

LEGAL NOTICE  
TOWN OF PRESTON

Notice is hereby given to the residents of the Town of Preston that a Blight Ordinance was passed on July 20, 2017. Full text of the Ordinance can be obtained at the Town Clerks Office, Board of Selectmen's Office and on the Town website.

Dated at Preston, CT this 14<sup>th</sup> day of September, 2018. Effective date: 15 days after publication. Effective Date: September 30, 2018

Hattie Wucik  
Preston Town Clerk

BE IT ORDAINED BY THE TOWN OF PRESTON:

Section 1. PURPOSE

(a) This Ordinance is enacted pursuant to authority granted by the Connecticut General Statutes, including without limitation by C.G.S. § 7-148(c)(7)(H)(xv), as amended by P.A. 12-146, §§ 2 and 4; C.G.S. § 148-o(b) and C.G.S. § 7-152c.

(b) This Ordinance prohibits any owner, occupant, agent, tenant and/or person in control of real property located in the Town of Preston, from allowing, creating, maintaining or causing to be created or maintained Blighted Premises.

(c) This ordinance shall apply to public and private property, regardless of principal or accessory uses, and is intended to protect, preserve, and promote public health, safety and welfare, including the preservation of property values.

Section 2. DEFINITIONS

The following words, terms, and phrases shall have the following meaning ascribed to them in this section.

(a) Blighted Premises - any building, structure or parcel of land in public view where at least one of the following conditions exists:

(1) A condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.

(2) A building or structure is a fire hazard.

(3) The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public and be evidenced by one or more of the following conditions:

a. Missing, broken or boarded up windows and doors longer than 6 months.

b. Collapsing or missing exterior walls or roof, or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors.

c. Seriously damaged or missing siding or roofing.

d. Unrepaired fire or water damage longer than 6 months.

e. Animal harborage and/or infestation.

f. Material in public view which is incapable of performing the function for which it was designed including, but not limited to: abandoned, discarded, or unused objects; equipment such as machinery, automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers and garbage that are in the public view.

g. Consistent exterior storage in public view of construction or landscape materials and debris, except in those cases where a valid building permit has been issued.

h. Shrubs, hedges, grass, plants, weeds or any other vegetation that have been left to grow in an unkempt manner that are covering or blocking means of egress or access to any building or that are blocking, interfering with, or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line.

i. Animal pens, pastures, and barns used for non-commercial agricultural purposes that are in a consistent state of disrepair.

j. On any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than fifteen (15) inches for longer than 15 days.

k. The overall condition of the property structure and/or grounds causes an unreasonable impact on the value of neighboring properties.

(b) Neighborhood - an area of the town comprising premises or parcels of land of which is contiguous with any other parcel within the town.

(c) Public View - visible from any public right-of-way or neighborhood

(b) Town - the Town of Preston, CT.

(e) Blight Enforcement Officer - a Town official and/or employee designated by the First Selectman to enforce this Ordinance and to issue citations and/or take other actions they deem necessary to compel compliance with it.

### Section 3. EXEMPTIONS

The following properties shall be exempt from this Ordinance.

- (1) Agricultural lands pursuant to C.G.S. 22-3(b);
- (2) Land dedicated as public open space or parks;
- (3) Land preserved in its natural state through conservation easements or conservation restrictions;
- (4) Areas designated as buffers or development free areas by a land use agency;
- (5) Upland review areas or wetlands and watercourses

### Section 4. COMPLAINTS

(a) Complaints may be submitted to the Blight Enforcement Officer by members of the public, but such complaints must be in writing and signed on forms provided by the town.

(b) It is the responsibility of the Blight Enforcement Officer to follow up on the complaint by viewing the property.

(c) Should the Blight Enforcement Officer determine that the complaint warrants remediation then he/she will follow up with the property owner.

#### Section 5. SPECIAL CONSIDERATION FOR OWNER OCCUPIED RESIDENCES

Special consideration shall be given to owner occupied individuals that are elderly or disabled. If an owner cannot maintain a reasonable level of upkeeps on the owner occupied residence because the individual is elderly or disabled and no capable person resides in the residence, the Blight Enforcement Officer shall give the person additional time not to exceed six months to correct the problem.

#### Section 6. ENFORCEMENT BY CITATION:

(a) The Blight Enforcement Officer is empowered to issue citations for any violation of this ordinance by leaving a copy of such citation form with the owner of the property or by affixing same to the premises. He/she shall also send a copy of the form by regular mail and by certified mail, return receipt requested, to the owner of the property to the owner's last known address as listed in the Tax Collector's office or, as applicable, to the registration address provided under Connecticut General Statutes § 7-148ii.

(b) The penalty for violation of this ordinance shall be not less than ten dollars (\$10) and not more than one hundred dollars (\$100) for each day of violation. A single citation may impose fines for multiple days of violations.

(c) The citation form shall contain the following information.

1. The address of the property at issue.
2. The provision of this ordinance that have been violated and the facts establishing such violation(s).
3. The date before which an uncontested payment of fines can be made.

#### Section 7. CITATION; FINE; HEARING PROCEDURE:

1. The hearing procedures set forth in Connecticut General Statutes § 7-152c shall apply to blight enforcement.

2. If fines are not paid within the uncontested period set forth in the citation, the Blight Enforcement Officer may issue a second citation notice, which notice shall state the penalties, description of the violation, notice of the right of hearing and such other requirements of Connecticut General Statutes § 7-152c.

#### Section 8 INITIATION OF LEGAL PROCEEDINGS:

In addition to the citation process described herein, the Board of Selectmen is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including cost of remedial action(s) authorized by the court and reasonable attorney's fees incurred by the Town of Preston to enforce this ordinance.

#### Section 9. ANTI BLIGHT LIEN:

Any unpaid penalty imposed pursuant to the provisions of this Ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such penalty as set forth in Conn. Gen.

Stat. § 7-148aa. The lien may be continued, recorded and released in the manner provided by the general statutes of Connecticut for the continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property. Said lien shall remain an encumbrance upon the subject property until such time as the blight condition shall be abated and all civil penalties and/or fines and costs assessed have been paid.

#### Section 9. PERMITS

No inland wetlands, zoning or building permits may be issued on the blighted property until the blight citation has been abated and all/any associated penalties, fines and costs have been paid, and any liens have been released. Exception to this prohibition may be granted by the Town Administrator in cases where the permit concerns work where interests of public health, safety or welfare are better serviced by allowing the proposed improvements.

#### Section 10. EFFECT ON OTHER STANDARDS:

1. The provisions in this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances, or regulations which prescribe standards other than those provided in this ordinance.
2. 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 state, the provision which establishes the higher standard for the promotion and protection of the public health and safety, and property values, shall prevail.
3. This ordinance shall not affect violations of any other ordinances, codes, or regulations existing prior to the effective date of this code, 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 violations was committed.