to G.S. 7-152c and act in accordance with the procedures set forth therein.

CIVIL PENALTY: The Town may assess a civil penalty for violations of this regulation with such penalties as hereinafter set forth pursuant to the provisions of Section 7-148 of the Connecticut General Statutes as amended by Section 12-146 and such civil penalties shall be subject to the citation hearing procedure as set forth in this ordinance.

DESIGNATED ENFORCEMENT OFFICER: The designated enforcement officer(s) is any police officer of the Putnam Special Services District or any state police officer exercising his jurisdiction outside the Putnam Special Services District and within the Town of Putnam. The Building Official of the Town of Putnam and his or her assistant the Zoning Enforcement Officer of the Town of Putnam and his or her assistant and the Fire Marshal of the Town of Putnam and his or her deputy. Further when special circumstances require the Mayor may formally designate an Enforcement Officer to enforce specific sections of this code as required.

EXEMPT PROPERTY: Any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.

Sec. 3. Creation or maintenance of a blighted property prohibited.

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in section 2, to be created, maintained or continued.

Sec. 4. Enforcement.

(a) The Town of Putnam, acting directly or by or through its designated enforcement officer or officers, may enforce this article according to law by civil action or in such manner is authorized

by Town Charter, ordinance and state statutes, provisions of the State of Connecticut Building Code, the Life Safety Code and the Fire Code. In addition to any other remedy, such officer may serve written notice to an owner, agent, tenant or other person responsible of any violation and may order the correction and cessation of such violation, which shall constitute an order to abate. The notice may be hand delivered or mailed to the last known address of the owner, operator or any of the persons identified in section 3. If the notice is mailed only to one (1) of the responsible parties it shall in no way be or be construed to be a release of any other responsible party nor evidence that any other party is responsible. If there is more than one (1) responsible party identified in the order, the responsibility for complying with the order shall be joint and several. Notwithstanding anything to the contrary, the notice shall state the violation(s) of this article and, when necessary for the health and safety of town residents, the enforcement officer may require abatement within twenty-four (24) hours from the time of notification or immediately as may be necessary. Said notice may be enforced by way of civil action. In any proceedings brought pursuant to Connecticut General Statutes 7-148(c) the owner and occupant of the property shall be given written notice of any violation and provided a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken.

(b) If the owner, agent, tenant or responsible person fails to correct the violations or fails to provide notice to the town of his or her intent to correct the violations set forth in the order to abate within a reasonable period of time, and if any violation continues unabated after twenty (20) days from the date such order to abate is served or if the owner fails to correct the violations as set forth in his or her notice to the town, the town may issue an enforcement citation as specified in this article.

(c) If the owner, agent, tenant or responsible person fails to correct the violations the town may take any action necessary to abate the nuisance at any time after the initial seventy-two hour notice at the expense of the owners and send an invoice for the town's costs of such abatement to the owner of the property. The expense incurred by the town to abate the violation, together with a reasonable administrative fee that relates to the abatement the amount set forth in such invoice shall become a lien upon the land if such invoice remains unpaid for a period of over six (6) months, and said officer shall file upon the land records a notice of the lien which shall state the address of the property, the name of the record owner, and the amount of the lien. Said lien may be foreclosed and enforced in the same manner as an emergency lien or other municipal lien.

(d) If the town is proceeding pursuant to 7-148(c) any person who is a new owner or a new occupant shall upon request be granted a thirty-day extension of the notice an opportunity to remediate provided pursuant to Section (a) of this section. For the purpose of this section "new owner" means any person or entity who has taken title to a property within thirty (30) days of the notice and "new occupant" means any person who has taken occupancy of a property within thirty (30) days of the notice.

(e) If the town is pursuing a remedy pursuant to Section 7-148(c) sub-paragraph (H)(xv) of Subdivision (7), an unpaid penalty imposed by the municipality pursuant to said sections shall constitute a lien upon the real estate against which the penalty was imposed from the date of such penalty. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing of property tax liens. Each such lien shall take precedence over all other liens filed after July 1, 1997 and encumbrances except taxes and may be enforced in the same manner as property tax liens.

Sec. 5. Hearing procedure for citations.

The Town of Putnam shall adopt hearing procedures for enforcement citations in compliance with the requirements of G.S. 7-152c as follows:

(a) Hearing Officers. Mayor shall appoint one or more Citation Hearing Officers and the terms are going to run from the date of appointment and shall terminate on the first Tuesday in December of even numbered years. No person who serves as a police officer or employee or person who issues citations shall serve as a Citation Hearing Officer. No appeal of a citation shall stay any administrative or judicial proceedings upon the violation or upon a notice.

(b) Notice of Citation. The municipality, acting by the Mayor or the Mayor's designee, shall at any time within sixty (60) days from the expiration of the final period for uncontested payment of a fine, penalty, cost or fee for any citation issued under any ordinance adopted pursuant to the provisions of Section 7-148 or Section 22a-226d or other relevant statute or ordinance for an alleged violation thereof, shall send notice to the persons therein cited. Such notice shall contain at a minimum the following information:

(1) The allegations against the person so cited, together with the amount of the fines, penalties, costs, or fees due.

(2) The fact that the person may contest his or her liability before a Citation Hearing Officer by delivery in person or by mail of a written notice within ten (10) days from the date of the herein specified notice.

(3) That if a hearing is not demanded, an assessment and judgment shall be entered as of course.

(4) Any such judgment may issue without further notice to the individual.

(5) Payment of such fine, penalties and costs shall be made to the Office of the Mayor, or the Mayor's designee, the person or by mail. Such payment shall be inadmissible in any proceedings, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the initial notice as provided herein, shall be deemed to have admitted liability and the designated municipal official shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth herein and in Section 7-152c of the Connecticut General Statutes.

(6) Any person who requests a hearing within the time specified in this ordinance will be given written notice of the date, time and place for the hearing, which shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of the notice, subject to reasonable requests for good cause shown for continuance or postponement by an interested party. The original or a certified copy of the initial notice of violation shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes, and evidence of the facts contained therein. The accused shall have the right to request the issuing official or police officer be present at the hearing and such individual shall in fact be present at the hearing if so requested. At such hearing the accused may appear and present evidence on his or her own behalf and the designated municipal official other than the Citation Hearing Officer may present evidence on behalf of the issuing official or the municipality. Any person who fails to appear may be defaulted and an assessment by default entered against him or her upon a finding of proper notice and liability under applicable statutes or ordinances. The hearing shall be conducted as set forth in Section 7-152c of the Connecticut General Statutes and the Citation Hearing Officer shall announce his or her decision at the termination of the hearing.

(c) Notice of Assessment. If the assessment is not paid as of the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file not less than thirty (30) days nor more than twelve (12) months after such mailing, certified copy of the notice of the assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator within the boundaries of the Judicial District in which the municipality is located, together with an entry fee of \$8.00. A certified copy of the notice of assessment shall constitute a record of assessment and the Clerk of the Superior Court shall enter judgment in the amount of such record of assessment and Court costs of \$8.00 against such person in favor of the municipality. Notwithstanding any other provision of the Connecticut General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment shall have the affect of a civil money judgment and a levy of execution on such judgment may be made without further notice to such person.

(d) Appeal. There shall exist a right of appeal in favor of any person against whom an assessment has been entered pursuant to the provisions of this ordinance. An appeal shall be instituted within thirty (30) days of the mailing notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small

claims case pursuant to Section 52-259 of the Connecticut General Statutes in the Superior Court for the Geographical Area in which such municipality is located, which shall entitle such person to a hearing in accordance with the rules of the Judges of the Superior Court.

(e) Violations; Penalties. the following ordinances shall be enforceable by citation pursuant to the provisions of Section 7-148 of the Connecticut General Statutes, in addition to any other penalties contained in the respective ordinances and the respective amounts specified as fine or penalty. The ordinances to which these procedures shall apply are as follows:

- (1) The Town of Putnam Anti-Blight Ordinance
- (2) The Town of Putnam Sidewalk Ordinance Governing Snow Removal and Sidewalk Maintenance
- (3) The Town of Putnam property identification ordinance

Sec. 6. Municipal abatement.

If any action is brought to enforce this article or to enforce any violation hereof, including the failure to pay a fine or penalty, the town may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorneys fees and its witness fees, and such other relief as permitted by law.

Sec. 7. Recording of lien.

In addition to having a lien for abatement expenses, any unpaid fines or costs of abatement shall constitute a lien upon the real estate in accordance with G.S. 7-148aa, and each such lien shall be continued, recorded and released as provided for therein.

Sec. 8. Violation.

A violation of this article is a public nuisance pursuant to this ordinance and the General Statutes. This ordinance is intended to provide additional enforcement officers to the appropriate municipal officials of the Town of Putnam and provisions of this ordinance shall be considered in addition to and not in derogation or restriction of any other power available to any municipal official of the town. The penalty for any violation of the provisions of this ordinance shall be Twenty-five (\$25.00) Dollars per day and each day that the violation continues shall be considered a separate violation with a separate penalty.