

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

MINUTES
PUBLIC WORKS, PLANNING & DEVELOPMENT STANDING COMMITTEE
Special Meeting
Tuesday August 17, 2020
6:30 P.M. - Waterford Town Hall/Zoom Remote Access Only

The August 17, 2020 special meeting of the Public Works, Planning & Development Committee of the RTM was called to order by Chairperson Michael Rocchetti at 6:30 P.M.

ROLL CALL

PRESENT: Mike Bono, Liam O'Leary, Ted Olynciw, Michael Rocchetti, Miriam Furey-Wagner

ABSENT: None

ALSO PRESENT: Town Clerk David L. Campo, RTM Moderator Thomas Dembek, Planning Director Abby Piersall

AGENDA ITEM 4: March 12, 2020 Minutes

MOTION by Bono, seconded by Furey-Wagner, to approve the minutes from the March 12, 2020 meeting.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 5: Public Comment

Public comment in writing was accepted into record from Mark Dalton. (See Attachment)

AGENDA ITEM 6A: Waterford Code of Ordinances review of Chapter 2.20 and 2.58 (RTC 06-01-20)

See Attachment

UPDATE was provided by Planning Director Abby Piersall

Discussion ensued in regards to the draft ordinance

MOTION by Furey-Wagner, seconded by Bono to move the item, Waterford Code of Ordinances review of Chapters 2.20 and 2.58 to a public hearing.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM 6B: Proposed changes to the Waterford Code of Ordinances Chapter 15.6 – Blighted Premises (RTC 08-03-20) See attachment

UPDATE was provided by Planning Director Abby Piersall.

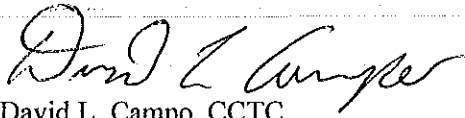
Discussion ensued and committee agreed to meet in September.

MOTION Furey-Wagner, seconded by Bono, to hold a public hearing, in regards to item 6A, on September 16, 2020 at 6:30 P.M. followed by a committee special meeting.

VOTING IN FAVOR: Unanimous

MOTION by Furey-Wagner, seconded by Bono, to adjourn at 7:34 P.M.
VOTING IN FAVOR: Unanimous

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David L. Campo".

David L. Campo, CCTC
Waterford Town Clerk

I am not sure that there need to be changes to the Blight Ordinance enacted in April 2017 as there need to be serious enforcement. My opinion is that these changes are a smokescreen for the behavior of the zoning department. Please let me share with you my experience and reactions with the blight complaint I filed with the zoning department.

First, why should the First Selectman get involved in the enforcement and/or non-enforcement of the Blight Ordinance?

I waited for the blight ordinance to be written, approved and enacted. Then I filed a complaint only to wait for the process to play out with attempted enforcement.

My experience with filing a blight complaint has been disappointing and disturbing. My expectations were high with a new Blight Ordinance. The reality was and is mismanagement.

I filed the first complaint filed under the Blight Ordinance April 2017. A citation against the offender by the BEO was not issued until May 2018. The offender did not comply with the violation prescriptions. A hearing was held in accordance with the procedures in July 2018. A fine was assessed, an abatement plan was presented to the offender and an agreement was signed with the offender in August 2018. The fine was not paid timely. It still isn't paid. The original fine was set at \$3600 to be reduced to \$600 upon completion of the actions by the offender by a certain date. The abatement agreement still is not complete! The fine should be over \$38,000. The offender is being protected by the BEO.

There was no sense of urgency on the part of the BEO. He was negligent in the performance of his duties and responsibilities. The performance can only be characterized as a dereliction of duty and nonfeasance, misfeasance and malfeasance on the part of the BEO and his supervisor.

Nonfeasance is the failure to act where action is required—willfully or in neglect. **Misfeasance** is the willful inappropriate action or intentional incorrect action or advice. **Malfeasance** is the willful and intentional action that injures a party. I am injured by the lack of enforcement of a hearing officer's written decision.

Offenders are emboldened by lack of enforcement and inconsistent application of blight ordinance and zoning regulations.

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Ineffective and incompetent Blight Enforcement Officers and their management require training.

There was no communication on the part of the zoning department management with me when the BEO was ineffective and/or absent. There has been no response to my continued and persistent emails to Abby Piersall for over fifteen months. My email complaints to Abby Piersall were ignored. This is a total and complete lack of customer service. I am completely disappointed in the town elected officials and town zoning employees.

Ben Franklin is quoted as saying "Justice will not be served until those who are unaffected are as outraged as those who are."

Mark Dalton

August 12, 2020

Proposed Amendments (May 18, 2020)

Chapter 2.20 - PUBLIC WORKS DEPARTMENT^[2]

Footnotes:

--- (2) ---

Editor's note— An amendment dated June 2, 2014, amended Ch. 2.20 in its entirety to read as herein set out. Former Ch. 2.20, §§ 2.20.010—2.20.040, pertained to similar subject matter and derived from: Prior code §§ 2-106—2-109; and R.T.M. 10-1-01 (part).

2.20.010 - Created—Duties.

There is a department of public works which, under the supervision of the first selectman, shall have supervision and control of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, public drains, and other public infrastructure improvements; and the preservation, care and removal of trees within highways or public places and related engineering work of the town; and the collection and disposal of garbage, rubbish, ashes, recycling and operations of transfer station. Further, the department may install and/or supervise the installation of water and sewer lines, but only if and to the extent requested by the utility commission, and as approved by the first selectman; provided the costs are charged against the appropriations of the requesting commission.

In addition, the department shall be responsible for the maintenance, alteration, renovation and repair of all town owned buildings and facilities,, other than schools, water and sewer infrastructures such as pumping stations and utility commission buildings, and facilities under the management of the recreation and parks commission, to include, but not limited to, town hall, library, emergency operations center, community center, youth and family services, police, public works, Jordan park house, and Nevins cottage. Facilities shall include all parking, handicap access, and pedestrian ways used to access buildings.

(Amend. of 6-2-14(1))

2.20.020 - Director—Appointment, removal, powers and duties.

The board of selectmen shall appoint and may remove a director of public works who shall be responsible for the efficiency, discipline and good conduct of the department, and who shall appoint and may remove such deputies, assistants and employees as the director may deem necessary, and shall prescribe their duties. The director shall be responsible for the preparation of the departmental budget, which shall be submitted to the board of selectmen for review and presentation to the board of finance. The director shall exercise his powers and discharge his duties under the supervision of the first selectman. The director shall organize the work of the department in such a manner as the director shall deem most economical and efficient. The director shall be the tree warden and shall have all the powers and duties thereof as provided in C.G.S.A. Ch. 451, as amended.

(Amend. of 6-2-14(1))

2.20.030 - Personnel—Qualifications.

- A. The director of public works shall have, at a minimum, a Bachelor of Science degree in civil engineering.
- B. The qualifications of the other members of the department of public works will be recommended by the director of public works, with the approval of the board of selectmen.

(Min. of 4-7-14; Prior code § 2-108)

2.20.040 - Organization.

The department of public works shall consist of:

- A. A director of public works;
- B. An assistant director of public works;
- C. A municipal facilities manager
- D. The following divisions:
 - 1. Sanitation and recycling.
 - 2. Highways.
 - 3. Mechanical Fleet and Light Equipment maintenance.
 - 4. Facility Management

(Amend. of 6-2-14(1))

Date: May 18, 2020

Chapter 2.20 - PUBLIC WORKS DEPARTMENT¹²¹

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(Amend. of 6-2-14(1))

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Deleted: and utility commission buildings.
Deleted: (1). If this is not referenced in the first paragraph, I don't see the need here.¶
(2). Need to define facilities (such as does this include grounds and parking lots around these buildings, Recreation and Parks maintenance facilities)¶
(3). I know this is the old language, but private drains? I have no right to enter onto private property. Also, is this in conflict with 13.16.160 Watercourse protection?¶
(4). I believe this doesn't conflict with Chapter 2.88 as it pertains to the word alterations.¶
(7). Comment on the last part, is the intent to just list the structures (town hall, library etc) that will be the responsibility of Public Works to maintain or is it to list the Departments/Divisions that this will pertain to. (There are no Parks Buildings listed).¶
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(6) Need to add the new division of public works.¶

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(Amend. of 6-2-14(1))

2.56.050 - Compensation.

The members of the economic development commission shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses incurred in the performance of their duties.

(R.T.M. 8-2-99 (part): prior code 2-124).

Chapter 2.58 - PLANNING AND DEVELOPMENT DEPARTMENT

2.58.010 - Created.

In accordance with Section 1.2 of the Town Charter, and C.G.S.A. § 7-148, there shall be a department of planning and development which shall be managed by a director of planning appointed by the board of selectmen as recommended by the first selectman.

(Amend. of 6-2-14(2))

2.58.020 - Duties.

The department shall manage the centralized planning, building and development functions of the town, which shall include assisting the planning and zoning commission, zoning board of appeals, conservation commission and all other such boards and commissions within the town. Additional duties shall include issuance of all building/zoning applications, building permits, zoning and wetlands permits, and environmental review of all building codes, zoning and wetland regulations within the town, as determined by the town regulatory authorities.

Deleted: In addition, the department shall, under the supervision of the first selectman, be responsible for the maintenance, repair of buildings and building projects, for all town owned buildings and facilities, other than schools, pumping stations, water and sewer infrastructures and roads, to include, but not limited to, town hall, library, emergency operations center, community center, youth services, police and public works and utility commission buildings.

(Amend. of 6-2-14(2))

2.58.030 - Director—Appointment, removal, powers and duties.

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(Amend. of 6-2-14(2))

2.58.040 - Organization.

The department will primarily consist of:

- A. A director of planning;
- B. A building official;
- C. A planner;

D. A wetlands officer/environmental planner;

E. A zoning officer;

(Amend. of 6-2-14(2))

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Proposed Language (May 18, 2020)

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Chapter 15.26 - BLIGHTED PREMISES

15.26.010 - Purpose.

- A. The purpose of this ordinance is to protect, preserve and promoted public health, safety and welfare; to maintain and preserve the beauty of the Town's neighborhoods; preserve and protect property values; and allow for the remediation of blighted premises.

This article is adopted in accordance with the provisions of C.G.S. §§7-148(c)(7)(H)(xv), 7-148o(b) and 7-152(c).

- B. *Public nuisance.* It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Waterford to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions described below exist thereon, which shall be defined as blight.

(Amend. of 4-18-17(2))

15.26.020 - Definitions and Establishment of Blighted Conditions

A. Definitions

For the purpose of this chapter, the following terms and phrases shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context:

1. *Blighted premises:* Any house, building or structure or land in which at least one of the following conditions exists. A blighted premises is presumed to be a public nuisance:
 - 1.1 It has been determined by the town's blight enforcement officer that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.
 - 1.2 The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public as evidenced by one or more of the following conditions:
 - a. Missing, broken, or boarded-up windows or doors;
 - b. Collapsing or missing exterior features including but not limited to, walls, roofs, stairs, porches, railings, decks, hatches, chimneys or floors;
 - c. Unrepaired fire or water damage;
 - d. Vacant structure(s) open and not secured against entry;
 - e. Shrubs, hedges, grass, plants, weeds or any other vegetation that has been left to grow in an unkempt manner that is covering or blocking means of egress or access to any building or that are blocking, interfering with or otherwise obstructing any sightline, road sign, or emergency access to or at the property;
 - f. Whether any building or dwelling on the premises is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than two feet over twenty percent of the property when viewed from a public street;
 - g. Dumpsters placed on private property when viewed from any public way for the purpose of disposal of any solid or liquid waste for a period of more than ninety

days from the date of the dumpster's delivery and which has not been placed in association with a site plan approved in accordance with the Waterford Zoning Regulations or a construction project with an active building permit.

h. Junk as this term is defined in Section 3.26 of the Zoning Regulations.

2. *Debris*: Material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which is in the public view.
3. *Decay*: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.
4. *Mechanical equipment*: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine; to also include electric and pneumatic equipment.
5. *Natural field state*: Areas where grass, weeds, and brush exist in their natural, un-landscaped state.
6. *Naturally wooded state*: Areas where trees, brush and plants exist in their natural, un-landscaped state.
7. *Person*: Any man, woman, corporation, or other legal entity capable of owning real property.
8. *Premises*: A platted lot or part thereof or un-platted lot or parcel or land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes such building, accessory structure or other structure thereon, or any part thereof. The terms "premises," where the context requires, shall be deemed to include any buildings, dwelling, parcels of land or structures contained within the scope of this chapter.
9. *Public view*: Visible from any public right-of-way or neighboring property, at grade level.
10. *Structure*: Any building, dwelling, fence, swimming pool, or similarly constructed.
11. *Blight Prevention Appeals Board*: A Board appointed by the Board of Selectmen to serve with the same authority as a citation hearing officer, as defined in, and pursuant to C.G.S. § 7-152c. Such board members shall not be individuals who issue citations and shall not otherwise be an employees of the town. The board members shall serve for a term of two years, unless otherwise removed for cause by the Board of Selectmen.
12. *Dilapidated*: Any building or structure or part thereof which is deemed an uninhabitable or unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is determined to be unfit for human habitation as defined by the Connecticut Health Code.
13. *Blight enforcement officer*: A person or persons authorized by the first selectman to take such enforcement actions and to issue citations as specified in this chapter, who shall not be the blight citation hearing officer.
14. *Registrant*: Any person who has commenced an action to foreclose a mortgage on residential property and has registered such property with the town clerk.
15. *Naturalized areas*: Contiguous areas of vegetation that come from natural regeneration and/or intentional plantings with native plant material. These areas are an approach to landscaping as a means of promoting bio-diversity, reducing water use, and reducing maintenance costs.
16. *Town*: The Town of Waterford.

17. *Town official*: The officer or officers, who are authorized by this chapter to exercise the powers prescribed herein, including the first selectman, director of public works, fire marshal, fire services administrator or designated agents, and any police officer of the town.
18. *Capable individual* shall mean a person, 18 years or older, who can be reasonably expected to perform maintenance and yard work around a property or premises.

15.26.030 - Prohibition of Blighted Premises.

No owner of real property located in the Town of Waterford shall allow, create, maintain or cause to be created or maintained, a blighted premises, as defined in 15-26-020.

15.26.040 - Exemptions.

The following properties and/or portions of properties shall be exempt from this chapter:

- A. Land dedicated as public open space or parks;
- B. Vegetation preserved in its natural state through conservation easements or conservation restrictions;
- C. Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design, or naturalized areas as defined in Subsection 15.26.020.F herein, provided they do not cover or block means of egress or access to any building, or promote rodent harborage and/or infestation;
- D. Any building or structure undergoing remodeling being diligently conducted pursuant to an active building permit, provided that said exemption is applicable only during such remodeling period;
- E. Any blighted premises for which a land use application is pending for a period of ninety days from the date of submission of the application to the town.

(Amend. of 4-18-17(2))

15.26.050- Special consideration.

Special consideration may be given to individuals who are disabled, elderly, or low income in the town's effort to correct housing blight. If an individual home owner cannot maintain a reasonable level of upkeep of owner-occupied residence because the individual is disabled, elderly, or low income, and no capable individual resides in the residence, the town may give said individual home owner a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the blight enforcement officer. If needed, assistance in finding solutions will be offered by the town.

- A. *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 meeting the definitions for mental or physical disability as defined under the Americans with Disabilities Act of 1990.
- C. *Elderly individual* shall mean an individual over the age of sixty-five.
- D. *Low income individual* shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by C.G.S. § 12-170d(a)(3).

(Amend. of 4-18-17(2))

15.26.060 - Administration and enforcement.

- A. Upon the observation of the Blight Prevention Officer and/or upon receiving a written complaint of a possible violation of this chapter signed by the complainant in his/her legal name, the Blight Prevention Officer shall initiate an investigation.
- B. If after completing an investigation, the Blight Prevention Officer determines that a violation of this chapter exists on certain real property, he/she shall issue a notice of violation by leaving a copy of such notice of violation with the owner(s) of the real property on which the violation exists or by affixing the notice of violation to the blighted premises. The Blight Prevention Officer shall also send a copy of the notice of violation by certified mail, return receipt requested, to the last known address of the owner(s).
- C. The notice of violation shall inform the owner(s) of the real property on which the violation exists of the following:
 - (1) The address of the real property on which the violation exists;
 - (2) The allegations against the property owner(s), including the conditions existing on the real property which evidence the violation;
 - (3) The amount of fines, penalties, costs, or fees due or that may be due pursuant to §15.26.070 herein;
 - (4) That the property owner(s) must remedy the violation(s) of this chapter within 30 calendar days of the notice of violation or such longer period as permitted by the Blight Prevention Officer in his/her discretion;
 - (5) That the property owner(s) may contest liability before the Blight Prevention Appeals Board by delivering in person or by mail written notice of such request to the Blight Prevention Officer within 10 calendar days of the notice of violation;
 - (6) That, if the property owner(s) does not demand such a hearing or remedy the violation(s), an assessment and judgment shall be entered against the property owner(s);
 - (7) That the judgment may issue without further notice.
- D. As permitted by the hearing procedure for citations set forth in Connecticut General Statutes §7-152c, which the Town of Waterford specifically adopts herein, the First Selectman shall appoint, with the approval of the Board of Selectmen, six residents of the Town of Waterford to serve on the Blight Prevention Appeals Board, with five residents to serve as regular members and one resident to serve as an alternate member of the Board. No appointed member shall be a police officer, employee of the Town of Waterford, or a person who issues citations. All members of the Blight Prevention Appeals Board shall be appointed for terms not to exceed two years and shall take office on the first business day in January following a general Town election. The powers, duties, and responsibilities of the Blight Prevention Appeals Board shall be those set forth for citation hearing officers in Connecticut General Statutes §7-152c and this chapter.
- E. If 1) no hearing has been requested within 10 calendar days of the notice of violation and 2) the violation has not been remedied within 30 calendar days of the notice of violation or such longer period as permitted by the Blight Prevention Officer, the property owner(s) of the real property on which the violation exists shall be deemed to have admitted liability and the Blight Prevention Officer shall certify such property owner(s) failure to respond to the notice of violation to the Blight Prevention Appeals Board. The Board shall thereupon issue a citation by delivering same to the property owner(s) in the same manner prescribed above for the initial notice of violation and assess the fines, penalties, costs, or fees provided for in §15.26.070 of this chapter unless, pursuant to its discretion afforded below, it determines that certain circumstances exist which warrant a delay in citation or assessment. The date of the citation shall commence the daily fine established in §15.26.070.
- F. If the property owner(s) who has/have been issued a notice of violation request(s) a hearing within 10 calendar days of the notice of violation in the manner required above, a hearing will be scheduled and conducted before the Blight Prevention Appeals Board in accordance with the requirements contained

Connecticut General Statutes §7-152c(e). As noted therein, the Blight Prevention Appeals Board shall announce its decision at the end of its deliberations. If the Board determines that the property owner(s) is/are not liable, the Board shall dismiss the matter and enter its determination in writing. If the Board determines that the property owner(s) is/are liable for the violation, it shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided in this chapter unless, pursuant to its discretion afforded below, it determines that certain circumstances exist, as described in 15.2.050, which warrant a delay in citation or assessment.

- G. Prior to issuing a citation or assessing fines under this chapter, the Blight Prevention Appeals Board may give special consideration to property owner(s) who are disabled, elderly, or low income, per 15.2.050, who cannot maintain a reasonable level of upkeep of the real property at which they reside. In such circumstances, the Board may allow the property owner(s) a reasonable amount of time to remedy the violation, the duration of which shall be in the discretion of the Board but shall not exceed six months from the hearing date or from the date of the notice of violation where a hearing is not requested. In order to exercise its discretion, the Board shall require either testimony or a written affidavit from each affected property owner (if they are truly unable to appear in person before the Board for a hearing) attesting that no person resides at the real property who can perform the necessary maintenance, yard work, etc., to remedy the violation and the property owner is unable to afford to hire the services of a third-party contractor to perform the remedial services.

15.26.070 - Violations and penalties.

A violation(s) of the provisions of this chapter shall be punishable by a fine of \$100.00 per day for each day a violation continues to exist. The date the citation was issued by the Blight Prevention Appeals Board shall be the commencement date for said fine.

15.26.080 - Right to appeal.

A property owner against whom a citation or assessment has been entered under this chapter may appeal the decision of the Blight Prevention Appeals Board as provided in 7-152c of the Connecticut General Statutes.

15.26.090 - Municipal enforcement and abatement.

- A. In addition to any penalties as permitted by statute, and the citation and hearing provisions of this section, in the event any owner, agent, tenant, or person in control of real property fails to abate or correct any violation specified in a notice, pursuant to Section 15.26.060 herein, after the issuance of an enforcement citation for such failure, once the citation has become final through the failure of such owner, agent, tenant, or person in control to appeal from the issuance of the citation or by such appeal being sustained, the town, acting through its blight enforcement officer issuing such notice of violation, may cause or take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the violation upon twenty-four hours notice of its intent to do so. The cost to take such action shall be a civil claim by the town against such owner, agent, tenant, or person responsible for the property, and the town attorney may bring an action to recover all such costs and expenses incurred, including reasonable attorney's fees.
- B. In the event that the blight enforcement officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in doing so, including its reasonable attorney's fees.

(Amend. of 4-18-17(2))

15.26.100 - Recording of lien.

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

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Chapter 15.26 - BLIGHTED PREMISES

15.26.010 - Purpose.

- A. The presence in the Town of Waterford of real property which exists in blighted condition constitutes a continuing nuisance, is detrimental to the health, safety and general welfare of the community, and adversely affects property values, thus contributing to the decline of neighborhoods and negatively affecting the economic well-being of the town and its residents. The abatement and/or elimination of blighted premises is necessary to protect, preserve, and promote public health, safety and general welfare of the community. Accordingly, the ordinance codified in this chapter is adopted pursuant to C.G.S. §§7-148(c)(7)(H)(xv), 7-148o(b) and 7-152c.

The purpose of this ordinance is to protect, preserve and promote public health, safety and welfare; to maintain and preserve the beauty of the Town's neighborhoods; preserve and protect property values; and allow for the remediation of blighted premises.

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This article is adopted in accordance with the provisions of C.G.S. §§7-148(c)(7)(H)(xv), 7-148o(b) and 7-152(c).

- B. **Public nuisance.** It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Waterford to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions described below exist thereon, which shall be defined as blight.

(Amend. of 4-18-17(2))

15.26.020 - Definitions and Establishment of Blighted Conditions.

A. Definitions

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For the purpose of this chapter, the following terms and phrases shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context:

- A-1. **Blighted premises:** Any house, building or structure or land in which at least one the following conditions exists. A blighted premises is presumed to be a public nuisance:

- 4.1.1 It has been determined by the town's blight enforcement officer that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.

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- 2.1.2 The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public as evidenced by one or more of the following conditions:

- a. Missing, broken, or boarded-up windows or doors;
- b. Collapsing or missing exterior features including but not limited to, walls, roofs, stairs, porches, railings, decks, hatches, chimneys or floors;
- c. Structurally faulty foundation;
- d. Unrepaired fire or water damage;
- e. Lacks facilities necessary for habitation;
- f. Vacant structure(s) open and not secured against entry;
- g. Rodent harborage and/or infestation;

- h. ~~Parking lots in excess of ten parking spaces in a state of disrepair or abandonment, evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement, or macadam, or within medians and buffers;~~
- ig. ~~Shrubs, hedges, grass, plants, weeds or any other vegetation that has been left to grow in an unkempt manner that is covering or blocking means of egress or access to any building or that are blocking, interfering with or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line;~~
- if. ~~Whether any building or dwelling on the premises is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than two feet over twenty percent of the property when viewed from a public street;~~
- k. ~~The overall condition of the property structure and/or grounds causes an adverse impact on neighboring properties and/or has led to the cancellation of insurance on the property; and/or~~
- l. ~~Unlicensed/inoperable vehicle(s) which violate existing town zoning regulations;~~
- mg. ~~Dumpsters placed on private property when viewed from any public way for the purpose of disposal of any solid or liquid waste for a period of more than sixty-ninety days from the date of the dumpster's delivery and which has not been placed in association with a site plan approved in accordance with the Waterford Zoning Regulations or a construction project with an active building permit.~~
- h. Junk as this term is defined in Section 3.26 of the Zoning Regulations.
 - a. ~~Rubbish, broken glass, trash, refuse, debris, stumps, roots, or boats and machinery in a state of disrepair that cannot be used for its original purpose;~~
- 2. e. Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which is in the public view.
- 3. p. Decay: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.
- 4. q. Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine; to also include electric and pneumatic equipment.
- 5. r. Natural field state: Areas where grass, weeds, and brush exist in their natural, unlandscaped state.
- 6. s. Naturally wooded state: Areas where trees, brush and plants exist in their natural, unlandscaped state.
- 7. t. Person: Any man, woman, corporation, or other legal entity capable of owning real property.
- 8. u. Premises: A platted lot or part thereof or un-platted lot or parcel or land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes such building, accessory structure or other structure thereon, or any part thereof. The terms "premises," where the context requires, shall be deemed to include any buildings, dwelling, parcels of land or structures contained within the scope of this chapter.
- 9. v. Public view: Visible from any public right-of-way or neighboring property, at grade level.
- 10. w. Structure: Any building, dwelling, fence, swimming pool, or similarly constructed object.

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B 11. Citation-hearing officer Blight Prevention Appeals Board: A person- Board appointed by the first selectman- Board of Selectmen as an officer to serve with the same authority as a citation hearing officer, as defined in, and pursuant to G.G.S. § 7-162c, to serve as the citation-hearing board. Such officer-board members shall not be an individuals who issues citations and shall not otherwise be an employees of the town. The blight-citation-hearing officer-board members shall serve for a term of two years, unless otherwise removed for cause by the first selectman- Board of Selectman.

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G 12. Dilapidated: Any building or structure or part thereof which is deemed an uninhabitable or unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is determined to be unfit for human habitation as defined by the Connecticut Health Code.

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D 13. Blight enforcement officer: A person or persons authorized by the first selectman to take such enforcement actions and to issue citations are as specified in this chapter, who shall not be the blight citation hearing officer.

E 14. Registrant: Any person who has commenced an action to foreclose a mortgage on residential property and has registered such property with the town clerk.

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F 15. Naturalized areas: Contiguous areas of vegetation that come from natural regeneration and/or intentional plantings with native plant material. These areas are an approach to landscaping as a means of promoting bio-diversity, reducing water use, and reducing maintenance costs.

G 16. Town: The Town of Waterford.

H 17. Town official: The officer or officers, who are authorized by this chapter to exercise the powers prescribed herein, including the first selectman, director of public works, fire marshal, fire services administrator or designated agents, and any police officer of the town.

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18. Capable individual shall mean a person, 18 years or older, who can be reasonably expected to perform maintenance and yard work around a property or premises.

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3. The fire marshal has determined that a building or structure is a fire hazard.

(Amend. of 1-18-17(2))

15.26.030 - Prohibition of Blighted Premises.

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No owner of real property located in the Town of Waterford shall allow, create, maintain or cause to be created or maintained, a blighted premises, as defined in 15-26-020.

15.26.030040 - Exemptions.

The following properties and/or portions of properties shall be exempt from this chapter:

- A. Land dedicated as public open space or parks;
- B. Vegetation preserved in its natural state through conservation easements or conservation restrictions;
- C. Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design, or naturalized areas as defined in Subsection 15.26.020.F herein, provided they do not cover or block means of egress or access to any building, or block, interfere with or otherwise obstruct

any sightline, road sign, or emergency access to or at the property or promote rodent harborage and/or infestation;

- D. Any building or structure undergoing remodeling being diligently conducted pursuant to an active building permit, provided that said exemption is applicable only during such remodeling period;
- E. Any blighted premises for which a land use application is pending for a period of ninety days from the date of submission of the application to the town.

(Amend. of 4-18-17(2))

15.26.040050 - Special consideration.

Special consideration may be given to individuals who are disabled, elderly, or low income in the town's effort to correct housing blight. If an individual home owner cannot maintain a reasonable level of upkeep of owner-occupied residence because the individual is disabled, elderly, or low income, and no capable individual resides in the residence, the town may give said individual home owner a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the blight enforcement officer. If needed, assistance in finding solutions will be offered by the town.

- A. ~~Capable individual shall mean a person who can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen years of age, without physical or mental disability as defined herein.~~
- BA. *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 meeting the definitions for mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.
- GB. *Elderly individual* shall mean an individual over the age of sixty-five, who does not have a household member capable of providing necessary property maintenance.
- DC. *Low income individual* shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by C.G.S. § 12-170d(a)(3).

(Amend. of 4-18-17(2))

~~15.26.050 - Creation or maintenance of a blighted property prohibited.~~

No owner, agent, tenant and/or person responsible for the care, maintenance, and/or condition of real property, shall cause or allow any blighted property, as defined in Section 15.26.020, to be created, maintained or continued.

(Amend. of 4-18-17(2))

15.26.060 - Receipt of complaints and notice of violation. Administration and enforcement.

- A. ~~The blight enforcement officer shall investigate any written, signed complaint and determine whether a violation of this chapter exists.~~
- B. ~~The blight enforcement officer shall give written notice of a violation of this chapter to the owner and occupant of and may give written notice to their agent(s), and/or any other person responsible for the blighted premises. The notice shall be hand delivered or mailed by both certified mail, return receipt requested and first class mail to the address of the owner on file with the Waterford Tax Collector, or~~

any of the persons identified in Section 15-26.040 herein to the last known address of the person to whom it is directed, and a copy mailed by first class mail to any lienholder's current or last known address pursuant to C.G.S. § 7-148gg. If the notice is mailed to only one of the responsible parties, that shall in no way be, or be construed as, a release of any other party. If there is more than one responsible party identified in the notice, the responsibility for complying with the notice shall be joint and several.

- C. Such notice shall state the violation and demand its abatement within a reasonable time to be determined by the blight enforcement officer based on the nature and extent of the violation. If the violation is not corrected within the time provided in the written notice, the blight enforcement officer may issue an enforcement citation and/or take other enforcement action as specified herein.
- D. If the owner, agent, occupant and/or person responsible for the blighted premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a daily or weekly newspaper having a substantial circulation in the town and shall be posted on the premises. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.
- E. Any person who is a new owner of a blighted property shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Subsection 15-26.060.B. For the purposes of this subsection, "new owner" shall mean any person or entity who has taken title to a property within thirty days of the notice.
- A. Upon the observation of the Blight Prevention Officer and/or upon receiving a written complaint of a possible violation of this chapter signed by the complainant in his/her legal name, the Blight Prevention Officer shall initiate an investigation.
- B. If after completing an investigation, the Blight Prevention Officer determines that a violation of this chapter exists on certain real property, he/she shall issue a notice of violation by leaving a copy of such notice of violation with the owner(s) of the real property on which the violation exists or by affixing the notice of violation to the blighted premises. The Blight Prevention Officer shall also send a copy of the notice of violation by certified mail, return receipt requested, to the last known address of the owner(s).
- C. The notice of violation shall inform the owner(s) of the real property on which the violation exists of the following:
 - (1) The address of the real property on which the violation exists;
 - (2) The allegations against the property owner(s), including the conditions existing on the real property which evidence the violation;
 - (3) The amount of fines, penalties, costs, or fees due or that may be due pursuant to §15.26.070 herein;
 - (4) That the property owner(s) must remedy the violation(s) of this chapter within 30 calendar days of the notice of violation or such longer period as permitted by the Blight Prevention Officer in his/her discretion;
 - (5) That the property owner(s) may contest liability before the Blight Prevention Appeals Board by delivering in person or by mail written notice of such request to the Blight Prevention Officer within 10 calendar days of the notice of violation;
 - (6) That, if the property owner(s) does not demand such a hearing or remedy the violation(s), an assessment and judgment shall be entered against the property owner(s);
 - (7) That the judgment may issue without further notice.
- D. As permitted by the hearing procedure for citations set forth in Connecticut General Statutes §7-152c, which the Town of Waterford specifically adopts herein, the First Selectman shall appoint, with the approval of the Board of Selectmen, six residents of the Town of Waterford to serve on the Blight Prevention Appeals Board, with five residents to serve as regular members and one resident to

serve as an alternate member of the Board. No appointed member shall be a police officer, employee of the Town of Waterford, or a person who issues citations. All members of the Blight Prevention Appeals Board shall be appointed for terms not to exceed two years and shall take office on the first business day in January following a general Town election. The powers, duties, and responsibilities of the Blight Prevention Appeals Board shall be those set forth for citation hearing officers in Connecticut General Statutes §7-152c and this chapter.

- E. If 1) no hearing has been requested within 10 calendar days of the notice of violation and 2) the violation has not been remedied within 30 calendar days of the notice of violation or such longer period as permitted by the Blight Prevention Officer, the property owner(s) of the real property on which the violation exists shall be deemed to have admitted liability and the Blight Prevention Officer shall certify such property owner(s) failure to respond to the notice of violation to the Blight Prevention Appeals Board. The Board shall thereupon issue a citation by delivering same to the property owner(s) in the same manner prescribed above for the initial notice of violation and assess the fines, penalties, costs, or fees provided for in §15.26.070 of this chapter unless, pursuant to its discretion afforded below, it determines that certain circumstances exist which warrant a delay in citation or assessment. The date of the citation shall commence the daily fine established in §15.26.070.
- F. If the property owner(s) who has/have been issued a notice of violation request(s) a hearing within 10 calendar days of the notice of violation in the manner required above, a hearing will be scheduled and conducted before the Blight Prevention Appeals Board in accordance with the requirements contained Connecticut General Statutes §7-152c(e). As noted therein, the Blight Prevention Appeals Board shall announce its decision at the end of its deliberations. If the Board determines that the property owner(s) is/are not liable, the Board shall dismiss the matter and enter its determination in writing. If the Board determines that the property owner(s) is/are liable for the violation, it shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided in this chapter unless, pursuant to its discretion afforded below, it determines that certain circumstances exist, as described in 15.2.050, which warrant a delay in citation or assessment.
- G. Prior to issuing a citation or assessing fines under this chapter, the Blight Prevention Appeals Board may give special consideration to property owner(s) who are disabled, elderly, or low income, per 15.2.050, who cannot maintain a reasonable level of upkeep of the real property at which they reside. In such circumstances, the Board may allow the property owner(s) a reasonable amount of time to remedy the violation, the duration of which shall be in the discretion of the Board but shall not exceed six months from the hearing date or from the date of the notice of violation where a hearing is not requested. In order to exercise its discretion, the Board shall require either testimony or a written affidavit from each affected property owner (if they are truly unable to appear in person before the Board for a hearing) attesting that no person resides at the real property who can perform the necessary maintenance, yard work, etc. to remedy the violation and the property owner is unable to afford to hire the services of a third-party contractor to perform the remedial services.

(Amend. of 4-18-17(2))

15.26.070 - Penalty for violation Violations and penalties.

A violation(s) of the provisions of this chapter shall be punishable by a civil penalty of fifty dollars fine of \$100.00 per day for each day a violation continues to exist. Each day after due notice of the violation has been served shall constitute a separate offense. The date the citation was issued by the Blight Prevention Appeals Board shall be the commencement date for said fine.

(Amend. of 4-18-17(2))

15.26.080 - Right to appeal.

A property owner against whom a citation or assessment has been entered under this chapter may appeal the decision of the Blight Prevention Appeals Board as provided in 7-152c of the Connecticut General Statutes.

~~15.26.080—Enforcement citation.~~

- ~~A. A citation hearing procedure pursuant to C.G.S. § 7-152e is hereby established for the purposes of this section. The first selectman shall appoint a citation hearing officer for the town in accordance with Subsection 15.26.020-B of this chapter.~~
- ~~B. If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per Section 15.26.060 hereinabove has expired, the blight enforcement officer may issue a citation to any owner, agent, tenant, or person or entity in control of the property for the violation in accordance with this section. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.~~
- ~~C. Any person(s) or entity issued a citation pursuant to this section shall be entitled to a hearing to contest the citation pursuant to the provisions of C.G.S. § 7-152e(e).~~
- ~~D. At any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees set by a citation issued pursuant to this section, the town shall send notice to the person(s) or entity cited to inform them:~~
- ~~1. Of the allegations against the person or persons and the amount of fines, penalties, costs or fees due;~~
 - ~~2. That the person(s) or entity may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date the duly delivered notice;~~
 - ~~3. That if the person(s) or entity does not demand such a hearing, an assessment and judgment shall be entered against the person(s) or entity; and~~
 - ~~4. That such judgment may issue without further notice.~~
- ~~For purposes of this Section 15.26.080, notice shall be presumed to have been properly sent if such notice was mailed to such person/entity's last known address on file with the tax collector. If the person/entity to whom notice is issued is a registrant, the town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.~~
- ~~E. If the person/entity to whom notice is sent pursuant to this section wishes to admit liability the person/entity may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to a designated town official.~~
- ~~F. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided by in Subsection B of this section shall be deemed to have admitted liability, and the designated town official shall certify such person/entity's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine, penalties, costs or fees provided for by this section and shall follow the procedures for obtaining a judgment from the Superior Court set forth in C.G.S. § 7-152c(f).~~
- ~~G. A person/entity who makes a timely request for a hearing shall be given written notice of the date, time and place of the hearing. The hearing shall be held at a time and conducted in the manner provided by C.G.S. § 7-152c(e).~~
- ~~1. The hearing officer shall announce the decision at the end of the hearing. If the officer determines that the person/entity is not liable, the matter shall be dismissed and the officer shall enter that determination in writing accordingly. If the officer determines that the person/entity is~~

liable for the violation, the officer shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided by this section.

2. If the hearing officer's assessment is not paid on the date of its entry, s/he shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment and an entry fee with the clerk of a Superior Court facility designated by the chief court administrator.
3. The person/entity against whom an assessment has been entered by the hearing officer pursuant to this section is entitled to a judicial review by way of appeal pursuant to the provisions of C.G.S. § 7-152c(g).

(Amend. of 4-18-17(2))

15.26.090 - Municipal enforcement and abatement.

- A. In addition to any penalties as permitted by statute, and the citation and hearing provisions of this section, in the event any owner, agent, tenant, or person in control of real property fails to abate or correct any violation specified in a notice, pursuant to Section 15.26.060 herein, after the issuance of an enforcement citation for such failure, once the citation has become final through the failure of such owner, agent, tenant, or person in control to appeal from the issuance of the citation or by such appeal being sustained, the town, acting through its blight enforcement officer issuing such notice of violation, may cause or take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the violation upon twenty-four hours notice of its intent to do so. The cost to take such action shall be a civil claim by the town against such owner, agent, tenant, or person responsible for the property, and the town attorney may bring an action to recover all such costs and expenses incurred, including reasonable attorney's fees.
- B. In the event that the blight enforcement officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in doing so, including its reasonable attorney's fees.

(Amend. of 4-18-17(2))

15.26.100 - Recording of lien.

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

(Amend. of 4-18-17(2))

15.26.110 - Schedule of payments.

- A. The blight enforcement officer or the citation hearing officer may establish a schedule of payments with the owner of property in violation of this chapter subject to the following conditions:
 1. A written abatement plan signed by the property owner to abate the violation by a date certain is approved and signed by the blight enforcement officer or citation hearing officer;
 2. The abatement plan shall establish the amount and date(s) payment of penalties shall be made.
- B. The blight enforcement officer or citation hearing officer may suspend the accrual of daily violation fees described in Section 15.26.070 of this chapter during the abatement period; provided that the property owner meets terms of the approved abatement plan. Failure of the property owner to meet

~~the terms of the approved abatement plan shall result in the nullification of the plan and the retroactive accrual of penalties from the day after due notice pursuant to Section 15.26.070 of this chapter.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.120—Effective date.~~

~~The ordinance codified in this chapter shall take effect fifteen days after final approval by the representative town meeting.~~

~~(Amend. of 4-18-17(2))~~