

**WOLCOTT TOWN COUNCIL
PUBLIC HEARING
TUESDAY, MARCH 15, 2011
Council Chambers
Wolcott Town Hall
6:30 P.M.
Page 1 of 4
MINUTES**

RECEIVED
9:15 a.m.
3-22-11

Dolores C. Slater

TOWN CLERK
WOLCOTT, CONN.

DRAFT

Note: These are summary minutes. A tape recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.

PUBLIC HEARING: PROPOSED ORDINANCE #95 'An Amended Ordinance Prohibiting Abandoned Inoperable and Unregistered Vehicles, Blighted Properties and Unightly Material and Equipment in Public View'

Chairman Santogatta called the Public Hearing to order at 6:30 p.m. with the Pledge of Allegiance, and attendance was taken.

MEMBERS PRESENT: Chairman Michael Santogatta, Vice-Chairman Steven Olmstead, Michael Bokon, David Valletta, Gale Mastrofrancesco, Francis Masi, Charles Marsella, Rachel Wisler, and Michael Perrone (arrived @ 6:52 p.m.)

MEMBERS ABSENT: None

ALSO PRESENT: Mayor Thomas Dunn; Brian Tynan, Town Attorney; Mark Garrigus, Chairman, Inland Wetlands & Watercourses Commission; Richard Tucker, Vice-Chairman, Inland Wetlands & Watercourses Commission; Harry Hart; David Ingala; Mary Lou Reignier; et al.

CALL OF MEETING:

Mr. Masi read the following into the record:

TOWN OF WOLCOTT
PUBLIC NOTICE

Take notice that a Public Hearing of the Wolcott Town Council will be held at Wolcott Town Hall, 10 Kenea Ave., Wolcott, CT, in the Council Chambers, on Tuesday, March 15, 2011, at 6:30 p.m., for the purpose of obtaining public comment on proposed Ordinance #95, regarding blight, entitled 'An Amended Ordinance Prohibiting Abandoned Inoperable and Unregistered Vehicles, Blighted Properties and Unightly Material and Equipment in Public View'.

Copies of the proposed ordinance are available for inspection in the Town Clerk's Office. Copies will also be available on the night of the public hearing.

All interested citizens will have the opportunity to give written & oral comments at the hearing.

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Michael J. Santogatta, Chairman
Wolcott Town Council

Dated Wolcott, CT
March 8, 2011

Published one time: Waterbury Republican American Newspaper on TUESDAY,
MARCH 8, 2011

CORRESPONDENCE:

There was no written communication received.

PUBLIC COMMENT:

At this time, Chairman Santogatta requested that anyone that would like to comment to please raise their hand, and upon being recognized, come forward and state their name and address.

A summary of each speaker's comments is listed below.

- 1. Richard Tucker, of 40 Juniper Drive,** came forward to express his concerns regarding the proposed blight ordinance as it's presented this evening. He noted that he feels the intent of the ordinance is welcoming and long overdue, however, the definitions and the guidelines are numerous, vague, and subject to question. He expressed that if adopted as presented, this ordinance would open up a can of worms, and further expressed that the procedures for receiving complaints and enforcement of this ordinance are excessively time consuming and the penalties for the offenses are basically unreasonable and almost unenforceable. Mr. Tucker proceeded to give many examples of the types of problems he can foresee if the proposed ordinance is approved, and requested that the Town Council reexamine the ordinance, because as written, he feels that it is an invitation for lawsuits. Lastly, he stated that what also must be identified and clearly stated is who the person is who is going to effectively enforce this ordinance.
- 2. Harry Hart, of 47 Woodward Drive,** came forward to express his support of the proposed blight ordinance. He stated that if blight is not addressed, it spreads from isolated properties, to adjacent properties, to entire neighborhoods. It can damage a community through unsold homes, reduced property values, and lost owner equity. In addition, it creates unnecessary stress and affects quality of life for those who have to live next to it. The Town needs this ordinance now, because it has been demonstrated to him over the past five years, that the Town

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does not have the administrative tools necessary to address blighted properties. He noted that town employees who he has worked with are empathetic to their pleas, however, they say there is little they can do to help. Once enacted, it will be the Town's responsibility to efficiently and effectively utilize the new ordinance to protect property values in Wolcott. Lastly, he thanked the Town Council for hearing the plight of property owners such as himself, and especially to the Chairman for his leadership in this matter.

3. **Mark Garrigus, of 135 Garrigus Court**, came forward to express his concerns regarding the proposed blight ordinance as it's presented this evening. He agreed that its intent is great, however, he feels that there are issues with some definitions, and that there are many inconsistencies; he proceeded to point out the specifics of many of them and had questions regarding several areas of the ordinance. With respect to the three member citation board that the ordinance references, he stated that all other boards in town have a minimum of five members. Regarding the period of 30 days to correct a violation, he noted that if you visit Town Line Road, Nutmeg Valley Road, Tosun Road, and up Route 69, you can spend three months and many of those sites could still not be cleaned up according to the ordinance. Lastly, he questioned what the cost would be to the town with respect to legal fees, and also questioned if the blight enforcement officer is a new paid position.
4. **David Ingala, of 13 Catering Road**, came forward to express his support of the proposed blight ordinance. He stated that the ordinance is necessary, fair, good for the town, and well thought out. He commended all who have been involved in the process of creating it.
5. **Thomas Dunn, of 8 Pleasant Street**, came forward and expressed some concerns regarding the proposed ordinance. He noted that the ordinance calls for a paid citation officer, and also noted that there will be large costs involved if the properties end up in court; more funds would have to be placed in the budget for attorney fees and court costs. With respect to some of the items that are defined in the ordinance as blight, he expressed concerns with the following:
 - Cracks in a foundation
 - A cracked chimney
 - A dead tree in a yard
 - Dead bushes
 - Broken fence post

He noted that he is in favor of an ordinance, however, he has concerns about some of the language in it and how strong it is. He suggested that the ordinance be looked at again because if it is approved as it is written now, it will be very costly to the Town.

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- 6. Mary Lou Reignier, of 47 Finch Road,** came forward and stated that she would like to comment about the costs that would be incurred by the Town if this ordinance is passed. She inquired about what a homeowner does who has been paying a great deal of taxes in Wolcott and who has blighted properties next to them. She questioned what the cost is to them; their costs will never be realized when they try to sell their homes. She commented that things have deteriorated badly over the past few years on her road; old cars and a lot of debris. They are going to have a great deal of trouble selling their homes, and they certainly will not get the full value of what their home would be worth if not for the blight. She stated that measures must be taken to protect taxpayers' properties that are affected negatively by blight in their neighborhoods.
- 7. Rachel Wisler, of 14 Tunxis Road,** came forward to express her concerns regarding the proposed blight ordinance. She commented that she has reviewed the ordinance, in depth, and agrees that it is something that is needed however, this ordinance will open a can of worms for the town. She stated she believes a blight ordinance should attack gross negligence; the proposed ordinance seems to attack almost anything, including minor infractions. It needs to stipulate more of the major offenses and the \$100 per day fine for each infraction would be extremely difficult to enforce and not realistic; that equals \$700 per week per infraction.

CLOSE PUBLIC HEARING:

Upon **MOTION** by Charles Marsella, seconded by Gale Mastrofrancesco, it was unanimously voted to **close** the Public Hearing at 7:10 p.m.

APPROVED:

Elizabeth Gaudiosi
Commission Secretary

Michael J. Santogatta, Chairman
WOLCOTT TOWN COUNCIL

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**Michael J. Santogatta, Chairman
Wolcott Town Council**

**Dated Wolcott, CT
March 8, 2011**

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**Michael J. Santogatta, Chairman
Wolcott Town Council
Dated Wolcott, CT
March 8, 2011
R-A March 8, 2011**

WOLCOTT TOWN COUNCIL

SIGN-IN SHEET

PUBLIC HEARING

Tuesday, March 15, 2011

NAME (Please Print)

ADDRESS (Please Print)

1. Richard Tucker 40 Juniper Dr.
2. Harry Harg 47 Woodward Dr
3. MARK GARRICK 135 GARRICK COURT.
4. David Ingala 13 Catering
5. Mary Lou Higgins
6. Rachel Wisler 14 Tunxis Rd.
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Proposed Ordinance #95

An Amended Ordinance Prohibiting Abandoned Inoperable, and Unregistered Vehicles, Blighted Properties and Unsightly Material and Equipment in Public View

PREAMBLE

Whereas, the storage of abandoned or inoperable and unregistered motor vehicle, blighted properties, motor vehicle parts and other unsightly materials in public view has a deleterious effect upon the value and enjoyment of properties nearby thus constituting a potential health and safety hazard to persons in neighborhoods and decrease in property values; and

Whereas, the storage and ownership of abandoned, inoperable and unregistered motor vehicles in open areas has the further effect of depriving the municipal authorities of an effective means of overseeing and collecting personal property taxes; and

Whereas, the purpose of this ordinance is to define, prohibit and abate blights, nuisances and to protect, preserve, promote public health, safety and welfare and to preserve and protect property values.

Whereas, the purpose of this ordinance is to amend the present ordinance (Town of Wolcott Ordinance No. 66) so as to place further restrictions on unregistered motor vehicles, define, prohibit and abate blighted premises and to prohibit unsightly material and equipment in public view so as to protect, and preserve public health, safety and welfare and to preserve and protect property values.

SECTION I DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Abandoned vehicle: Any unregistered, inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g. golf cart, snowmobile, water sled, all-terrain vehicle, etc.) boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment whether self-propelled or towed that is intentionally left, forsaken or deserted. Intent may be determined by an act or omission such as no use and lapse of time. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Missing or flat tires or wheels, or other missing parts necessary for locomotion;

- (3) Missing doors or windows;
- (4) Close proximity of grass or other vegetation or debris, indicating immobility;
- (5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or
- (6) Used for another purpose (e.g. storage).

Accumulating refuse: Refuse that accumulates on any private premises, business, lots, or abandoned property, and is not completely contained within trash or refuse storage bins, racks, or enclosures, or other containers as approved by the Town for such use.

Blight Enforcement officer: The Blight Enforcement Office shall be an individual or individuals appointed by the Mayor to enforce all provisions of this ordinance. The Blight Enforcement Officer is hereby authorized to take such enforcement actions as are specified in this ordinance.

Blighted premises: A Blighted Premises is identified as any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, in which at least one of the following additional conditions exists:

1. It has been determined by the Building Inspector, Chesprocott Sanitarian, Town Engineer, Zoning Enforcement Officer, or other appropriate official as designated by the Mayor acting within the scope of their authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the persons in the Town of Wolcott; or
2. The Fire Marshal has determined that a building or structure is a fire hazard, and/or it is a factor in operating a substantial and unreasonable interference with the use and enforcement of other premises within the surrounding area as documented by neighbor complaints; or
3. The property is in a state of disrepair or is becoming dilapidated ; or
4. The overall condition of the property is not being maintained which causes an unreasonable impact on the enjoyment of/or value of neighboring properties and stems from violations as expressed by adjoining property owners; or
5. The property is dilapidated, attracting illegal activity; or
6. Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or
7. Persistent occurrence of the premises not being maintained as evidenced by the existence, to a significant degree of:
 - (a) Missing, broken or boarded windows or doors; collapsing or deteriorating walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors; or

- (b) Exterior walls containing holes, breaks, loose, missing or rotting materials; or
- (c) Foundation walls containing open cracks and breaks; or
- (d) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain rust or other decay; or
- (e) Unrepaired fire or water damage; or
- (f) It has been vandalized, or otherwise damaged to the extent that it is a factor in depreciating property values in the neighborhood; or
- (g) Swimming pools, spas or architectural pools that are not properly maintained or are in a state of disrepair; or the accumulation of stagnant or unsanitary water; or
- (h) Display lights/fixtures or exterior signs in a broken or disassembled state; or
- (i) Rodent harborage and/or infestation; or
- (j) Garbage, trash or unused building materials improperly stored in dumpsters or accumulated on the premises; unauthorized outside storage or accumulation of junk, campers, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of more than one (1) unregistered and 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; or
- (k) In the case of fences, broken or rotted boards or in an otherwise dilapidated condition; or any other exterior condition reflecting a level of maintenance or which constitutes a blighting factor for adjacent property owners or occupant or which is an element leading to the progressive deterioration of the neighborhood; or
- (l) Abandoned motor vehicles on the premises unless properly permitted as a junkyard;
- (m) Overgrown brush, shrubs and weeds; or
- (n) Dead trees deemed hazardous to the public or to adjacent property, or subject to vermin infestation; or
- (o) Parking lots left in a state of disrepair or abandonment.

Capable individual: A person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age without physical or mental disability as defined herein.

Citation Hearing Board: A three member panel of electors who are Wolcott real property owners appointed by the Mayor to conduct hearings after submission of citations.

Connecticut General Statutes: Laws of the State of Connecticut, including any applicable amendments.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers, junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, or garbage which is in public view.

Disabled individual: In the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

Dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

Disrepair: In poor working order, dilapidated, decrepit or in an imminent state of collapse.

Infestation: The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use of disposition. Examples of which include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber. More than one (1) unregistered or inoperable vehicles constitute junk.

Junkyard: The storage or parking of one (1) or more unregistered or inoperable motor vehicles.

Garbage: (Also see Refuse, Rubbish). Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or the keeping of pets and other animals.

Legal occupancy: 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 rental agreement, a rent receipt or a utility statement.

Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by an apparatus propelled by an internal combustion engine.

Natural wooded state: Areas where trees and brush exist in their natural, un-landscaped state.

Nuisance:

- (1) Any public nuisance as defined by statute or ordinance.
- (2) Any attractive nuisance. An attractive nuisance is defined as the presence of any condition that may prove to be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned wells, shafts, basements, excavations, refrigerators, vehicles, lumber, and garbage, refuse, rubbish, and any structurally unsound fences or other structures.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (5) Fire hazards. Any situation, process, material, blocked/obstructed egress, or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property as determined by the Town of Wolcott fire marshal or his duly authorized agent.

Operator: Any person who runs or manages a commercial or industrial establishment.

Orderly fashion: Arranged in conforming to or exhibiting some regular order; systemic in regular or proper order.

Overgrown: Overrun with weeds, plants or grasses that have grown too large or thick.

Owner/Occupant: Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town of Wolcott.

Persistent: Existing or remaining in the same state for an indefinite period.

Person: Any individual, corporation, partnership, Limited Liability Company.

Premises: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The

term “premises” where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this article.

Proximate property: Any premises or parcel of land within One Thousand (1,000) feet of a blighted premises.

Public view: Visible from any public right-of-way or neighboring property, at grade level.

Putrescible: Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation and/or may result in the formation of foul-smelling products.

Reasonable: Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

Rubbish, garbage, refuse: Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

Sanitary Conditions: Free from filth and pathogens.

Structure: Any building, walls, dwelling, fence, swimming pool, or similarly constructed object.

Unit: Any space within a building that is or can be rented by tenant(s) for their sole use, and is intended to be a single and distinct space.

Vacant: 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.

SECTION II

Abandoned or Inoperable Motor Vehicles

- A. No person shall permit any abandoned or inoperable motor vehicles, owned by such person to remain parked or stored in public view within the limits of the Town of Wolcott.
- B. No person shall permit any unregistered motor vehicle, regardless of condition, to remain parked or stored in public view within the limits of the Town of Wolcott.
- C. No owner of a parcel of real property in the Town of Wolcott shall permit any such abandoned or inoperable vehicle to be parked or stored in public view on said owner’s parcel of property, and no owner of a parcel of real property in the Town of

Wolcott shall permit an unregistered motor vehicle to remain parked or stored in public view on said owner's parcel of property unless said real property is used for the sale or repair of motor vehicles pursuant to an appropriate license issued by the State of Connecticut or unless said owner of real property maintains or constructs a legally licensed junk yard.

- D. A motor vehicle which is in the process of being actively repaired and/or restored shall be exempt for a period of one year from the aforementioned prohibitions to the extent of one (1) vehicle per dwelling unit and/or property provided the possessor has: (1) notified the Wolcott Police Department in writing identifying the motor vehicle by owner, year, make, model and identification number, (2) keeps said vehicle covered with a suitable tarp or vehicle cover when no work is being performed thereon and (3) is on the Assessors list as a taxable motor vehicle.
- E. The Town of Wolcott, pursuant to Connecticut General Statutes Section 14-150a, as amended, hereby authorizes but does not require its duly appointed Blight Officer to order the removal of any abandoned, inoperable or unregistered motor vehicle. This shall only be authorized after the owner of the property on which such motor vehicle so remains is requested to remove said motor vehicle in writing or by newspaper notice and fails to do so 30 days after receipt of notice.

SECTION III

Prevention/Abatement of Blighted Premises

No owner/occupant of real property within the Town of Wolcott shall cause or allow blighted premises to be created, nor shall any owner/occupant allow the continued existence of blighted premises.

- A. No persons shall store or keep any unsightly material or equipment, as herein defined, owned by such person in an open area within the limits of the Town of Wolcott.
- B. No owner of real property in the Town of Wolcott shall permit any such unsightly material or equipment to be located or stored on said owner's property.
- C. It shall be the duty of all owner's and occupants of premises to keep the exterior of the premises and all structures thereon free of all abandoned/unregistered vehicles (unless the premises are a legal junkyard), nuisances, garbage, refuse, rubbish, and infestations. The exterior of every structure or accessory structure (including fences and walls) shall be maintained free of broken glass, loose shingles, damaged siding, crumbling stone or brick, or other condition reflective of deterioration or inadequate maintenance. The outside structure walls shall not have any holes, loose boards, or any broken, cracked or damaged siding that admits rain, cold air, dampness, rodents, insects or vermin. Every building shall be maintained as to be weather and watertight.

- D. Any building material or equipment intended for construction or improvement for which a valid building permit is in effect shall be exempt from this section of the ordinance. This section shall further not pertain to existing building supply yards or duly licensed contractor's yards, subject, however to all the provisions of the Wolcott Zoning Regulation and the Connecticut General Statutes.
- E. Garbage, refuse and rubbish for weekly pickup must be stored to maintain sanitary conditions and to minimize its exposure to public view. The rubbish and recycling set-out is allowed twelve (12) hours prior to the start of the designated collection day. Containers must be removed from curb/public sight within twelve (12) hours after collection of materials; or
- F. Where dumpsters are maintained for commercial enterprises it shall be the duty of every business owner to provide a place reasonably calculated to maintain sanitary conditions and to minimize its exposure to public view before transfer for safe and sanitary disposal. All dumpsters must maintain completely closed lids at all times; being opened only to allow deposit or withdrawal of refuse. All areas surrounding dumpsters shall be kept completely free from such refuse and debris. All dumpsters must be placed as far as possible from public view.

SECTION IV

Receipt of Complaint, Form of Warning

- (a) Any individual, affected by the action or inaction of an owner/occupant of property subject to the provisions of this ordinance may file a complaint of violation of this ordinance with a Blight Enforcement Officer. The Blight Enforcement Officer, upon his or her determination whether there is a violation of this ordinance, shall forward a Warning Notice to the owner/occupant at the time such determination has been made.
- (b) Such a Warning Notice from a Blight Enforcement Officer shall be issued prior to issuing a citation.
- (c) Such Warning Notice shall include:
 - (1) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
 - (2) A period of not more than thirty (30) days shall be allowed for the performance of any act required; and
 - (3) The amount of the fines, penalties, costs or fees that may be imposed for noncompliance shall apply for each infraction per day in the amount of One Hundred (\$100.00) dollars after the thirty (30) day period has expired.
- (d) The owner/occupant may not contest a warning before the Citation Hearing Board.

- (e) Delivery of a Warning Notice letter to the owner/occupant shall be by the following methods: (And preferably in this order)
- (1) By personal delivery to the owner/occupant; or
 - (2) By certified mail, return receipt requested, addressed to the owner/occupant at his last known address with postage prepared thereon; or
 - (3) By publication in a newspaper of general circulation within the Town of Wolcott one time.
- (f) Pursuant to Section 7-148qg of the Connecticut General Statutes, a copy of the warning Notice will be sent to all lien holders of record.

SECTION V

Enforcement

- (a) If the corrective actions specified in the Warning Notice letter are not taken, within 30 days the Blight Enforcement Officer shall issue a written Citation to the owner/occupant.
- (b) An owner/occupant may request a hearing after receiving a citation. Said owner/occupant must make his/her request for a hearing within ten (10) days of issuance of the citation. Said request shall be made in writing to the following: Citation Hearing Board, Town of Wolcott, Wolcott Town Hall, 10 Kenea Avenue, Wolcott, CT 06716. The Hearing shall be scheduled within (20) days of receipt of request for said Hearing. Fines shall be suspended until such Hearing is conducted and decision made.
- (c) The Citation Hearing Board is designated to conduct hearings in accordance with Connecticut General Statutes, Section 7-152c, Subsections (a) through (f), when requested by an owner/occupant who has been cited under this ordinance.
- (d) Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Blight Enforcement Officer. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the citation shall be deemed to have admitted liability, and the Blight Enforcement Officer or his/her designee shall certify such person's failure to respond. The Citation Hearing Board 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 Connecticut General Statutes, Section 7-152c(f).

- (e) Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held within thirty (30) calendar days from the date of the original request notice. All persons who filed complaints about the property in question shall also be notified and invited to testify at the Hearing. The Citation Hearing Board may grant a postponement or continuance for good cause. An original or certified copy of the citation and notice shall be filed and retained by the Blight Enforcement Officer.
- (f) Pending the hearing before the Citation Hearing Board, no further enforcement activity as contemplated by Section VII shall occur until either a hearing is held and the Citation Hearing Board assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Board assesses fines, penalties, costs and/or fees.

SECTION VI

Appointment of Citation Hearing Board

The Mayor shall appoint three Town residents to serve as a Citation Hearing Board to conduct hearings. Such members shall serve terms in accordance with the Wolcott Town Charter. Proceedings of the Citation Hearing Board shall be conducted in accordance with the laws of the State of Connecticut and any provisions of the Charter or ordinances of the Town generally applicable to its boards and commissions. No zoning enforcement officer, police officer, building inspector or employee of the Town may be appointed as a hearing officer under this ordinance.

SECTION VII

Penalties for offenses; prejudgment lien

- (a) The owner/occupant of premises where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or premises in which such violations exist may:
 - (1) Be fined not more than One Hundred (\$100.00) dollars for each violation. Each day that a violation exists after a citation as described in Section V is given to the owner/occupant shall constitute a new violation, and a fine may be imposed for each such violation; and/or
 - (2) Be required to abate the violation at the owner/occupant's expense.
- (b) A prejudgment lien on real estate may be imposed where the fine for violation of the blighted premises provisions of this ordinance not paid within thirty (30) days, despite proper notice to the person found liable. Any unpaid fine imposed by a municipality pursuant to the provisions of an ordinance regulating blight, adopted pursuant to Connecticut General Statutes, Section 7-148(c)(7)(H)(xv), 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 the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after (July 1, 1997), except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

- (c) In addition to all other remedies and any fines imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupier or other responsible person any and all costs and fees, including reasonable attorney's fees, expended by the Town of Wolcott in enforcing the provisions of this code.
- (d) Any funds so recovered under this ordinance shall be deposited into a separate "Blight Fund" to be used solely for the future enforcement or abatement of blighted premises.

SECTION VIII

MUNICIPAL ABATEMENT

1. In the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant or person in control of real property to appeal from the issuance of said citation, or by such appeal being sustained, the Town of Wolcott, acting through its designated Enforcement Officer issuing such notice of violation, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant or person responsible for such property, and the Town Attorney may bring an action to recover all such costs and expenses incurred.
2. If the owner, agent, tenant or responsible person fails to correct the violations, the Town of Wolcott may take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the nuisance at any time after giving notice to the property owner.
3. The Wolcott Town Council Pursuant to Connecticut General Statutes Section 7-148ff may provide a special assessment on housing that is blighted.
4. The Blight Officer may designate an agent or agents who shall have the right to enter property during reasonable hours for the purpose of remediation blighted conditions. However said agent or agents shall not be allowed to enter any dwelling house or other structure.

SECTION IX

Appeals; Special Consideration

- (a) Any person aggrieved by any order, requirement or decision of the Citation Hearing Board may take an appeal in accordance with Connecticut General Statutes, Section 7-152c(g).
- (b) Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly (an individual over the age of sixty-five) or disabled and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein.
- (c) Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this code.

SECTION X

Severability

In the event that any part or portion of this ordinance is declared invalid for any reason, all the other provisions of this ordinance shall remain in full force and effect.

Construal of Terms and Provisions

- (a) Where terms are specifically defined or the meaning of such terms is clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.
- (b) Where terms are not specifically defined in this chapter, they shall have their ordinarily accepted meaning or such meaning as the context may imply.
- (c) The provisions of this ordinance shall not be construed to prevent the enforcement of other ordinances of the Town of Wolcott.
- (d) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Wolcott Charter or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Wolcott, shall prevail.

This ordinance was adopted at a Regular Meeting by the Wolcott Town Council on April 5, 2011 and becomes effective on May 6, 2011.

Thomas G. Dunn, Mayor
Town of Wolcott

Michael J. Santogatta, Chairman
Wolcott Town Council

Date

Date

CERTIFICATION

I, Dolores C. Slater, Town Clerk for the Town of Wolcott, do hereby certify that the above is a true and correct copy of Ordinance #95 adopted by the Town Council at its regular meeting on April 5, 2011, in which a quorum was present and acting throughout and that the ordinance has not been modified, rescinded, or revoked and is at present in full force and effect.

Dolores C. Slater, Town Clerk

Date

Public Hearing Date: March 15, 2011

Adopted by Town Council: April 5, 2011

Date Published: April 15, 2011

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Effective Date: May 6, 2011

(21 days after publication)