

ARTICLE VII. ANTI-BLIGHT POLICY¹

Sec. 4-146. Declaration of policy.

This article is enacted pursuant to Section 7-148, C.G.S. et seq.

It is hereby found and declared that there may exist within the Town of Seymour (the "town") a number of both residential and commercial properties which are vacant and/or in a blighted and dilapidated condition and whose continued existence of such properties contributes to the decline of neighborhoods and or commercially developed areas. It is further found that the existence adversely affects the economic well-being of the town and is inimical to the health, safety and welfare of its residents.

(Ord. of 4-19-16(2), § 1, eff. 6-1-16)

Sec. 4-147. Creation or maintenance of the blighted premises or dilapidated building or structures prohibited.

No owner(s) of real property located in the town shall allow, create, maintain or cause to be created or maintained any blighted property or dilapidated building or structure. Any such owner(s) shall be obligated to comply with the provisions of this chapter and subject to the penalties for violation hereof.

(Ord. of 4-19-16(2), § 2, eff. 6-1-16)

Sec. 4-148. Definitions.

For purposes of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise.

Antique vehicle means a passenger car or truck that is at least 25 years old.

Blighted premises ~~Violation~~ means any building structure or parcel of land in or upon which at least one of the following conditions exist:

- (1) A building structure or parcel of land is in a condition which creates a serious threat to the safety, health, morals and/or general welfare of the community as determined by the blight enforcement officer, building inspector or zoning enforcement officer of the town;
- (2) Illegal activity is occurring as documented by the police department or other enforcement agency;
- (3) A fire hazard(s) as determined by the Fire marshal;
- (4) Missing, damaged or boarded windows or doors; damaged or missing gutters that create a hazard to a structure; damaged, decayed, physically deteriorated or missing siding or wall covering of 100 square feet or more of a wall section; collapsing or missing walls sections (including retaining walls that may

¹Editor's note(s)—an ordinance adopted Apr. 19, 2016, effective June 1, 2016, amended art. VII in its entirety to read as herein set out. Former art. VII, §§ 4-146—4-154, pertained to similar subject matter and derived from §§ 1—9 of an ordinance adopted Oct. 1, 2013. See the Code Comparative Table for prior derivation.

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represent a safety hazard), structural defects to roof sections or parts of wall sections, or roof coverings; walls or roofs in need of repair; any dilapidated building or structure or part thereof that does not qualify for a certificate of use and/or occupancy, or which is deemed an unsafe building or structure as defined by the CT State Building Code. Any dwelling or dwelling unit which is designated as unfit for habitation as defined in the State of Connecticut building code, Department of Public Health code and Town of Seymour Ordinances.

- (5) Structurally deficient foundations, retaining walls, stairways, porches, garages, outbuildings, or any other accessory building that exists in need of repair that falls within the ordinary public view;
- (6) Fencing that has not been maintained in good condition; All fences shall be maintained in good condition, free of significant rust, peeling paint, or other physical and/or structural damage. Repairs made to fences shall be of the same material as the existing fence.
- (7) Persistent and excessive amounts of debris, garbage, trash, ordinary household items, construction debris and/or miscellaneous mechanical parts located on the property within the ordinary public view; items listed above shall be contained to an approved refuse receptacle.
- (8) Chronically overgrown brush, grass, weeds or similar vegetation shall be regularly maintained and shall be kept from over taking any structure. Properties with a grass lawn shall not exceed a height of 18" or greater from June 10 through November 10 of the year.
- (9) Motor vehicles, recreational vehicles, trailers, mechanical equipment or vessels that are inoperable, ~~exist~~ and exist in a state of disrepair, are missing parts, and/or severely damaged components. Two or more abandoned or unregistered vehicles located on the property (unless the property is a junkyard licensed by the State of Connecticut) within the ordinary public view.
- (10) Any excessive open storage of mechanical parts within the ordinary public view;
- (11) The outdoor storage of indoor furniture and/or appliances within the ordinary public view;
- (12) Firewood which is not neatly stacked within the ordinary public view;

Capable individual means a person who can be reasonably expected to perform maintenance and yard work around a property or premises, which shall include children above 16 years of age, without a physical or mental disability as defined herein. (The town may request documentation to verify such disability.)

Elderly individual means an individual 65 years of age or older who does not have a household member available who is capable of providing necessary maintenance.

Hobby vehicle means a vehicle of any age, such as a fire truck or ambulance, retained and preserved as a hobby.

Individual with disability means, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for a mental or physical disability as defined under the Americans with Disabilities Act of 1990 and who does not have another household member capable of providing the necessary maintenance.

Low income individual means, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program.

Motor vehicle collector means a person who:

- (1) owns one or more antique or hobby vehicle(s).
- (2) Acquires, collects or disposes of an antique or hobby vehicle or vehicle parts for personal use to restore and preserve an antique or hobby vehicle of any age and because of its historic interest.

Neighborhood means an area of the town comprising premises or parcels of land any part of which is within a contiguous radius of 1,500 feet of any other parcel within the town.

New owner means any person, persons or entity who has taken title to a property within 30 days of the notice of violation.

Ordinary public view means the view from the average grade surrounding the subject property from public property, a public right-of-way or private property in reasonably close proximity to the subject property.

Vacant means a period of 60 days or longer during which space subject to this article is not legally occupied (except in the case where the property is properly secured and regularly maintained).

Days means calendar days Monday through Sunday.

(Ord. of 4-19-16(2), § 3, eff. 6-1-16)

Sec. 4-149. Enforcement.

- (a) The blight enforcement officer is charged with the enforcement of this article and may request assistance from the Building Inspector, Zoning Enforcement Officer, police department and/or the Fire Marshal.
- (b) The Town of Seymour actively enforces the blight ordinances adopted by the Board of Selectpersons for both residential and commercial properties alike. The Blight Enforcement Officer may initiate inspections and investigations based on observation of possible violations or public safety concerns related only to this ordinance. Complaints may be submitted to the Blight Enforcement Office by members of the public through the Town of Seymour's online portal, or received by mail service, or through hand delivery.

(1) Upon observation by the Blight Enforcement Officer or upon receiving a written complaint of a possible violation, signed by the complainant in his/her legal name, address and contact information.

(2) A complaint shall be submitted in writing in a manner as described above in section 4-149. Section (b) and signed by the complainant who shall be considered one of the following persons; a person residing in the Town of Seymour, an Owner of real property located within the Town of Seymour, or a Municipal Official of the Town of Seymour. Anonymous complaints will not be accepted.

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(Ord. of 4-19-16(2), § 4, eff. 6-1-16)

Sec. 4-150. Special consideration.

Special consideration shall be given to individuals who are elderly, disabled or active members of any branch of military service. If an individual is unable to maintain a reasonable level of property maintenance of an owner occupied residence and or property because he or she is an elderly individual or an individual with a disability and without any assistance of a capable person to help assist in the abatement of the blight order, the Town of Seymour shall give the person a reasonable amount of time to correct the blighted problem. Except as noted below, the blight enforcement officer shall provide a reasonable amount of time to correct a blight problem to a low income individual who owns and occupies a residence that is designated as blighted. The blight enforcement officer may request documentation to verify that an individual is elderly, disabled or has a low income status.

(Ord. of 4-19-16(2), § 5, eff. 6-1-16)

Sec. 4-151. Violations.

- (a) **Notice of Correction:** The blight enforcement officer upon identification of an alleged violation shall issue a "Notice of Correction" via regular first class mail and certified mail return, receipt requested, to the last known address of the owner(s). The owner(s) shall submit in writing a "corrective action" plan within fifteen (15) days of receipt of the notice. The "corrective action" plan shall represent a reasonable time frame (not to exceed 60 days) of all work to be completed on each alleged violation listed. If the alleged violation is not corrected and/or if the owner(s) fails to accept the "Notice of Correction", the blight enforcement officer shall then invoke the following provisions. If the owner(s) named in the "Notice of Correction" refuses to accept delivery by regular mail and/or certified mail, return receipt requested, delivery by CT. State Marshal may be used to serve the "Notice of Correction".
- (b) **Notice of Violation:** The Notice of Violation shall be issued by both regular and certified mail return, receipt requested, to the last known address of the owner(s). If the owner(s) named in the violation fails or refuses to accept delivery by regular mail and/or certified mail, return receipt requested, delivery by CT. State Marshal may be used to serve the "Notice of Violation". The notice of violation shall contain the following information:
- (1) The address of the affected property;
 - (2) The exact nature of the blight condition;
 - (3) A statement including the provisions of section 4-150 of this article;
 - (4) The time period allowed for remedial action shall not exceed fifteen (15) days.

~~(a) The owner(s) may submit in writing, a remediation plan that includes completion dates (not to exceed fifteen (15) days) for the specific blighted conditions listed in the violation notice for consideration by the Blight Enforcement Officer.~~

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(b) Owner(s) shall have the right to appeal the blight "Notice of Violation" to the town appointed appeal designee by submitting a written request to the Office of Land Use and Code Compliance within fifteen (15) days of receipt. The appeal hearing shall be held before a town appointed appeal designee not less than 15 days nor more than 30 days upon receipt of the appeal. The town appointed appeal designee shall render a decision sustaining or dismissing the order at the closure of the hearing.

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~~(b) Owner(s) shall have the right to appeal the Notice of Violation action of the blight enforcement officer by submitting a written request to the Blight Enforcement Officer, made payable to the Town of Seymour. Written requests shall be made within 30 days upon receipt or within 30 fourteen (14) FIFTEEN (15) days of the mailing via regular first class mail or certified return receipt. The hearing shall be held before a town appointed citation hearing officer not less than 15 days nor more than 30 days from the date of mailing of the notice. The town appointed hearing officer shall render a decision sustaining or dismissing the order at the closure of the hearing.~~

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- (5) The civil penalties for continued violation of this article;
- (6) That the town shall file a lien against the real estate in accordance with C.G.S. 7-148aa for the amount of any unpaid civil penalties or other fines imposed by the Town of Seymour in accordance with this Ordinance.
- (7) The name, email address and business telephone number of the blight enforcement officer.

(c) *Civil penalties.*

- (1) If the blight enforcement officer does not receive a response from the owner(s) from the aforementioned; Sec. 4-151. – Violations procedures (A) Notice of Correction and/or (B) Notice of Violation, a notice of citation shall be issued.
 - (2) The civil penalties on owner occupied properties shall accrue following the expiration of a fifteen (15) day period after the notice of violation has been issued and ~~for~~ delivered to the owner(s) of the property. The civil penalty for continuous violation of this article shall be \$150.00 for each day that a violation continues if such violation occurs at an occupied residential or commercial property. The civil penalty for continuous violation of this article shall be \$250.00 for each day that a violation continues if such violation occurs at a vacant residential or commercial property. The civil penalty of \$1,000.00 for each day that a violation continues at a property if such violation is the third or more such violation at such property during the prior twelve-month (12) period. In addition to the civil penalties, the property owner(s) shall be responsible for all costs associated with the violation, abatement of the property, including, but not limited to attorney's fees, court costs and mailing costs.
 - (3) Notwithstanding the foregoing, any transfer of ownership of a property that is in violation of this ordinance to any other Person, Persons or Entity to which takes Title of said property shall, upon request, be granted a 30-day extension of the notice and opportunity to remediate the violation.
 - (4) Upon application to the board of Selectpersons, the board, after the hearing and for just-cause shown, may reduce or abate civil penalties and costs imposed hereunder.
- (d) Any unpaid civil penalty or other fine imposed pursuant to the provisions of this Ordinance shall constitute a lien upon the real property against which the civil penalty or other fine was imposed from the date of such civil penalty or fine. Each such lien may be continued, recorded and released in the manner provided for in C.G.S. § 7-148aa. Each such lien shall take precedence over all other liens and encumbrances, except taxes, and may be enforced in the same manner as property taxes.
- (e) In the event that any Owner(s) 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(s) to appeal from the issuance of said citation, or by such appeal being sustained, the Town may cause or take such action as necessary to correct such violation. All costs and expenses of such corrective action shall be a lien upon the real estate. A certificate of lien shall be recorded in the Town Clerk's office within thirty (30) days after completion of such corrective action if all costs and expenses thereof are not reimbursed in full.

(Ord. of 4-19-16(2), § 6, eff. 6-1-16; Ord. of 9-22-22-, eff. 10-12-22)

Sec. 4-152. Citation procedures.

(a) *Issuance of citations.*

- (1) The First Selectperson of the town shall appoint one or more citation hearing officers, other than police officers or employees of the Town of Seymour or persons who issue citations, to conduct the hearings authorized by this section.
- (2) The Citation Notice shall be sent by both regular and certified mail return, receipt requested, to the last known address of the owner(s). If the owner(s) named in the violation fails or refuses to accept

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delivery by regular mail and/or certified mail, return receipt requested, delivery by CT. State Marshal may be used to serve the "Notice of Citation".

- (3) The owner(s) receiving a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine to the town. If the citation has been sent by regular mail pursuant to the provisions set forth above, the date and receipt of the citation shall be considered three business days after the mailing of the same.
- (4) If an owner(s) who has been issued a citation does not make uncontested payment of the civil penalty specified in the citation to the town within the time allowed under subsection (3) above, the town shall send a notice to the person cited informing him or her as follows:
 - a. Of the allegations against the owner(s) and the amount of the civil penalties;
 - b. That owner(s) may contest his or her liability before a citation hearing officer by delivering in person or mail written notice within fifteen (15) days of the date thereof;
 - c. That if the owner(s) does not demand such a hearing, an assessment and judgment shall be entered against the owner(s); and
 - d. That such judgment may issue without further notice.
- (5) If the owner(s) who has been sent notice pursuant to subsection (4) above wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the civil penalty in person or by mail to the blight enforcement officer. Any owner(s) who does not deliver or mail a written demand for a hearing within fifteen (15) days of the date of the notice provided for in subsection (4) above shall be deemed to have admitted liability and the blight enforcement officer shall certify such owner(s) failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the civil penalties, fees and costs provided by this article and shall follow the procedures as set forth in subsection (d) below.

- (b) A person who chooses to appeal a citation may request a hearing by submitting a written request to the ~~blight enforcement officer~~ Office of Land Use and Code Compliance, ~~made payable to the Town of Seymour~~. Owner(s) shall be given written notice of the date, time and place for the hearing by email, regular mail and by certified mail, return receipt requested. The hearing shall be held before a town appointed Citation Hearing Officer not less than 15 days nor more than 30 days from the date of mailing of the citation notice.

Notwithstanding the foregoing, the citation hearing officer may grant upon good cause shown any reasonable request by an interested party for postponement or continuance. The presence of the blight enforcement officer shall be required at the hearing to present evidence on behalf of the town. If the owner(s) fails to appear on the date ~~and at the~~ time and place of the hearing, the citation hearing officer shall examine the file and whatever documents the owner(s) may have submitted prior thereto and, upon a finding of proper notice and liability, shall declare owner(s) to be in default and shall summarily assess civil penalties, fees and costs.

Otherwise, the citation hearing officer shall conduct the hearing in the order and form and with such methods of proof as ~~he or she~~ deems fair and appropriate. The rules regarding admission of evidence shall not be strictly applied. All testimony shall be given under oath. If the citation hearing officer ~~shall~~ determines that the owner(s) is not liable, the citation hearing officer shall dismiss the matter and enter his or her determination on the record in writing. If ~~he or she~~ the citation hearing officer determines that the owner(s) is liable, the citation hearing officer shall forthwith enter and assess the civil penalties, fees and costs against the owner(s) as provided by this article.

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- (c) If the owner(s) who receives the citation does not agree with the citation hearing officer's assessment, owner(s) may appeal the decision to the Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.
- (d) If the citation hearing officer's assessment is not paid on the date of its entry, the citation hearing officer shall send by first class mail a notice of assessment to the owner(s) found liable and shall file, not less than 30 days or no more than 12 months after the mailing, a certified copy of the notice of assessment with the Clerk of Superior Court requesting that the court enter judgment in accordance with the citation hearing officer's assessment. Notwithstanding any provisions of the Connecticut General Statutes, the citation hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such owner(s).

(Ord. of 4-19-16(2), § 7, eff. 6-1-16; Ord. of 9-22-22, eff. 10-12-22)

Sec. 4-153. Town regulations.

Nothing in this article shall limit the power and authority of the town building inspector, fire marshal, health district or the planning and zoning commission to enforce their respective regulations. The penalties and power of this article shall be in addition to and not in lieu of any other enforcement regulation or procedure exercised by the town building inspector, zoning enforcement officer, fire marshal, or health district, or planning and zoning commission.

(Ord. of 4-19-16(2), § 8, eff. 6-1-16)

Sec. 4-154. Exceptions.

- (a) This article shall not apply to operable unregistered motor vehicles owned by persons serving in the Armed Forces of the United States outside the State of Connecticut.
- (b) This article does not apply to a vehicle or vehicle parts:
- (1) Completely enclosed in a building in a lawful manner not visible from the street; or
 - (2) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or hobby vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or parts and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp.

No more than two vehicles are allowed under this exemption.

- (c) [This article does not apply to] any vehicle which is operational and which is being sold by owner on his or her property.

(Ord. of 4-19-16(2), § 9, eff. 6-1-16)

Secs. 4-155—4-170. Reserved.