

## 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 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 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 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 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 Hearing Board:** A five 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.

**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 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.

**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,

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 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.
- 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.
- 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 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 public view 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, 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 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 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 be signed by the Complainant 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.
- (b) Such a Warning Notice from a Blight Enforcement Officer shall be issued prior to issuing a citation, and the respondent shall be required to attend the next scheduled meeting of the Board.
- (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) If remedial action is not taken prior to the hearing, the respondent shall be susceptible to further penalties and costs as laid out in (3) below.
  - (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 contest the warning notice 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 Citation Hearing Board shall issue a written Citation to the owner/occupant.
- (b) An owner/occupant may request a hearing after receiving the warning notice.
- (c) The Citation Hearing Board 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.
- (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 of the next scheduled monthly meeting. 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 warning notice and citation shall be filed and retained by the Citation Hearing Board.
- (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 five 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 Blight Enforcement Officer issuing such citation, may cause or take such action as is necessary to correct such citation. 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. 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 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  
Thomas G. Dunn, Mayor  
Town of Wolcott

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

4-6-11  
Date

4-5-11  
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      4-6-2011  
Dolores C. Slater, Town Clerk      Date

**Public Hearing Date: March 15, 2011**

**Adopted by Town Council: April 5, 2011**

**Date Published: April 15, 2011**  
Wolcott Community News

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(21 days after publication)

