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CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

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March 22, 2012

Honorable Members of the City Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Prevention of Housing Blight Exterior Premises
Code of Ordinances Sections 10-99- through 10-106, 12-34

Dear Members of the Council:

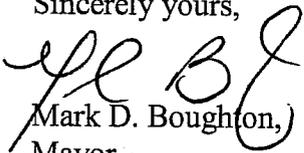
I submit the attached ordinances regarding prevention of housing blight to the exterior or outdoor portion of the premises for your consideration. The proposed new ordinances will serve to supplement and further enhance the strong ordinances Danbury already has in place to prevent residential housing blight.

The proposed ordinances provide for a means to abate blighted conditions existing on the exterior or outdoor portions of residential premises. The ordinances establish jurisdiction and enforcement over such matters solely within the Unified Neighborhood Inspection Team. In all other respects, the terms of the proposed ordinances parallel those previously adopted to prevent residential housing blight.

Therefore, it is requested that an Ad hoc Committee be formed to review the proposed ordinance changes. The Office of the Corporation Counsel has prepared the proposed draft ordinances which are attached hereto.

Thank you for your consideration of this matter.

Sincerely yours,


Mark D. Boughton,
Mayor

Enclosure

cc: Laszlo L. Pinter, Deputy Corporation Counsel
Robin L. Edwards, Assistant Corporation Counsel





ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

THAT Chapter 10 of the Code of Ordinances of the City of Danbury is hereby amended by adding Sections 10-99 through 10-106, under Article VI, which sections shall read as follows:

Prevention of Housing Blight- Exterior Premises

Sec. 10-99 - Declaration of policy.

(a) Code Sections 10-99 through 10-106 of Article VI are enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H). These sections are intended to address blight existing on the exterior or outdoor portion of a premises which is not otherwise covered by Code Sections 10-91 through 10-98.

(b) It is hereby found and declared that there exists within the City of Danbury, real properties which contain housing blight consisting of a blighted exterior portion of a premises and that the existence of said exterior blighted conditions contribute to the decline of city neighborhoods. It is further found that the existence of such blighted exterior premises adversely affects the economic well being of the City and is inimical to the health, safety and welfare of the residents of the City of Danbury.

Sec. 10-100 - Definitions.

Abandoned motor vehicle shall mean a motor vehicle which, after good faith determination, has the appearance that the owner has relinquished control without intention to reclaim it, including but not limited to, a vehicle with no maker plates, invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative or unusable as a motor vehicle.

Blighted shall mean deteriorated, in a state of ill repair, filthy, decaying, unkempt, dirty.

Blighted exterior premises shall mean any and all exterior portions of any parcel of land containing a building or structure or a vacant parcel of land in which at least one(1) of the following conditions exist:

- (1) The unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises;
- (2) The parking of inoperable, abandoned and/or unregistered motor vehicles including cars, trucks, boats, motorcycles, or other inoperable machinery, on the exterior premises or the public right of way, except as permitted by the City of Danbury Zoning Regulations, the State of Connecticut or federal laws and/or regulations;
- (3) The exterior premises is not being maintained. The following factors may be considered, but are not exhaustive, in determining whether the exterior premises is not being maintained:

(a) The presence of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind,

- (b) The presence of rodent infestation or vermin,
- (c) The presence of overgrown grass, weeds, or brush that is uncultivated at least one foot in height,
- (d) The presence of visible portions of significant unattended bare dirt patches;
- (4) The exterior premises has attracted illegal activity, as determined by the chief of police;
- (5) The exterior premises is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition;
- (6) The exterior premises is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood;
- (7) The exterior premises constitutes a health or sanitary problem, as determined by the health director.

Inoperable motor vehicle shall mean a motor vehicle that (i) is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components, or(ii)cannot be legally registered by the Connecticut Department of Motor Vehicles.

Neighborhood shall mean an area of the city comprised of all premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the city limits.

Sec. 10-101 - Prohibition against creation or maintenance of a blighted exterior premises.

No person, firm or corporation, including any owner, or tenant under contract of maintenance, of real property in the City of Danbury shall cause or allow a blighted exterior premises to be created, nor shall any such individual or entity allow the continued existence of a blighted exterior premises.

Sec. 10-102 - Duties of Unified Neighborhood Inspection Team.

(a) The Unified Neighborhood Inspection Team ("UNIT") shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of Code Sections 10-99 through 10-106 and shall cause regular inspections to be made of all blighted exterior premises.

(b) Any member of the UNIT is authorized to enter upon any blighted exterior premises existing on private property, in accordance with all applicable law, between 8 a.m. and 5 p.m. Monday through Friday which has been determined by preliminary observation to be in violation of the provisions hereof.

(c) The UNIT shall report directly to the mayor regarding its enforcement of Code Sections 10-99 through 10-106.

Sec. 10-103 - Creation and certification of list of blighted properties.

(a) Immediately upon enactment of these sections, the mayor shall require all department heads to provide to the UNIT a list of properties that they are aware of which contain a blighted exterior premises.

(b) Within thirty (30) days of the receipt of said list the UNIT shall, utilizing the criteria established in Code Section 10-100, compile a list of properties containing a blighted exterior premises. The UNIT shall, review and update the list as new information is reported.

Sec. 10-104.- Owner notification, enforcement and hearing.

- (a) Once the list of properties containing a blighted exterior premises has been generated, the UNIT shall issue written orders to the owners of such premises notifying them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner, or, in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for a blighted exterior premises.
- (b) Said written order from the UNIT shall direct the owner to remediate the blighted exterior premises in a manner and within the time specified in said order. If such remediation does not occur within the time frame and in the manner specified, the UNIT is authorized to assess a fine up to two hundred and fifty dollars (\$250.00), or that maximum fine permitted by statute, whichever is greater, for each day of non-compliance, and shall also notify the owner that the city may remediate the blight and assess the owner of the property for all costs associated with such remediation.
- (c) In the event of non-compliance and/or city remediation of the blighted exterior premises, the UNIT shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued fines and costs of remediation. Further action to collect fines and/or costs shall be in accordance with procedures set forth in Code Section 12-35 pertaining to enforcement, appeals and hearing.

Sec. 10-105.- Authority for fines; enforcement, appeal and hearing procedure; lien on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.

- (a) In accordance with authority set forth in Connecticut General Statutes Section 7-148(c)(7)(H) as may be amended from time to time, a fine of up to two hundred and fifty dollars (\$250.00) is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with Code Section 10-104 hereof.
- (b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Code Section 12-35.
- (c) In accordance with authority set forth in Connecticut General Statutes, Section 7-148aa, as may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.
- (d) As an incentive toward the full remediation of residential property designated as a blighted exterior premises by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this

program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur with six (6) months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.

- (e) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in Code Section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Section 18-25.
- (f) For purposes of this subsection, the term "new buyer" or "purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the city in the remediation application specified in subsection (d) hereof, and may not include immediate family members of the prior owner (including, but not limited to spouses, children, siblings or parents) or sham transfers. The city shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the city council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

Sec. 10-106.- Consistency with other enforcement methods.

This article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

COPY SHOWING DELETIONS AND NEW LANGUAGE.

SECTION 1. That the City of Danbury Code of Ordinances Section 12-34 (b)(5) is hereby amended by adding paragraph (b) follows:

(a) The blight inspector, as such official may be designated and established within the office of the Danbury building inspection, shall be authorized to issue citations for violations of the provisions of article VI of chapter 10 of the Code of Ordinance, pertaining to blight remediation.

(b) UNIT MEMBERS DESIGNATED TO ENFORCE EXTERIOR PREMISES BLIGHT REMEDIATION SHALL BE AUTHORIZED TO ISSUE CITATIONS FOR VIOLATIONS OF ARTICLE VI OF CHAPTER 10 FOR THE CODE OF ORDINANCES PERTAINING TO EXTERIOR PREMISES BLIGHT REMEDIATION.

Note: New language is indicated by **CAPITALIZATION COMBINED WITH UNDERLINING** except that capitalization is not utilized for the letters in parenthesis which indicate subsections.

Deleted language is indicated ~~strikeouts~~.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

Sec. 12-34. - Citations.

(a) In accordance with the provisions of Connecticut General Statutes, subsection 7-148(c), in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in subsection (b) hereof may be enforced by citation.

(b) The officers and employees designated herein shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified below:

(1) The fire chief or his designee shall be authorized to issue citations for violations of the provisions of sections 3A-42, 3A-43, 3A-49 and 8-33 of the Danbury Code of Ordinances.

(2) The health director or his designee shall be authorized to issue citations for violations of the provisions of articles II, V and VI of chapter 9 as well as the provisions of sections 10-3, 10-4, 10-5, 10-6, 10-7 and 10-10 of the Danbury Code of Ordinances.

(3) The director of public works or his designee shall be authorized to issue citations for violations of the provisions of sections 12-22, 12-31, 12-32, 16A-1, 17-43 as well as the provisions of articles I and II of the chapter 16, article I of chapter 17 and articles I and II of chapter 21 of the Danbury Code of Ordinances.

(4) Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-3, 12-4, 12-12, 12-13, 12-14, 12-24, 12-27, 12-33, 18-13 and 19-34.1 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall also be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in subsections (1) through (3) of this subsection.

(5) (a) The blight inspector, as such official may be designated and established within the office of the Danbury building inspector, shall be authorized to issue citations for violations of the provisions of article VI of chapter 10 of the Code of Ordinances, pertaining to blight remediation.

(b) UNIT members designated to enforce exterior premises blight remediation shall be authorized to issue citations for violation of Article VI of Chapter 10 for the Code of Ordinances pertaining to exterior premises blight remediation.

(6) The sealer of weights and measures shall be authorized to issue citations imposing fines for violations of the provisions of chapter 22 of the Danbury Code of Ordinances.

(7) The zoning enforcement officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of section 12-7 of the Danbury Code of Ordinances.

(8) The UNIT litter control officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of section 11-1 of the Danbury Code of Ordinances.

(9) The director of public works, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of chapter 11, article II of the Danbury Code of Ordinances.

(10) The UNIT official designated to enforce violations of Division 4 and Division 5 of Chapter 19 of the Code of Ordinances shall be authorized to issue citations imposing fines for violation thereof.

(11) In addition to those officials and those provisions of the ordinances of the City of Danbury already referenced in (b)(1) through (b)(10), officers and employees designated pursuant to the provisions of any other duly enacted ordinance providing for enforcement by citation procedure are hereby so authorized.

(c) Citations shall be issued only by designated citation officers and employees and only after the issuance of a written warning. Said warning shall provide notice of the specific violation to be corrected and shall explain the citation enforcement procedures which may be used if the alleged violation is not corrected within the time provided for in said notice.