

(17)

Committee of the Whole
Housing Blight - Code of Ordinance Section 10-91 to 10-98
DANBURY CITY COUNCIL
August 18, 2014

Members of the City Council

COUNCIL MEMBERS PRESENT: Michael J. Haddad Sr., Jack Knapp, Warren Levy, Gregg William Seabury, Colleen A. Stanley, Andrew Wetmore, Irving M. Fox, John Priola, Vinny DiGilio, Christopher J. Arconti, Joe Cavo, Peter Nero, Fred Visconti, Benjamin Chianese, Paul T. Rotello, and Joseph Scozzafava

COUNCIL MEMBERS ABSENT: Philip D. Curran and Thomas J. Saadi had family obligations, Elmer Palma and Duane E. Perkins has business obligations, and Marina Loyola is recovering.

PRESENT: 16 ABSENT: 5

ALSO PRESENT: Mark D. Boughton, Mayor; Laszlo L. Pinter, Deputy Corporation Counsel; David St. Hilaire, Director of Finance.

President Cavo called the Committee Meeting to order at 9:55 p.m. in the City Council Chambers.

Housing Blight - Code of Ordinance - Section 10-91 to 10-98

A motion was made by Vinny DiGilio and seconded by Fred Visconti to recommend amending Sections 10-91 through 10-98 of the Code of Ordinances to more closely conform to the State requirements and allow the unit division additional jurisdiction, enforcement, and oversight of housing blight.

Mr. Pinter noted this item was vetted by the Ad Hoc Committee. He reviewed the recommended changes to the interior blight ordinance. There is a strengthening of the relationship with the neighbors in relation to blight problems. This incorporates information about the State's new blight remediation \$250 fine (whereas the City's fine is \$100). There is a tightening of the warnings, notifications and citation procedures, and additional portions giving new buyers time to remediate existing blight problems.

Shawn Stillman from the Unit responded to Council questions regarding rules and current practice for entering a residence and ways this ordinance will assist with interior blight.

The motion carried unanimously.

Adjourn

There being no further business before the committee, a motion was made by Fred Visconti and seconded by Vinny DiGilio to adjourn. The Motion carried unanimously. The meeting ended at 10:08 p.m.

Respectfully submitted,

Lori Goor
Recording Secretary

COPY SHOWING DELETIONS AND NEW LANGUAGE

ARTICLE VI. PREVENTION OF HOUSING BLIGHT

Sec. 10-91. Declaration of Policy.

- (a) ~~CODE SECTIONS 10-91 THROUGH 10-98 OF This Article VI ARE~~ is enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H).
- (b) It is hereby found and declared that there exist within the City of Danbury, real properties which contain vacant, abandoned or blighted buildings and the existence of said buildings contributes to the decline of City neighborhoods. It is further found that the existence of such vacant, abandoned or blighted buildings 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. It is further found that many of the vacant, abandoned or blighted buildings can be rehabilitated, reconstructed, demolished or reused to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, demolition or reuse would eliminate, remedy and prevent the adverse conditions described.
- (c) It is hereby further found that while certain and other administrative remedies presently exist to remediate serious housing deficiencies, including blighted conditions, the adoption of this ordinance has been enabled by State law to permit the remediation of specific and unacceptable housing conditions deemed by the City as blighted.

Sec. 10-92. Definitions.

Abandoned shall mean a dwelling or unit which, by any observation has been relinquished and is vacant.

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

Blighted Premises shall mean any building or structure or any portion of said property that is defined by one (1) or more of the following definitions:

- (1) It is determined by the City 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 maintained; the following factors may be considered in determining whether a structure or building is not being maintained; missing or boarded windows or doors; a collapsing or missing wall; sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damaged; a foundation that is seriously damaged or missing; a foundation that is structurally faulty; or garbage, trash or abandoned cars situated on the premises;
- (3) It is becoming dilapidated or unsafe, as determined by the Building Official;
- (4) It has attracted illegal activity, as determined by the Chief of Police;
- (5) It is a fire hazard, as determined by the Fire Marshall;

- (6) It is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition INCLUDING A SUBSTANTIAL AND UNREASONABLE INTERFERENCE WITH THE REASONABLE AND LAWFUL USE AND ENJOYMENT OF OTHER PREMISES WITHIN THE NEIGHBORHOOD AS DOCUMENTED BY NEIGHBORHOOD COMPLAINTS, OR CANCELLATION OF INSURANCE ON PROMIXATE PROPERTIES;
- (7) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or structure or of other premises within the neighborhood;
- (8) It constitutes a health or sanitary problem, as determined by the Health Director.

Dilapidated shall mean any building or structure or part thereof that would not qualify for a certificate of use and occupancy or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building Code or the Code of the City of Danbury.

Legal occupancy shall mean occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes pertaining to housing, and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.

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 800 feet of any part of another parcel or lot within the City limits.

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

Vacant shall mean a building or structure which has been unoccupied for a period of sixty (60) days or longer, during which the building or portion thereof is not legally occupied. Pursuant to the provision of this ordinance, enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls within the condition generally described in section 10-91 hereof.

Sec. 10-93. Prohibition against creation or maintenance of a blighted 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 premises to be created, nor shall any such individual or entity allow the continued existence of A blighted premises.

Sec. 10-94. DUTIES OF UNIFIED NEIGHBORHOOD INSPECTION TEAM. -Blight Inspector-

- (a) THE UNIFIED NEIGHBORHOOD INSPECTION TEAM ("UNIT") ~~There shall be within the office of the City of Danbury building official a blight inspector who shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of~~ CODE SECTIONS 10-91 THROUGH 10-98 this Article and shall cause regular inspections to be made of all blighted premises, IN ACCORDANCE WITH ALL APPLICABLE LAW.

- (b) ~~ANY MEMBER OF THE UNIT MAY~~ The blight inspector is authorized, IN ACCORDANCE WITH ALL APPLICABLE LAW, to enter upon ANY BLIGHTED PREMISES EXISTING ON private property, in accordance with all applicable law, between 8AM and 5PM Monday through Friday any premises which has been determined by preliminary observation to be in violation of the provisions hereof.
- (c) ~~The UNIT blight inspector shall report directly to the building official and to the mayor~~ REGARDING ITS ENFORCEMENT OF CODE SECTIONS 10-91 THROUGH 10-98.

Sec. 10-95. Creation and Certification of list of blighted properties.

- (a) Immediately upon enactment of this ordinance, the mayor shall require all department heads to provide TO THE UNIT a list of real properties they are aware of that appear to be blighted, ~~to the blight inspector and to the building official.~~
- (b) Within thirty (30) days of the receipt of said list the UNIT blight inspector shall, utilizing the criteria established in section 10-92 hereof, AND SUCH ADDITIONAL STANDARDS AND SUCH OTHER CRITERIA AS HERINAFTER ADOPTED BY THE UNIT, compile a list of blighted premises. The UNIT, blight inspector shall as new information is reported, review and update the list. THE UNIT SHALL CONSULT WITH THE BUILDING OFFICIAL REGARDING THE LIST OF BLIGHTED PREMISES AND RECEIVE ADVICE AND RECOMMENDATIONS FROM THE BUILDING OFFICIAL AND/OR THE CHIEF OF POLICE, FIRE MARSHAL OR HEALTH DIRECTOR, DEPENDANT UPON THE NATURE OF THE VIOLATION(S) AS DEFINED IN SECTION 10-92. PRIOR TO ISSUING ANY WRITTEN NOTICE AND WARNING OR CITATION.

Sec. 10-96. Owner Notification, enforcement and hearing.

- (a) Once the list of blighted properties has been generated, the UNIT blight inspector shall PROVIDE WRITTEN NOTICE AND WARNING OF ANY VIOLATION(S) TO THE OWNER AND TO THE OCCUPANT BY MAILING A WRITTEN NOTICE TO THE OWNER AND THE OCCUPANT ~~issue written orders to the owners of such blighted premises notifying them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested. SUCH NOTICE SHALL SET FORTH THE SPECIFIC VIOLATION(S) AND PROVIDE THE OWNER AND THE OCCUPANT WITH A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF THE MAILING OF THE NOTICE TO REMEDIATE THE BLIGHT PRIOR TO ANY ENFORCEMENT ACTION BEING TAKEN,~~ 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 blight and, if applicable, whether the property has been determined to be abandoned
- (b) ONCE THE WRITTEN NOTICE AND WARNING REQUIRED BY SECTION 10-96(a) HAS BEEN MAILED AND THE TIME PERIOD FOR REMEDIATION HAS ELAPSED WITH NO REMEDIATION OCCURRING, THE UNIT SHALL ISSUE WRITTEN ORDERS TO THE OWNER AND TO THE OCCUPANT 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 AND THE OCCUPANT, 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 CURCULATION WITHIN THE COMMUNITY, STATING THAT THE PROPERTY IS CITED FOR BLIGHT.

(c) Said written order from the UNIT-Blight Inspector shall direct the owner AND THE OCCUPANT to remediate the blighted premises in a manner and within SUCH REASONABLE the time AS IS specified in said order. If such remediation does not occur within the time frame and in the manner specified, the UNIT blight-inspector is authorized to assess a CIVIL PENALTY AS DESCRIBED IN SECTION 10-97(a) BELOW, fine, or that maximum fine permitted by statute, for each day of non compliance, and ALSO shall also notify the owner AND THE OCCUPANT that the City MAY shall remediate the blight and assess the owner of the property for all costs associated with such remediation, OR SUCH OTHER ADDITIONAL FINES AS MAY BE AUTHORIZED OR IMPOSED BY THE STATE FOR A WILLFUL VIOLATION AS DESCRIBED IN SECTION 10-97(b) BELOW.

(e) (d) ANY PERSON WHO IS A NEW OWNER OR NEW OCCUPANT SHALL, UPON REQUEST, BE GRANTED A THIRTY (30) DAY EXTENSION OF THE NOTICE AND OPPORTUNITY TO REMEDIATE PROVIDED PURSUANT TO SECTION 10-96(a). FOR PURPOSES OF THIS SECTION "NEW OWNER" MEANS ANY PERSON WHO HAS TAKEN OCCUPANCY OF A PROPERTY WITHIN THIRTY (30) DAYS OF THE NOTICE.

(d) (e) In the event of non compliance and/or City remediation of the subject property, the UNIT blight inspector shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued CIVIL PENALTIES, fines and costs of remediation. Further action to collect CIVIL PENALTIES, fines and/or costs shall be in accordance with procedures set forth in Section 12-35 of the Code of Ordinances pertaining to enforcement, appeals and hearing.

Sec. 10-97. PENALTIES; ENFORCEMENT; APPEALS; LIENS; WAIVERS; TAX DEFERRALS
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 CIVIL PENALTY fine of UP TO one hundred (\$100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with section 10-96 hereof.

(a)(b) IN ACCORDANCE WITH THE AUTHORITY SET FORTH IN CONNNECTICUT GENERAL STAUTES SECTION 7-148o AS MAY BE AMENDED FROM TIME TO TIME, A PENALTY OF NOT MORE THAT TWO HUNDRED FIFTY DOLLARS (\$250.00) FINED BY THE STATE IS PRESCRIBED FOR EACH DAY A WILLFUL VIOLATION CAN BE SHOWN.

(b)(c) (c) The collection of CIVIL PENALTLIES-fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Section 12-35 of the Code of Ordinances of the City of Danbury.

(e)(d) In accordance with authority set forth in Connecticut General Statutes section 7-148aa, may be amended from time to time, any unpaid CIVIL PENALTYfine-imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate against which the CIVIL PENALTYfine was imposed from the date of such CIVIL PENALTYfine. 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, INCLUDING

PURSUANT TO THE PROVISIONS OF CONNECTICUT GENERAL STATUTES
SECTION 12-169b.

~~(d)~~(e) As an incentive toward the full remediation of residential property designated blighted by the UNIT, ~~blight-inspector~~ 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 within 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-~~blight-inspector~~.

~~(e)~~(f) In addition to the incentive proposed in subsection ~~(ed)~~ hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in City of Danbury Ordinance 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)~~(g) For purposed 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 ~~(ed)~~ 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. 10-98. 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.

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

Deleted language is indicated by strikeouts.



ORDINANCE

17-6

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2014

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

ARTICLE VI. PREVENTION OF HOUSING BLIGHT

Sec. 10-91. Declaration of Policy.

- (a) Code sections 10-91 through 10-98 of Article VI are enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H).
- (b) It is hereby found and declared that there exist within the City of Danbury, real properties which contain vacant, abandoned or blighted buildings and the existence of said buildings contributes to the decline of City neighborhoods. It is further found that the existence of such vacant, abandoned or blighted buildings 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. It is further found that many of the vacant, abandoned or blighted buildings can be rehabilitated, reconstructed, demolished or reused to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, demolition or reuse would eliminate, remedy and prevent the adverse conditions described.
- (c) It is hereby further found that while certain and other administrative remedies presently exist to remediate serious housing deficiencies, including blighted conditions, the adoption of this ordinance has been enabled by State law to permit the remediation of specific and unacceptable housing conditions deemed by the City as blighted.

Sec. 10-92. Definitions.

Abandoned shall mean a dwelling or unit which, by any observation has been relinquished and is vacant.

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

Blighted Premises shall mean any building or structure or any portion of said property that is defined by one (1) or more of the following definitions:

- (1) It is determined by the City 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 maintained; the following factors may be considered in determining whether a structure or building is not being maintained; missing or boarded windows or doors; a collapsing or missing wall; sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damaged; a foundation that is seriously damaged or missing; a foundation that is structurally faulty; or garbage, trash or abandoned cars situated on the premises;

- (3) It is becoming dilapidated or unsafe, as determined by the Building Official;
- (4) It has attracted illegal activity, as determined by the Chief of Police;
- (5) It is a fire hazard, as determined by the Fire Marshall;
- (6) It is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition including a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on promixate properties;
- (7) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or structure or of other premises within the neighborhood;
- (8) It constitutes a health or sanitary problem, as determined by the Health Director.

Dilapidated shall mean any building or structure or part thereof that would not qualify for a certificate of use and occupancy or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building Code or the Code of the City of Danbury.

Legal occupancy shall mean occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes pertaining to housing, and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.

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 800 feet of any part of another parcel or lot within the City limits.

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

Vacant shall mean a building or structure which has been unoccupied for a period of sixty (60) days or longer, during which the building or portion thereof is not legally occupied. Pursuant to the provision of this ordinance, enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls within the condition generally described in Section 10-91 hereof.

Sec. 10-93. Prohibition against creation or maintenance of a blighted 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 premises to be created, nor shall any such individual or entity allow the continued existence of a blighted premises.

Sec. 10-94. 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 10-91 through 10-98 and shall cause regular inspections to be made of all blighted premises, in accordance with all applicable law.
- (b) Any member of the UNIT may, in accordance with all applicable law, enter upon any blighted premises existing on private property between 8am and 5pm 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 10-91 through 10-98.

Sec. 10-95. Creation and Certification of list of blighted properties.

- (a) Immediately upon enactment of this ordinance, the Mayor shall require all department heads to provide to the UNIT a list of real properties they are aware of that appear to be blighted.
- (b) Within thirty (30) days of the receipt of said list the UNIT shall, utilizing the criteria established in Section 10-92 hereof, and such additional standards and such other criteria as hereinafter adopted by the unit, compile a list of blighted premises. The UNIT, as new information is reported, shall review and update the list. The UNIT shall consult with the building official regarding the list of blighted premises and receive advice and recommendations from the building official and/or the chief of police, fire marshal or health director, dependant upon the nature of the violation(s) as defined in Section 10-92, prior to issuing any written notice and warning or citation.

Sec. 10-96. Owner Notification, enforcement and hearing.

- (a) Once the list of blighted properties has been generated, the UNIT shall provide written notice and warning of any violation(s) to the owner and to the occupant by mailing a written notice to the owner and the occupant by certified mail, return receipt requested. Such notice shall set forth the specific violation(s) and provide the owner and the occupant with a period of thirty (30) days from the date of the mailing of the notice to remediate the blight prior to any enforcement action being taken.
- (b) Once the written notice and warning required by Section 10-96(a) has been mailed and the time period for remediation has elapsed with no remediation occurring, the unit shall issue written orders to the owner and to the occupant 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 and the occupant, 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 blight.

- (c) Said written order from the UNIT shall direct the owner and the occupant to remediate the blighted premises in a manner and within such reasonable time as is 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 civil penalty as described in Section 10-97(a) below, for each day of non compliance, and also shall notify the owner and the occupant that the City may remediate the blight and assess the owner of the property for all costs associated with such remediation, or such other additional fines as may be authorized or imposed by the state for a willful violation as described in Section 10-97(b) below.
- (d) Any person who is a new owner or new occupant shall, upon request, be granted a thirty (30) day extension of the notice and opportunity to remediate provided pursuant to Section 10-96(a). For purposes of this section "new owner" means any person who has taken occupancy of a property within thirty (30) days of the notice.
- (e) In the event of non compliance and/or City remediation of the subject property, the UNIT shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued civil penalties, fines and costs of remediation. Further action to collect civil penalties, fines and/or costs shall be in accordance with procedures set forth in Section 12-35 of the Code of Ordinances pertaining to enforcement, appeals and hearing.

Sec. 10-97. Penalties; enforcement; appeals; liens; waivers; tax deferrals

- (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 civil penalty of up to one hundred (\$100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with Section 10-96 hereof.
- (b) In accordance with the authority set forth in Connecticut General Statutes Section 7-148o, as may be amended from time to time, a penalty of not more than two hundred fifty dollars (\$250.00) fined by the state is prescribed for each day a willful violation can be shown.
- (c) The collection of civil penalties imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Section 12-35 of the Code of Ordinances of the City of Danbury.
- (d) In accordance with authority set forth in Connecticut General Statutes Section 7-148aa, as may be amended from time to time, any unpaid civil penalty imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. 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, including pursuant to the provisions of Connecticut General Statutes Section 12-169b.
- (e) As an incentive toward the full remediation of residential property designated blighted 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 within 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.

- (f) In addition to the incentive proposed in subsection (e) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in City of Danbury Ordinance 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.
- (g) 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 (e) 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. 10-98. 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.