

20

Chairman Joseph Cavo called the meeting to order at 6:15 p.m. on Tuesday, May 15, 2012, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Jack Knapp and Fred Visconti. Also present were Laszlo Pinter, Deputy Corporation Counsel; Wayne Sheppard, Chief of Staff for the Mayor's Office; Ex Officio: Philip Curran, Duane Perkins, Andrew Wetmore, Tom Saadi; Shawn Stillman, U.N.I.T.; Rick Palanzo, Superintendent of Public Buildings; Bruce Tuomala, Office of Economic Development; and, members of the public.

Chairman Cavo introduced everyone present at the meeting.

Chairman Cavo opened up the meeting to Mr. Pinter in order to offer an explanation of the proposal before the Committee. Mr. Pinter explained that the Mayor issued a letter dated March 22nd which went to the April Council. The request is for the approval of the creation of a new ordinance and an amendment to an existing ordinance. The new ordinance would permit the enforcement of exterior housing blight in Danbury. There is an ordinance in place for residential housing blight as structures. This would be a sister of that ordinance to allow for the enforcement by the U.N.I.T. to enforce exterior housing blight. There are provisions which set forth what is intended to be enforced. Mr. Pinter highlighted the ordinances and procedures. Problems have arisen possibly as a result of the economic times but also due to foreclosures and individuals who are unable and/or unwilling to maintain the properties in a fashion which creates unsafe conditions and unhealthful conditions. Inoperable and abandoned vehicles is being addressed in the ordinance as well. The ordinances have been crafted in such a fashion so as to assist with clarifying what would be considered a blight condition and gives direction to personnel on how to proceed with addressing the issues brought to light—which includes the hours that have been deemed reasonable (8 a.m. through 5 p.m.). Entry upon private property needs to come with care (i.e., procedures in place, notification, etc.). The steps that have been outlined are commonly understood citation procedures that are in the law that the ordinances have been modeled after. There is a change to the fine amount from \$250 to \$100. The maximum fine permissible for a blight citation is \$100. There is a provision in the state law whereby if the City fails or does not file a lien to recover costs for remediation of blighted properties, the City is allowed to recover the money through taxation. This has been added to the ordinance. Also, if an individual not related to the owner of a property desires to purchase a blighted property, there can be a certain level of forgiveness of penalties if the individual agrees, in writing, to remediate the property and bring the property into compliance. With regard to Ordinance 10-5, there is an amendment to 12-34 of the Code, it authorizes the creation of citation procedures and City personnel to enforce citation procedures. In order to invoke the blight ordinance, the U.N.I.T. needs to be added as one of the entities allowed to enforce the new ordinance.

Mr. Stillman noted that the proposal is a great step of enforcement for his department to continue to resolve the challenges that are faced in the City. Mr. Knapp asked if the hours of operation were acceptable. Mr. Stillman pointed out that 8 a.m. through 5 p.m. are a good encompassment of when he goes out to the properties but said that he makes himself available prior to 8 a.m., after 5 p.m. and on the weekends to accommodate the property owners.

Mr. Perkins inquired what steps needed to be taken in order to begin addressing the issues of a property. Mr. Stillman explained he would attempt to have a conversation with the property owner to explain what the concerns are and establish a timeframe in which the issue(s) can be addressed. If the property owner is noncompliant, a warning is issued which describes the problem and how much time the property owner has to remediate the problem. If the property owner continues to be noncompliant, they are given notification that a

citation will be issued which sets forth the fine structure. Mr. Perkins questioned what action is taken if the property owner is out of state or a property has been abandoned or in foreclosure. Mr. Pinter explained that every attempt is made to identify who the responsible party is in order to send a warning or notice. Ultimately, depending on the level of remediation, the City steps in and takes care to address the issues of the property. The City's rights are then reserved through a lien or attachment to recover the costs.

20-1

A motion was made by Councilman Knapp and seconded by Councilman Visconti that the Ad Hoc Committee recommends to the City Council to adopt the Code of Ordinances Sections 10-99 to 10-106 and 12-34 as presented and amended. The motion passed unanimously.

A motion to adjourn was made by Councilman Visconti and seconded by Councilman Knapp. The motion carried unanimously at 6:46 p.m.

Respectfully submitted,

Joseph Cavo, Chairman

Jack Knapp

Fred Visconti



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

THAT Chapter 10 of the Code of Ordinances of the City of Danbury is hereby amended by adding Sections 10-99 through 10-106, under Article VI, which sections shall read as follows:

Prevention of Housing Blight- Exterior Premises

Sec. 10-99 - Declaration of policy.

(a) Code Sections 10-99 through 10-106 of Article VI are enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H). These sections are intended to address blight existing on the exterior or outdoor portion of a premises which is not otherwise covered by Code Sections 10-91 through 10-98.

(b) It is hereby found and declared that there exists within the City of Danbury, real properties which contain housing blight consisting of a blighted exterior portion of a premises and that the existence of said exterior blighted conditions contribute to the decline of city neighborhoods. It is further found that the existence of such blighted exterior premises adversely affects the economic well being of the City and is inimical to the health, safety and welfare of the residents of the City of Danbury.

Sec. 10-100 - Definitions.

Abandoned motor vehicle shall mean a motor vehicle which, after good faith determination, has the appearance that the owner has relinquished control without intention to reclaim it, including but not limited to, a vehicle with no maker plates, invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative or unusable as a motor vehicle.

Blighted shall mean deteriorated, in a state of ill repair, filthy, decaying, unkempt, dirty.

Blighted exterior premises shall mean any and all exterior portions of any parcel of land containing a building or structure or a vacant parcel of land in which at least one(1) of the following conditions exist:

- (1) The unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises;
- (2) The parking of inoperable, abandoned and/or unregistered motor vehicles including cars, trucks, boats, motorcycles, or other inoperable machinery, on the exterior premises or the public right of way, except as permitted by the City of Danbury Zoning Regulations, the State of Connecticut or federal laws and/or regulations;
- (3) The exterior premises is not being maintained. The following factors may be considered, but are not exhaustive, in determining whether the exterior premises is not being maintained:
 - (a) The presence of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind,
 - (b) The presence of rodent infestation or vermin,

- 200
- (c) The presence of overgrown grass, weeds, or brush that is uncultivated at least one foot in height,
 - (d) The presence of visible portions of significant unattended bare dirt patches;
- (4) The exterior premises has attracted illegal activity, as determined by the chief of police;
 - (5) The exterior premises is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition;
 - (6) The exterior premises is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood;
 - (7) The exterior premises constitutes a health or sanitary problem, as determined by the health director.

Inoperable motor vehicle shall mean a motor vehicle that (i) is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components, or(ii)cannot be legally registered by the Connecticut Department of Motor Vehicles.

Neighborhood shall mean an area of the city comprised of all premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the city limits.

Sec. 10-101 - Prohibition against creation or maintenance of a blighted exterior premises.

No person, firm or corporation, including any owner, or tenant under contract of maintenance, of real property in the City of Danbury shall cause or allow a blighted exterior premises to be created, nor shall any such individual or entity allow the continued existence of a blighted exterior premises.

Sec. 10-102 - Duties of Unified Neighborhood Inspection Team.

(a) The Unified Neighborhood Inspection Team ("UNIT") shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of Code Sections 10-99 through 10-106 and shall cause regular inspections to be made of all blighted exterior premises in accordance with all applicable law.

(b) Any member of the UNIT may, in accordance with all applicable law, enter upon any blighted exterior premises existing on private property, between 8 a.m. and 5 p.m. Monday through Friday which has been determined by preliminary observation to be in violation of the provisions hereof.

(c) The UNIT shall report directly to the mayor regarding its enforcement of Code Sections 10-99 through 10-106.

Sec. 10-103 - Creation and certification of list of blighted properties.

(a) Immediately upon enactment of these sections, the mayor shall require all department heads to provide to the UNIT a list of properties that they are aware of which contain a blighted exterior premises.

(b) Within thirty (30) days of the receipt of said list the UNIT shall, utilizing the criteria established in Code Section 10-100 and such additional standards and conditions as may be hereinafter adopted by the UNIT, compile a list of properties containing a blighted exterior premises. The UNIT shall, review and update the list as new information is reported.

Sec. 10-104 - Owner notification, enforcement and hearing.

- (a) Once the list of properties containing a blighted exterior premises has been generated, the UNIT shall issue written orders to the owners of such premises notifying them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner, or, in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for a blighted exterior premises.
- (b) Said written order from the UNIT shall direct the owner to remediate the blighted exterior premises in a manner and within the time specified in said order. If such remediation does not occur within the time frame and in the manner specified, the UNIT is authorized to assess a fine up to one hundred dollars (\$100.00), or that maximum fine permitted by statute, whichever is greater, for each day of non-compliance, and shall also notify the owner that the city may remediate the blight and assess the owner of the property for all costs associated with such remediation.
- (c) In the event of non-compliance and/or city remediation of the blighted exterior premises, the UNIT shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued fines and costs of remediation. Further action to collect fines and/or costs shall be in accordance with procedures set forth in Code Section 12-35 pertaining to enforcement, appeals and hearing.

Sec. 10-105 - Authority for fines; enforcement, appeal and hearing procedure; lien on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.

- (a) In accordance with authority set forth in Connecticut General Statutes Section 7-148(c)(7)(H) as may be amended from time to time, a fine of up to one hundred dollars (\$100.00) or that maximum fine permitted by statute, whichever is greater, is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with Code Section 10-104 hereof.
- (b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Code Section 12-35.
- (c) In accordance with authority set forth in Connecticut General Statutes, Section 7-148aa, as may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and 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, including pursuant to the provisions of Connecticut General Statutes, section 12-169b.
- (d) As an incentive toward the full remediation of residential property designated as a blighted exterior premises by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur with six (6) months of closing of title), the specific

improvements to be made, that the applicant shall maintain the property as owner occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.

- (e) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in Code Section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Section 18-25.
- (f) For purposes of this subsection, the term "new buyer" or "purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the city in the remediation application specified in subsection (d) hereof, and may not include immediate family members of the prior owner (including, but not limited to spouses, children, siblings or parents) or sham transfers. The city shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the city council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

Sec. 10-106 - Consistency with other enforcement methods.

This article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

COPY SHOWING DELETIONS AND NEW LANGUAGE

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- (b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Code Section 12-35.
- (c) In accordance with authority set forth in Connecticut General Statutes, Section 7-148aa, as may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and 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, INCLUDING PURSUANT TO THE PROVISIONS OF CONNECTICUT GENERAL STATUTES SECTION 12-169b.
- (d) As an incentive toward the full remediation of residential property designated as a blighted exterior premises by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The

applicant, once approved for this program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur with six (6) months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.

- (e) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in Code Section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Section 18-25.
- (f) For purposes of this subsection, the term "new buyer" or "purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the city in the remediation application specified in subsection (d) hereof, and may not include immediate family members of the prior owner (including, but not limited to spouses, children, siblings or parents) or sham transfers. The city shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the city council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

Sec. 10-106 - Consistency with other enforcement methods.

This article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.