

Chapter 161 PROPERTY MAINTENANCE¹

§ 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 vacant, abandoned, and/or blighted premises and that their continued existence is harmful to the public health, safety, and welfare and adversely affect the economic well-being of the City by having a deleterious effect upon residential and commercial properties. Moreover, many of the vacant, abandoned and blighted premises may be rehabilitated, reconstructed, repurposed, demolished, cleaned, maintained, or returned to satisfactory condition to provide decent, safe, and sanitary housing or commercial facilities. This anti blight code is intended to promote the public health, safety, and welfare of our citizens through the enforcement of regulations to prevent and remediate serious deficiencies constituting blight.
- B. This code establishes 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.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 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:
- (1) Dwellings or dwelling units, including one-family and two-family dwellings, ~~and~~ buildings with multiple-unit dwellings ~~and mixed use buildings;~~
 - (2) Lots, plots, or parcels of land whether vacant or occupied
 - (3) Buildings of non-dwelling use, including commercial, ~~industrial properties~~ and mixed-use properties; ~~that may include one or more dwelling units;~~
 - (4) Accessory structures to any building;
 - (5) All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses, and unrelated family units.
- B. This code shall not apply to public property.

¹Editor's note(s)—An ordinance of September 18, 2017, repealed ch. 161, §§ 161-1—161-9 and enacted a new ch. 161 as set out herein. Former ch. 161 pertained to similar subject matter and derived from an ordinance adopted January 30, 1989; and an ordinance adopted May 28, 2013.

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

Cross reference(s)—Garbage, rubbish and refuse, See Ch. 128; junked vehicles, Ch. 139.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 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 designees 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 Official 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 premises 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.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-4. Definitions.

ABANDONED, INOPERABLE VEHICLE: Any unregistered or inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g., golf cart, snowmobile, water sled, all-terrain vehicle, etc.) boat or other watercraft, 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 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).

ABANDONED PREMISES: Any premises:

- (1) Which has not been legally occupied for at least one year; and
- (2) Has not been actively marketed for sale for six months at a price reflective of market conditions; and
- (3) Real property taxes have been delinquent for one year or more; or
- (4) The owner has declared to be abandoned in writing to the Building Official, the Zoning Enforcement Officer or the Blight Enforcement Officer.

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:

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- (1) Doors, windows, or other apertures that:
 - a. Are broken or missing;
 - b. Are boarded up with unpainted wood, metal, or other material;
 - c. The material used to board up the windows or doors in question has been broken, pried off or apart or otherwise vandalized; or
 - d. The screening contains tears or is unsecured;
 - (2) 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;
 - (3) 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;
 - (4) 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;
 - (5) Dead trees deemed hazardous to the public or to adjacent property by tree warden in consultation with an arborist;
 - (6) Swimming pools, spas or architectural pools that are not properly maintained or are in a state of disrepair or accumulating stagnant or unsanitary water;
 - (7) One or more abandoned or inoperable vehicles not kept within a fully enclosed structure on the premises;
 - (8) Unrepaired fire or water damage;
 - (9) Vandalism or other damage to the extent that it is a factor in depreciating property values in the neighborhood;
 - (10) Display lights or exterior signs in a broken or disassembled state;
 - (11) Debris on premises; or
 - (12) Grass or weeds in excess of 10 inches, or shrubbery that has a deleterious effect on the aesthetics of the property-

(13) (i) Vermin and/or animal infestations:

BLIGHT ENFORCEMENT OFFICER(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: Those premises defined in Section 161-2A which the Blight Enforcement Officer, Building Official, Fire Marshal, City Planner, the Chief of Police, or the Director of Health or their designee has identified as meeting the following:

- (1) One or more conditions contrary to building, zoning, fire, housing or health codes that pose a significant risk to health ~~and~~ or safety; or
- (2) Four or more occurrences in a one-year period of any of the following: violations of building, fire, zoning, housing or health codes; or

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- (3) ~~Two or more~~ Two or more than two blighted conditions that do not pose a significant risk to health or safety as identified by the Code Enforcement ~~Officer~~Official(s); or
 - (4) Repeated documentation of illegal or nuisance activity by the Police Department; or
 - (5) Is abandoned in accordance with 161-4B.

BUILDING: Any commercial establishment or other structure used 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(s), Police Chief, Fire Chief, Chief Building Official, City Planner, Director of the Torrington Area Health District ~~Department~~, the Fire Marshal, the Director of Economic Development, the Director of Public Works, the Corporation Counsel or any of their designees acting within their regulatory authority to enforce the Blight Ordinance.

DAYS: Calendar days, not including the day of receipt of any required notice.

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 or commercial establishment, 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 as determined in accordance with the provisions of the general statutes Sec. 7-148ff 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.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-5. Duty of owner or occupant.

- A. No owner ~~or non-owner occupant~~ of a premises located in the City shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted ~~condition upon such 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:
 - (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.
- 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.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-6. Complaints and enforcement.

- A. Any individual affected by the action or inaction of an owner ~~or non-owner occupant~~ of premises subject to the provisions of this article, any civic organization, and any appropriate municipal agency or official may file a complaint alleging a violation of these sections with the Blight Enforcement Officer. The complaint may be in writing and should state with specificity the nature of the alleged violation and be signed and dated.
- B. In accordance with the provisions of the Connecticut General Statutes § 7-148, Code Enforcement Official(s) shall have the right to enter such premises, except dwelling houses or structures on 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.
- C. The Blight Enforcement Officer(s) shall initiate an investigation of any complaint by conducting an inspection of the property. If, in the course of such inspection, a condition is observed which may constitute a violation of this ordinance, a report shall be made and a copy of said report together with any actions which are necessary to abate conditions which constitute the violation(s) shall be provided to the Blight Task Force.
- D. The Blight Enforcement Officer(s), 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 and any lien holder, at the time such determination has been made and shall include the premises on the Blighted Premises List. Such a Notice of Violation warning letter from the Blight Enforcement Officer(s) shall be issued prior to issuing a citation. Such Notice of Violation warning letter shall include:

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- (1) A description of the premises 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(s), 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, which shall be the amounts specified in section 161-7(E) below-
- E. The owner/occupier may not contest a Notice of Violation warning letter before a Citation Hearing Officer.
- F. Delivery of a Notice of Violation warning letter 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 and 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.

G. A copy of the Notice of Violation shall be sent to each lien holder of the premises by first class mail to the lienholder's current or last-known address in accordance with General Statutes §7-148gg.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 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(s) or his/her designee shall issue a Citation to the owner ~~or non-owner occupant~~.
- B. The Citation shall be in writing and include:
- (1) A description of the premises 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) A statement that such Citation shall exist as a lien against the premises wherein said violation exists and shall be recorded on the land records of the City of Torrington and that it shall take precedence over all other encumbrances except taxes.
 - (4) The amount of the civil penalties/fines, special assessments, costs, or fees ~~due-imposed~~ for noncompliance which shall be the amounts specified in section (E) below;
 - (5) Notice that agents of the City may enter the property during reasonable hours for the purpose of remediating the blighted conditions and that the owner shall be responsible for any and all expenses incurred by the City in connection therewith pursuant to General Statutes sec. 49-73b; and
 - (56) A statement that the owner ~~or non-owner occupant~~ may object to the citation and contest liability and by requesting a hearing before a Citation Hearing Officer pursuant to the procedure set forth in § 1-11 of the Code of Ordinances, in accordance with sec. 161-8, herein. by delivering to the Blight

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Enforcement Officer(s) ~~ial~~, in person or by mail, ~~a written notice of objection~~ request for hearing within ~~10 business fifteen (15)~~ days of the date of receipt of the citation.

C. Delivery of the citation to the owner shall be by the manner provided in § 161-6 (GF) of this code.

D. ~~A copy of the citation shall be sent to each lien holder of the premises by first class mail to the lienholder's current or last-known address in accordance with General Statutes §7-148gg.~~

~~DE. In accordance with the provisions of the Connecticut General Statutes § 7-148, t~~The civil citation penalty for violations of this ordinance ~~shall be~~ as follows:

- 1) ~~\$150 for each day that a violation continues at an occupied property, or such other amount as specified in General Statutes §7-148(c)(7)(H)(xv), as may be amended from time to time;~~
- 2) ~~\$250 for each day that a violation continues at a vacant property as defined in § 161-4 and as determined by the Blight Enforcement Officer, or such other amount as specified in General Statutes §7-148(c)(7)(H)(xv), as may be amended from time to time;~~
- 3) ~~\$1000 for each day that a violation continues at a property if such violation is the third or more such violation at such property during a twelve month period, as defined in Connecticut General Statutes § 7-148(c)(7)(H)(xv), or such other amount as specified in General Statutes §7-148(c)(7)(H)(xv), as may be amended from time to time.~~

~~ED.~~ Any person who is a new owner ~~or non-owner occupier~~ shall, upon request, be granted a ~~3090~~ 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 any enforcement action-~~ if the blight conditions are remediated during said extension, the case shall be dismissed, ~~otherwise the City may take any enforcement actions provided herein or under any other ordinance or statute.~~ For purposes of this section, "new owner" means any person or entity who has taken title to a property within 30 days of the notice, and "new occupant" means any person who has taken occupancy of a property within 30 days of the notice.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-8. Civil hearing procedure.

~~A. The hearing provided for in § 161-7 B) v. for a violation of a blight Citation shall follow the procedures set forth in § 1-11 of the City's Code of Ordinances and § 7-152c of the Connecticut General Statutes.~~

~~BA. After receiving a citation, A~~an owner ~~or non-owner occupant~~ may request a hearing ~~after receiving a Citation- Before a Citation Hearing Officer, which Said owner or non-owner occupant must make their request for a hearing must be made in writing and delivered, either in person or by mail, to the Blight Enforcement Officer within 40 business fifteen (15) days of their receipt of the citation- by delivering in person or by mail, written notice of objection to the Blight Enforcement Official.~~

C. ~~The hearing on the citation shall follow the procedures set forth in § 1-11 of the City's Code of Ordinances and § 7-152c of the Connecticut General Statutes.~~

D. ~~The n~~Notice of hearing shall be delivered ~~by~~in the manner provided in § 161-6 (GF) ~~above of this code.~~

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 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

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determination will be made by the Blight Enforcement Officer^(s) and will be dependent on the severity or persistence of the problem.

- B. Pursuant to General Statute §§ 7-148(c)(7)(H)(xv)(a) 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 \$250.00 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 30-day extension of the notice and opportunity to remediate, provided pursuant to § 161-6 (D)(2), 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 30 days of the notice, and "new occupant" means any person who has taken occupancy of a property within 30 days of the notice.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-10. Municipal remediation.

- A. ~~If the property owner fails to remediate the blighted conditions as directed in the Notice of Violation and Citation, the City may authorize its agents to enter the property during reasonable hours for the purpose of remediating the blighted conditions, and the owner shall be responsible for any and all expenses incurred by the City in connection therewith and the City shall have a lien for such expenses pursuant to General Statutes sec. 49-73b; Based on Connecticut General Statutes § 49-73b, the City is 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 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) ~~A certificate of lien shall be recorded and notice given to the owner of such real estate as provide in General Statutes sec. 49-34The lien must be established, and the owner must be notified, no more than 30 days after the work is completed. A copy of the certificate of such lien shall also be mailed by first class mail to any lienholder's current or last-known address.~~
- (2) If the owner has an insurance policy on the property, any payout from the policy is subject to the ~~established lien, subject to the limitations contained in General Statutes sec. 49-73b(h).~~

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 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.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)