

## **DRAFT PROPOSAL BLIGHT ORDINANCE**

**WHEREAS**, Chapter 146, Article III of the Code of Ordinances establishes regulations for the prevention and remediation of housing blight pursuant to the authority granted to the City of Stamford under Connecticut General Statutes § 7–148(c)(7)(H)(xv); and

**WHEREAS**, the current regulations do not provide a citation hearing procedure in accordance with section 7-152c as required by Connecticut General Statutes § 7–148(c)(7)(H)(xv); and

**WHEREAS**, the Board of Representatives believes that it is in the best interest of the citizens of Stamford to expedite the current blight enforcement process; and

**WHEREAS**, the Board of Representatives believes that it is in the best interest of the citizens of Stamford to include regulations establishing a duty to maintain property and specifying standards to determine if there is neglect pursuant to the authority granted to the City of Stamford under Connecticut General Statutes § 7–148(c)(7)(H)(xv); and

**WHEREAS**, the Board of Representatives believes that it is in the best interest of the citizens of Stamford to allow for the entry onto property by city employees to remediate blight under certain identified circumstances; and

**WHEREAS**, the Board of Representatives believes that it is in the best interest of the citizens of Stamford to clarify and expand when blight funds may be utilized, as permitted by state statute.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:**  
Chapter 146, Housing Standards, Article III, Blighted Properties, is repealed and replaced as follows:

### **ARTICLE III. BLIGHTED PROPERTIES**

#### **~~Sec. 146-45. Definitions.~~**

~~For the purpose of this article, the following words and terms shall have the following meanings:~~

~~Anti-Blight Officer shall mean an individual appointed by the Mayor to enforce the provisions of this article.~~

~~Anti-Blight Committee shall mean a committee comprised of the Chairperson of the Police Commission or his or her designee, the Chairperson of the Fire Commission or his or her designee, the Chairperson of the Zoning Board or his or her designee, the Chairperson of the Health Commission or his or her designee, and the President of the Board of Representatives or his or her designee.~~

~~Blighted Property or Blighted Properties shall mean, as the case may be, any building or structure, or any part of a building or structure that is a separate unit, or a vacant parcel of land in which at least one (1) of the additional following conditions exist:~~

- ~~(1) It is determined by the city's Chief Building Official or by its Director of Health that existing conditions pose a serious or immediate danger to the community;~~

~~i.e., a life-threatening condition or a condition which puts at risk the health or safety of citizens of the city.~~

- ~~(2) It is not being adequately maintained; without limitation, the following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; garbage, trash or abandoned cars situated on the property (unless the property is a junkyard legally licensed by the State of Connecticut).~~
- ~~(3) It has been cited for code violations as documented in the Building Department or Health Department inspection reports, which violations have not been corrected.~~
- ~~(4) It has become a place where criminal activity has taken place as documented by Police Department reports.~~
- ~~(5) It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.~~
- ~~(6) It is a factor creating a substantial and unreasonable risk of interference with the reasonable and lawful use and enjoyment of other space within the building or other properties within the Neighborhood as documented by Neighborhood complaints, or cancellation of insurance on proximate properties.~~
- ~~(7) It is a factor that is seriously depreciating property values in the Neighborhood.~~
- ~~(8) It contains unauthorized outside storage or accumulation of junk, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of inoperable cars, boats, motorcycles or other inoperable machinery on the property or the public right of way. For the purposes of this article "authorized" shall pertain to local, state or federal laws and/or regulations.~~
- ~~(9) It has been vandalized, or otherwise damaged to the extent that it is seriously depreciating property values in the Neighborhood.~~

~~Building Official shall mean the building official as defined in Connecticut General Statutes § 29260 and § C5-30-6 of the city Charter.~~

~~Certification shall mean the approval by the Anti-Blight Committee of the proposed list of Blighted Properties.~~

~~Chairperson of the Anti-Blight Committee shall mean a member of the Anti-Blight Committee, duly elected by the members of the Anti-Blight Committee to hold the position of Chairperson.~~

~~Dilapidated shall mean a building or structure or any part thereof that would not receive a certificate of occupancy if applied for, regardless of whether one had been previously issued.~~

~~Housing Blight shall mean the existence of a Blighted Property, whether residential or commercial, within the same Neighborhood of residential properties.~~

~~Legal Occupancy shall mean occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing, and all other pertinent codes, which, in the case of rental property, must be substantiated by a bona fide lease agreement, a rent receipt or a utility statement.~~

~~Level One Hearing shall mean a hearing before the Anti-Blight Officer.~~

~~Neighborhood shall mean an area of the city comprised of all properties or parcels of land, any part of which is within a radius of four hundred (400) feet of any part of another parcel or lot within the city.~~

~~Notice of Decision shall mean written notification of a decision on a Level One Hearing by the Anti-Blight Officer, or a decision on an appeal to the Anti-Blight Committee.~~

~~Unit shall mean any space within a building that is or can be rented by a tenant for his/her or its sole use, and is intended to be a single and distinct space.~~

~~Vacant shall mean a period of sixty (60) days or longer during which a building or structure or any part thereof, or land, that is not legally occupied.~~

~~Vacant Parcel shall mean a parcel of land with no intact building structure(s) thereon.~~

#### **~~Sec. 146-46. Prohibition against creating or maintaining blighted properties.~~**

~~No person, firm, business entity, voluntary association or nonprofit organization shall cause or permit Blighted Properties, as defined herein, to be created, or the existence thereof continued, on any real property located in the City of Stamford in such a manner that it causes or contributes to Housing Blight.~~

#### **~~Sec. 146-47. Certification list of blighted properties.~~**

- ~~(a) Within one (1) month of the enactment date of this article, the Anti-Blight Officer shall ask representatives of the Building Department, Health Department, Police Department, Fire Department, Fire Marshal's office and Zoning Enforcement Office to give written reports of any real property that they are aware of that appear to be Blighted Properties; those city officials should submit their reports to the Anti-Blight Officer within one (1) month of the date of the request.~~
- ~~(b) The Anti-Blight Officer shall use this information and any other information on Blighted Properties that may be available to complete a list of apparently Blighted Properties. Said list shall be completed within one month after the city officials have submitted their reports to the Anti-Blight Officer.~~
- ~~(c) Immediately after the Anti-Blight Officer has completed the list of apparently Blighted Properties, he or she shall transmit such list to the Building Official. The Building Official shall review and notify, within one month of the date of receipt, the Anti-Blight Officer which of the apparently Blighted Properties on the list are abandoned in accordance with the provisions of subsection 8-169p(a) of the Connecticut General Statutes, together with a statement as to whether, in the opinion of the Building Official, they can be rehabilitated. In the first year following enactment of this section, the Anti-Blight Officer may levy fines against Blighted~~

~~Properties as described in section 146-47, prior to approval of a Blighted Properties list; provided, no fines may be levied until after the property owner or his/her or its authorized representative has had the opportunity to have a Level One Hearing. Furthermore, said property owner shall be entitled to have a Formal Hearing in accordance with the provisions of section 146-49 herein. In subsequent years, the process will be initiated on or before January 1 of that calendar year, and fines may only be levied pursuant to approval of a Blighted Properties list.~~

- ~~(d) Within one month of the Building Official's notification of abandoned and apparently Blighted Properties, the Anti-Blight Officer shall give notice of a Level One Hearing to property owners in accordance with the provisions of subsection 146-48(a) of this article.~~
- ~~(e) Upon completion of the Level One Hearings, the Anti-Blight Officer shall present the proposed list of Blighted Properties to the Anti-Blight Committee for Certification. The presentation of said list shall be at a duly noticed meeting, and at such other times as the Anti-Blight Committee deems appropriate. The Anti-Blight Committee, at said meeting or any adjourned meeting, shall approve, disapprove or modify said list. The Anti-Blight Committee may modify said list, in its sound discretion, by moving one or more designated Blighted Properties to a suspended list for good cause shown. At the conclusion of the Anti-Blight Committee's review of said list, it shall finalize the list and issue its Certification of Blighted Properties, which shall be published in a newspaper of general circulation published in the city.~~

~~In the event that the Anti-Blight Committee does not act on the list within sixty (60) days after the Anti-Blight Officer has presented the proposed list to the Anti-Blight Committee, said list shall be deemed to have been approved by the Anti-Blight Committee and the Anti-Blight Officer shall issue a Certification of Blighted Properties in the manner set forth above.~~
- ~~(f) Once certified by the Anti-Blight Committee or the Anti-Blight Officer, as stated in subsection 91-3(e) above, the Blighted Properties list in any given year shall not expire, but shall remain in place and enforceable until a subsequent list is enacted.~~
- ~~(g) The Anti-Blight Committee shall meet at least quarterly to conduct its business, including, but not limited to, reviewing the list of Blighted Properties and determining whether additional properties should be added to the list or whether properties currently on the list should be removed from it. Said additions or deletions may only be made by a majority vote of the Anti-Blight Committee that is present and voting. In the event that a vote is taken to add a particular property, then, before the property is added to the list, the property owner shall be entitled to notice, a hearing and an appeal as stated herein.~~
- ~~(h) In the event that a list is amended by the Anti-Blight Committee, then it shall certify the amended list and publish it in accordance with the provisions of subsection 146-47(e) above.~~
- ~~(i) The time lines cited in this section are directory.~~

**~~Sec. 146-48. Level one hearings.~~**

- ~~(a) Before the list of Blighted Properties may be approved by the Anti-Blight Committee,~~

~~the Anti-Blight Officer shall notify each owner of the subject property by certified mail to the last known address of such owner, or in the case of an owner who cannot be identified or whose address is unknown, by publishing a copy of such notice in a newspaper having general circulation in the City, stating such property has been determined to be a Blighted Property and, if applicable, whether such property has been determined to be abandoned, and setting a date for a Level One Hearing for the purpose of determining whether the owner is: (1) Willing and able to rehabilitate the Blighted Property within a reasonable time; or (2) Willing and able to demolish the Blighted Property within a reasonable time; or (3) Willing and able to clean the vacant parcel of land within a reasonable time.~~

- ~~(b) In the event that a property owner has obtained a demolition permit for the subject property, then the Anti-Blight Officer shall not enforce the provisions of this article against said property or the property owner while action is pending on said permit.~~
- ~~(c) The Anti-Blight Officer shall take all grace periods for Code compliance that have been granted to the property owner by the city of Stamford, or the State of Connecticut, into consideration when making the determination as to whether or not to include a certain property on the list, including, but not limited to the Building, Health, Fire, and Zoning codes and/or regulations.~~
- ~~(d) At the Level One Hearing with the Anti-Blight Officer: (1) If the owner of any such Blighted Property shall appear, the owner may contest the proposed designation of such property as a Blighted Property and may submit any additional information or evidence related to the Blighted Property as the owner may wish. After consideration of any such additional information, the Anti-Blight Officer shall issue a Notice of Decision which shall be in writing and mailed by certified mail, return receipt requested, to each owner and to all parties to the proceedings; (2) If the owner of any such property fails to appear, either personally or by his/her or its authorized representative, on the date set for the Level One Hearing with the Anti-Blight Officer or any adjourned date of such meeting, after consideration of the available information, the Anti-Blight Officer shall issue a Notice of Decision which shall be in writing and mailed by certified mail, return receipt requested, to the owner of the property.~~
- ~~(e) In the event that the Anti-Blight Officer renders a decision against a property owner in accordance with the provisions of this article, the Anti-Blight Officer shall impose a penalty of not less than ten and not more than ninety dollars (\$90.00) for each day that the Blighted Property remains in violation of this article. Each day that the Blighted Property is in violation of this section shall constitute a separate offense. The Anti-Blight Officer shall give notice of the imposition of said penalty in the Notice of Decision. Said penalty shall begin to run fifteen (15) days after the date of the Certification of Blighted Properties and shall continue to be levied each day until the violation is corrected. Whether a violation is deemed "corrected" shall be determined by the Anti-Blight officer with the consent of the Chairperson of the Anti-Blight Committee.~~

~~All fines imposed for violations of this article shall be paid to a fund maintained by the City of Stamford, which fund shall be designated specifically for the purpose of~~

~~carrying out the purposes and goals of this article.~~

**~~Sec. 146-49. Formal hearings.~~**

- ~~(a) If the owner of any such Blighted Property fails to appear at the Level One Hearing with the Anti-Blight Officer, either personally or by his/her or its authorized representative, on the date set for said hearing or any adjourned date of such hearing, the Anti-Blight Officer shall schedule a formal hearing with the Anti-Blight Committee.~~
- ~~(b) If after a Level One Hearing at which the owner or his/her or its agent appeared and had an opportunity to be heard, the Anti-Blight Officer renders a decision against the property owner, the property owner may request a formal hearing with the Anti-Blight Committee, provided said request is made in writing to the Anti-Blight Officer, and is filed within fifteen (15) days of the date of the notice of the Anti-Blight Officer's decision on the Level One Hearing. The appeal shall not toll or abate the running of any penalty imposed by the Anti-Blight Officer.~~
- ~~(c) All hearings pursuant to this section shall be held in the same manner as set forth under §§ 4-176e to 4-181a, inclusive, of the Connecticut General Statutes.~~
- ~~(d) The Anti-Blight Committee shall hold hearings on an appeal within forty-five (45) days of receiving notice of said appeal.~~
- ~~(e) After hearing the matter, the Anti-Blight Committee shall, within fifteen (15) days of the last hearing date, issue a Notice of Decision which shall be in writing and mailed by certified mail, return receipt requested, to each owner and to all parties to the proceedings.~~
- ~~(f) If the owner of the property fails to appear, either personally or by his/her or its authorized representative, on the date set for the Appeal or any adjourned date of such hearing, then the Anti-Blight Committee may enter a default against said property owner, deny the Appeal and issue a Notice of Decision in accordance with the provisions of Section 146-49(c) above.~~
- ~~(g) Property owners may appeal the decision of the Anti-Blight Committee to the Superior Court in accordance with the provisions of Section 7-152c of the Connecticut General Statutes. Any such appeal shall not toll or abate the running of any penalty imposed by the Anti-Blight Officer.~~

**~~Sec. 146-50. Remedial action authorized.~~**

- ~~(a) The Anti-Blight Committee is hereby authorized to recommend to the Director of Operations that the city take, or cause to be taken, action to remedy a blighted condition on any property that has been certified by the Anti-Blight Committee as blighted, and either:~~
  - ~~(1) The owner of said property brought an appeal to the Anti-Blight Committee that resulted in a denial of the appeal;~~
  - ~~(2) A hearing was otherwise held under the provisions of section 146-49 and resulted in a confirmation by the Anti-Blight Committee that the property was blighted; or~~

~~(3) The owner of said property failed to file an appeal with the Anti-Blight Committee and the time to do so has passed.~~

- ~~(b) Upon receipt of a recommendation pursuant to subsection (a) above, the Director of Operations may assign city employees to remedy the blighted condition(s) if staffing levels are sufficient to do so without causing disruption to other city business. If the Director of Operations does not so assign city employees to remedy the blighted condition(s), then said Director may consult with the Director of Administration regarding whether funds for taking remedial action are available in the account described in subsection 146-53(c). If adequate funds are available in said account, the Director of Operations may use these funds to take, or cause to be taken, action to remedy the blighted condition. If adequate funds are not available in said account, the Director of Operations may take, or cause to be taken, action to remedy the blighted condition if said Director deems it appropriate to utilize funds from a different account.~~

**~~Sec. 146-51. Blight liens authorized.~~**

~~The Anti-Blight Officer is hereby authorized, in accordance with the provisions of § 7-148aa of the Connecticut General Statutes and this article, to place a lien on any and all Blighted Property as security for any unpaid penalty or fine on behalf of the city. With the written approval of the Chairperson of the Anti-Blight Committee, the Anti-Blight Officer 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 Properties if, in his or her opinion, the buyer has the financial ability and the intention to immediately rehabilitate Blighted Properties or hold all penalties and liens in abeyance until all rehabilitation is completed.~~

**~~Sec. 146-52. City acquisition of abandoned blighted properties.~~**

~~The Anti-Blight Officer is authorized to take the necessary steps to acquire the Blighted Properties which have been certified by the Building Official to be abandoned pursuant to the Urban Homesteading Act, Connecticut General Statutes §§ 8-169(o), et seq., as it may be amended from time to time. The Anti-Blight Officer is further authorized to take necessary steps to acquire Blighted Properties, provided there are funds available, using other state and federal means as they may be available.~~

**~~Sec. 146-53. Administrative responsibilities.~~**

- ~~(a) The Anti-Blight Committee shall at its first annual meeting elect a Chairperson. The Anti-Blight Committee's meetings shall be public and it shall conduct said meetings in accordance with Robert's Rules of Order as well as all applicable state and local laws, including, but not limited to, the state's Freedom of Information Act.~~
- ~~(b) The Anti-Blight Committee may prescribe administrative procedures for the purpose of implementing the provisions of this article.~~
- ~~(c) All funds collected by the Anti-Blight Officer shall be deposited into an account to be administered by the Director of Administration to be used for associated costs in enforcing and administering this article (i.e., legal fees, court costs, serving papers, Anti-Blight Officer's stipend, mailing and copying costs, etc.) which shall be a continuing account.~~

### **Sec. 146-53.1. Enforcement.**

~~In addition to other available forms of enforcement, the provisions of this article may be enforced through the civil citation process.~~

### **Sec. 146-45. Definitions.**

For the purpose of this article, the following words and terms shall have the following meanings:

*Anti-Blight Officer* shall mean an individual appointed by the Mayor to enforce the provisions of this article.

*Blighted Property or Blighted Properties* shall mean, as the case may be, any building or structure, or any part of a building or structure that is a separate unit, or a vacant parcel of land in which at least one (1) of the following conditions exist:

- (1) It is determined by the City's Chief Building Official or by its Director of Health that existing conditions pose a serious or immediate danger to the community, i.e., a life-threatening condition or a condition which puts at risk the health or safety of citizens of the city.
- (2) It is not being adequately maintained; without limitation, the following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; damaged, decaying, or deteriorating condition that could allow vermin or other wildlife interior access; a foundation that is structurally faulty; garbage, trash or abandoned cars situated on the property (unless the property is a junkyard legally licensed by the State of Connecticut).
- (3) It has been cited for violations of State statutes and/or State regulations, Stamford Charter or Code provisions, or conditions to permits granted by the Zoning Board, Zoning Board of Appeals, Environmental Protection Agency and Health Department, which violations have not been corrected.
- (4) It has become a place where criminal activity has taken place as documented by Police Department reports.
- (5) It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.
- (6) It is a factor creating a substantial and unreasonable risk of interference with the reasonable and lawful use and enjoyment of other space within the building or other properties within the Neighborhood as documented by Neighborhood complaints, or cancellation of insurance on proximate properties.
- (7) It is a factor that is seriously depreciating property values in the Neighborhood.
- (8) It contains unauthorized outside storage or accumulation of junk, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of



inoperable cars, boats, motorcycles or other inoperable machinery on the property or the public right of way. For the purposes of this article "authorized" shall pertain to local, state or federal laws and/or regulations.

(9) It has been vandalized, or otherwise damaged to the extent that it is seriously depreciating property values in the Neighborhood.

(10) It contains a *Property Maintenance Violation* as defined by this Section.

*Building Official* shall mean the building official as defined in Connecticut General Statutes § 29-260 and § C5-30-6 of the City Charter.

*Dilapidated* shall mean a building or structure or any part thereof that would not receive a certificate of occupancy if applied for, regardless of whether one had been previously issued.

*Housing Blight* shall mean the existence of a Blighted Property, whether residential or commercial, within the same Neighborhood as a residential property or properties.

*Neighborhood* shall mean an area of the city comprised of all properties or parcels of land, any part of which is within a radius of four hundred (400) feet of any part of another parcel or lot within the city.

*Property Maintenance Violation*

(a) *Property Maintenance Violation* shall mean the violation of the following standards with respect to lots or parcels:

- (1) All premises shall be graded, drained, kept free of persistent standing water and maintained in a clean, safe and sanitary condition. Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.
- (2) No shopping baskets, carts or wagons shall be left unattended or standing, and the baskets, carts or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.
- (3) All fences shall be maintained. Such maintenance shall include, but not be limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences, which may become in disrepair.
- (4) All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but not be limited to, the replacement of trees and shrubs, which may die or otherwise be destroyed. Grass, weeds or similar growths shall not reach a height greater than nine (9) inches on any premises. Front yards

shall not be allowed to deteriorate into unattended bare, dirt patches;

- (5) The planting strip fronting the premises shall be maintained in a safe condition, neat, mowed as necessary, and free of litter, poison ivy, ragweed, and other noxious plant.
- (6) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs and replacement accomplished. All off-street parking facilities shall be swept as often as necessary in the determination of the Anti-Blight Officer.
- (7) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent accumulations of trash, garbage, litter, debris and rubbish. The owner of the property shall maintain the premises litter-free, and shall remove discarded or inoperative appliances, furnishings or machinery.
- (8) All signs exposed to the public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. A non-operative or broken electrical or other sign shall be repaired or removed.
- (9) Refuse and recycling receptacles shall be emptied on a regular basis and shall be removed from the curbside no later than 9 a.m. of the day following collection.
- (10) All places of business that serve food or drink to patrons (e.g., restaurants, cafes, bars, etc.) shall maintain receptacle(s) for the disposal of cigarettes on their premises and shall empty the receptacle(s) on a regular basis.

(b) *Property maintenance violations* shall also mean the violation of the following standards with respect to buildings and structures:

- (1) The exterior of buildings and structures shall be maintained so that it is not dilapidated, deteriorating, or decaying, nor open to the elements. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or the presence of graffiti, or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open cracks or leaks or are structurally faulty; overhang extensions, including but not limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys

and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.

- (2) The foundation walls of every building shall be maintained in good repair and in a structurally sound condition.
- (3) Foundations, floors, and walls shall be in good painted or finished condition without peeling.
- (4) Exterior walls (including doors and windows), roofs, and the areas around doors, windows, chimneys and other parts of a building shall be maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from, loose and unsecured objects and material. Such objects and materials shall be removed, repaired or replaced.
- (5) Buildings and structures shall be maintained free of insect, vermin, bird, rodent, and other wildlife harborage and infestation.
- (6) Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety and fire hazards.
- (7) All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.

(c) *Property maintenance violations* shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk and/or public or private street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.

(d) *Property maintenance violations* shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by a complaint(s) from adjoining and nearby property owners.

*Unit* shall mean any space within a building that is or can be rented by a tenant for his/her or its sole use, and is intended to be a single and distinct space.

*Vacant and/or Abandoned* shall mean that a building or structure or any part thereof, or land, is not legally occupied for a period of sixty (60) days or longer.

*Vacant Parcel* shall mean a parcel of land with no intact building structure(s) thereon.

#### **Sec. 146-46. Prohibition against creating or maintaining blighted properties.**

No person, firm, business entity, voluntary association or nonprofit organization

shall cause or permit a Blighted Property or Blighted Properties, as defined herein, to be created, or the existence thereof continued, on any real property located in the City of Stamford in such a manner that it causes or contributes to Housing Blight.

**Sec. 146-47. Enforcement.**

(a) General Provisions.

The Director of Operations shall be responsible for administering and supervising the enforcement of this ordinance.

The Anti-Blight Officer shall enforce the provisions of this section and any rules or regulations promulgated under this section. The Anti-Blight Officer may initiate inspections and investigations of blight and shall receive information and complaints concerning violations of this section. The Anti-Blight Officer shall determine violations of this section; may order the owner of the Blighted Property to abate such violations, issue citations and penalties for violations of this section; and may effectuate the removal or abatement of the blight condition under the procedures set forth in this section. The Anti-Blight Officer shall provide the Director of Public Safety, Health and Welfare with monthly written status reports indicating the number of complaints, the violations identified, active and closed cases and other information as requested by the Director.

(b) Notice of Violation.

The Anti-Blight Officer shall serve a written notice to an owner of the Blighted Property of the violation(s) of this section by personal in-hand service or by mailing such notice by regular mail to the owner's last-known address on file with the tax collector. If the person to whom such notice is issued is a registrant, the municipality may deliver such notice in accordance with section 7-148ii, provided nothing in this section shall preclude a municipality from providing notice in another manner permitted by applicable law. The failure of the owner to receive the Notice of Violation shall not affect the validity of the service.

The Notice of Violation shall:

- (1) Describe the blighted conditions that violate this section and direct the owner to remove, correct, or abate the violation within seven (7) calendar days from the date of the Notice;
- (2) Inform the owner that the failure to remove, correct, or abate the violation shall result in the issuance of a citation in accordance with this ordinance and fines imposed of one hundred dollars (\$100.00) a day for each day that the Blighted Property remains in violation of this article which can be enforceable subsequently as a lien on the owner's property, and which may also be converted into court judgments; and
- (3) Inform the owner that the failure to remove, correct, or abate the violation may cause the removal or abatement of the violation at the expense of the owner; and
- (4) Inform the owner that the owner may schedule a resolution

conference with the Anti-Blight Officer within seven (7) calendar days from the date of Notice of Violation.

(c) Imposition of Fine.

If the owner fails to remediate the violation within seven (7) calendar days after the Notice of Violation is served, the Anti-Blight Officer shall impose a penalty against the owner of one hundred dollars (\$100.00) for each day that the Blighted Property remains in violation of this article. Each day that the Blighted Property is in violation of this article shall constitute a separate offense and the penalty shall begin to accrue on the eighth (8) day after the date of the notice of violation and continue to be levied each day until the violation is corrected and the owner informs the Anti-Blight Officer in writing that the blight violation has been remediated.

All fines imposed for violations of this article shall be paid to a fund maintained by the City of Stamford as set forth in Sec. 146-53(b).

(d) Citation.

If the owner fails to remediate the violation within seven (7) calendar days from the date of the Notice of Violation, as provided in Section 146-47(b) above, the Anti-Blight Officer shall serve a written civil citation upon the owner of the premises by personal, in-hand service or by mailing such citation to the owner's last-known address on file with the tax collector. If the person to whom such notice is issued is a registrant, the municipality may deliver such notice in accordance with section 7-148ii, provided nothing in this section shall preclude a municipality from providing notice in another manner permitted by applicable law. The failure of the owner to receive the Citation shall not affect the validity of the service.

The citation shall inform the owner:

- (1) Of the allegations against said person and the amount of the fines, penalties, costs or fees due.
- (2) That the fines, penalties, costs or fees will continue to accrue on a daily basis until the owner remediates the blight violation **and** provides written notice to the Anti-Blight Officer that the blight violation is remediated.
- (3) That said person may contest his or her liability before the Blight Hearing Committee by delivering, in person or by first class mail, written notice to the Anti-Blight Officer within 10 days of the date of notice.
- (4) That if said person does not demand such a hearing, an assessment and judgment shall be entered against him.
- (5) That such judgment may issue without further notice.
- (6) That any unpaid fine imposed pursuant to the provisions of this shall constitute a lien upon the property against which the penalty was imposed from the date of such penalty. Each such lien may be continued, recorded and released in the manner provided by the

general statutes for continuing, recording and releasing property tax liens and may be enforced in the same manner as property tax liens, including enforcement by foreclosure.

#### **Sec. 146-48. Citation Hearings Before the Blight Hearing Committee**

(a) Appointment of Blight Hearing Committee.

The Mayor shall appoint, with the approval of the Board of Representatives, the Chairperson of the Police Commission or his or her designee, the Chairperson of the Fire Commission or his or her designee, the Chairperson of the Zoning Board or his or her designee, the Chairperson of the Health Commission or his or her designee, and the President of the Board of Representatives or his or her designee to comprise the Blight Hearing Committee, which Committee shall conduct citation hearings for violations of this section.. However, in no event may a hearing officer sitting on this Committee be police officers or employees of the City of Stamford or persons who issue citations.. Said officers shall serve for terms of two years and shall be empowered to hear appeals from issuance of citations as provided herein.

(b) Notice of hearing; notice of violation retained.

(1) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided that the chairman of the Blight Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

(2) An original or certified copy of the initial notice of violation issued by the anti-blight officer shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein.

(c) Admission of liability; failure to respond; fines assessed.

(1) If any person cited pursuant to this article wishes to admit liability for any alleged violation, said person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the city. Said payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

(2) Any person cited pursuant to this article who does not deliver or mail written demand for a hearing in accordance with § 146-47(d) above shall be deemed to have admitted liability, and the Mayor or his designee shall certify such person's failure to respond to the citation hearing officer.

(3) The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in § 146-48(d) of this article.

(d) Hearing procedure.

(1) The presence of the anti-blight officer shall be required at the hearing, if such person who was cited so requests.

(2) A person wishing to contest his or her liability shall appear at the hearing and may present evidence in his or her behalf. A designated city official, other than member of the Blight Hearing Committee, may present evidence on behalf of the City of Stamford.

(3) If the person cited fails to appear, the Blight Hearing Committee may enter an assessment by default against said individual upon a finding of proper notice and liability under the applicable ordinance or regulation. Before the time and date of the hearing, the Blight Hearing Committee may accept from the cited individual copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary and find in favor of such person.

(4) The hearing procedure shall be taken under oath or affirmation. In considering an appeal, the standard of proof shall be by preponderance of the evidence. The Blight Hearing Committee shall consider all facts and circumstances that said Committee deems to be relevant. All evidence and testimony must be presented at the time of said hearing; no other testimony or evidence shall be considered.

(5) The Blight Hearing Committee shall announce its decision at the end of the hearing and shall issue a written decision within five days after the conclusion of the hearing. If Blight Hearing Committee determines that the person is not liable, it shall dismiss the matter and enter its determination, in writing, accordingly. If the Committee determines that the person is liable for the violation, it shall forthwith enter, in writing, its determination and an assessment of the fines, penalties, costs or fees against such person as provided for in this article.

(6) If such assessment is not paid on the date of its entry, the Blight Hearing Committee shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general

statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

(7) 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 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 [section 52-259](#), at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

#### **Sec. 146-49. Resolution Conference.**

Within seven (7) days of the date of the Notice of Violation by the owner of a property, the owner may request a resolution conference with the Anti-Blight Officer. The purpose of the resolution conference is to determine whether the owner is willing and able to remediate the Blighted Property.

Neither the request for, nor the scheduling of a resolution conference shall toll or abate the service of a civil citation upon the owner in accordance with Section 146-47(d) or the imposition of fines.

However, at the resolution conference, and except in cases involving a public health danger, the property owner may request an extension of time to complete the remediation. The Anti-Blight Officer may grant this request in his or her sole discretion and so notifies the owner of the extension in writing. If the owner completes remediation within the time granted by the Anti-Blight Officer, the Anti-Blight Officer shall waive all fines imposed.

#### **Sec. 146-50. Remedial action authorized.**

##### **(a) Remediation by City with Permission of Owner**

A property owner may request that the City of Stamford, its employees, agents, or servants, including independent contractors hired by the City of Stamford, to enter upon his or her property to remediate the blight violation(s). The Director of Operations may grant or deny the request in the Director's sole discretion.

If the Director of Operations grants the request, then prior to the entry of the Anti-Blight Officer and/or other city employees upon the owner's property, the property owner must agree in writing to the date(s), time, location and nature of the remediation and release the City of Stamford, its employees, agents, and servants, including independent contractors hired by the City of Stamford, from liability for any injury or harm caused by the remediation or the entry onto the property.

##### **(b) Remediation by City for Public Health Danger**

Upon the failure, neglect, or refusal of any owner to remediate violations that are dangerous to the public health, safety, or welfare within seven (7) calendar days from the date of the Notice of Violation, the City may cause such remediation by City



employees, agents or an independent contractor engaged by the City.

(c) Remediation by Court Order

In all cases where an owner has failed to remediate the blight violation(s) within seven (7) calendar days from the date of the Notice of Violation, the City may seek a court order allowing such remediation by City employees, agents or an independent contractor engaged by the City.

(d) Use of Funds for Remediation under this Section.

Where an owner has given permission to the City to remediate violations, or where the City undertakes remediation of violations that are dangerous to the public health, safety, or welfare, or where the City has received a court order, the Director of Operations may assign city employees to remedy the blighted condition(s) if staffing levels are sufficient to do so without causing disruption to other city business. If the Director of Operations does not so assign city employees to remedy the blighted condition(s), then said Director may consult with the Director of Administration regarding whether funds for taking remedial action are available in the account described in subsection 146-53(c). If adequate funds are available in said account, the Director of Operations may use these funds to take, or cause to be taken, action to remedy the blighted condition. If adequate funds are not available in said account, the Director of Operations may take, or cause to be taken, action to remedy the blighted condition if said Director deems it appropriate to utilize funds from a different account. If funds for taking remedial action are so used, the owner will be responsible for reimbursing the City for the cost of the remediation, as set forth below.

(e) Owner's Responsibility to Pay for Remediation/Penalty

Upon completion of any remediation of blight violations by the City, its employees, agents, servants, or independent contractors hired by the City of Stamford under this section, the Director of Operations or his/her designee shall determine the cost of the remediation and shall bill the owner therefor. The owner shall be responsible to pay a penalty to the City in the amount of the cost of the remediation. Upon the failure of the owner to pay the City the cost of the remediation within thirty (30) days from the date of such bill, the director or his/her designee shall cause to be recorded on the land records of the City a sworn statement detailing the cost and expense incurred for the abatement work, the date the work was done, and the location of the property upon which the work was done. The recordation of the sworn statement shall constitute a lien on the property. The Director of Operations, in his sole discretion, may grant the owner additional time, greater than thirty (30) days from the date of such bill, to pay the penalty.

**Sec. 146-51. Blight liens authorized.**

The Anti-Blight Officer is hereby authorized, in accordance with the provisions of § 7-148aa of the Connecticut General Statutes and this article, to place a lien on any and all Blighted Property as security for any unpaid penalty or fine on behalf of the city. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens and may be enforced in the same manner as property tax liens, including enforcement by

foreclosure.

**Sec. 146-51.1 Waiver of Liens and Penalties.**

Prior to the commencement of litigation, and subject to the review of the Director of Operations, the Anti-Blight Officer may waive and release said penalties and liens in the event the city acquires the property; or at the time of the owner's sale of the Blighted Property to a bona fide third party purchaser if, in his or her opinion, the buyer has the financial ability and the intention to immediately rehabilitate the Blighted Property; or hold all penalties and liens in abeyance until all rehabilitation is completed. Subsequent to the commencement of litigation, the Corporation Counsel for the City of Stamford shall have the authority to compromise, waive and release said penalties and liens in his or her sole discretion.

**Sec. 146-52. City acquisition of abandoned blighted properties.**

The Anti-Blight Officer is authorized to take the necessary steps to acquire the Blighted Properties which have been certified by the Building Official to be abandoned pursuant to the Urban Homesteading Act, Connecticut General Statutes §§ 8-169(o), et seq., as it may be amended from time to time. The Anti-Blight Officer is further authorized to take necessary steps to acquire Blighted Properties, provided there are funds available, using other state and federal means as they may be available.

**Sec. 146-53. Administrative responsibilities.**

(a) The Director of Operations may prescribe administrative procedures for the purpose of implementing the provisions of this article.

(b) All funds collected by the Anti-Blight Officer shall be deposited into a continuing account dedicated for the expenses of the municipality related to the enforcement and administration (i.e. legal fees, court costs, service of process, Anti-Blight Officer's stipend, mailing, copying costs, etc.) of ordinances regulating blight and state and local health, housing and safety codes and regulations, including expenses related to community police, and the remediation of blighted conditions, when authorized. The account shall be administered by the Director of Administration.

The ordinance shall take effect upon adoption.