

CHAPTER 64 – ANTI-BLIGHT ORDINANCE

Sec. 64-1. Purpose

This ordinance, hereinafter referred to as "chapter" is enacted pursuant to the Municipal Powers Act, § 7-148 (c) (7) (H) (xv) and § 7-148aa of the State of Connecticut General Statutes. It is hereby found and declared that there may exist within the Town of Bethel a number of residential/housing real properties in a blighted condition, and that the continued existence of such properties contributes to the decline of neighborhoods, constitutes nuisances and health hazards. It is further found that the existence of such properties adversely affects the economic well being of the Town and is inimical to the health, safety, and welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

Sec. 64-2. Creation or maintenance of the blighted premises prohibited.

No owner of real property located in the Town of Bethel shall allow, create, maintain, or cause to be created or maintained, any blighted residential premises. This chapter shall not apply to real property dedicated to public open space and preserved in its natural state through conservation easements and/or restrictive covenants; or areas designated as inland wetlands and watercourses as defined by the Ordinances/ Code of the Town of Bethel and state statutes.

Sec. 64-3. Definitions.

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

Antique vehicle means a passenger car or truck that is at least twenty-five (25) years old.

Blighted premises shall mean any residential and/or housing structures and out buildings or parcels of land in a residential neighborhood in which at least one of the following conditions exist:

A. It is attracting illegal activity as documented by the police department.

B. In the opinion of and documented by the fire marshal or by the local fire department, it is a fire hazard.

C. It is determined by the anti-blight officer, building inspector, zoning enforcement officer, fire marshal, fire departments, police department, health officer or other official or department of the Town of Bethel that the structure or parcel of land is in a condition which poses a serious threat to the safety, health and general welfare of the community and/or the inhabitant(s) of the structure(s) or seriously affects the economic well being of the Town and/or property values of

the neighborhood. In connection with the above, the following represent such serious threats or affects of the economic well being and/or values but are not all inclusive:

1. Structures including out buildings, garages and porches that are dilapidated; have collapsing and/or missing walls and/or roofs; and/or structurally faulty or collapsing foundations.
2. Garbage and trash that is not contained and covered.
3. Landscaping including but not limited to trees, brush, shrubs, hedges 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, public street, public right of way, public road sign and/or private street or private right-of-way.
5. One (1) or more abandoned or unregistered motor vehicles situated on the premises. (Unless the premises is a junk yard legally licensed by the State of Connecticut.) See "Exceptions".
6. One (1) or more pieces of non-operational mechanical equipment stored on the premises. See "Exceptions".
7. Premises containing accumulated debris.

Capable individual shall mean a household member of an owner occupied residence that can be reasonably expected to perform maintenance and yard work around the property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.

Debris shall mean 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 one or more motor vehicles, automobiles, lawn mowers, one or more boats, and one or more recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, unused indoor furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which are in the ordinary public view.

Dilapidated shall mean any building or structure or swimming pool or any part thereof, that would not qualify for a certificate of compliance/ 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 Ordinances/Code of the Town of Bethel.

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 any other household member as a capable individual to provide the necessary maintenance.

Elderly individual shall mean an individual over the age of sixty-five (65) or older of an owner occupied residence, who does not have any other household member as a capable individual to provide the necessary maintenance.

Legal occupancy shall mean human habitation which is legal by virtue of compliance with state building, state fire safety, state health, local zoning, local housing, local health, local fire safety and all other pertinent codes, and which shall further be demonstrated by the proof of occupancy evidenced through a bona fide lease agreement, rent receipt or utility statement.

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 at the time of the December 31st prior to the violation, below the highest level/ income established by the State of Connecticut's Elderly Tax Relief Program. This level is the upper limit of step 5 as set forth in the Connecticut General Statutes § 12-170aa as supplemented and established by the State of Connecticut, Office of Policy and Management and filed in the office of the Bethel Assessor and effective at the time of the violation. Reference to C.G.S. § 12-170aa is for income purposes only for this chapter, it is immaterial that a person is not elderly or disabled as set forth in C.G.S. § 12-170aa.

Mechanical equipment shall be any apparatus designed to be operated by an internal combustion engine, electric and/or pneumatic equipment or designed to be towed by any apparatus propelled by an internal combustion engine, electric and/or pneumatic equipment.

Motor vehicle shall be a vehicle that is required to be registered and/or inspected by the State of Connecticut, Department of Motor Vehicles in order to be allowed to be driven or occupy the public roads in the State of Connecticut.

Motor vehicle collector means a person who:

- A. Owns one or more antique or special interest motor vehicle; and
- B. Acquires, collects, or disposes of an antique or special interest motor vehicles or motor vehicle parts for personal use to restore and preserve an antique or special interest motor vehicle of any age and because of its historic interest, is being preserved by a hobbyist.

Neighborhood shall mean an area of the Town comprising premises or parcels of land any part of which is within a contiguous radius of fifteen hundred (1,500) feet of any other parcel within the Town.

Ordinary public view shall mean the view from private or public property or from the street or public right of way or private right of way, from average grade surrounding the property.

Structure is any building, dwelling, garage, swimming pool, or similarly constructed object.

Sec. 64-4. Enforcement. The anti-blight officer charged with the enforcement of this chapter shall be the zoning enforcement officer of the Town of Bethel or his designee with assistance requested from including but not limited to the Town's building official, the health director, the public works director, the inland wetlands officer, the police, the fire marshal, the fire departments or other official or department of the Town of Bethel.

Sec. 64-5. Complaints on blight. All complaints must be submitted on the blight complaint form to the zoning office at the Hurgin Municipal Center. The blight complaint form is located on the Town of Bethel web site and can also be obtained at the zoning office at the Hurgin Municipal Center. Only the violations cited on the complaint form as submitted will be investigated.

Sec. 64-6. Special consideration for owner occupied residences. Special consideration shall be given to residential owner occupied individuals that are elderly or disabled in the Town's effort to correct blighted conditions. If an individual can not 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 anti-blight officer shall give the person adequate time to correct the problem. Except, as noted below, where the residential owner occupied resident is a low income individual and owns and occupies a residence that is designated as blighted, the anti-blight officer shall give special consideration to the person by providing adequate time to correct the problem

Sec. 64-7. Notice of violation.

A. Warning and Notice.

Step 1.

1. The anti-blight officer assigned to the complaint will make every effort to contact the property owner alleged to be in violation of this chapter in person or by phone. The anti-blight officer shall explain the alleged violation and request it be corrected. The anti-blight officer will give a verbal warning at that time for corrective action citing the violation and a reasonable time limit to have it corrected and shall follow up within three (3) business days with a written notice of the alleged violation to the owner and the occupant, if the owner and occupant are not one in the same, along with a reasonable time limit to correct the violation. The written notice shall be by first class mail and certified mail, return receipt.
2. If no contact by phone or person has been made by the anti-blight officer with the owner within a reasonable time not to exceed fourteen (14) days, the anti-blight officer shall issue a written notice of the alleged violation to the owner and the occupant, if the owner and occupant are not one in the same, along with a reasonable time limit to correct the violation by first class mail and certified mail, return receipt.
3. If the anti-blight officer contacts the property owner as set forth in sub-paragraph 1. and/or sub-paragraph 2. as set forth above and the property owner fails to comply within the time limit to correct the violation, the anti-blight officer shall issue a notice of violation as set forth in sub-section B hereinafter containing the information as set forth in Step 2.
4. Any new owner, upon request, will be granted a forty five (45) day extension of time to remediate those conditions as set forth in sub-paragraph 1. and/or sub-paragraph 2. as set forth above by the anti-blight officer, provided, the "new owner" took ownership of the property within thirty (30) days of the written notice issued by the anti-blight officer.
5. If no blight is found, the blight report will be closed.

6. A blight complaint filed for the same issue(s) at the same location will not be accepted for six (6) months after the last complaint had been filed.

Step 2. A notice of violation shall contain the following information:

1. A description of the effected property along with the Town assessor's map, block and lot number.
2. The exact nature of the violation.
3. A copy of Section 64-6. of this chapter - Special consideration for owner occupied residences.
4. The time allowed for corrective action (not to exceed sixty (60) days unless additional time is approved by the anti-blight officer or hearing officer or committee).
5. The penalty for continued violation of this chapter.
6. The procedure to appeal this violation.
7. The name and Town telephone number of the anti-blight officer finding such violation.
8. A copy of the ordinance establishing the hearing procedure for Town citations and civil penalties and/or fines.

B. Violation. The anti-blight officer shall provide the real property owner with notice of a violation under this article by leaving a copy of such violation notice as hereinbefore set forth in Step 2 with the real property owner or affixed to the entryway of the effected building/premises. He shall also send a copy of the notice by certified mail, return receipt requested and first class mail to the address of the real property owner as set forth in the Town's most recent assessment records. If the real property owner should fail to respond within twenty (20) days of the date of the notice, it shall be deemed that the real property owner was duly notified.

C. Civil Penalties and/or Fines. The penalty for continuous violation of this chapter shall be not less than ten dollars (\$10.00) up to and not greater than one hundred dollars (\$100.00) on a per diem basis beyond the time allocated by the anti-blight officer to correct the violation. All civil penalties and/or fines will be consistent with the violation. The violator shall also be responsible for all costs associated with enforcement of the violation and the collection of any civil penalties/fines, which shall include, but not be limited to attorney fees, court costs, mailing costs, and filing fees.

D. Appeals procedure. The property owner may appeal the action of the anti-blight officer within twenty (20) days of his receipt of the notice in accordance with Section 64-7.A. of this chapter. The appeal shall be made in compliance with the Town ordinance known as the HEARING PROCEDURE FOR TOWN CITATIONS AND CIVIL PENALTIES AND/OR FINES which establishes a hearing procedure. Any subsequent fine or civil penalty imposed by this chapter may be appealed in the manner provided by said appeal ordinance.

E. Anti-blight lien. In the event that the real property owner does not appeal the action of the anti-blight officer within the time set by this chapter and in the event that no action has been taken by the real property owner to cure the violation within ninety (90) days of the date that the real property owner was to abate the violation as set forth in the notice of the violation issued by the anti-blight officer, then the civil penalties and/or fines and costs associated with the same

shall constitute a lien of the Town of Bethel on said real property where such blight exists effective from the date that such civil penalties and/or fines were first levied which lien may be continued, recorded and released in the manner provided by the general statutes of Connecticut for the continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property. Said lien shall remain an encumbrance upon the subject property until such time as the blight condition shall be abated and all civil penalties and/or fines and costs assessed have been paid.

Sec. 64-8. Town regulations.

Nothing in this ordinance shall limit the power and authority of the Town of Bethel's officials including but not limited to the building official, zoning officer, zoning enforcement officer, inland wetlands officer, health officer, public works director, fire marshal, police department, fire departments or any commission or board associated with these positions i.e. the planning and zoning commission, zoning board of appeals, inland wetlands, etc. to enforce their respective regulations. The penalties and power of this chapter shall be in addition to and not in lieu of any other enforcement regulation or procedure exercised by any of the Town of Bethel officers, departments, commissions and boards.

Sec. 64-9. Exceptions.

A. This chapter shall not apply to any condition that is in compliance with the current regulations and ordinances of the Town of Bethel, including but not limited to zoning, health, fire, public works, inland wetlands, etc.

B. This chapter shall not apply to any condition that is in compliance with state or federal statutes and/or regulations.

C. This chapter shall not apply to any condition for which there has been issued by any agency of the Town of Bethel a valid permit including but not limited to building, zoning, inland wetlands, public works, health, fire, etc.

D. Subject to the exceptions and requirements as hereinbefore set forth, this chapter shall not apply to the following:

1. To one operable unregistered motor vehicle owned by persons serving in the Armed Forces of the United States outside the state. Such persons shall be required to submit evidence satisfactory to the anti-blight officer or hearing officer or committee to qualify for the exception.

2. To a motor vehicle or motor vehicle part:

(a) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(b) That is stored or parked in a lawful manner on private property provided the same is:

- (i) maintained in an orderly manner; and
- (ii) not a health hazard; and
- (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp.

(c) That is stored or parked in a lawful manner on private property in connection with the business of a licensed motor vehicle dealer or junkyard, or that is an antique or special interest motor vehicle stored by a motor vehicle collector on the collector's property, if the motor vehicle or parts in the outdoor storage area, if any are:

- (i) maintained in an orderly manner; and
- (ii) not a health hazard; and
- (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp; and,
- (iv) limited to no more than two (2) motor vehicles.

3. A motor vehicle that is stored or parked in a lawful manner on private property and is operational and being sold by the owner of said real property. Only one (1) such vehicle shall be allowed to be sold on said property at any one time.

4. To mechanical equipment or equipment part:

- (a) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
- (b) That is stored or parked in a lawful manner on private property provided the same is:

- (i) maintained in an orderly manner; and
- (ii) not a health hazard; and
- (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp.

(c) That is stored or parked in a lawful manner on private property in connection with the business of a licensed dealer of the particular mechanical equipment, if the mechanical equipment or equipment part in the outdoor storage area, if any are:

- (i) maintained in an orderly manner; and
- (ii) not a health hazard; and
- (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp; and,
- (iv) limited to no more than two (2) pieces of mechanical equipment.

5. All firewood neatly stacked or neatly arranged on property in public view will not be a violation of this chapter.

Sections. 64-10. Reserved.