

ARTICLE III. BLIGHT

Sec. 13-151. Declaration of purpose.

- (a) This ordinance is enacted pursuant to the Connecticut General Statutes (General Statutes), § 7-148(c)(7) and § 14-150a. This ordinance is to be enforced as a blight ordinance, pursuant to General Statute § 7-148(c)(7)(H)(xv), and as a nuisance ordinance, pursuant to General Statute § 7-148(c)(7)(E).
- (b) It is hereby found and declared that there exist in the City of New London (hereinafter "city") a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of our neighborhoods. Existence of blighted properties adversely affects the economic well-being of the city. Many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe, sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleanup or reuse of the blighted and nuisance properties would eliminate, remedy and prevent adverse conditions.

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-152. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blight, blighted condition, and blighted property shall be interchangeable terms and shall be when violations of the following city ordinances and property maintenance code sections occur under the provisions of this ordinance:

New London Property Maintenance Code Sections:

- 108.2 Closing of Vacant Structures.
- 301.3 Vacant structures and land.
- 302.1 Sanitation.
- 302.3 Privately Owned Sidewalks and driveways.
- 302.4 Weeds.
- 302.7 Accessory structures.
- 302.8 Motor vehicles.
- 302.9 Defacement of Property.
- 304.1 Through and Inclusive of 304.18.3 General Exterior Structure.
- 307.1 Accumulation of rubbish or garbage.

City Ordinances:

- Ordinance re: Storefront Standards.

Citation hearing officer. The mayor of the city shall appoint one or more citation hearing officers, as defined in and pursuant to General Statute § 7-152c(b), as amended. Such officers shall be other than any individual who issues citations under this ordinance.

Enforcement officer shall mean the city director of health, a city police officer, a city building official, a housing/property maintenance inspector, or any person duly appointed to be such an enforcement officer by the mayor, all of whom shall be authorized to take such enforcement actions and to issue citations as specified in this ordinance.

(Ord. No. 09-08-15-1, Art. I; Ord. No. 12-17-18-5, § 1)

Sec. 13-153. Creation or continuation of blighted property prohibited.

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property located within the limits of the city, and no other person responsible for the care, maintenance and/or condition of real property located within the limits of the city, shall cause or allow any blight, blighted condition or blighted property, as defined in section 13-152 of this ordinance, to be created, maintained or continued.

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-154. Designation of blighted property.

The enforcement officer(s) shall be responsible for determining whether a property which comes to the attention of the city, whether through written complaint or through the normal operations of the city, is blighted according to the definitions in this ordinance.

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-155. Property owner notification.

- (a) Whenever the city identifies a blighted property, written notice of the violation shall be given to the owner and/or the occupant of the property, by posting a notice of the violation in a conspicuous location at the blighted property, and delivering a copy of the notice of the violation to an owner, either by hand delivery or by mail. Said notice shall specify that the owner or occupant has five (5) days, from the date notice was posted and mailed, to remediate the blighted conditions, or the city will take enforcement action. In the case of an unidentified owner or one whose address is unknown, the enforcement officer shall publish legal notice in a newspaper having a substantial circulation within the city, stating the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.
- (b) Prior to the expiration of the five-day period specified in paragraph (a) of this section, the property owner may request additional time for remediation. The enforcement officer may determine an alternate timetable of a reasonable length of time if warranted. Such timetable will be in writing and must be signed by both the enforcement officer and the property owner. Failure to comply with the agreed-upon timetable will make the property owner liable for retroactive fines and penalties as designated in section 13-156, subsections (a) and (b).
- (c) After the expiration of the five-day period specified in paragraph (a) of this section and without the alternate timetable specified in paragraph (b) above, the city, through its designated agents, may enter blighted property during reasonable hours for the purpose of remediating blighted conditions, provided neither the city nor its designated agents enter any dwelling house or structure on such property. Costs associated with the remediation of blight may be recovered by the city in accordance with General Statute § 49-73(b).

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-156. Enforcement: criminal violations and civil penalties.

- (a) *Criminal violations.* Pursuant to General Statute § 7-148(c)(7)(H)(xv), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in section 14-155 of this Code, willfully violates section 14-153 of this Code, may be fined by the State of Connecticut not more than two hundred fifty dollars (\$250.00) for each day for which it can be shown, based upon an actual inspection of the property on each such day, the blighted conditions continued to exist after written notice to the owner or occupant, as provided in section 14-155. This subsection is designated as a violation pursuant to General Statute § 53a-27.
- (b) *Civil penalties.* Any person or entity which fails to comply with section 13-153 of this ordinance, and, thereafter, fails to remediate the blighted conditions within five (5) days of the notice provided pursuant to section 13-155, may be assessed a civil penalty for each building, structure or parcel of land in violation of this ordinance. The amount of the civil penalty shall be one hundred dollars (\$100.00) per day. Each day a building, structure or parcel of land remains in violation of this ordinance shall constitute grounds for the assessment of a separate civil penalty. The issuing officer shall deliver written notice of the civil penalty, either by hand delivery or by mail, to the owner or occupant responsible for the blighted premises. Said notice will include the nature of the violation and the penalty being assessed.
- (1) Penalties assessed pursuant to paragraph (b) of this section shall be enforceable by citation pursuant to General Statute § 7-152c, as amended.
 - (2) Persons or entities assessed a penalty pursuant to paragraph (b) of this section shall remit fines for said violation within ten (10) days of the mailing of notice thereof. The fine imposed shall be payable to the city and sent to the city's finance department. Uncontested payments received pursuant to this subsection shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or entity making the payment.

(Ord. No. 09-08-15-1, Art. I; Ord. No. 12-17-18-5, § 1)

Sec. 13-157. Civil penalty citation hearing procedure.

- (a) *Notification of right to hearing.* At the time that the civil penalty is assessed, the property owner shall be notified in writing of the availability of a hearing before a citation hearing officer to contest the determination of blight and/or the assessed penalty. Specifically, the property owner shall be notified:
- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
 - (2) That the owner may request a hearing to contest the determination of blight and/or the assessed penalty;
 - (3) That the owner must provide a written request for such a hearing within ten (10) days of the date of notification;
 - (4) That if the property owner does not demand such a hearing, an assessment and judgment shall be entered against the property owner; and
 - (5) That the judgment may be issued without further notice.
- (b) *Rights of the respondent.*
- (1) *Admission of liability.* If the property owner who is sent notice pursuant to paragraph (a) of this section wishes to admit liability for any alleged violation, the owner may, without requesting a hearing, pay the

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- full amount of the fines, penalties, costs or fees admitted to in person or by mail in accordance with subsection 13-156(b)(2) above and remediate the blighted property. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the property owner making the payment.
- (2) *Constructive admission of liability.* Any person or entity who fails to deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in paragraph (a) of this section shall be deemed to have admitted liability, and the enforcement officer shall certify the property owner's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for in this ordinance including per diem penalties retroactive to the original date of expected remediation as specified in section 13-155, and shall follow the notice procedures set forth in paragraphs (c) and (d) of this section.
- (3) *Right to hearing.* Any person or entity who requests a hearing shall be given written notice of the date, time and place for the hearing. The 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 citation hearing officer may grant, upon good cause shown, any reasonable request by any interested party for continuance.
- (c) *Formal hearing procedure.* The citation hearing officer shall preside over a hearing which shall be held in the manner outlined in General Statute § 7-152c(e), as amended. The citation hearing officer shall render the decision in writing and file it within five (5) days with the enforcement officer and the mayor, and send it by first-class and certified mail, return receipt requested, to the property owner or other responsible person and to all parties in the proceedings. The citation hearing officer may decide one of the following:
- (1) *Dismissal.* If the citation hearing officer determines that the respondent is not liable, the citation hearing officer shall dismiss the matter, and enter the determination in writing.
- (2) *Finding of liability; assessment.* If the citation hearing officer determines that the respondent is liable for the violation, the citation hearing officer shall enter and assess the fines, penalties, costs or fees against the respondent, as provided by in section 13-156, including per diem penalties retroactive to the expected date of remediation as set forth in subsection 13-154(b).
- (d) *Notice of assessment; effect.*
- (1) Assessments must be paid to the city within ten (10) days of receipt of the citation hearing officer's determination.
- (2) Not less than thirty (30) days, but not more than twelve (12) months, after the mailing as set forth in paragraph (c) of this section, the citation hearing officer shall file a certified copy of the notice of assessment with the clerk of a superior court designated by the chief court administrator, together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.
- a. Entry of judgment. The court clerk shall enter judgment in the amount of the record of assessment, and court costs, allowed by the General Statutes, in favor of the city pursuant to General Statute § 7-152c(f), as amended.
- b. Effect of judgment; levy of execution permitted. Notwithstanding any provision of the General Statutes, the citation hearing officer's assessment, when so entered as a judgment, shall have effect of a civil money judgment, and a levy of execution on the judgment may issue without further notice, to the respondent.
- (e) A decision of the citation hearing officer to issue assessments may be appealed to the superior court in accordance with the provisions of General Statutes § 7-152c(g), as amended.

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-158. Removal of abandoned, inoperable or unregistered motor vehicles.

For all properties declared blighted within the meaning of this article, as a result of the presence of an abandoned, inoperable or unregistered motor vehicle, which motor vehicle has remained abandoned, inoperable or unregistered on site for seven (7) days after notice by hand delivery or by certified mail, return receipt requested, to the last known address of the owner of the property on which such motor vehicle remains, or the owner of the abandoned motor vehicle, if different from the owner of the property requesting the removal of such motor vehicle, the city may arrange for the removal of the vehicle(s).

If after seven (7) days from the date of receipt of any notice the motor vehicle remains on the property, the city shall have the authority to arrange for the removal of the vehicle(s) from said property. The costs of the removal and storage of said motor vehicle or parts thereof and the costs of notices shall be borne by the owner of the property from which the motor vehicle or parts thereof are removed or, if the owner of the property is not the owner of the abandoned motor vehicle, by the owner of the abandoned motor vehicle; provided, however, that if the current owner of the motor vehicle cannot be found, said costs shall be borne by the owner of the property.

Any motor vehicle that is removed pursuant to this article may not be returned to the same property unless it has been made operable and has been registered.

Any person aggrieved by a notice requesting the removal of a motor vehicle or by the removal of same may, within fifteen (15) days of receipt of notice, appeal said ruling to the citation hearing officer. Said appeal shall be heard and appeals may be taken from any such hearing in accordance with the procedures as set forth in General Statute § 7-152c.

(Ord. No. 09-08-15-1, Art. I; Ord. No. 12-17-18-5, § 1)

Sec. 13-159. Collection of fines imposed and costs incurred.

- (a) All fines imposed for violation of this ordinance shall be payable to the city and deposited in the general fund.
- (b) Pursuant to General Statutes § 7-148aa, any unpaid fine imposed pursuant to this ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. In addition, pursuant to General Statutes § 49-73b, any expenses incurred by the city pursuant to this ordinance shall be subject to a lien. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The city tax collector is hereby empowered to place a lien on the land records in the manner as specified by the General Statutes, provided a copy of said lien is mailed by first-class mail to the owner as set forth on the most recent tax assessment list.

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-160. General provisions.

- (a) The rights and powers under this ordinance shall be in addition to, and not in lieu of, any other rights and powers that the city has under the General Statutes and the City's Code of Ordinances.
- (b) A violation of this ordinance is a public nuisance.

(Ord. No. 09-08-15-1, Art. I)

Sec. 13-161. Storefront standards for commercial properties.

- (A) When commercial property is finished and vacant or under construction and has windows that face out onto a public street or right-of-way, the owner of said commercial property shall be required to keep the said property, and its interior, pursuant to one of the following criteria:
- (1) Visually unblocked from the public street or right-of-way only if the interior space that can be seen from the public street or right-of-way is finished and kept neat and clean and free of all debris, tools, building materials and/or construction activity;
 - (2) Cover any and all windows facing out to a public street or right-of-way with vinyl graphics which shall conform to one of the following types:
 - a. A translucent etched glass film style;
 - b. A zero transparency black window tint style; or
 - c. Vinyl graphic art or marketing designs which may identify the space as available for rent and may include contact information for the owner, property manager and/or real estate agent.

Any vinyl graphics chosen pursuant to this subsection shall be of the same and identical type or style in all windows in the same commercial space, the intent being uniformity in style and appearance for the same property; or
 - (3) Display visual art in any and all windows facing out to a public street or right-of-way. Said visual art shall include sculptures, paintings, photography, video displays and murals, with all other space being kept neat and clean and free of all debris, tools, building materials and/or construction activity. If an owner chooses to display visual art under this subsection, the owner may be allowed to use temporary finished partitions upon which visual art may be hung or displayed.
- (B) Notwithstanding the requirements of subsection (A) herein, if commercial property and space is under construction and has windows that face out onto a public street or right-of-way, the owner shall have the option of utilizing black masking paint, or a similar paint, that has a zero transparent finish to completely cover any and all windows.
- (C) The following materials and/or covers shall not be permitted in any windows in commercial property and space that face out onto a public street or right-of-way, whether said commercial property and space is vacant or occupied:
1. Construction paper;
 2. Blank or incomplete painters canvas;
 3. Trash bags or other plastic sheets or coverings;
 4. Tarps;
 5. Hand-written signage;
 6. Real estate signage that is not hung on any glass and properly centered in any window; or
 7. Displays that are out of season.
- (D) Any person who violates any provisions of this section shall receive a citation and be fined two hundred fifty dollars (\$250.00).
- (E) Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this section.

(Ord. No. 01-07-19-1, §§ 1, 2)

