

§ 161-1. Declaration of Purpose; Legislative Authority.

- A) 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.
- B) 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.
- C) 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.

§ 161-2. Scope.

- A) 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:
 - i. Dwellings or dwelling units, including one-family and two-family dwellings, and buildings with multiple-unit dwellings;
 - ii. Lots, plots, or parcels of land whether vacant or occupied
 - iii. Buildings of non-dwelling use, including commercial properties and mixed use properties that may include one or more dwelling units;
 - iv. Accessory structures to any building;
 - v. All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses, and unrelated family units.
- B) 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or liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.
- C) This code shall not apply to public property.

§ 161-3. Administration.

- A) 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.
- B) The Blight Task Force shall convene no less than once per month.
- C) 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.
- D) 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.

§ 161-4. Definitions.

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:
 - i. Are broken or missing;
 - ii. Are boarded up with unpainted wood, metal, or other material;
 - iii. The material used to board up the windows or doors in question has been broken, pried off or apart or otherwise vandalized; or
 - iv. The screening contains tears or is unsecured;
- B. Exterior walls that 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. Such hazards, blights, 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;
- F. Swimming pools, spas or architectural pools that are not properly maintained or are in a state of disrepair 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;
- I. Vandalism or other damage to the extent that it is a factor in depreciating property values in the neighborhood;
- J. Display lights or exterior signs in a broken or disassembled state;
- 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 Officers:

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

- A) One or more 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) 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 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 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 un-registered or 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:

The condition of needing repair; an impaired or neglected state.

Neighborhood:

An area of the City comprised of 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 property within the City.

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 of land, or structures contained within the scope of this article.

Significant Risk to Health or Safety:

Refers to the 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.

Vacant:

A period of 90 days or longer during which a building or structure intended for occupation or part thereof is not occupied.

Willful:

Voluntary and intentional, but not necessarily malicious.

§ 161-5. Duty of Owner or Occupant.

- A) 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.
- B) 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:
 - i. 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.
 - ii. 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.
 - iii. The building or structure or its contents represents an imminent health or fire hazard.
- C) 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.

- A) 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.

- B) 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.
- C) 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.
- D) 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.
- E) 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:
 - i. A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
 - ii. 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
 - iii. 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.
- F) The owner/occupier may not contest a notice of violation warning letter before a Citation Hearing Officer.
- G) Delivery of a notice of violation warning letter or citation to the owner/occupier shall be by one or more of the following methods:
 - i. 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;

- ii. By certified, register, or regular mail addressed to the owner or non-owner occupant at their last known address, with postage prepaid thereon; or
- iii. 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. Civil Citation Process.

- A) 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.
- B) A citation shall be in writing and include:
 - i. A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
 - ii. 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;
 - iii. Notice of potential liens that may be asserted by the City;
 - iv. 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
 - v. 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.
- C) Delivery of the citation shall be by the manner provided in § 161-6 (G) of this code.
- D) 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. Civil Hearing Procedure.

- A) The hearing procedure for civil blight citations shall follow the procedures set forth in § 7-152c of the Connecticut General Statutes.
- B) 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.
- C) 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.
- D) Hearing procedures for citations shall be enforced by the Superior Court.
- E) 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.
 - i. 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.
- F) The notice shall be delivered by the manner provided in § 161-6 (G) of this code.
- G) The cited person may admit liability without a hearing and pay the full amount of fines, penalties, costs, or fees.
 - i. If a cited person does not request a hearing within ten (10) days of notification, they are deemed to have admitted liability.
- H) Any person who requests hearing will be given written notice of the time, date, and location of said hearing.
 - i. The hearing shall take place between fifteen (15) and thirty (30) days from the date that the notice is mailed.
- I) A certified copy of the initial notice of violation shall be filed and retained by the municipality.
- J) The cited person may request the presence of issuing official at hearing.
- K) A designated municipal official other than the hearing officer may present evidence on behalf of the municipality.
- L) If the cited person fails to appear at the hearing, the Hearing Officer may enter an assessment against them by default.
 - i. The hearing officer may accept evidence from the cited person by mail and deem their presence at the hearing unnecessary.

- M) The Hearing Officer shall conduct the hearing in a fair and appropriate fashion as such officer sees fit.
- N) Rules regarding admissibility of evidence are not strictly enforced, but all testimony is given under oath under penalty of perjury.
- O) The Hearing Officer shall announce the decision at the end of the hearing.
- P) 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.
 - i. 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.
 - ii. 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.
- Q) When entered as a judgment, the Hearing Officer's assessment shall have the effect of a civil money judgment.
- R) 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. Criminal Violations and Penalties.

- A) 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.
- B) 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.
 - i. 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.

- A) 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.
- B) 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.
 - i. The lien must be established, and the owner must be notified, no more than thirty (30) days after the work is completed.
 - ii. If the owner has an insurance policy on the property, any payout from the policy is subject to the established lien.

§ 161-11. Severability.

- A) 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.
- B) Nothing in this ordinance shall preclude any other enforcement agency from performing the duties to which they are responsible.