

ANTI-BLIGHT ORDINANCE

WHEREAS, Within the Town of Beacon Falls there exist real properties containing vacant and blighted properties; and

WHEREAS, the existence of such vacant and blighted properties contribute to the decline of the Town of Beacon Falls neighborhoods and adversely affects the economic well being of the Town, as well as the health, safety and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED that the Town of Beacon Falls hereby adopts an ordinance preventing blight.

Declaration of Policy

Section 154.30

This ordinance is to be known as the Anti-Blight Ordinance and is enacted pursuant to the authority granted to the Town of Beacon Falls under Connecticut General Statutes §7-148(c)(7)(H)(xv), 29-253, C.G.S. 7-148(c) (7)(A)(iii).

It is hereby found and declared that there exists within the Town of Beacon Falls a number of real properties, which are vacant and/or in blighted condition, and that the continued existence of such properties contributes to the decline of neighborhoods.

It is further found that the existence of such properties adversely affects the economic well being of the Town and is adverse 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 ancillary commercial facilities, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

Prohibition Against Creating or Maintaining Blighted Properties

Section 154.31

No owner, agent, tenant or person in control of real property located in the Town of Beacon Falls shall allow, create, maintain or cause to be created or maintained, any blighted premises.

Definitions

Section 154.32

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

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Definitions - Personnel

Building Official – Shall mean the Building Official as defined in Connecticut General Statutes § 29-260.

Director of Health – Shall mean the Town Official authorized to administer the provisions of Chapter 368e (Municipal Health Authorities) or any local Housing Code.

Zoning Enforcement Officer – Shall mean the Town Official authorized to enforce the Zoning Regulations of the Town of Beacon Falls.

Definitions – Other

Blighted Premises – Shall mean any building or structure, or any parcel of land in which at least one (1) of the following conditions exist:

- A. It is determined by the Building Official, the Director of Health and the Zoning Enforcement Officer that the building, structure or parcel of land is in a condition that poses a threat to the safety, health and general welfare of the community.
- B. It is attracting illegal activity as documented by Police Department reports.
- C. It is a fire hazard as determined by the Fire Marshal or documented by the Fire Department.
- D. It is not being maintained as evidenced by the existence of one (1) or more of the following conditions: missing or boarded windows or doors; collapsing or missing walls, roof or floor; seriously damaged or missing siding; fire damages; a structurally faulty foundation; physical hazards, rodent harborage and infestation, garbage, trash or abandoned motor vehicles situated on the premises (unless the premises is a junk yard legally licensed in the State of Connecticut); overgrown grass, brush, shrubs or weeds of at least one (1) foot in height or front yards allowed to deteriorate into unattended bare, dirt patches or containing litter, poison ivy, ragweed or other noxious plants.
- E. It is a substantial factor causing serious depreciation of the property values in the neighborhood.
- F. It is becoming dilapidated as documented by the Building Official, the Director of Health and the Zoning Enforcement Officer.
- G. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on proximate properties.

Approved Industrial Business uses are **not** exempt.

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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, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building code and/or the Code of Ordinances of the Town of Beacon Falls

Housing Blight – Shall mean blighted premises as defined above.

Legal Occupancy – Shall mean human habitation which is legal by virtue of compliance with the State Building, State Fire Safety, Local Zoning, Local Housing and all other pertinent codes and which habitation must be demonstrated by proof of occupancy through a bona fide lease agreement, rent receipt or utility statement, or other acceptable proof of ownership or occupancy.

Neighborhood – Shall mean an area of the Town planned as a unit.

Vacant – Shall mean a period of sixty (60) days or longer during which a building or structure or part thereof, or land is not legally occupied.

Vacant Parcel – Shall mean a parcel of land with no structure(s) thereon.

Unit – Shall mean any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be a single and distinct space.

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.

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.

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 set forth in the Connecticut General Statutes, S 12-170aa(c). It is immaterial that a person is not elderly with regards to this ordinance because the reference to §12-170aa(c) is only for the purpose of providing an income guideline for this ordinance.

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 physical or mental disability as defined herein.

Town – Shall mean the Town of Beacon Falls.

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Enforcement

Section 154.33

The Building Official, the Director of Health and the Zoning Enforcement Officer are charged with the enforcement of this ordinance. It shall be the duty of the said Officers to enforce the provisions of this ordinance and any rules or regulations promulgated under this ordinance. The said Officers shall order any person who violates this ordinance to abate such violation and shall be hereby authorized and empowered to issue citations for violations of this ordinance in accordance with §154.36 of this ordinance.

Special Consideration

Section 154.34

Special Consideration shall be given to individuals who 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 and no capable person resides in the residence. In such cases, the Enforcement Officer shall give such elderly or disabled individual adequate time to correct the problem.

Where the owner of a blighted premise is found to be a low income individual under this ordinance, the Enforcement Officer shall give special consideration to the person by providing adequate time to correct the problem. If the items designated as blighted have to do with lawn, brush, weeds and shrub maintenance or keeping the grounds free from rubbish and debris, the Enforcement Officer will not provide additional time to correct the problem.

Procedure for Action by the Town to Correct, Abate or Remove Hazardous Conditions

Section 154.35

- A. This section is enacted pursuant to C.G.S. 7-148(c)(7)(A)(iii).
- B. Action upon Non-compliance: Upon the failure, neglect or refusal of any owner of a blighted premises, or his agent, who has been sent a citation pursuant to the provisions of Section 154.36 herein, to abate any such blight which has been determined by the Building Official, the Director of Health and/or the Zoning Enforcement Officer to be dangerous to the public health, safety or welfare, within ten (10) days from the expiration of the time allowed in the citation, the Town may after said (10) days, elect to abate said blight itself, at the expense of the owner of said premises. The ten (10) days shall begin running on the date that the citation was mailed by the Town to the owner or his agent.

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- C. Conference Granted to Owner or Agent: Any owner or agent who receives a citation issued pursuant to Section 154.35B above shall, upon request, be granted a conference with the official(s) who issued the citation as soon as practicable. A request for a conference shall in no way stay the abatement order. However, a hearing request made pursuant to Section 154.36 herein shall stay an abatement order.

Hearing and Appeal Procedure for Citations

Section 154.36

- A. The Board of Selectmen shall appoint one or more Citation Hearing Officers, who shall not be Police Officers, employees of the Town, or persons who issue citations, to conduct hearings authorized under this section.
- B. **The provisions of C.G.S. 7-152c require that the citation inform the recipient of the amount of the fines, penalties, costs and fees due the Town as of the time the citation is issued**, are hereby adopted as the hearing and appeal procedures applicable to citations issued pursuant to this ordinance. Violations of the provisions of this ordinance shall be punishable by a fine of One Hundred Dollars (\$100.00) for each day a violation exists and continues.

Severability

Section 154.37

If any provision of this ordinance or the application thereof, shall be held invalid or unenforceable, the remainder of this ordinance of the application thereof shall be valid and enforceable to the fullest extent permitted by law.

EFFECTIVE DATE

This Ordinance becomes effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing Held on: December 5, 2005, September 18, 2006

Town Meeting Held on: December 12, 2005, October 2, 2006

Published: October 25, 2006

Effective Date of Ordinance: November 11/9/06