

**DRAFT - TOWN OF EAST HADDAM -DRAFT  
BLIGHTED STRUCTURE ORDINANCE**

**Town Meeting 06/28/16**

**Authority and Purpose**

This Ordinance is enacted pursuant to the authority granted to the Town of East Haddam (the “Town”) under CGS § 7-148(c)(7)(H)(xv). The Town finds that blighted or unsafe buildings and other structures may pose a threat to the health, safety and general welfare of their occupants and other members of the public, and may reduce the value and unreasonably interfere with the use, enjoyment and function of properties in the vicinity of such premises. The Board of Selectmen also finds that building and structures within the Town should not be allowed to become blighted or unsafe or to remain in such a condition.

**Scope of Provisions**

This Ordinance shall apply to the maintenance of all residentially, commercially, or industrial zoned premises now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes.

**Section 1**

This Ordinance prohibits any owner, agent, tenant or person in control of real property (hereinafter collectively and/or singularly referred to as the “Owner”) located in the Town from allowing, creating, maintaining or causing to be created any blighted structures. The Town also establishes and enforces penalties for violation of this Ordinance.

The Town reserves the right to use but not limited to, the following officials to utilize and assist in determinations or any service as determined: the Building Official, Fire Marshal or other official designated by the Board of Selectmen, acting within the scope of such official’s authority, to determine whether the building, or structure is in a condition that poses a threat to the safety, health and/or general welfare of the community.

**Section 2**

**Definitions**

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

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**Blighted Premises:** Any building or structure, or any part of a structure that is a separate unit, whether occupied or vacant, including residential, commercial and industrial, in a seriously degraded condition which contributes to the decline of neighborhood, zone or area, and in which at least one of the following conditions exists:

- A. The Town Official determines that existing conditions pose a threat to the health and safety of persons in the Town;
- B. It is a fire hazard as determined by the Fire Marshal or as documented in the Fire Department records;
- C. The premises is not being maintained and is in a degraded condition, or is becoming dilapidated and contributes to housing decay as evidenced by existence of conditions such as:
  - 1. missing or boarded windows or doors;
  - 2. collapsing or missing walls, roof, or floor;
  - 3. exterior walls which contain holes, breaks, loose or rotting materials;
  - 4. structurally faulty foundation;
  - 5. seriously damaged or missing siding
  - 6. unrepaired fire or water damage
  - 7. overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhausts ducts which are in serious disrepair
  - 8. chimneys and similar appurtenances which are in a hazardous state of disrepair

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

**Building Official (BO):** Shall mean the building official as defined in Connecticut General Statutes Section 29-260.

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**Capable Household Member:** Shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include adults without physical or mental disability, who qualify as a “disabled individual” as defined herein.

**Dilapidated:** Shall mean a building or structure or part thereof that would not qualify for a Certificate of Occupancy if applied for, or which is deemed an unsafe structure as defined by the State Building Code, or any dwelling or unit that is designated as unfit for human habitation as defined in the State Building Code and/or the Ordinances of the Town.

**Disabled Individual:** Shall mean in the case of an owner-occupied residence, an individual who has a disability meeting the definitions for a 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.

**Fire Marshal:** Shall mean an official who is trained and certified, who is appointed to supervise and conduct fire prevention and investigations pursuant to Conn. Gen. Stats. § 29-297

**Legal Occupancy:** Occupancy in accordance with state building, state fire, local zoning, local housing and all other pertinent codes.

**Low Income Individual:** Shall mean in the case of an owner-occupied residence, an individual, or where more than one person resides on 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 12-170aa (c), as the same may be amended from time to time. It is immaterial that a person is not elderly with regards to this Ordinance because the reference to Section 12-170aa (c) is only for the purpose of providing a guideline for this Ordinance.

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**Owner:** Any person(s), firm(s), institution(s), partnership(s), corporation(s), foundation(s), agent(s), entity(s) or authority(s) shall be included but not limited to, including responsible tenant(s), who or which hold title to real property or any mortgage or other secured or equitable interest in such property, as appears in the East Haddam land records.

**Proximate Property:** Any premises or parcel of land or part thereof within 500 feet of a blighted structure.

**Town:** Shall mean the Town of East Haddam, Connecticut.

**Town Official:** Shall mean any of the following individuals authorized to issue citations pursuant to this ordinance while acting in their official capacities: Building Official, Fire Marshal, or such other individual as may be designated by the Board of Selectmen to perform actions pursuant to this ordinance.

**Vacant Parcel:** A parcel of land with no structure(s) thereon.

**Section 3**

**Prohibition:** No owner of real property located in the Town shall allow, create, maintain or cause to be developed or allowed any blighted structures.

**Section 3.1**

**Enforcement Powers:** Town Officials appointed by the Board of Selectmen under this ordinance are granted the authority necessary to enforce the provisions of this Ordinance. Such authority shall include, but not limited to, entering, as authorized by law, structures known to be, or suspected of being, blighted or unsafe for the purpose of conducting inspections, citing violations, determining enforcement actions, assessment fines, filing liens, designating a building or structure as blighted or unsafe, ordering the demolition of unsafe buildings or structures, and initiating legal actions. Such property must be visible from any public right of way or neighboring property.

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Any unpaid assessment imposed in accordance with this Ordinance shall constitute a lien upon the real estate in accordance with Connecticut General Statutes § 7-148aa. Each such lien shall be continued, recorded and released as provided for in § 7-148aa and 7-152c.

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 or regulations which prescribe standards other than are provided in this ordinance.

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.

**Section 3.2**

**Inspection and Designation of Blighted Buildings or Structures:** As authorized by law, the designated Town Officials may enter the property during reasonable hours and shall inspect the site, including buildings and structures. Upon such other evidence any building and structure that has been determined to be blighted or unsafe shall be so designated. The Town Official shall confer with the other designated Town Officials to review the evidence of blight and determine the appropriate course of action.

**Section 3.3**

**Notice and Enforcement:**

**A. Order to Correct Blight Condition:** Upon finding a building or structure as blighted or unsafe, the Town Official who has made such determination shall issue to the owner(s) a written notice of blighted or unsafe structure and shall order the owner(s) to correct the blighted or unsafe condition within 60 days of the date of notice. The notice shall be sent to the owner(s) by regular first-class and certified mail and shall include:

1. The facts upon which the designation is based.
2. The date by which the blighted or unsafe conditions must be corrected.

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In the event that the relevant building or structure or portion of a building or structure is known to be occupied by or under the legal control or possession of a person(s) other than the owner(s), the Town Official may direct a similar notice and order to any such person(s) whom he or she may reasonably believe to be fully or partially responsible for creating or maintaining the blighted or unsafe condition. Each person(s) receiving such a notice and order shall be deemed to be jointly and severally liable for correcting the blighted or unsafe conditions.

**Extensions:** Prior to the expiration of the 60 day period specified in the notice of blighted or unsafe building or structure, the owner(s) or person(s) receiving a notice and order pursuant to subsection A may apply to the Town Official for an extension of the repair period. The Town Official may grant one or more extensions of the repair period, none of which may be longer than 60 days, if he/she determines that the owner(s) or person(s) is diligently working to remedy the blighted or unsafe condition and that under the facts and circumstances an extension is reasonable.

**B. Citation Notice:** If the blighted or unsafe condition is not corrected by the date set in the order or any extension of that date, a citation notice shall be sent by the Town Official to the owner(s) by regular first-class and certified mail and shall include:

1. The facts upon which the designation is based
2. The date by which the blighted or unsafe conditions must be corrected.
3. A fine of \$100 for each week the building or structure remains in an unsafe or blighted condition. Each day that the property is in violation of this Ordinance shall constitute a separate offense. The citation will be sent by first class and registered mail.
4. A date under which the person cited can make an uncontested payment of the fines, penalties, costs, of fees pursuant to Conn. Gen. Stat. Section 7-152 (c) and (d).

**C. Notice of Right to Contest of the Order**

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1. If an uncontested payment is not made in accordance with Part B of this ordinance, the Town Official at any time within twelve months of the expiration of the period to make the uncontested payment shall issue notice to the owner(s) by regular first-class and certified mail and shall include:
  - a. The facts upon which the designation is based.
  - b. The fines, penalties, costs, fees imposed under this Ordinance;
  - c. That he may contest liability before a Blight Citation Hearing Officer by delivering in person or by mailed written notice within ten (10) days and the process for filing such a notice to contest liability;
  - d. That if the owner(s) does not demand a hearing, as assessment and judgment shall be entered against said owner; and
  - e. That such judgment may issue without further notice.

**Section 3.4**

**Blight Hearings:** Following issuance of notice under Section 3.3 C, the First Selectman of the Town shall appoint one or more Blight Citation Hearing Officer(s) regarding the citation at issue in the notice, which officers may not be police officers or employees of the police department, or the Town Officials.

- A. If the property owner(s) or responsible person(s) requests a hearing, the Town Official shall set written notice, by certified mail, the date, time and place of the hearing. Such hearing shall be held 15 to 30 days from the date of the mailing of the notice of such hearing.
- B. The Blight Citation Hearing Officer shall conduct the hearing in the form and with the methods of proof as said Officer deems fair and reasonable, in accordance with the hearing procedures for citations specified in State law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

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The Blight Citation Hearing Officer shall announce the Officer's decision at the end of the hearing. If he/she determines that the subject property owner(s) or person(s) having lawful possession or control is not liable, the Blight Citation Enforcement Hearing Officer shall dismiss the matter and enter the determination, in writing, accordingly. If the Blight Citation Hearing Officer determines that the subject property owner(s) or other person(s) having lawful possession or control is liable, the Officer shall enter the determination, in writing, accordingly, and the blighted or unsafe condition will be corrected in sixty (60) days of the written decision of the Hearing Officer.

- C. If the owner does not file a timely request to contest liability to a Blight Citation Hearing Officer, the Officer shall enter a default assessment.

**Section 3.5**

**Assessment Notices and Filing:** If an assessment entered under this section is not paid on the day it is entered, the Officer shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this Ordinance. If an assessment is not paid on the date of its entry, the Blight Citation Hearing Officer shall send by first class mail a notice of the assessment to the person or persons found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with the required entry fee, as set by Conn. Gen. Stats. § 7-152c, as the same may be amended. The certified copy of the notice of assessment shall constitute a record of assessment.

**Section 3.6 Special Consideration**

- A. Any blighted premises for which a zoning application for special exception or site plan review for improvements to any blighted premises is pending shall be exempt from the provisions of this Ordinance for a period of ninety (90) days from the date of submission of a complete application to the Town Planning and Zoning Commission



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provided no more than one application may be submitted within a twelve (12) month period.

- B. Special consideration shall be given to individuals that are elderly or disabled if such individual cannot maintain a reasonable level of upkeep of the owner-occupied residence because the individual is elderly or disabled as defined under this Ordinance and no capable household member resides in the residence. In such cases, the Town Official shall give such elderly or disabled individual reasonably adequate time to correct the violation(s).
  
- C. Where the Owner of any blighted property is found to be a low income individual under this Ordinance, the Town Official shall give special consideration to the person(s) by providing reasonably adequate time to correct the cited violation(s).

**Section 3.7 Liens**

Any assessment entered as a judgment of the court shall constitute a lien upon the property which the fine was imposed from the original date of imposition. Any unpaid fine imposed shall constitute a lien upon the in accordance with the Connecticut General Statutes Section 7-148aa. Each such lien shall be continued, recorded and released as provided for in Section 7-148aa.

**Section 4**

If any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences or phrases of the Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand, notwithstanding the validity of any part and shall be remain valid and enforceable to the fullest extent permitted by law.

This Ordinance shall be effective the \_\_\_\_\_ day following the date of its publication.