

## **TOWN OF ANDOVER**

### **BLIGHT ORDINANCE**

Section 1.1 **Purpose:** The purpose of this ordinance, adopted pursuant to Connecticut General Statutes sections 7-148(c)(7)(H)(xv), 7-148(c)(7)(E), 7-148(c)(10)(A), 7-148aa, and 7-152c is to **repeal, replace and enhance the Town of Andover Abandoned Property Blight Ordinance enacted in 2017**, define, prohibit and provide for abatement and remedy of blight on Town of Andover premises to preserve the public health, safety and welfare, and to protect property values in the Town of Andover.

Section 1.2 **Repeal and Replacement; Scope:** **This Ordinance repeals and replaces in its entirety the Town of Andover Abandoned Property Blight Ordinance enacted in 2017.** This ordinance applies to any parcel of land in the Town of Andover.

Section 1.3 **Definitions:** The following definitions apply in the interpretation and enforcement of this ordinance:

- A. **BLIGHT OR BLIGHTED.** Includes any of the following:
- i. Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured; which have been occupied by unauthorized persons or for illegal purposes; or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated or demolished in accordance with Connecticut State Building Code 117.1.1;
  - ii. Temporarily unoccupied buildings, structures, premises or portions thereof that are not secured in accordance with section 117.1.2 of the Connecticut State Building Code;
  - iii. Buildings whose exterior openings and interior openings accessible to other tenants or unauthorized persons are not boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals in accordance with Connecticut State building code 117.2.1;
  - iv. A structure that is dilapidated or decayed and which presents a hazard to the public, including danger of structural collapse or fire spread to adjacent properties, or open pits or trenches.
  - v. Dead, decayed, diseased or damaged trees constituting a hazard or danger to person or property;
  - vi. Premises containing accumulated debris, not including compost piles or piles of grass and brush which are not visible from a public right-of-way and do not otherwise constitute a public health or safety hazard;

- B. 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, junk comprised of equipment such as automobiles, boats, and recreational 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, trash and garbage which are in the public view;
- C. DECAY OR DECAYED. A wasting or wearing away; a gradual decline in strength, soundness or quality; decomposed, decayed or rotten, except as to a contained compost pile.
- D. DILAPIDATED. Decayed beyond reasonable repair.
- E. OWNER. Any natural or legal person having an ownership interest in premises or structures that are subject to this ordinance. "Owner" includes a "registrant" as defined in Connecticut General Statutes §7-148hh(1).
- F. PREMISES. Any parcel of land located within the Town of Andover.
- G. STRUCTURE. Any building, dwelling, shed or similar unit that is enclosed in whole or in part.

**Section 1.4 Prohibition against Creation or Maintenance of Blight**. Each owner of premises or any structure subject to this ordinance shall comply with its provisions and shall not cause or allow such premises or structure to become blighted or to remain in a blighted condition. These obligations exist jointly and severally upon affected owners.

**Section 1.5 Minimum Standards**.

- A. This ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations that prescribe standards other than are provided herein.
- B. 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 code of the Town or the State, the provision that establishes the higher standard for the protection, preservation and promotion of public health, safety and welfare and the preservation and protection of property values shall prevail.

**Section 1.6 Designation and Authority of Blight Enforcement Officer**. The Town's Zoning Enforcement Officer shall be the Blight Enforcement Officer, responsible

for interpreting and enforcing this ordinance. The Blight Enforcement Officer is granted the authority necessary to enforce the provisions of this ordinance.

**Section 1.7 Complaints. Notice of Violation(s).**

A. Signed, written complaints on forms provided by the Town may be submitted to the Blight Enforcement Officer. The Blight Enforcement Officer may enforce the provisions of this ordinance without having received a signed, written complaint.

B. If the Blight Enforcement Officer determines that there has been a violation of this ordinance, the officer shall cause notice of the violation to be given to the owner or owners of the premises upon which the violation exists, as provided below. Such notice shall be sent to the owner's current or last known address stated in the Tax Collector's office or, as applicable, to the registration address provided under Conn. Gen. Stat. § 7-148ii. Such notice shall:

- i. Be in writing;
- ii. Set forth the provision(s) of this ordinance that have been violated and the facts establishing such violation(s);
- iii. Specify a final date for the correction of any violation. Correction date is not to be less than fifteen (15 days) and not greater than ninety (90) days;
- iv. Be served upon the owner by both regular first class mail and certified mail, return receipt requested; and
- v. State that the penalties and enforcement provisions of this ordinance will become effective on the final date for correction of any violation, including any extension(s) thereof.

C. The Blight Enforcement Officer is required to issue only one notice of violation, even though there are multiple violations and even though the same violation may exist for multiple days.

**Section 1.8 Extension(s) of Correction Period.** Prior to the expiration of the correction period specified in the notice of violation, the owner of the premises receiving a notice may apply in writing to the Blight Enforcement Officer for an extension of the correction period. The Blight Enforcement Officer may in writing grant one extension of the correction period of no more than thirty (30) days if the officer determines that the owner is diligently working to remedy the blighted condition and that under the facts and circumstances an extension is reasonable. The Blight Enforcement Officer may provide one or more subsequent extensions only upon the approval of the Town Administrator.

**Section 1.9    Citations. Penalties. Hearings.**

- A.    If the blight condition is not corrected to the Blight Enforcement Officer's satisfaction by the conclusion of the final correction date, including any extension(s) thereof, the Blight Enforcement Officer shall issue a citation, which shall include the penalties set forth in this ordinance. The Blight Enforcement Officer is required to issue only one citation, even though there may be multiple violations that exist for multiple days.
- B.    Each violation of this ordinance shall be considered a separate municipal offense, and each separate offense shall be subject to a penalty of \$25 per day, commencing at the expiration of any extensions granted by the Blight Enforcement Officer or the Town Administrator, payable to the Town of Andover.
- C.    If the Town has adopted its own Hearing Procedure for Citations Ordinance authorized by Connecticut General Statutes section 7-152c, that ordinance shall constitute the official hearing procedure for citations issued under this ordinance and must be adhered to by the Town. If no such ordinance is in place, unless and until one is enacted, in lieu of such an ordinance the Town hereby adopts the hearing procedures fully set forth in Connecticut General Statutes § 7-152c, as amended, as its hearing procedure for citations issued under this ordinance.
- D.    As authorized by Connecticut General Statutes section 7-148aa, any unpaid penalty imposed on the owner of a blighted property pursuant to this ordinance shall constitute a lien on the real estate against which the penalty was imposed from the date of such penalty. 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 filed after July 1, 1997, and encumbrances except taxes and may be enforced in the same manner as property tax liens.

**Section 1.10    Appointment of Citation Hearing Officer.** Either under this ordinance or pursuant to a section 7-152c Hearing Procedure for Citations Ordinance if one is or becomes enacted and in place, the Town Administrator shall appoint one or more citation hearing officers to conduct the hearings provided by Section 1.9.C. of this ordinance. Neither the Blight Enforcement Officer nor any Town employee shall be appointed as a citation hearing officer under this ordinance.