

8

**Prevention of Housing Blight
Committee as a Whole
Danbury City Council
25-Oct-12**

Honorable Mayor Mark D. Boughton
Members of the Common Council

Council President, Joseph Cavo, called the meeting to order at 7:39pm in the Council Chambers.

Present were Council Members: Philip Curran, Michael J. Haddad Sr., Jack Knapp, Warren Levy, Gregg Seabury, Shay Nagasheth, Michael Halas, Joseph Cavo, Fred Visconti, Stephen Darcy, Andrew Wetmore, Peter Nero, Duane Perkins, Benjamin Chianese, Paul T. Rotello, Joseph Scozzafava, and Mary Teicholz

PRESENT: 17 ABSENT: 4

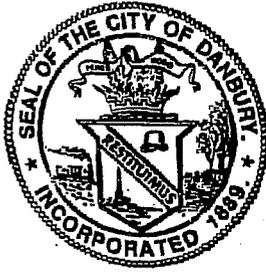
Council Members Colleen Stanley, Philip Colla, and Thomas Saadi were attending to family matters. Councilmen Don Taylor had a work obligation.

Shay Nagasheth moved to recommend that the City Council adopt the proposed new ordinance Section 10-99 through 10-106 regarding the prevention of housing blight to the exterior premises and Section 12-34 regarding issuance of citations for blight. The motion was seconded by Andrew Wetmore.

President Cavo began discussion by asking Robin Edwards to give an overview of the proposed ordinance. Ms. Edwards stated that given changes to the state statues concerning housing blight a new Ordinance was necessary. The state statues became effective 01-Oct-2012. The provisions include civil penalties (formerly called fines), the availability of state enforcement of willful blight, and 30 days to remedy blight violation before citation. A discussion ensued, including state versus city civil penalties, triggers for willful blight/state intervention, and the process of remedy. Shawn Stillman, Neighborhood Coordinator, stated that this new ordinance is a great enhancement in the UNIT's ability to prevent blight.

Vote, all in favor, motion unanimously approved.

Adjourned 7:58m



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, after good faith determination, 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. The term "junk" shall include, but not be limited to, parts of machinery or automobiles, unused or discarded appliances stored in the open, remnants of metal, wood,
- (b) The presence of rodent harborage and/or infestation or vermin,
- (c) The presence of overgrown grass, weeds, or brush that is uncultivated at least one foot in height,
- (d) The presence of front yards containing 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, including a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on proximate properties,
- (6) 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 standards and criteria established in Code Section 10-100, and such additional standards and such other criteria as hereinafter adopted by the UNIT, compile a list of properties determined TO contain 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 provide written notice and warning of any violation(s) to the owner and to the occupant by mailing a written notice to the owner and the occupant by certified mail, return receipt requested. Such notice shall set forth the specific violations and provide the owner and the occupant with a period of thirty days (30) from the date of the mailing of the notice to remediate the blighted exterior premises prior to any enforcement action being taken.
- (b) Once the written notice and warning required by section 10-104(a) has been mailed and the time period for remediation has elapsed with no remediation occurring, the UNIT shall issue written orders to the owner and to the occupant 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 and the occupant, 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.
- (c) Said written order from the UNIT shall direct the owner and the occupant to remediate the blighted exterior premises in a manner and within such reasonable time as is 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 civil penalty up to ONE hundred dollars (\$100.00), or that maximum civil penalty permitted by statute, whichever is greater, for each day of non-compliance, and shall also notify the owner and the occupant that the city may remediate the blight and assess the owner of the property for all costs associated with such remediation, or such other fines as may be authorized or imposed by the state for a wilfull violation of not more than two hundred fifty dollars (\$250.00) for each such day that the blighted conditions continue to exist.
- (d) Effective October 1, 2012, any person who is a new owner or new occupant shall, upon request, be granted a thirty (30) day extension of the notice and opportunity to remediate provided pursuant to section 10-104 (a). For purposes 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) In the event of non-compliance and/or city remediation of the blighted exterior premises, the UNIT shall issue

all accrued civil penalties and costs of remediation. Further action to collect civil penalties 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 - Penalties; enforcement, appeals; liens; waivers; tax deferrals

- (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 civil penalty of up to one hundred dollars (\$100.00) 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) In accordance with authority set forth in Section 3 of Public Act 12-146, as may be amended from time to time, a penalty of not more than two hundred fifty dollars (\$250.00) fined by the state is prescribed for each day a willful violation can be shown.
- (c) The collection of CIVIL PENALTIES imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Code Section 12-35.
- (d) In accordance with authority set forth in Connecticut General Statutes, Section 7-148aa, as may be amended from time to time, any unpaid civil penalty imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. 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.
- (e) 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 penalties 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 within 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.
- (f) 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.
- (g) 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

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.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

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

Sec. 12-34. - Citations.

(a) In accordance with the provisions of Connecticut General Statutes, subsection 7-148(c), in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in subsection (b) hereof may be enforced by citation.

(b) The officers and employees designated herein shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified below:

(1) The fire chief or his designee shall be authorized to issue citations for violations of the provisions of sections 3A-42, 3A-43, 3A-49 and 8-33 of the Danbury Code of Ordinances.

(2) The health director or his designee shall be authorized to issue citations for violations of the provisions of articles II, V and VI of chapter 9 as well as the provisions of sections 10-3, 10-4, 10-5, 10-6, 10-7 and 10-10 of the Danbury Code of Ordinances.

(3) The director of public works or his designee shall be authorized to issue citations for violations of the provisions of sections 12-22, 12-31, 12-32, 16A-1, 17-43 as well as the provisions of articles I and II of the chapter 16, article I of chapter 17 and articles I and II of chapter 21 of the Danbury Code of Ordinances.

(4) Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-3, 12-4, 12-12, 12-13, 12-14, 12-24, 12-27, 12-33, 18-13 and 19-34.1 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall also be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in subsections (1) through (3) of this subsection.

(5) (a) The blight inspector, as such official may be designated and established within the office of the Danbury building inspector, shall be authorized to issue citations for violations of the provisions of article VI of chapter 10 of the Code of Ordinances, pertaining to blight remediation.

(b) UNIT members designated to enforce exterior premises blight remediation shall be authorized to issue citations for violation of Article VI of Chapter 10 for the Code of Ordinances pertaining to exterior premises blight remediation.

(6) The sealer of weights and measures shall be authorized to issue citations imposing fines for violations of the provisions of chapter 22 of the Danbury Code of Ordinances.

(7) The zoning enforcement officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of section 12-7 of the Danbury Code of Ordinances.

(8) The UNIT litter control officer, or his designee, shall be authorized to issue citations

(9) The director of public works, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of chapter 11, article II of the Danbury Code of Ordinances.

(10) The UNIT official designated to enforce violations of Division 4 and Division 5 of Chapter 19 of the Code of Ordinances shall be authorized to issue citations imposing fines for violation thereof.

(11) In addition to those officials and those provisions of the ordinances of the City of Danbury already referenced in (b)(1) through (b)(10), officers and employees designated pursuant to the provisions of any other duly enacted ordinance providing for enforcement by citation procedure are hereby so authorized.

(c) Citations shall be issued only by designated citation officers and employees and only after the issuance of a written warning. Said warning shall provide notice of the specific violation to be corrected and shall explain the citation enforcement procedures which may be used if the alleged violation is not corrected within the time provided for in said notice.