

[Insert in Chapter 3]

## Article 5— ANTI-BLIGHT ORDINANCE

### Sec. 3-75. Declaration of Purpose

This article is enacted pursuant to Connecticut General Statutes § 7-148 (c) (7) (H) (xv) and § 7-148 (c) (7) (E). It is hereby found and declared that there may exist within the Town of New Fairfield real property that is in a blighted condition, and that the continued existence of such blighted properties constitutes a continuing nuisance, contributes to the decline of neighborhoods, adversely affects the economic well-being of the town, and is inimical to the health, safety, and welfare of its residents. The purpose of this article is to define, prohibit and abate blight in order to protect, preserve, and promote public health, safety and welfare, and to preserve and protect property values.

### Sec. 3-76. Definitions.

For the purpose of this article, the following words, terms and phrases shall have the following meanings:

**Anti-blight enforcement officer** shall mean the Town of New Fairfield building official, zoning enforcement officer, fire marshal, health director and any other person appointed by the Board of Selectmen to enforce the provisions of this article.

**Antique, rare or special interest motor vehicle** shall mean a “antique, rare or special interest motor vehicle” as defined in section 14-1(3) of the General Statutes, as the same may be amended from time to time.

**Blight** shall mean any condition or combination of conditions in public view upon any premises that tends to devalue real estate, or that is a negative influence upon the neighborhood or upon any neighbor’s use and enjoyment of his or her own property, due to, characterized by, or reflective of neglect, decay, deterioration, disrepair, rotting, overgrowth, infestation, dilapidation, or failure to maintain. Any one or more of the following in public view shall be considered as examples of blight:

- (a) unsightly or excessive amounts of debris, refuse, or excavated material;
- (b) any abandoned or inoperable motor vehicle or mechanical equipment;
- (c) infestation by rodents or other pests;
- (d) missing, broken or boarded up windows and/or doors;
- (e) fire or water damaged, or collapsing or dilapidated structures;
- (f) excessively overgrown lawns or yards, unless being regularly maintained as a meadow or natural area;

**Debris** shall mean abandoned, discarded, or unused objects, including, but not limited to, household furnishings, appliances, cans, boxes, scrap metal, tires, batteries, motor vehicle or mechanical equipment parts, containers, and junk, which are in public view.

**Dilapidated** shall mean any building or structure or part thereof that would not qualify for a Certificate of Use and Occupancy or which is an unsafe structure as defined in the State Building Code, or any building or structure which is unfit or unsafe for human habitation as defined by the State Health Code, or no longer adequate for the purpose or use for which it was originally intended.

**Garbage** shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Infestation.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests, constituting a health hazard, or existing in numbers as to be harmful or bothersome.

**Inoperable Motor Vehicle or Mechanical Equipment.** Any motor vehicle or mechanical equipment that cannot be operated upon the public streets or used for the purpose for which it is intended for reasons including, but not limited to, it being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved, or moved under its own power. The following factors may be considered in determining abandonment or inoperability: engine no longer starts or is missing; missing or flat tires or wheels, or other missing parts necessary for locomotion; missing or damaged doors or windows; missing or damaged auto body parts; missing registration plates; close proximity of grass or other vegetation or debris indicating immobility; holes, rust, or other evidence of obvious physical decay or neglect or lack of maintenance; use for another purpose (e.g., storage).

**Mechanical equipment** shall mean any apparatus designed to be operated by an internal combustion engine, electric and/or pneumatic equipment or designed to be towed by any apparatus propelled by an internal combustion engine, electric and/or pneumatic equipment.

**Motor vehicle** shall mean “motor vehicle” as defined in section 14-1(53) of the General Statutes, as the same may be amended from time to time.

**Motor vehicle collector** shall mean a person who:

- A. Owns one or more antique or special interest motor vehicles; and
- B. Acquires, collects, or disposes of antique or special interest motor vehicles or motor vehicle parts for personal use to restore and preserve an antique or special interest motor vehicle of any age and because of its historic interest, is being preserved by a hobbyist.

**Public view** shall mean the view from private or public property or from the street or public right of way or private right of way, from average grade surrounding the property.

**Premises** shall mean a platted lot or part thereof, or un-platted lot or parcel of land or plot of land, or any part thereof, together with all the structures thereon. The term “premises”, where the context requires, shall be deemed to include any buildings, dwellings, parcels or land or structures contained within the scope of this article.

**Refuse** shall mean combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**Structure** shall mean anything constructed, erected, built, or joined together and located on, in, or attached to real property, including without limitation, any building, dwelling, fence, wall, swimming pool, post, pole, tower, or other artificial object.



### **Sec. 3-77. Duty to Maintain Property Free of Blight.**

It shall be the duty of all owners of real property located in the Town of New Fairfield to keep the exterior and grounds of the premises and all structures thereon free of blight, and the creation, allowance or maintenance of blight is prohibited. It shall be the duty of each tenant and occupant of each premises located in the Town of New Fairfield to refrain from creating or maintaining blight.

### **Sec. 3-78. Standards to Determine Neglect.**

In addition to the standards set forth within the definition of blight, the following standards may be used to determine neglect:

**Debris or refuse.** No person shall allow debris or refuse to be strewn about any premises. All garbage and household refuse shall be stored in garbage cans with a secure lid. No person shall allow debris or refuse piles to remain in public view for more than two weeks. No person shall allow dumpsters or similar containers for the storage of debris or refuse to remain in public view for more than two weeks, or for the duration of an active building permit, whichever is longer.

**Motor vehicles or mechanical equipment.** No person shall allow any unregistered, inoperable, or abandoned car, truck, motor vehicle, camper, boat or other watercraft, tractor, cart, trailer, mower, farming or construction equipment, or other mechanical equipment, whether self-propelled or towed, to remain in public view for more than two weeks. The following factors may be considered in determining abandonment or inoperability: engine no longer starts or is missing; missing or flat tires or wheels, or other missing parts necessary for locomotion; missing or damaged doors or windows; missing or damaged auto body parts; missing registration plates; close proximity of grass or other vegetation or debris indicating immobility; holes, rust, or other evidence of obvious physical decay or neglect or lack of maintenance; use for another purpose (e.g., storage).

**Structures.** No person shall allow any structure that constitutes an unsafe structure as defined by the State Building Code, or has missing or boarded windows or doors, collapsing or missing walls, roof or floors; seriously damaged or missing siding, or is otherwise dilapidated.

### **Sec. 3-79. Exceptions.**

A. Certain Motor Vehicles. Notwithstanding any other provision of this article, nothing in this article shall prohibit on any premises a motor vehicle:

1. That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
2. That is stored or parked in a lawful manner on private property in connection with the business of a licensed motor vehicle dealer or junkyard, or that is an antique or special interest motor vehicle stored by a motor vehicle collector on the collector's property, if the motor vehicle or part in the outdoor storage area, if any, are:
  - (a) maintained in an orderly manner;
  - (b) not a health hazard; and
  - (c) screened from public view by appropriate means, including a fence, growing

trees, shrubbery, car cover, or tarp; and,  
(d) no more than two (2) such motor vehicles are on the premises.

3. That is operational and stored or parked in a lawful manner on the premises while being offered for sale by the owner of the premises; provided that no more than one (1) such motor vehicle shall be offered for sale at any one time.

B. Certain Mechanical Equipment. Notwithstanding any other provision of this article, nothing in this article shall prohibit on any premises mechanical equipment:

1. That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

2. That is stored or parked in a lawful manner on private property in connection with the business of a licensed dealer of the particular mechanical equipment, if the mechanical equipment in the outdoor storage area, if any, are:

- (a) maintained in an orderly manner;
- (b) not a health hazard; and
- (c) screened from public view by appropriate means, including a fence, growing trees, shrubbery, car cover, or tarp; and
- (d) no more than two (2) such pieces of mechanical equipment are on the premises.

C. Firewood. Notwithstanding any other provision of this article, nothing in this article shall prohibit on any premises firewood that is neatly stacked or neatly arranged on the premises.

**Sec. 3-80. Enforcement Officers.** Each of the building official, zoning enforcement officer, health director, and fire marshal of the town of New Fairfield shall be authorized to enforce the provisions of this article. In addition, the Board of Selectmen may appoint a person, who shall serve at the discretion of such board and on terms established by such board, to enforce this article.

**Sec. 3-81. Enforcement Procedure and Penalties.**

A. Notification. The Anti-blight enforcement officer shall provide written notice of any violation of this article to each owner and occupant of the blighted premises and provide a reasonable opportunity for the owner to remediate the blighted premises prior to taking any enforcement action. The notice of violation shall contain the specific nature of the violation and the time allowed for corrective action.

B. Citation. After providing written notice of a violation and a reasonable opportunity to abate the violation as provided in subsection A, any person charged with the enforcement of this article may issue a citation to any person violating this article.

C. Municipal Civil Penalties. The civil penalty for each violation shall be the greater of One Hundred Dollars (\$100.00) or the maximum amount allowed by § 7-148(c)(7)(H)(xv) of the Connecticut General Statutes, as the same may be amended from time to time, for each day that a violation continues, until the blighted premises is completely remediated. The fine shall be payable to the Treasurer of the Town of New Fairfield.



D. Anti-blight Lien. Any unpaid penalty imposed under this article shall constitute a lien upon the real estate against which the penalty was imposed, from the date of such citation. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be enforced in the same manner as property tax liens. This section shall be construed in accordance with General Statutes § 7-148aa, as the same may be amended from time to time.

E. Upon failure of the owner to abate any violation of this article, the Anti-Blight Enforcement Officer and his agents may enter upon such blighted property and abate such violations at the sole cost and expense of the owner. Such cost and expense thereof shall constitute a lien upon the property.

F. No action for trespass shall lie against the Town or the Anti-Blight Enforcement Officer or his agents for any act performed in furtherance of this article.

#### **Sec. 3-82. Citation Hearing Procedure.**

The issuance, payment, and procedure to contest a citation shall be in accordance with Connecticut General Statutes § 7-152c and the Citation Hearing Procedure in Chapter 2 of the Code of Ordinances of the Town of New Fairfield.

#### **Sec. 3-83. Supplemental Remedies.**

The provisions of this article are in addition to, and not in lieu of, any other remedies available to the Town of New Fairfield under the Connecticut General Statutes, the State Building Code, Fire Code, Public Health Code, Zoning Regulations, Planning Regulations, Inland Wetlands Regulations, other sections of the Town Code, Federal law, or the common law. The issuance of citations under this article shall not preclude the exercise of such other remedies.

#### **Sec. 3-84. Severability.**

The provisions of this article are severable and the invalidity of any one of the provisions of this article shall not nullify, abrogate or affect the validity or effect of any other.

#### **Sections. 3-85 to 3-89. Reserved**