

Chapter 203

BLIGHT

GENERAL REFERENCES

Planning and development agencies — See
Ch. 112.

§ 203-1. Purpose.

The purpose of this chapter is to define, prohibit and abate blights and nuisances, including unsightly materials and unregistered and inoperable motor vehicles, from property within the Town of Southington, and to protect, preserve and promote public health, safety and welfare, and to preserve and protect property values. This chapter is adopted pursuant to Connecticut General Statutes and is considered a "blight ordinance."

§ 203-1.1. Legislative Authority. [Added 3-12-2018]

This chapter is enacted pursuant to Connecticut General Statutes, §§ 7-148(c)(7)(H)(xv) and 7-152c, and Public Acts 2012, No 12-146.

§ 203-2. Scope of provisions.

This chapter shall apply to the maintenance of all business, industrial and residentially zoned premises now in existence or hereafter constructed, maintained or modified but shall exclude agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes; land dedicated as public or semipublic open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses.

§ 203-3. Definitions of blight.

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

DECAY — A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.

DILAPIDATED — Decayed or rotten beyond repair.

INOPERABLE — Inoperable, as used herein, shall be defined as a motor vehicle which is incapable of being legally operated on public roads without major work or modifications. Missing parts or broken or severely damaged components shall be prima facie evidence of inoperability.

INOPERABLE MOTOR VEHICLE — A motor vehicle located on private property which is inoperable.

MOTOR VEHICLE — Any vehicle propelled or drawn by any power other than muscular, as defined in C.G.S. § 14-1(53), as amended.

PERSON — Any man, woman, corporation or other legal entity capable of owning real property.

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 nondwelling 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 chapter.

PUBLIC VIEW — Visible from any public right-of-way or neighboring property at grade level.

STRUCTURE — Any building, dwelling, fence, swimming pool, or similarly constructed object.

UNREGISTERED MOTOR VEHICLES — Any motor vehicle which is not registered and displaying number plates in accordance with Connecticut General Statutes Chapter 246.

UNSIGHTLY MATERIALS — Parts of motor vehicles as well as, but not limited to, unusable and/or discarded household appliance, furniture, equipment, building materials, junk and refuse, as well as any other materials which are unsanitary.

§ 203-4. Public nuisance.

- A. It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Southington to maintain any structure which is in a state of dilapidation or decay, is open to the elements, or unable to provide shelter. It shall further be a public nuisance if upon the premises there is unsightly material, inoperable or unregistered motor vehicles. Such condition shall be defined as "blight."
- B. If the property has been defined as blight, it shall further be in violation if:
 - (1) The grass, weeds or similar vegetation, excluding flowers, fruits and vegetables and areas maintained in its original natural wooded or field state, is allowed to remain and reach a height of 10 inches or greater for a period of 10 days or longer.
 - (2) Having dead, decayed, diseased or damaged trees.
- C. Exemptions. The following shall be exempt from the application of the ordinance:
 - (1) Motor vehicles in an attached or detached garage or similar structure constructed of building materials used for permanent structures.

- (2) Motor vehicle recycler's yard, licensed pursuant to C.G.S. § 14-67i; not in violation of any zoning regulations of the Town of Southington.
- (3) Motor vehicles stored in a place or depository maintained in lawful space and manner by the Town.
- (4) Farm equipment used on a property, the principal use of which is agricultural, whether for gain or private consumption either by owner or tenant, is excluded from the effect of this section. The term "farm equipment" does not include any type of motor vehicle licensed by the State of Connecticut for travel on the public highway except vehicles bearing farm plates. The term "farm" includes stock, dairy, poultry, fruit and truck farms.
- (5) Motor vehicles upon premises having dealers' or repairers' licenses from the Connecticut Motor Vehicle Department.

§ 203-5. Cost of removal.

The Town shall have the right to collect from any owner of an unregistered or inoperable motor vehicle or from the person in possession or control, or owner of the property where such violation of this section exists, the costs incurred in removing and/or disposing of such motor vehicle or other personal property. A bill for the Town's costs of removal and disposal shall be promptly sent by the Town to the appropriate person. When the full amount of costs due the Town is not paid by the appropriate person within 30 days after the bill for such costs has been submitted, the Town may file a lien upon such property.

§ 203-6. Minimum standards.

- A. The provisions in this chapter shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this chapter.
- B. In any case where a provision of this chapter 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 state, the provision which establishes the higher standard for the promotion and protection of the health and safety and property values of the people shall prevail.
- C. This chapter shall not be intended to affect violations of any other ordinances, code or regulation existing prior to the effective date of this chapter, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed and/or this chapter as may be appropriate.

§ 203-7. Responsibility of compliance.

The owner, lessee or occupant of premises subject to this chapter, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this chapter. Whenever the person, as herein defined, is a corporation or other legal entity, the statutorily required officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

§ 203-8. Notice of violations.

- A. Complaints must be submitted to the Town Manager or his/her designee by members of the public or employees of the Town. The complaint must be in writing on the form(s) provided by the Town. Unsigned complaint forms will be reviewed to the extent possible. The Manager or his/her designee shall report the complaint to the Building Official who shall advise the Town Manager or his/her designee whether a violation exists. **[Amended 3-12-2018]**
- B. Whenever the Town Manager or his/her designee determines that there has been a violation of this chapter, he/she shall forward it to the Zoning Enforcement Officer. Such Zoning Enforcement Officer shall give notice of such violation to the person responsible therefor, as hereinafter provided. Such notice shall:
- (1) Be in writing.
 - (2) Be sent to the violator by certified mail, return receipt requested.
 - (3) Set forth the violations of this chapter.
 - (4) Specify a final date for the correction of any violation.
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter pursuant to the current violation.
 - (6) State that the penalties and enforcement provisions of this chapter will become effective on the final date set for the correction of any violation.
- C. If the person responsible does not correct the violation in the time prescribed, the Zoning Enforcement Officer shall forward his report to the Police Department for enforcement.
- D. Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this chapter and subject to its penalties and enforcement procedures.
- E. Notwithstanding the foregoing, the Town Manager or his/her designee may elect to first provide informal verbal notice to the owner or owner's agent and the occupant of the property in an attempt to resolve the matter prior to formal written notice being sent.

§ 203-9. Appeals.

- A. Any person notified in accordance with § 203-8 above may appeal said notice of violation(s) to the Town Manager or his designee, in writing, within 15 days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the Town Manager or his designee or on such later date as established by the Town Manager or his designee.
- B. The Town hereby specifically adopts the provisions of Connecticut General Statutes, § 7-152c, for the establishment of an appeal and citation hearing process for considering all appeals under this chapter.

§ 203-10. Penalties for offenses; enforcement. [Amended 3-12-2018]

- A. Criminal violations. Pursuant to Connecticut General Statutes, § 7-148(c)(7)(H)(xv), any person or entity who, after written notice and failure to comply with the remedial action outline and/or the final correction date to fix the blighted conditions as required under § 203-8B(4) and (5) of this chapter, willfully violates § 203-4 of this chapter, may be fined by the State of Connecticut not more than \$250 for each day for which it can be shown, based upon actual inspection of the property on each such day, that the blighted conditions continued to exist after written notice to the owner, occupant or entity as provided in § 203-8B(1) and the expiration of a reasonable opportunity to remediate. This section is designated as a violation pursuant to Connecticut General Statutes, § 53a-27.
- B. Any person who is a new owner or new occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Subsection A of this section. For the purposes of this section, "new owner" means any person or entity who has taken title to a property within 30 days of the notice, and "new occupant" means any person who has taken occupancy within 30 days of the notice.
 - (1) The Southington Police Department is the issuing authority for any violation of this chapter.
 - (2) All fines, court costs, costs of remedial action, and attorney's fees, as ordered by the Court, shall constitute a written lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made a party to the enforcement proceedings. Notification of the placement of a written lien will be sent by certified mail 15 days prior to the placement of a lien in the Southington Land Records.