**LEGAL NOTICE**

**CITY OF TORRINGTON**

**ORDINANCE CHANGE**

Be it Ordained by the Board of Councilmen of the City of Torrington that the Code of Ordinances Chapter 161, Property Maintenance, has been amended as follows:

|  |
| --- |
| Deletions have been ~~struck through~~ Additions are **underlined in boldface** |

~~[ARTICLE I. – MAINTENANCE STANDARDS](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

**[§ 161-1. -](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html) ~~[Adoption of standards.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~****[Declaration of Purpose; Legislative Authority.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**

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~~[A certain document, three copies of which are on file in the office of the City of Torrington, being marked and designated as the "BOCA National Existing Structures Code/1987," as published by Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Torrington in the State of Connecticut for the control of buildings and structures as herein provided, and each and all of the regulations of the BOCA National Existing Structures Code/1987 are hereby referred to, adopted and made a part hereof as if fully set out in this article.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

1. **[It is hereby found and declared that there exists within the City of Torrington (hereafter “the City”) a number of blighted premises and that the continued existence of such problems is harmful to the public health, safety, and welfare. It is further found that the existence of vacant and blighted properties adversely affects the economic well-being of the City and has a deleterious effect upon residential and commercial properties. Moreover, many of the vacant and blighted properties may be rehabilitated, reconstructed, repurposed, demolished, cleaned, maintained, or returned to satisfactory condition to provide decent, safe, and sanitary housing or commercial facilities. This code is intended to promote the general welfare of our citizens and communities and to allow for control of blighted premises.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
2. **[This code shall establish minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
3. **[This code is adopted in accordance with the provisions of the Connecticut General Statutes, §§ 7-148(c)(7)(H)(xv), 7-148aa, 7-148ff, and 7-152c, and further incorporates all authority and power that currently or in the future is conferred under Connecticut General Statutes.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**

**[§ 161-2. -](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html) ~~[Saving clause](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~[. Scope.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**

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~~[Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court or any rights acquitted or liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

1. **[Applicability: This code shall apply uniformly to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
	1. **[Dwellings or dwelling units, including one-family and two-family dwellings, and buildings with multiple-unit dwellings;](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
	2. **[Lots, plots, or parcels of land whether vacant or occupied](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
	3. **[Buildings of non-dwelling use, including commercial properties and mixed use properties that may include one or more dwelling units;](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
	4. **[Accessory structures to any building;](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
	5. **[All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses, and unrelated family units.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
2. **[Saving clause: Nothing in this article shall be construed to affect any suit or proceeding pending in any court or any rights acquitted or liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
3. **[This code shall not apply to public property.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**

**[§ 161-3. -](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html) ~~[Modifications to standards.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~ [Administration.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**

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**~~[T](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~**~~[he following changes or additions are made in the Property Maintenance Code adopted herein:](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

~~[A. In Section ES-100.1, the words "City of Torrington" are inserted in the second line on Page 1 of the code.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

~~[B. In Section ES-100.3, the words "... the maintenance of structures, travel trailers, mobile homes and premises, and the areas, grounds or parcels on which they are located" are inserted and added to the third line on page 1 of the code.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

~~[C. In Section ES-110.2, the words "... a fine of not less than $25 nor more than $500 or imprisonment for a term not to exceed 10 days, or both, at the discretion ..." are inserted and added as lines 3 and 4 on page 7 of the code.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

~~[D. In Section ES-111.4, the words "seven days" are inserted in the second line on page 9 of the code.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

1. **[The Mayor shall convene a Blight Task Force consisting of the Police Chief, Chief Building Official, City Planner, Director of the Health Department, the Fire Marshal, the Director of Economic Development, an official from the Public Works Department, the Corporation Counsel or their designee and any other City staff as deemed appropriate.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
2. **[The Blight Task Force shall convene no less than once per month.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
3. **[The Blight Task Force shall maintain a list of blighted premises. The Blight Enforcement Officer shall issue notification letters to all property owners and non-owner occupants on the blighted property list.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**
4. **[The Blight Task Force shall select those properties for which specific strategies may be developed or for which corrective action may be taken. This may include, but is not limited to fines, liens, civil penalties, rehabilitation, foreclosure, and demolition.](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)**

~~[ARTICLE II. - ANTIBLIGHT REGULATIONS](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html)~~

~~§ 161-4. -~~ ~~Statutory authority; findings; exceptions~~.

~~A. This article is authorized pursuant to Connecticut General Statutes, Section 7-148(c)(7)(H)(xv).~~

~~B. It is hereby found and declared that there exists within the City of Torrington a number of vacant and blighted properties and that the continued existence of such properties contributes to the decline of neighborhoods and results in a deleterious effect upon residential and commercial properties. It is further found that the existence of vacant and blighted properties adversely affects the economic well being of the City and is inimical to the health, safety and welfare of the residents of the City. Moreover, many of the vacant and blighted properties may be rehabilitated, reconstructed, demolished, cleaned up~~ **~~cleaned~~**~~, maintained, returned to satisfactory condition or reused to provide decent, safe and sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleaned up~~ **~~cleaning~~** ~~or reuse would eliminate, remedy and prevent the adverse conditions described.~~

~~C. Owner-occupied one- and two-family residences are excluded from this article.~~

 **§ 161-4. - Definitions.** *(Previously § 161-6)*

~~For the purpose of this article, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise.~~

**Abandoned Vehicle:**

 **Any unregistered, inoperable car, truck, aircraft, camper, motorcycle or**

**Moped, recreational vehicle (e.g. golf cart, snowmobile, water sled, all-terrain vehicle, etc.) boat or other water craft, tractor, cart, trailer, riding mower, or farming or construction equipment whether self-propelled or towed not kept within a fully enclosed structure. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as a department of motor vehicles, or other agency that licenses the particular type of vehicle. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:**

1. **Engine no longer starts or is missing;**
2. **Missing or flat tires or wheels, or other missing parts necessary for locomotion;**
3. **Missing doors or windows**
4. **Presence of grass or other vegetation or debris on or about the vehicle, indicating immobility;**
5. **Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or**
6. **Use for another purpose (e.g. storage).**

ACCESSORY STRUCTURE: A structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

BLIGHTED CONDITION: The presence of any of the following:

A. Doors, windows, or other apertures that:

(1) Are broken or missing;

(2) Are boarded up with unpainted wood, metal or other material;

(3) The material used to board up the windows or doors in question has been broken, pried off or apart or otherwise vandalized; or

(4) The screening contains tears or is unsecured.

B. Exterior walls that ~~are not substantially weathertight or weatherproof or~~ contain holes, breaks, loose or rotting materials; or not properly surface-coated to prevent deterioration or the paint on which is significantly chipped or peeling; foundation walls that contain significant open cracks or breaks; or collapsing/missing walls, floors or roof.

C. Overhang extensions, including, but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust, tearing, fading or other decay; and chimneys and similar appurtenances which are in a state of disrepair.

D. Fences, screen walls and retaining walls that create a hazard~~;~~ **or** are not structurally sound~~;~~ **or** are in a state of disrepair.~~; or, (d) are not uniform in color and structure.~~ Such hazards, blight**s** or conditions of disrepair include, but are not limited to, leaning fences or retaining walls, fences that are missing slats or blocks, graffiti, peeling or chipped paint, rotting, damaged or in a state of disrepair.

E. Dead trees deemed hazardous to the public or to adjacent property **by tree warden in consultation with an arborist;** ~~, or vermin infestation.~~

F. Swimming pools, spas or architectural pools that are not properly maintained or are in a state of disrepair~~; or the accumulation of~~ **or accumulating** stagnant or unsanitary water.

G. **One or more abandoned vehicles not kept within a fully enclosed structure on the premises;**

H. **Unrepaired fire or water damage;**

1. **Vandalism or other damage to the extent that it is a factor in depreciating property values in the neighborhood;**

~~G~~. **J.** Display lights or exterior signs in a broken or disassembled state.

 ~~H~~. **K.** Debris on premises **; or**

**L. Grass or weeds in excess of 10 inches, or shrubbery that has a deleterious effect on the aesthetic of the property.**

BLIGHT ENFORCEMENT OFFICER~~(S)~~**S**:

The individual(s) charged with the enforcement of the Blight Ordinance under the supervision of the Blight Task Force **appointed by the mayor.**

BLIGHTED PREMISES:

Any ~~building~~ **structure or lot** in which the Building Official, the Fire Marshal, the City Planner, the Chief of Police, ~~and/~~or the Director of Health **or their designee** has identified as meeting the following:

A. One or more ~~outstanding violations o~~f **conditions contrary to** building, zoning, fire, housing or health codes that pose a significant risk to health and safety; or

B. Four or more occurrences in a one-year period of any of the following: violations of building, fire, zoning, housing or health codes; or

C. More than two blighted conditions that do not pose a significant risk to health or safety as identified by the Code Enforcement Officer(s); or

D. ~~As attracting illegal activity as documented~~ **Repeated documentation of illegal or nuisance activity** by the Police Department.

BUILDING:

Any structure for occupancy or storage, including, but not limited to, mobile homes, manufactured homes, factory-built buildings, houses, or accessory structures.

BUILDING OFFICIAL:

Has the meaning set forth in **§ 29-260 of** the Connecticut General Statutes.

**CITATION HEARING OFFICER:**

**An individual or individuals appointed by the Mayor to conduct hearings authorized in this chapter by § 7-152c of the Connecticut General Statutes.**

CODE ENFORCEMENT OFFICIAL(S):

Refers to the ~~Blight Enforcement Officer, the Building Official, the City Planner, the Fire Marshal, the Director of Health and/or the Chief of Police~~ **Police Chief, Chief Building Official, City Planner, Director of the Health Department, the Fire Marshal, the Director of Economic Development, an official from the Public Works Department, and the Corporation Counsel** or representatives of these officials acting within their regulatory authority to enforce the Blight Ordinance.

 DEBRIS:

Material which is incapable of immediately performing the function for 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 un- registered 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 public view.

DISREPAIR:

~~In a state of being in need of restoration after deterioration.~~ **The condition of needing repair; an impaired or neglected state.**

NEIGHBORHOOD:

An area of the City comprising buildings, structures or parcels of land, any part of which is within a radius of 1,000 feet of any **other** part of another building, structure or parcel of land within said City.

 NUISANCE:

An act or failure to act resulting in an interference with the use and enjoyment of property, or as further described in the Connecticut General Statutes.

OWNER: Any person, institution, foundation, corporation, partnership, entity**, person with equitable interests** or authority that holds title to or leases real property within the City of Torrington.

 PREMISES:

A platted lot or part thereof or un-platted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling and includes any such building, accessory structure or other structure thereon, or any part thereof. The term “premises” where the context requires, shall be deemed to include any dwellings, parcels or land or structures contained within the scope of this article.

~~PRIVATE NUISANCE: A condition that interferes with a person’s enjoyment of property.~~

 ~~PROXIMATE PROPERTY: Any premises or parcel of land within 500 feet of blighted~~  ~~premises.~~

SIGNIFICANT RISK TO HEALTH OR SAFETY:

Refers to conditions that would likely result in illness, injury or death if allowed to persist.

SPECIAL ASSESSMENT:

A reasonable amount based on the yearly analysis of costs to the City for code enforcement and inspection as well as fire and personnel and enforceable as a tax lien. Special assessment has been set at $2,500.00 per year.

 SPECIAL ASSESSMENT FUND:

A fund or account dedicated to the enforcement and remediation of blighted properties.

STRUCTURE:

That which has been or is built or constructed and which is or should be fastened, anchored, attached or rests on a building, foundation or on the ground, including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks, or stairways.

~~TEMPORARY NUISANCE: A nuisance that can be corrected by a reasonable expenditure or money or labor.~~

VACANT: A period of 90 days or longer during which a building or structure ~~or part thereof is not legally occupied by human beings.~~ intended for occupation or part thereof is not occupied.

 ~~Wilful [willfull]~~ **WILLFUL**: Voluntary and intentional, but not necessarily malicious

§ 161-5. - ~~Administration~~**Duty of Owner or Occupant.**

~~A.~~ ~~Blight Task Force; responsibilities and duties.~~

~~1. The Mayor shall convene a Blight Task Force consisting of the City Planner, the Chief Building Official, the Fire Marshal, the Chief of Police, the Director of Economic Development, Corporation Counsel, a Director of the Health Department representative and any other City staff as deemed appropriate.~~

~~2. The Blight Task Force shall convene in regularly scheduled meetings every two weeks. no less than once per quarter.~~

~~3. The Blight Task Force shall maintain a list of blighted structures. The Blight Task Force shall issue notification letters to all property owners on the annual master blighted property list.~~

~~4. The Blight Task Force shall select those properties for which specific strategies may be developed or for which corrective action may be taken. This may include, but is not limited to fines, liens, civil penalties, rehabilitation, foreclosure and demolition.~~

 ~~B. Blight Assessment Board~~

~~1. The Mayor shall convene a Blight Assessment Board consisting of the Assessor, Treasurer and code official appointed by Mayor. The Board shall have the authority to determine when a special assessment shall be imposed or the right of entry shall be authorized on a specific property. The Board shall recommend to City Council enforcement action. City Council shall review any and all special assessments on the first regular meeting November. Right of entry shall be recommended to Corporation Counsel for court action.~~

 ~~2. The Blight Assessment Board shall meet, as needed, at least once a year.~~

1. **No owner or non-owner occupant of real property located in the City shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted structure or premises.**
2. **All buildings and structures are to be maintained so as not to pose a risk to the health and safety of any person. Any building or structure that violates this article may be subjected to demolition if any of the following conditions are present:**
	1. **The building or structure’s interior walls or other vertical structural members lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.**
	2. **The building or structure, exclusive of the foundation, has damage or deterioration of 33 percent or more to the supporting member or members or structural assembly; or damage or deterioration of 50 percent to the non-supporting enclosing or outside walls or covering.**
	3. **The building or structure or its contents represents an imminent health or fire hazard.**
3. **A vacant building or structure may be exempted by the Blight Task Force or designee if the property owner demonstrates that the building or structure does not pose a threat to the health or safety of any person and the building or structure is in good repair or secured and is actively being offered for sale or rent or is involved in legal proceedings prohibiting repair, sale, or lease.**

 § 161-6 **Complaints and Enforcement.**

1. **Any individual affected by the action or inaction of an owner or non-owner occupant of property subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file a complaint alleging a violation of these sections with the Mayor’s office. The complaint may be in writing and should state with specificity the nature of the alleged violation and be signed and dated.**
2. **Any person or legal entity including, but not limited to, a civic organization, municipal agency, or City employee may report a complaint of violation of this chapter.**
3. **In accordance with the provisions of the Connecticut General Statutes § 7-148, Code Enforcement Official(s) shall have the right to enter such premises for the performance of their duties between 9:00 a.m. and 5:00 p.m., except in the case of an emergency, in which instance the Code Enforcement Official shall have the right of entry at any time, if such entry is necessary in the public interest.**
4. **The Mayor’s office shall assign a Blight Enforcement Officer(s) to initiate an investigation of the complaint. The Blight Enforcement Officer will conduct an inspection of the property. If, in the course of such inspection, a Blight Enforcement Officer observes a condition which may constitute a violation of a code, the Blight Enforcement Officer shall make a report and provide a copy of said report together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article, to the Blight Task Force.**
5. **The Blight Enforcement Officer, upon determination that there is a violation of this code, shall forward a notice of violation warning letter to the owner or non-owner occupant, as well as any lienholders of the property, at the time such determination has been made and shall include the property for consideration of inclusion on the Blighted Premises List. Such a notice of violation warning letter from the Blight Enforcement Officer shall be issued prior to issuing a citation. Such notice of violation warning letter shall include:**
	1. **A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;**
	2. **A due date, within a reasonable time determined by the Blight Enforcement Officer, for the performance of any act required to remedy the violation; and**
	3. **The amount of civil penalties/fines, liens, special assessments, costs or fees that may be imposed for noncompliance. In accordance with the provisions Connecticut General Statutes §7-148(c)(7)(H)(xv), a penalty of $100.00 per day shall be assessed for each day the violation continues.**
6. **The owner/occupier may not contest a notice of violation warning letter before a Citation Hearing Officer.**
7. **Delivery of a notice of violation warning letter or citation to the owner/occupier shall be by one or more of the following methods:**
	1. **By personal delivery to the owner or non-owner occupant or by leaving the notice of violation warning letter or citation at the usual place of abode of the owner or non-owner occupant with a person of suitable age and discretion;**
	2. **By certified, register, or regular mail addressed to the owner or non-owner occupant at their last known address, with postage prepaid thereon; or**
	3. **By posting and keeping posted for 24 hours a copy of the notice of violation warning letter or citation in placard form in a conspicuous place on the premises.**

§ 161-7. - ~~Creation or maintenance of blight prohibited~~. **Civil Citation Process.**

~~No owner of real property located in the City of Torrington shall allow, create, maintain,~~  ~~permit the continuance of, or cause to be created or maintained any blighted structure~~  ~~or premises.~~

1. **If the corrective actions specified in the notice of violation warning letter are not taken, the Blight Enforcement Officer or their designee shall issue a written citation to the owner or non-owner occupant.**
2. **A citation shall be in writing and include:**
	1. **A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;**
	2. **Detailed information regarding the contents of the notice of violation warning letter (which may be a copy of such notice of violation warning letter) and the failure of the owner or non-owner occupant to take the corrective actions specified therein;**
	3. **Notice of potential liens that may be asserted by the City;**
	4. **The amount of the civil penalties/fines, special assessments, costs or fees due for noncompliance. In accordance with the provisions Connecticut General Statutes §7-148(c)(7)(H)(xv), a penalty of $100.00 per day shall be assessed for each day the violation continues; and**
	5. **A statement that the owner or non-owner occupant may contest liability and request a hearing before the Citation Hearing Officer by delivering in person or by mail written notice of objection within ten (10) business days of the date of receipt of the citation.**
3. **Delivery of the citation shall be by the manner provided in § 161-6 (G) of this code.**
4. **Any person who is a new owner or non-owner occupier shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to § 161-6 (D), prior to the imposition of a fine or civil penalty; if the blight is remediated during said extension, the case shall be dismissed. For purposes of this section, “new owner” means any person or entity who has taken title to a property within thirty days of the notice, and “new occupant” means any person who has taken occupancy of a property within thirty days of the notice.**

§ 161-8. - ~~Buildings and structures constituting risk to health or safety.~~**Civil Hearing Procedure.**

A. ~~All buildings and structures are to be maintained so as not to pose a risk to the health~~  ~~and safety of any person. Any building or structure that violates this article may be~~  ~~subjected to demolition if any of the following conditions are present:~~

~~(1)~~ ~~The building or structure's interior walls or other vertical structural members lean~~  ~~or buckle to such an extent that a plumb line passing through the center of~~  ~~gravity falls outside of the middle third of its base.~~

~~(2)~~ ~~The building or structure, exclusive of the foundation, has damage or~~  ~~deterioration of 33 percent or more to the supporting member or members or~~  ~~structural assembly; or damage or deterioration of 50 percent to the~~  ~~nonsupporting non-supporting enclosing or outside walls or covering.~~

~~(3)~~ ~~The building or structure is infested by rodents, insects or other noxious pests,~~  ~~rendering it uninhabitable.~~

~~(4)~~ ~~The building or structure or its contents represents an imminent health or fire~~  ~~hazard.~~

~~(5)~~ ~~The building or structure has been vacant and was left unsecured for more than~~  ~~48 hours on more than one occasion during a twelve-month period.~~

~~B.~~ ~~A vacant building or structure may be exempted by the Blight Task Force or designee if~~  ~~the property owner demonstrates that the building or structure does not pose a threat to~~  ~~the health or safety to any person and the building or structure is in good repair or~~  ~~secured and is actively being offered for sale or rent or is involved in legal proceedings~~  ~~prohibiting repair, sale or lease.~~

1. **The hearing procedure for civil blight citations shall follow the procedures set forth in § 7-152c of the Connecticut General Statutes.**
2. **An owner or non-owner occupant may request a hearing after receiving a civil citation. Said owner or non-owner occupant must make their request for a hearing within ten (10) business days of their receipt of the citation.**
3. **The Mayor shall appoint, with the approval of the City Council, three or more Hearing Officer(s). Employees from any department that is represented on the Blight Task Force are not eligible to become Hearing Officer(s). Hearing Officer(s) shall serve for a term of two years or part thereof, which term shall commence from date of approval by the City Council and shall end on December 31 of every even year. Hearing Officer(s) may be compensated by the City with the funds appropriated for this purpose as recommended by the Mayor and approved by the City Council.**
4. **Hearing procedures for citations shall be enforced by the Superior Court.**
5. **A Blight Enforcement Officer or their designee shall send notice to cited owner or non-owner occupant within twelve (12) months of expiration of period for uncontested payment of fines, penalties, costs or fees.**
	1. **The notice must inform the cited person**
		1. **Of the allegations and amount of fines, penalties, costs, or fees;**
		2. **Of the ability to contest liability through written request within ten (10) days of the date thereof;**
		3. **If no hearing is requested, assessment and judgment will be entered against the cited person; and**
		4. **Such judgment will be entered without further notice.**
6. **The notice shall be delivered by the manner provided in § 161-6 (G) of this code.**
7. **The cited person may admit liability without a hearing and pay the full amount of fines, penalties, costs, or fees.**
	1. **If a cited person does not request a hearing within ten (10) days of notification, they are deemed to have admitted liability.**
8. **Any person who requests hearing will be given written notice of the time, date, and location of said hearing.**
	1. **The hearing shall take place between fifteen (15) and thirty (30) days from the date that the notice is mailed.**
9. **A certified copy of the initial notice of violation shall be filed and retained by the municipality.**
10. **The cited person may request the presence of issuing official at hearing.**
11. **A designated municipal official other than the hearing officer may present evidence on behalf of the municipality.**
12. **If the cited person fails to appear at the hearing, the Hearing Officer may enter an assessment against them by default.**
	1. **The hearing officer may accept evidence from the cited person by mail and deem their presence at the hearing unnecessary.**
13. **The Hearing Officer shall conduct the hearing in a fair and appropriate fashion as such officer sees fit.**
14. **Rules regarding admissibility of evidence are not strictly enforced, but all testimony is given under oath under penalty of perjury.**
15. **The Hearing Officer shall announce the decision at the end of the hearing.**
16. **If assessment is not paid within five (5) days of hearing, the Hearing Officer shall send a notice of assessment to the liable person by the manner provided in § 161-6 (G) of this code.**
	1. **A certified copy of the assessment must be filed with the Superior Court Clerk not less than thirty (30) days or more than twelve (12) months after mailing.**
	2. **The clerk shall enter the judgment in the amount of the assessment plus eight (8) dollars for court fees against person and in favor of municipality.**
17. **When entered as a judgment, the Hearing Officer’s assessment shall have the effect of a civil money judgment.**
18. **A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to § 52-259, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with rules of the judges of the Superior Court.**

§ 161-9. - ~~Enforcement procedure.~~ **Criminal Violations and Penalties.**

A. *~~Complaints.~~* ~~Any individual affected by the action or inaction of an owner of property~~  ~~subject to the provisions of this article, any civic organization, and any appropriate~~  ~~municipal agency may file, in writing, along with contact information, a complaint of~~  ~~violation of these sections with the Mayor's office. alleging a violation of these~~  ~~sections with the Mayor's office. The complaint must be in writing and state with~~  ~~specificity the nature of the alleged violation, proximately to property of the~~  ~~complainants address and be signed and dated.~~

~~B~~. *~~Investigation.~~*

~~(1) (2) The Mayor's office shall assign a Code Enforcement Official(s) with regulatory authority to initiate an investigation of the complaint. The Code Enforcement Official will conduct an inspection of the property. If, in the course of such inspection, a Code Enforcement Official observes a condition which he believes may constitute a violation of a code which falls under the jurisdiction of another City agency or department, he shall notify the appropriate agency or department and request that agency or department to conduct an inspection and provide a copy of said report, together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article, to the Blight Task Force.~~

~~(2) (1) In accordance with the provisions of the Connecticut General Statutes Section 29-393, Code Enforcement Official(s) shall have the right to enter such buildings or structures, for the performance of his duties, between 9:00 a.m. and 5:00 p.m., except in the case of an emergency, in which instance he shall have the right of entry at any time, if such entry is necessary in the public interest.~~

~~C~~. ~~Notice and~~ *~~Corrective action.~~*

 ~~1. A Notice shall be issued prior to the City taking any action. Such notice shall~~ ~~include; (a) a description of real estate/premise sufficient for identification,~~ ~~specifying the violation which is alleged to exist and remedial action required; (b)~~ ~~date, place and time of blight meeting or hearing; and (c) method of appeal under~~ ~~section 161-9 of the city codes. Notice shall include 30 day period for owner to~~ ~~comply with the order.~~

~~2. The Blight Enforcement Official or the Code Enforcement Official with regulatory authority shall track all investigations pursuant to Subsection B(1) of this section and shall maintain a record of all violations of building, housing, zoning, fire or health codes or any blighted conditions or any condition identified in~~ [~~§ 161-7~~](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html#PTIICOORENLE_CH161PRMA_ARTIIANRE_S161-7CRMABLPR) ~~or~~ [~~161-8~~](http://library.municode.com/HTML/13199/level3/PTIICOORENLE_CH161PRMA_ARTIIANRE.html#PTIICOORENLE_CH161PRMA_ARTIIANRE_S161-8BUSTCORIHESA) ~~of this article identified by City departments. If these records reveal any premises to be a blighted premises, the Officer shall serve a notice of violation and an order Order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner cannot be identified or if the address is unknown, a copy of such notice shall be published in a newspaper having general circulation in the municipality. The order shall require the owner to abate and/or correct any co ndition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within 30 days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper.~~

~~3. Notice of Violation and Order shall include that pursuant to Section 7-148gg of~~ ~~the Connecticut General Statutes, a copy of Notice will be sent to all lien holder of record and the tax collector. The Assessor shall be notified and any tax~~ ~~abatements removed.~~

~~D.~~ *~~Imposition of fines and penalties.~~*

 (~~1) [Fines] Civil penalty applicable to premises other than single or two family~~  ~~owner occupied homes.~~

~~(1) a.The Blight Enforcement Officer or other designated Code Enforcement Official shall conduct, or cause to be conducted, regular inspections to document whether the blight persists. When fines [fines] penalties are sufficient, Corporation Counsel will convert fines[fines] penalties to liens and initiate foreclosure or institute legal proceedings to collect the fines[fines] penalties. The Blight Task Force shall have the authority to order building owners to fully comply or otherwise take whatever measures are necessary to bring said building into full compliance and attach a lien on the value of the parcel to recover all costs plus penalty of ten percent of the aggregate.~~

~~(2) b. If an order for corrective action is not complied within 30 calendar days,~~ ~~Corporation Counsel shall subscribe fines to the premises of $100.00 per day for each~~ ~~day the violations continue for each dwelling unit or other area. cause the imposition~~ ~~of said penalty by notifying the owner by certified mail at the start of the period in~~ ~~which [fines] civil penalties are levied. All [fines] civil penalties imposed for~~ ~~violations of this section, $100.00 per day for each day the violations continue for~~ ~~each dwelling unit or other area and shall be paid to the Special Assessment~~ ~~Fund. If the blight task force comes to a finding that the violations are willful than a fine of $ 250.00 per day for each day the violation continue for each dwelling~~ ~~unit or area and shall be paid to the Special Assessment Fund.~~

~~(3) Each day that a building or structure or unit or part thereof is in violation of the article shall constitute a separate offense. The Corporation Counsel shall cause the imposition of said penalty by notifying the owner by certified mail at the start of the period in which fines are levied. All fines imposed for violations of this section, $100.00 per day, shall be paid to a fund maintained by the City.~~

~~(4) c. The City shall place a lien as a security for the penalty; the Blight Task Force may waive and release said penalties and liens in the event the City acquires the property or at the time of the sale of the blighted premises if it is determined that the buyer has the financial ability, and the intention to immediately rehabilitate said blighted premises or any other reason approved by the City Council.~~

~~(2) Fines applicable to all housing premises including single or two family owner occupied homes~~

 ~~a. the Blight Assessment Board shall assess… said assessment shall have~~  ~~the effect of an additional tax upon the property…~~

 ~~(3) Blight Board of Assessment to request order of entry and remediation. Right~~ ~~of entry and remediation shall occur after a hearing in a court of law.~~

~~E.~~ *~~Hearing procedures.~~*

~~(1)~~  ~~The Mayor shall appoint, with the approval of the City Council, one or more hearing officer(s). Employees from any department that is represented on the Blight Task Force are not eligible to become hearing officer(s). Hearing officer(s) shall serve for a term of two years or part thereof, which term shall commence from date of approval by the City Council and shall end on December 31 of every even year. Hearing officer(s) may be compensated by the City with the funds appropriated for this purpose as recommended by the Mayor and approved by the City Council.~~

~~(2)~~ ~~Owners shall have the right to appeal within 15 [15]10 days from the date of the imposition of the fines. A request for an appeal must be made in writing. Payment of fines shall be stayed until the appeal has been heard and ruled on by the hearing officer.~~

~~(3)~~ ~~In scheduling formal appeal hearings, the owner shall be notified by mail of the place and time of the hearing. Such notice shall be provided at least 15 days but not more than 30 days prior to the scheduled hearing date.~~

~~(4)~~ ~~The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation. The hearing officer may consider all relevant facts and circumstances and may require personal appearance of the owner and the Administrator or his/her designee.~~

~~(5)~~  ~~If dissatisfied with the findings of the hearing officer, the owner may appeal to a court of law.~~

1. **The City of Torrington maintains the authority, in addition to § 161-7 of this code, to issue criminal citations to owners or non-owner occupants who violate § 161-5 (A) of the Torrington Code of Ordinances. The determination will be made by the Blight Enforcement Officer, and will be dependent on the severity or persistence of the problem.**
2. **Pursuant to General Statute §§ 7-148 (c) (7) (H) (xv) and 7-148 (o), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in the Torrington Code of Ordinances § 161-6 (E), willfully violates Torrington Code of Ordinances §161-5 (A), may be fined by the State of Connecticut not more than two hundred and fifty dollars for each day for which it can be shown the blighted conditions continued to exist after written notice to the owner or non-owner occupier, as provided in § 161-6 (E). This section is designated as a violation pursuant to General Statute § 53a-27.**
	1. **Any person who is a new owner or non-owner occupier shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to § 161-6 (D), prior to the imposition of a fine or civil penalty; if the blight is remediated during said extension, the case shall be dismissed. For purposes of this section, “new owner” means any person or entity who has taken title to a property within thirty days of the notice, and “new occupant” means any person who has taken occupancy of a property within thirty days of the notice.**

**§ 161-10. Municipal Remediation.**

1. **Based on Connecticut General Statutes § 49-73b, municipalities are authorized to recover from the property owner the costs it incurs to remedy blight on a property. This includes expenses for inspecting, repairing, demolishing, maintaining, removing, or disposing of any property in order to remedy the blight.**
2. **If property owner is unable to pay within sixty (60) days after the due date, the property is subject to a lien that will take precedence over any other encumbrance besides municipal tax assessments.**
	1. **The lien must be established, and the owner must be notified, no more than thirty (30) days after the work is completed.**
	2. **If the owner has an insurance policy on the property, any payout from the policy is subject to the established lien.**

**§ 161-11. Severability.**

1. **In the event that any part or portion of this code is declared invalid for any reason, all the other provisions of this code shall remain in full force and effect.**
2. **Nothing in this ordinance shall preclude any other enforcement agency from performing the duties to which they are responsible.**

Copies of the Ordinance change are available on the City’s website and in the Office of the City Clerk.

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| Passed: September 18, 2017Published: September 21, 2017Effective: October 21, 2017 | Elinor CarboneMayor |
| Joseph L. Quartiero, CMCCity Clerk |