

Chapter 161

PROPERTY MAINTENANCE*

Article I. Maintenance Standards

- § 161-1. Adoption of standards.
- § 161-2. Saving clause.
- § 161-3. Modifications to standards.

Article II. Antiblight Regulations

- § 161-4. Statutory authority; findings; exceptions.
- § 161-5. Administration.
- § 161-6. Definitions.
- § 161-7. Creation or maintenance of blight prohibited.
- § 161-8. Buildings and structures constituting risk to health or safety.
- § 161-9. Enforcement procedure.

***Editor's note**—[HISTORY: Adopted by the Board of Councilmen of the City of Torrington as indicated in article histories. Amendments noted where applicable.]

Cross references—Garbage, rubbish and refuse, See Ch. 128; junked vehicles, Ch. 139.

ARTICLE I. MAINTENANCE STANDARDS***§ 161-1. Adoption of standards.**

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.

(Amended 1-30-1989)

§ 161-2. Saving clause.

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or liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

§ 161-3. Modifications to standards.

The following changes or additions are made in the Property Maintenance Code adopted herein:

- A. In Section ES-100.1, the words "City of Torrington" are inserted in the second line on Page 1 of the code.
- 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.
- 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.
- D. In Section ES-111.4, the words "seven days" are inserted in the second line on page 9 of the code.

(Amended 1-30-1989)

ARTICLE II. ANTIBLIGHT REGULATIONS†**§ 161-4. Statutory authority; findings; exceptions.**

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

***Editor's note**—[Adopted 8-13-1979]

†Editor's note—An ordinance adopted May 28, 2013, effective June 30, 2013, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 161-4—161-9, pertained to similar subject matter, and derived from an ordinance adopted Oct. 16, 2006.

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, maintained, returned to satisfactory condition or reused to provide decent, safe and sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleaning or reuse would eliminate, remedy and prevent the adverse conditions described.

(Ord. of 5-28-2013, eff. 6-30-2013)

§ 161-5. Administration.

A. Blight Task Force.

- (1) The Mayor shall convene a Blight Task Force consisting of the City Planner, Chief Building Official, Fire Marshal, Chief of Police, Director of Economic Development, Corporation Counsel, Director of the Health Department and any other City staff as deemed appropriate.
- (2) The Blight Task Force shall convene 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 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.
- (Ord. of 5-28-2013, eff. 6-30-2013)

§ 161-6. Definitions.

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

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; are not structurally sound; are in a state of disrepair; or, are not uniform in color and structure. Such hazards, blight 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, 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 stagnant or unsanitary water.
- G. Display lights or exterior signs in a broken or disassembled state.
- H. Debris on premises.

BLIGHT ENFORCEMENT OFFICER(S): The individual(s) charged with the enforcement of the Blight Ordinance under the supervision of the Blight Task Force.

BLIGHTED PREMISES: Any building in which the Building Official, Fire Marshal, City Planner, the Chief of Police, or the Director of Health has identified as meeting the following:

- A. One or more outstanding violations of 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 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 the Connecticut General Statutes.

CODE ENFORCEMENT OFFICIAL(S): Refers to the Blight Enforcement Officer, Building Official, City Planner, Fire Marshal, Director of Health and the Chief of Police 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 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 public view.

DISREPAIR: In a state of being in need of restoration after deterioration.

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 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 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.

WILFUL: Voluntary and intentional, but not necessarily malicious.
(Ord. of 5-28-2013, eff. 6-30-2013)

§ 161-7. Creation or maintenance of blight prohibited.

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.

(Ord. of 5-28-2013, eff. 6-30-2013)

§ 161-8. Buildings and structures constituting risk to health or safety.

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 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.

(Ord. of 5-28-2013, eff. 6-30-2013)

§ 161-9. Enforcement procedure.

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, a complaint 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) 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.
- (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.

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 or 161-8 of this article identified by City departments. If these records reveal any premises to be blighted premises, the Officer shall serve a notice of violation and an 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 condition 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) Civil penalty applicable to premises other than single or two family owner occupied homes.
 - 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 penalties are sufficient, Corporation Counsel will convert penalties to liens and initiate foreclosure or institute legal proceedings to collect the 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.
 - b. If an order for corrective action is not complied within 30 calendar days, Corporation Counsel shall cause the imposition of said penalty by notifying the owner by certified mail at the start of the period in which civil penalties are levied. All 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.
 - 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 \$2,500.00. 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 ten 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.
- (Ord. of 5-28-2013, eff. 6-30-2013)