

# **Ordinance No. 99**

## **Ordinance No. 99 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 adversely affects the economic well-being of the Town; and

WHEREAS, the storage and ownership of abandoned, inoperable and unregistered motor vehicles in public view 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 the economic well-being of the Town.

WHEREAS, the purpose of this ordinance is to **repeal Wolcott Ordinance No. 95 and No. 66, and No. 56**, and to replace them with the instant ordinance in order to establish a Citation Advisory Board, implement additional administrative procedures, and enact further provisions and 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 the economic well-being of the Town.

### **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 Officer, from the Wolcott Police Department, shall be an individual or individuals appointed by the Mayor of Wolcott 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) 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
- d) Unrepaired fire or water damage after appropriate official authorization; or
- e) It has been vandalized, or otherwise damaged to the extent that it is a factor in depreciating property values in the neighborhood; or
- f) 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
- g) Display lights/fixtures or exterior signs in a broken or disassembled state; or
- h) Rodent harborage and/or infestation; or
- i) 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
- j) 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
- k) Abandoned motor vehicles on the premises; or
- l) 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 Advisory Board:** A five member panel of Wolcott electors who are appointed by the Mayor to provide non-binding advice and consultation to the Blight Enforcement Officer, and to review with said Officer the various properties that are the subject, or potential subject, of a determination by the Blight Enforcement Officer that a violation of this ordinance exists.

**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.

**Hearing Officer:** Those individuals appointed by the Mayor to conduct hearings in accordance with this ordinance.

**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.

**Garbage:** (See also 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 hazardous materials or liquids that 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.

***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.

***Persistent Offender:*** A Person who has been issued a Warning Notice or Citation on three (3) or more occasions over the preceding two (2) year period regarding the same Premises.

***Person:*** Any individual, corporation, partnership, or 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, 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**

1. No person shall permit any abandoned or more than one inoperable motor vehicles, owned by such person to remain parked or stored in public view within the limits of the Town of Wolcott.
2. 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.
3. No owner/occupant 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/occupant'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/occupant'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.

4. 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.
5. 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/occupant 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 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 and shall further comply with the following:

1. No persons shall store or keep any unsightly material or equipment, as herein defined, owned by such person in public view within the limits of the Town of Wolcott.
2. No owner/occupant of real property in the Town of Wolcott shall permit any such unsightly material or equipment to be located or stored on said owner/occupant's property.
3. It shall be the duty of all owners/occupants of premises to keep the exterior of the premises and all structures thereon free of all abandoned/unregistered vehicles, 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.
4. 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 subject, however to all the provisions of the Wolcott Zoning Regulation and the Connecticut General Statutes.

5. 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
6. 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**

1. 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 the Blight Enforcement Officer. Complaints shall be addressed to the Blight Enforcement Officer c/o the Wolcott Police Department, 225 Nichols Road; Wolcott, CT 06716, and shall state with specificity the nature of the alleged violation and can be signed by the Complainant or submitted anonymously, and dated. 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. Additionally, the Blight Enforcement Office shall have the right on his/her own, without the need for a complaint filed by a third party, to make a determination that one or more violations exist with respect to a particular property and, in such instance, may forward a Warning Notice to the owner/occupant of such property at the time such determination has been made, in the form and manner prescribed by this ordinance.
2. Such a Warning Notice from a Blight Enforcement Officer shall be issued prior to issuing a Citation and shall include notification that the owner/occupant shall have the right to attend the next scheduled meeting of the Citation Advisory Board to address the Warning Notice and property conditions set forth therein.
3. Such Warning Notice shall include:
  - a) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist, and the remedial action required.

- b) Warning that if proper remedial action is not taken within thirty (30) days of the issuance of the Warning Notice, or in the event of a Persistent Offender, fifteen (15) days, the respondent shall be susceptible to further penalties and costs as laid out in Section IV (3) (c) below.
  - c) Notification that the amount of the fines, costs or fees that may be imposed for noncompliance shall apply for each violation per day in the amount of One Hundred (\$100.00) dollars after the thirty (30) day period has expired, or fifteen (15) days in the case of a Persistent Offender, and in the event the violation is willful, that the State of Connecticut can issue a fine in the amount of Two Hundred-Fifty (\$250.00) Dollars for each day that it can be shown, based on the actual inspection of the property on each day, that the blighted condition continue to exist, and such conduct shall constitute a criminal violation pursuant to Connecticut General Statutes § 53a-27.
  - d) Notification that if the owner/occupant of the property fails to take proper remedial action, the Town of Wolcott may invoke the procedures set forth in Section VIII of this ordinance to remediate the blighted conditions and assess all costs incurred against the owner/occupant of the property.
4. The owner/occupant shall have the right to address the Warning Notice before the Citation Advisory Board at its next scheduled meeting as set forth above.
  5. Delivery of a Warning Notice letter to the owner/occupant shall be by the following methods: (and preferably in this order)
    - a) By personal delivery to the owner/occupant; or
    - b) By certified mail, return receipt requested, addressed to the owner/occupant at his last known address with postage prepaid thereon; or
    - c) By publication in a newspaper of general circulation within the Town of Wolcott one time.
  6. Pursuant to Section 7-148gg of the Connecticut General Statutes, a copy of the Warning Notice will be sent to all lien holders of record.
  7. The Blight Enforcement Officer shall have the right, in his or her discretion, to extend the period of time set forth in the Warning Notice within which to complete the remedial action required thereunder.

## **SECTION V: ENFORCEMENT**

1. If the corrective actions specified in the Warning Notice are not taken, within thirty (30) days, or within fifteen (15) days in the case of a Persistent Offender, as may have been extended, the Blight Enforcement Officer shall be empowered to issue a written Citation to the owner/occupant. Such Citation shall be delivered in the manner as a Written Notice as set forth in Section IV (5) above and shall inform the owner/occupant of the blighted premises of the following: (a) that the property owner/occupant is being penalized One Hundred (\$100.00) Dollars per violation per day for each violation of this ordinance that exists on the blighted premises after the remediation time period set forth on the Warning Notice; and (b) that the owner/occupant of the blighted premises shall have fifteen (15) days from the date of the Citation was issued to pay the fines on an uncontested basis and that such fines shall continue to accrue until paid in full.
2. If the owner/occupant of the blighted premises fails to pay the fine on an uncontested basis by the date set forth in the Citation, the Blight Enforcement Officer shall issue a failure to pay notice ("Failure to Pay Notice") within twelve (12) months of the expiration of the final period for the uncontested payment of fines set forth in the Citation, which shall contain at a minimum the following: (a) the allegations against the owner/occupant of the blighted premises and the current amount of the fines costs or fees due; (b) that the owner/occupant of the blighted premises may contest liability before a citation Hearing Officer by delivering written request for such a hearing in person or by mail to the Blight Enforcement Officer and the Wolcott Town Clerk within ten (10) days of the date of the issuance of the Failure to Pay Notice; (c) that if the owner/occupant of the blighted premises does not demand such a hearing, an assessment and judgment shall be entered against him; and (d) that such judgment shall issue without further notice.
3. An owner/occupant may request a hearing after receiving the Failure to Pay Notice as noted above in Section V(2).
4. The Hearing Officer(s) appointed hereunder is designated to conduct hearings in accordance with Connecticut General Statutes Section 7-152c, subsections (a) through (f), when an owner/occupant has been cited under this ordinance.
5. Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, 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 pay the full amount of the fines, costs or fees or deliver or mail written demand for a hearing within ten (10) days of the issuance of the Failure to Pay Notice shall be deemed to have admitted liability, and the Blight Enforcement Officer or his/her designee shall certify such person's failure to respond and forward such certification to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines, costs or fees provided for herein and shall follow the procedures set forth in Connecticut General

Statutes, Section 7-152c(f).

6. 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 fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial Warning Notice of violation issued by the Blight Enforcement Officer shall be filed and retained by the Town 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. The presence of the Blight Enforcement Officer shall be required at the hearing if such person so requests. A person wishing to contest liability shall appear at the hearing and may present evidence on his/her behalf. A designated municipal official as determined by the Mayor or his/her designee, other than the Hearing Officer, may present evidence on behalf of the Town. If such person fails to appear, the Hearing Officer may enter an assessment by default against such person upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person 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. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as deemed fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce a decision at the end of the hearing. If it is determined that the person is not liable, the matter shall be dismissed and the Hearing Officer shall enter such determination in writing accordingly. If the Hearing Officer determines that the person is liable for the violation, such Officer shall forthwith enter and assess the fines, costs or fees against such person as set forth in this Ordinance. In the event such assessment is not paid on the date of entry of such assessment, the Hearing Officer shall follow the procedures set forth in Connecticut General Statutes Section 7-152c(f).
7. Pending the hearing before the Hearing Officer, no further enforcement activity with respect to the outstanding Failure to Pay Notice as contemplated by Section VII shall occur until either a hearing is held and the Hearing Officer assesses fines, costs and/or fees, or until the petitioner fails to request, or to appear for, a scheduled hearing and the Hearing Officer assesses fines, costs and/or fees.

**SECTION VI: APPOINTMENT OF HEARING OFFICERS AND CITATION ADVISORY BOARD**

1. The Mayor shall appoint one or more Hearing Officers to conduct hearings in accordance with this ordinance. Proceedings before such Hearing Officers 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, member of the Citation Advisory Board or employee of the Town

may be appointed as a Hearing Officer under this ordinance.

2. The Mayor shall appoint five Town residents who are electors to serve as a Citation Advisory Board to provide non-binding advice and consultation to the Blight Enforcement Officer, to review with said Officer the various properties that are the subject, or potential subject, of a determination that a violation of this ordinance exists, and to further assist the Officer in obtaining a voluntary resolution of violations of this ordinance without the need for a Citation or a hearing. Such members shall serve terms in accordance with the Wolcott Town Charter. The current members of the Citation Hearing Board shall serve the remainder of their terms as members of the Citation Advisory Board. Proceedings of the Citation Advisory Board shall be conducted in accordance with the laws of the State of Connecticut and any provisions of the Wolcott Town Charter and Town ordinances generally applicable to its boards and commissions.

#### **SECTION VII: FINES FOR OFFENSES; PREJUDGMENT LIEN**

1. 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:
  - a) Be subject to a fine of not more than One Hundred (\$100.00) dollars for each violation. Each day that a violation continues to exist after a Citation as described in Section V is given to the owner/occupant shall constitute a new violation, and a new fine of One Hundred (\$100.00) dollars may be imposed for each day each such violation exists; and/or
  - b) In the event the violation is willful, be fined by the State of Connecticut Two Hundred-Fifty (\$250.00) Dollars for each day that it can be shown, based on the actual inspection of the property on each day, that the blighted condition continued to exist. Such violation shall also constitute a violation under Connecticut General Statutes § 53a-27 and be subject to criminal fines; and/or
  - c) Be required to abate the violation at the owner/occupant's expense.
2. A prejudgment lien on real estate may be imposed where the fine for violation of the blighted premises provisions of this ordinance is not paid within thirty (30) days, despite proper notice to the person found liable. Any unpaid fines imposed under this ordinance 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.

3. 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 ordinance and/or remediating the cited violations.
4. 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/occupant of real property shall fail to abate or correct any violation specified in any Warning Notice within the time period set forth therein, or as may be extended, the Town of Wolcott, acting through its designated Blight Enforcement Officer issuing such Warning Notice, may cause or take such action as is necessary to correct such violations as set forth in said Warning Notice. The cost to take such action shall be a civil claim by the Town against such owner/occupant, and the Wolcott Town Attorney or his/her designee may bring an action to recover all such costs and expenses incurred. Further, the cost to take such action shall be deemed a fine and shall constitute a lien on the property in accordance with Section VII (2) above.
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. Pursuant to Public Act 10-152, the Blight Enforcement Officer may designate an agent or agents who shall have the right to enter property during reasonable hours for the purpose of remediating blighted conditions. However, said agent or agents shall not be allowed to enter any dwelling, house or other structure.

### **SECTION IX: APPEALS; SPECIAL CONSIDERATION**

1. Any person aggrieved by any order, requirement or decision of a Hearing Officer may take an appeal therefrom in accordance with Connecticut General Statutes, Section 7-152c(g).
2. 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.

3. 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 ordinance.

#### **SECTION X: SEVERABILITY**

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

#### **SECTION XI: CONSTRUUAL OF TERMS AND PROVISIONS**

1. Where a term is specifically defined or the meaning of such term is clearly indicated by its context, that meaning is to be used in the interpretation of this ordinance.
2. Where a term is not specifically defined in this chapter, it shall have its ordinarily accepted meaning or such meaning as the context may imply.
3. The provisions of this ordinance shall not be construed to prevent the enforcement of other ordinances of the Town of Wolcott.
4. 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 of the Wolcott Town Council on December 20, 2022.

Rachel Wisler

Rachel Wisler, Chairman  
Wolcott Town Council

Thomas G. Dunn

Thomas G. Dunn, Mayor  
Town of Wolcott

12/20/2022

Date

12-21-2022

Date

**CERTIFICATION**

I, Karen Mowad, Town Clerk for the Town of Wolcott, do hereby certify that the above is a true and correct copy of Ordinance #99 adopted by the Town Council at its Regular Meeting on **December 20, 2022**, in which a quorum was present and acting throughout and that the ordinance has not been modified, rescinded, or revoked.

Karen Mowad

Karen Mowad, Town Clerk

12-21-2022

Date

- Legal Notice/Public Hearing – Published / Republican American Newspaper: **December 13, 2022**
- Public Hearing Date: **December 20, 2022**
- Adopted by Town Council at Regular Meeting: **December 20, 2022**
- Legal Notice After Adoption – Published/Republican American Newspaper: **December 22, 2022**  
(within 10 days of final passage)
- Effective Date: **January 12, 2023**  
(21 days after publication)

**TOWN OF WOLCOTT  
NOTICE OF PUBLIC HEARING**

Take notice that the Wolcott Town Council has set a Public Hearing to be held on Tuesday, December 20, 2022 at 6:30 p.m., in the Town Council Chambers of the Wolcott Town Hall, 10 Kenea Avenue, Wolcott, CT, for the purpose of hearing Public Comment from all interested citizens regarding proposed revisions to the current Ordinance regarding Blight entitled 'Amended Ordinance #95 Prohibiting Abandoned, Inoperable and Unregistered Vehicles, Blighted Properties and Unsightly Material and Equipment in Public View'.

All interested citizens will have the opportunity to submit oral or written comments at the hearing.

A draft of the proposed revised ordinance repealing Wolcott Ordinance No. 95, No. 66, and No. 56. may be examined and obtained from the Town Clerk's Office at Wolcott Town Hall. It has also been placed on the Town of Wolcott website: [www.wolcottct.org](http://www.wolcottct.org)  
DIRECT LINK: <https://wolcottct.org/wp-content/uploads/2022/12/Proposed-Ord.-Redline-Web.pdf>

Copies will also be available at the Public Hearing.

Dated at Wolcott, CT December 13, 2022

Rachel Wisler, Chairman, Wolcott Town Council

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