

ORDINANCE 1706
ADOPTED 9/02/2014
PUBLISHED 9/04/2014

AN ORDINANCE REGARDING: DISTRESSED PREMISES
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, THAT
THE FOLLOWING ORDINANCE HEREBY IS ADOPTED BY THE CITY OF
NORWICH:

Section 1. PURPOSE

This ordinance is enacted pursuant to the powers and authority granted under the Charter of the City of Norwich and under the Connecticut General Statutes, including, but not limited to, Connecticut General Statutes § 7-148(c)(7)(H)(xv), § 7-148c(7)(E), § 7-152c, § 7-148aa, § 7-148gg, § 7-148ii, and § 7-148jj. It is hereby found and declared that there exist within the City of Norwich a number of real properties which are in a blighted condition, and that the continued existence of such properties in a blighted condition contributes to the decline of neighborhoods. It is further found that the existence of such properties in a blighted condition adversely affects the economic well-being of the City of Norwich and is inimical to the health, safety, and welfare of its residents. It is further found that many of these properties can be rehabilitated, reconstructed, demolished and/or reused so as to: provide decent, safe and sanitary housing and commercial facilities, eliminate, remedy, and prevent the adverse conditions described above, maintain and preserve the integrity of City neighborhoods, preserve and protect property values, and control visual blight.

Section II. DEFINITIONS

In this ordinance, whenever the following terms are used, they shall have the meaning respectively ascribed to them in this section.

- A. **BLIGHTED PROPERTY** – Any premises, including, but not limited to, any house, building, or structure or part thereof, on real property which is residential, nonresidential, commercial, or undeveloped, in which at least one of the following conditions exists:

1. It has been determined by a duly appointed official acting within the scope of his or her authority, that a condition exists on property that poses a serious or immediate threat to the health, safety or general welfare of the community.

2. A property is in a state of neglect or a house, building, structure, or any part thereof, on the property is dilapidated as evidenced by one or more of the following:

- a. Missing, broken or inadequately secured windows or doors;
- b. Collapsing or missing exterior walls or roofs;
- c. Structurally faulty conditions;
- d. Unrepaired fire or water damage;
- e. Substantially damaged or missing siding;

- f. The persistent existence of garbage or trash on the property not completely contained within trash or refuse containers securely sealed by covers;

- g. The persistent existence of one or more vehicles on the property that are inoperable or in a state of disrepair or major disassembly or in the process of being stripped or dismantled including: cars, trucks, campers, motor cycles, boats, mowers, farming and construction equipment any one of which may also have missing doors or windows, holes, rust, or obvious physical decay, or used for storage purposes;

- h. Accumulated debris not used or properly stored for its intended purposes including plastics, glass, papers, junk, furniture, appliances, scrap metal, tires, batteries, containers or garbage, building materials;

- i. Accumulated putrescible animal and vegetable waste resulting from cooking and food consumption or the keeping of pets or other animals so as to create an offensive, unsightly, or unsanitary condition;

- j. Collapsing masonry;

- k. Graffiti as defined by the unauthorized application of paint or other permanent material the presence of which has a negative impact on values of property immediately adjacent thereto;

- l. A dilapidated condition which has ensued as a result of inadequate maintenance or neglect which is a cause or contributing factor to a cancellation in insurance on the subject and/or proximal properties;

- m. A dilapidated condition which has ensued as a result of inadequate maintenance or neglect which has materially contributed to a decline or diminution in property values on the subject and/or proximal properties;

- n. Tarpaulins used for weather protection (roof coverings) for periods exceeding sixty (60) days in lieu of permanent approved roofing materials;

- o. Overgrown vegetation and herbaceous materials including grass exceeding ten (10) inches in height, including overgrown trees and shrubbery impeding pedestrian traffic on sidewalks and streets;
 - p. The property is in a condition that creates a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood;
 - q. Refuse or filth is discharged from the property into a body of water within the City, or such substances are placed on the property in such a position that high water or natural seepage will inevitably carry the same into such waters;
 - r. There exists on the property stagnant or unsanitary water in which mosquitoes may breed; garbage, sewage, excrement, manure or other foul, decayed, putrid, unwholesome, deleterious or offensive thing or substance; animal carcasses or parts thereof; or trash, rubbish, rubble, tires, brush, used materials or discarded items of little or no value;
3. The Fire Marshal has determined that a building or structure is a fire hazard and/or it is a factor creating a substantial and unreasonable interference with the use and enjoyment of neighboring properties.

B. CITATION HEARING OFFICER – Any person appointed by the City Manager pursuant to the provisions of Connecticut General Statutes § 7-152c to serve as a Citation Hearing Officer.

C. DILAPIDATED – Any building, structure, or parcel of land, or part thereof which is deemed an unsafe structure pursuant to the Connecticut State Building Code, the Property Maintenance Code of the City of Norwich, or the Connecticut Public Health Code, as they may be amended from time to time, or any dwelling or dwelling unit which is designated as unfit for human habitation as defined by the Connecticut Public Health Code including, but not limited to, a building, structure, or parcel of land that evidences disrepair, that presents a safety concern, or evidences conditions that are likely to cause sickness, disease, or injury to the health, safety or general welfare of the persons living therein or of the general public.

D. ENFORCEMENT OFFICER – A person or persons authorized by the City of Norwich to take such enforcement actions and to issue citations as are specified by this Ordinance, who shall not be a Citation Hearing Officer. An Enforcement Officer is authorized to enter property during reasonable hours for the purpose of remediating blighted conditions.

Section III. EXCEPTIONS/SPECIAL CONSIDERATIONS

This Ordinance shall apply to all residential dwelling units, nonresidential space, commercial property and vacant or undeveloped land except as to any blighted premises for which a site plan or special use permit is pending before the Commission on the City Plan.

Section IV. CREATION OR MAINTENANCE OF BLIGHTED PROPERTY PROHIBITED

No owner, agent, tenant, firm, corporation, association, or person responsible in whole or in part for the care, maintenance or condition of real property, taxable or tax exempt, shall cause or allow any blighted property, as defined in Section II herein, to be created, maintained, continued, or suffered to exist.

Section V. NOTICE OF VIOLATION

A. The City of Norwich, through a designated Enforcement Officer, shall give written notice of any violation(s) to the owner and occupant of the property determined to be blighted. The notice may be hand delivered, mailed first class, or mailed by certified mail, return receipt requested, to the address of the owner as on file in the Assessor's office or as on file pursuant to Article V of Chapter 4 of the Norwich Code of Ordinances. Notice may also be provided in a like manner to any person or entity identified in Section IV of this Ordinance. In the case of an owner whose address is unknown, a copy of the notice may be published in a daily or weekly newspaper having a circulation in the City of Norwich. If the notice is mailed to only one responsible party, it shall in no way be, or be construed to be, a release of any other responsible party. If more than one responsible party is identified in the notice, the responsibility for complying with the notice shall be joint and several.

B. Notwithstanding anything to the contrary, the notice shall specify the violation(s) of this ordinance sought to be abated, identify the steps that need to be taken to remedy the violation(s), demand abatement within thirty (30) calendar days, and list the amount of fines that would be due and when uncontested payments can be made and accepted. If the owner or other responsible party fails to correct the violation(s), the City of Norwich may issue an enforcement citation as specified herein.

Section VI. ENFORCEMENT CITATION

If any violation under this Ordinance remains unabated after thirty (30) days following the giving or service of notice, the Enforcement Officer is hereby authorized to issue a citation to the violator(s) for such violation(s) in accordance with this Ordinance, which shall be an enforcement process in addition to those

provided pursuant to the Norwich Code of Ordinances, Chapter 1, §1-8 and §1-9, or as otherwise provided in the Connecticut General Statutes. The citation shall require payment of a fine not exceeding one-hundred dollars (\$100) per day for each day that a violation continues and shall require payment within ten (10) days from the issuance thereof.

Section VII. CITATION PROCEDURE

A. The City of Norwich hereby adopts for the purpose of this Ordinance the hearing procedure that is set forth in, and is in accordance with, C.G.S. § 7-152c, as that statute may be amended from time to time; and hereby authorizes and provides for, the filing of a lien having precedence over other liens in accordance with the provisions of C.G.S. § 7-148aa as that statute may be amended from time to time.

B. If the owner, agent, tenant, firm or responsible person fails to respond to a citation for blight under this Ordinance, fails to attend any hearing or rescheduled hearing before a Citation Hearing Officer, or is unwilling or unable to rehabilitate or maintain the blighted property within the reasonable time permitted, the Enforcement Officer shall request a penalty of not more than one hundred dollars (\$100.00) per day for each day that the property violates this Ordinance. The fine shall be retroactive to the date of the Enforcement Officer's initial notice of violation to the owner, agent, tenant, or responsible party or in the case of an owner who cannot be located, the date of publication of notice in the newspaper. Each day that a violation of this Ordinance exists shall constitute a separate offense. The Citation Hearing Officer shall follow the procedure adopted pursuant to the Connecticut General Statutes § 7-152c.

C. As to any unpaid penalty or fine imposed by the City of Norwich pursuant to provisions of this Ordinance, when no demand for hearing is filed within the requisite time period, the Citation Hearing Officer shall note the designated municipal officer's certification of the person's failure to respond, and enter and assess the fines, penalties, costs, or fees provided and thereafter notify the owner, agent, tenant, firm, or responsible person by regular and certified mail, return receipt requested, and shall notify the Enforcement Officer. If a request for hearing has been made under the requisite time period, the Citation Hearing Officer shall conduct the hearing, and, if the hearing is contested, announce his decision at the end. The Citation Hearing Officer shall either make a finding of no liability and dismiss the matter, or make a finding of liability and enter and assess the fines, penalties, costs, or fees. Thereafter, the Citation Hearing Officer shall file a written decision that reflects his or her orders with the Enforcement Officer and send a copy of the same by regular and certified mail, return receipt requested, to all persons given notice of the hearing or otherwise given notice of the violation.

D. The Citation Hearing Officer shall not have the authority to extend any of the deadlines set out in this ordinance.

E. The final date for the uncontested payment of any citation under this Ordinance shall be ten (10) days after the mailing or delivery of the citation.

Section VIII. MUNICIPAL ABATEMENT

A. In the event any owner, agent, tenant or responsible person shall fail to abate or correct any violation specified in any notice after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, tenant, or person in control of real property to appeal from the issuance of said citation, or by such appeal being dismissed or denied, the City of Norwich, acting through its designated Enforcement Officer issuing such notice of violation, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be a civil claim by the City of Norwich against such owner, agent, tenant, or person responsible for such property, and the City of Norwich may bring an action to recover all such costs and expenses incurred.

B. Notwithstanding any provisions herein, the City of Norwich may take action pursuant to C.G.S. § 7-148(c) (7) (E) to abate any nuisance.

Section IX. RECORDING LIENS

In addition to having a lien for abatement expenses, all unpaid fines or costs shall constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa, and each such lien shall be continued, recorded, and released as provided therein.

Section X. EFFECTIVE DATE

This Ordinance shall become effective ten days (10) days after publication in a newspaper having a substantial circulation within the City of Norwich.

Section IX. MISCELLANEOUS PROVISION

If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this Ordinance and the various applications thereof are declared to be severable.

**Mayor Deberey Hinchey
Aldерwoman Sofee Noblick**