

Section 7-3 Blight Ordinance

1) PURPOSE AND FINDINGS

It is hereby found that there exist within the Town of Stafford real properties which, due to neglect and unmitigated deterioration, adversely affect property values within the Town and threaten the health, safety, and general welfare of its residents. Pursuant to Conn. Gen. Stat. § 7-148(c)(7)(H)(xv), this ordinance is adopted in order to prevent and remedy such blighted properties in the Town of Stafford.

2) DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.

Motor Vehicle: means an automobile, truck, van, camper trailer, boat trailer, house trailer, mobile home, motorcycle, and/or any other motorized wheeled vehicle designated or used for highway purpose and required to be registered by the state department of motor vehicles.

Abandoned Motor Vehicle: A motor vehicle located on public and/or private property which has the appearance that the owner has relinquished control without the intention of reclaiming it, including but not limited to a vehicle with no or invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative, or unusable as a motor vehicle and not in condition for legal use on the public highways.

Inoperable: Inoperable shall be defined as an item of personal property which is inherently incapable of performing a function for which it was designed by virtue of missing parts, or broken or severely damaged and having broken essential components. For purposes of this article, a motor vehicle may also be considered inoperable when it cannot be legally registered by the state department of motor vehicles.

Unregistered Motor Vehicle: means any motor vehicle which is required to be registered by the state department of motor vehicles, which is not so registered.

Discarded Motor Vehicle Parts: Used parts of motor vehicles or old iron, glass, paper, or other waste, or discarded or second hand materials which has been a part or is intended to be a part of any vehicle.

Unightly Materials: means any worn out, cast off or discarded article or material, including but not limited to discarded motor vehicle parts, household appliance(s), furniture, equipment, and building materials, as well as any other material which is unsanitary or which:

- a. is hazardous to the safety or welfare of people or property;
- b. is causing a nuisance; or
- c. is a factor in creating substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area.

Blighted Premises: Any privately-owned parcel of land upon which at least one of the following conditions exists:

- A. It poses a serious threat to the safety/ health/ and general welfare of the community or is deemed unsafe by the Director of Health, Zoning Enforcement Officer, Fire Marshal, or Building Inspector; or
- B. It is attracting illegal activity as identified by the Police Department; or
- C. It is not being maintained as evidenced by the existence of the following conditions:
 - i. structures which are open to the elements; or which have collapsing or substantially missing walls, siding, roofs, windows or window glass, or doors; or which have boarded-over windows or doors; or which are otherwise unable to provide shelter or serve the purpose for which they were constructed due to damage, dilapidation, decay, or severe animal infestation; or
 - ii. abandoned, inoperable, or unregistered motor vehicles, or unsightly materials; or
- D. It has chronically overgrown grass, weeds, or similar vegetation that is allowed to reach and remain at a height of 12" or greater for more than thirty (30) days.

3) PROHIBITION AGAINST BLIGHT:

No owner of blighted premises shall maintain such blighted condition, nor may any owner of unblighted premises allow such premises to become blighted, except that:

- a. Abandoned, inoperable, or unregistered motor vehicles may remain located on property used for the sale, recycling, and/or repair of motor vehicles pursuant to the Stafford Zoning Regulations;
- b. One (1) inoperable or unregistered motor vehicle shall be allowed in public view on residential property provided the vehicle:
 - i. is rendered safe and inaccessible;
 - ii. has a fully intact exterior free of jagged, sharp, or protruding metal or glass;
 - iii. is covered by a motor vehicle cover, excluding tarps or sheet plastic;
 - iv. is located in an area free of brush and long grass;
 - v. is located behind the building line of the dwelling; and
 - vi. is not located within the minimum zoning setbacks of the property
- c. Building materials may be located within public view provided they are:
 - i. intended for use in construction or improvement for which a valid building permit has been issued; or

- ii. located in public view as part of a building supply yard or contractor's yard operating in accordance with the Stafford Zoning Regulations.

4) ENFORCEMENT:

The First Selectman or their designee, when determination has been made that a violation of this ordinance has been committed may issue a written notice of violation to the property owner.

1. A written notice of violation shall provide the property owner with at least ten days from receipt of notice to either bring the property into compliance or submit an action plan, including estimated timeframe, sufficient to bring the property into compliance. The written notice shall state:

- a. The address of the affected property;
- b. The description of the violation and the expected remediation;
- c. Notice of the time period available for remediation or submission of an action plan;
- d. The civil penalty which may be levied by citation for failure to remediate blight if the violation is not corrected;

2. If the property owner has not remedied a violation or provided an approved action plan for remedying a violation within ten (10) days of the notice of violation, or at any time failed to comply with the terms of an approved action plan, the First Selectman or their designee may issue a citation and impose a penalty in accordance with Conn. Gen. Stat. § 7-148(c)(7)(H)(xv) as such may be amended from time to time. Such penalty shall not exceed the maximum penalty available under Conn. Gen. Stat. § 7-148(c)(7)(H)(xv), except that the penalty for willful violations of this ordinance may be increased to the maximum penalty available under Conn. Gen. Stat. § 7-148o. The property owner may contest their liability under that citation pursuant to the appeals procedure set forth in Conn. Gen. Stat. § 7-152c as such may be amended from time to time.

3. Failure to pay penalties imposed by Section 2 above shall constitute a lien on the property in accordance with Conn. Gen. Stat. § 7-148(aa), as such may be amended from time to time. The First Selectman may also authorize the Town Attorney to seek injunctive relief, along with all other relief authorized by the Connecticut General Statutes, in order to remedy the violation. The First Selectman may also authorize Town officials or contractors to enter onto the property in order to remediate the blighted condition pursuant to Conn. Gen. Stat. § 7-148(c)(7)(H)(xv), provided that the First Selectman shall not authorize any such official or contractor to enter any dwelling house or structure on the property.

4. Any person who interferes with the enforcement of this ordinance shall be considered in violation of this ordinance.

5. The First Selectman may designate any of the following people as enforcement agents for the aforesaid ordinance: members of the Board of Selectmen, Resident Trooper(s), all town constables, whether certified or not, Zoning Enforcement Officer, Building Official, and the superintendent and foremen of the Town of Stafford Public Works Department. This provision shall not limit the ability of the First Selectman to authorize other Town officials or contractors to enter onto the property pursuant to Section 3 above.

5) OTHER LAW:

The provisions of this ordinance shall not prevent the enforcement of other statutes, codes, ordinances, or regulations which prescribe standards other than what are provided in this ordinance.

In any case where a provision of this ordinance is found to be in conflict with any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State the provision which establishes the higher standards for the provision of health and safety and property values of the people shall prevail.

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