

MINUTES
BLIGHT TASK FORCE
COLCHESTER TOWN HALL
Thursday, April 28, 2016

- Call to order by R Silberman at 7:04pm
- Roll Call
 - 3 Present; Bagioni, Waugh, Silberman, Gustafson
- Motion to accept Minutes of last meeting February 11, 2016 by Waugh, second by Bagioni, Approved 3 – 0
- Motion to accept “Blight Ordinance Declaration of Purpose and Scope” as amended by Waugh, second by Bagioni, Approved 3 – 0
- Motion to accept definition of “Blight” from Exhibit #2 by Bagioni, second by Waugh, Approved 3 – 0
- Motion to accept definitions of “Blight Appeals Committee”, “Blight Enforcement Committee”, “Owner Occupant”, “Premises” and “Special Cicumstances”, all from Exhibit #2 by Waugh, second by Bagioni, Approved 3 – 0
- Discussed Future 2016 meeting dates
- Motion to Adjourn by Bagioni, second by Waugh, Approved 3 – 0
- Meeting adjourned by R Silberman at 8:20pm

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JENNIFER O'LEARY

Declaration of
Blight Ordinance Purpose and Scope

Town of Colchester
Blight Ordinance Working Document
Draft #1 Declaration of Purpose and Scope

Declaration of Purpose:

It is declared that the presence of blighted ~~and nuisance~~ properties adversely affects the quality of life of the residents and the economic well-being of the Town of Colchester. The purpose of this Ordinance is to define, prohibit, and abate blights ~~and nuisances~~; to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values within the Town of Colchester. This Ordinance is adopted pursuant to Connecticut General Statutes §7-148(c)(7)(H)(xv) and is considered (deemed to be) a Blight ~~and Nuisance Ordinance~~.

Comment [CC1]: Discuss definition of nuisance.

~~This ordinance is sensitive to the private property rights of citizens of Colchester and to extenuating circumstances due to age, disability, and economic hardship situations.~~

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Scope:

This Ordinance shall apply uniformly to the maintenance of all residential, nonresidential, commercial/industrial, and undeveloped premises now in existence or hereafter constructed, maintained, modified or abandoned/vacated. The following shall be excluded: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes; land dedicated as public or semi-public open space or preserved in its natural state through conservation easements; areas designated on Town Maps as inland wetlands and watercourses.

No owner of real property located in the Town of Colchester shall allow, create, maintain, or cause to be created or maintained a blighted or nuisance property as detailed in the **Definitions** section of this ordinance. This Ordinance recognizes all applicable State and town statutes and codes such as building codes, fire codes and health codes ~~as adjuncts (complimentary?) to this document. The stricter of the aforementioned shall prevail.~~

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Accepted and edited

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Town of Colchester
Blight Ordinance Working Document
Draft #1 Definitions

Exhibit #1

Definitions:

James E. Turman
Blight or Blighted: A structure or premises in a state of substantial deterioration which poses a serious or immediate danger to the community through risk of collapse, fire, infestation or otherwise puts at risk the health, safety or welfare of citizens of the town as evidenced by one or more of the following conditions documented by a town Building Official, Fire Marshall, Health Inspector, or Police Department: *Zoning Official*

- 1) Structural issues such as, but not limited to, missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls with substantial breaks, holes, loose or rotting materials; foundation walls with substantial breaks or open cracks; chimneys, porches, decks or other attachments that are in a substantial state of disrepair or weakened, deteriorated, or structurally unsound components; general dilapidation, decay, or infestation.
- ? 2) Attracting illegal activity as documented by law enforcement;
- 3) Premises containing accumulated debris, garbage, refuse, rubbish, or infestations.

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

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.

Extenuating or Special Circumstances: Special consideration given to individuals who meet one or more of the following criteria:

- 1) Disability as defined under the Americans with Disabilities Act of 1990 and does not have a household member capable of providing the necessary maintenance;
- 2) Elderly as defined as age sixty five (65) years who does not have a household member capable of providing the necessary maintenance;
- 3) Low income or economic hardship shall mean an owner or family unit has an income below the highest level of "qualifying income" established by Conn. General Statute Section 12-170d(a)(3).

Capable individual shall include children above sixteen (16) years of age without a physical or mental disability as noted herein.

Garbage: Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or the keeping of pets or other animals.

Graffiti: Any letters, numbers, word or words, writings or inscriptions, symbols, drawings, carvings, stickers, etchings or other markings which defaces, obliterates, covers, alters, damages, or despoils real or personal property of another.

Illegal Activities: Illegal conduct at the premises that poses a threat to the health, safety and wellbeing of the community as documented by the Town or State Police Department

Infestation: Any presence, invasion, or harborage places of insects, rodents, vermin, or other pests on the premises that constitute a health hazard or exist in numbers as to be harmful or bothersome.

Mechanical Equipment: Any apparatus designed to operate by an internal combustion engine or designed to be towed by any apparatus propelled by an internal combustion engine; to also include electric and pneumatic equipment.

Natural Field State: Areas where grass, weeds, and brush exist in the natural un-landscaped state.

Natural Wooded State: Areas where trees and brush exist in the natural un-landscaped state.

Neighbor or Neighborhood: An individual or area of town comprised of premises or parcels of land any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the town.

Nuisance: A public nuisance is a premises or public right-of-way abutting such premises that any of the following conditions exists thereon:

- 1) Any structure which is in a state of dilapidation, decay, or is open to the elements and unable to provide shelter or serve the purpose for which it was constructed;
- 2) Premises, occupied by a structure intended for occupancy or use, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables or areas maintained in their original naturally field or wooded state, is allowed to reach and remain at a height of twelve (12) inches or greater for ten (10) days or longer;
- 3) Dead, decayed, diseased or damaged trees constituting a hazard or danger to adjacent premises or the occupants thereof or to public property;
- 4) Two or more unregistered motor vehicles in public view, pursuant to Connecticut General Statute Section 14-150a;
- 5) Residentially zoned property with any combination of 2 or more pieces of mechanical equipment stored on the premises and in public or abutting property view;
- 6) Residential or commercially zoned property that has accumulated debris or landscaping such as trees, shrubs, hedges, grass or plants which physically hinder or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.
- 7) The presence of graffiti.
- 8) Premises which have been documented by local or state law enforcement to be the site of ongoing illegal activity.

Owner: Any person(s), firm, institution, partnership, corporation, foundation, entity, or authority who or which holds title to real property or any mortgage or other secured or equitable interest in such property, as documented in the Town records.

Premises: A platted lot or part thereof or un-platted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises" shall be deemed to include any parcel of land or structures, buildings, dwellings within the Town of Colchester.

Public View: Visible from any public right-of-way or from any abutting property.

Refuse: All putrescible and non-putrescible solids (except body wastes), including but not limited to garbage, rubbish, ashes, dead animals, excrement from pets or other animals.

Rubbish: Non-putrescible solid wastes consisting of both combustible and noncombustible materials (except garbage), such as wood, coal, cardboard, paper, plastic, wrappings, containers, rags, cartons, boxes, tree branches, brush, yard trimmings, cans, metal glass, crockery, building materials.

Structure: 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.

Unsafe Structure: Any structure which meets conditions that would likely result in illness, injury, or death if allowed to persist.

Vacant or Abandoned: Any period of sixty (60) days or longer during which a premises subject to this ordinance is not legally occupied.

Exhibit #2

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Purpose:

It is hereby recognized that the existence of significantly dilapidated, damaged, unrepaired, unmaintained and/or litter strewn properties (commonly referred to as "blighted") can adversely affect the property values of abutting properties, of those in the immediate neighborhood and, in some cases, have a negative impact on an entire community. Further, blighted properties can threaten the health, safety, and welfare of area residents and business operations. The purpose of this Ordinance is (1) to define, prohibit and abate blighted premises; (2) to protect, preserve and promote public health, safety and welfare; and (3) to preserve and protect property values within the Town of Madison. This ordinance is adopted pursuant to the authority granted by Connecticut General Statutes §7-148(c)(7), §7-148(c)(7)(H)(xv), §7-148(aa), and §7-152(c).

SCOPE:

This Ordinance shall apply to the maintenance of all residentially and commercially 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 semi-public open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses or commercial, industrial, marine zoned areas.

Definitions: For the purposes of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

BLIGHT APPEALS COMMITTEE – Shall be a five (5) member committee comprised of electors of the Town of ^{Colchester} Madison appointed by the Board of Selectmen and charged with hearing appeals from actions or decisions of the Blight Enforcement Committee.

BLIGHT ENFORCEMENT COMMITTEE – Shall be a multi-disciplined committee designated to enforce the provisions of this Ordinance. It will be composed of the Building Official, Director of Health, Zoning Enforcement Officer and any other Town of Colchester employee designated by the Board of Selectmen.

BLIGHTED PREMISES - Any building, structure or parcel of land, including without limitation, single family or multi-family residential or commercial, whether occupied or vacant in which at least one of the following conditions exists:

- 1) It is deemed an unsafe structure or designated as unfit for human habitation by the Building ~~Official~~ ^{Zoning Officer}
- 2) It is a fire hazard as determined by the Fire Marshal or as documented by the

Fire Department.

3) It is determined by the Director of Health that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community.

4) It is not being adequately maintained and is visible from either the street or from adjacent property. The following factors shall be considered in determining whether it is not being adequately maintained:

- Multiple missing, broken or boarded windows or doors.
- Collapsing, seriously damaged, or missing walls, roof, siding or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors.
- Persistent accumulation of excessive amounts of garbage or trash on the premises.
- Chronically neglected and/or inoperable motor vehicles, camper trailers, or boats being stored on the premises, unless garaged, for a period of time in excess of 60 days. This restriction shall not apply to off-season storage of recreational vehicles and boats.
- Outside storage, for a period of time in excess of 60 days, of material or equipment which is incapable of performing the function for which it is designed, including, but not limited to, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, etc.
- Rodent harborage and/or infestation.
- Chronically overgrown grass, weeds, or similar vegetation that is allowed to reach and remain at a height of twelve (12) inches or greater. Cultivated gardens and areas maintained in their naturally wooded, field, or shoreline state are specifically excluded from the height requirement so stated.
- Commercial parking areas left in a state of disrepair or abandoned.

OWNER/OCCUPANT – All individuals, firms, partnerships, corporations, limited liability corporations or other entities or authorities which own, lease, rent, possess, or are responsible for property within the Town.

PREMISES – A lot or parcel and all buildings, structures, or uses located thereon.

SPECIAL CIRCUMSTANCES – Shall mean a personal or economic hardship which renders the Owner/Occupant incapable of complying with an order of the Blight Enforcement Committee. Such special circumstances may be considered by the Blight Appeals Committee as grounds to provide additional flexibility in complying with an order of the Blight Enforcement Committee.

(c) *Prohibition.* It shall be prohibited for any Owner/Occupant of any premises within the Town of Colchester to allow such premises to become blighted or to fail to correct a pre-existing blighted condition.

(d) *Reporting a Suspected Violation.* Any resident within the Town of Colchester may report a suspected violation of this Ordinance. Written complaints shall be submitted on a form prescribed by the Blight Enforcement Committee. In the absence of a written complaint, any member of the Blight Enforcement Committee may initiate an investigation of a possible violation of this Ordinance.

(e) *Determination of Violation.* If, after receipt of a complaint and a subsequent investigation, a probable violation of this Ordinance exists, the Blight Enforcement Committee shall hold a meeting to review the subject complaints and discuss their investigative findings. These meetings shall be open to the public and both the Owner/Occupant and the complainant shall be notified of the time and date of the meeting at which the subject Premises will be discussed; however, the absence of either the Owner/Occupant or the complainant shall not preclude the Committee from holding the meeting and making a formal finding. The Blight Enforcement Committee shall take a vote to determine whether the condition of the subject Premises constitutes a violation of this Ordinance and shall also determine how the violation shall be abated. A majority vote shall establish the formal finding of the Committee. If the Blight Enforcement Committee finds that the Premises is not in violation of this Ordinance, the Committee shall not be required to review additional complaints on the same Premises for a period of six (6) months. However, if the Blight Enforcement Committee believes that the condition of the Premises has changed to warrant further review, the Committee may entertain repeat complaints within a shorter time period.

(f) *Notice of Violation.* Upon determination that a violation of this Ordinance exists, the Blight Enforcement Committee shall serve a written notice of violation to the Owner/Occupant. The notice of violation shall state (i) the violation; (ii) the date upon which the violation shall be remedied; (iii) that the failure of the Owner/Occupant to remedy the violation within the prescribed time shall result in the issuance of a citation in accordance with Section 10 of this Ordinance; (iv) the amount of the daily civil penalties and any other fines or penalties imposed under Section 9; (v) that if the Owner/Occupant fails to remove or remedy the violation, the Town may cause the remediation of the violation at the expense of the Owner/Occupant; and (vi) that the Owner/Occupant has a right to an appeal in accordance with Section 8 of this Ordinance. The notice of violation shall also include a fact sheet compiled by the Senior Services Commission outlining assistance that is available for property owners age 65 or older. Delivery of the notice of violation to the Owner/Occupant shall be by certified mail, return receipt requested and simultaneously by regular U.S. Postal Service mail, addressed to the Owner/Occupant and mailed to all known addresses for such individual. If such mailings are undeliverable, such notice shall be provided by delivery by State Marshal to the Premises.

(g) *Time Period for Abatement / Extensions.* The Blight Enforcement Committee shall provide an Owner/Occupant a minimum of sixty (60) days to abate a violation of this Ordinance; however, the Blight Enforcement Committee may allow for a longer time period for abatement depending on the nature of the violation.

Exhibit 3

Blight Task Force

Purpose.

It is hereby recognized that the existence of significantly dilapidated, damaged, unrepaired, unmaintained and/or litter strewn properties (commonly referred to as "blighted") can adversely affect the property values of abutting properties, of those in the immediate neighborhood and in some cases, have a negative impact on an entire community. Further, blighted properties can threaten the health, safety, and welfare of area residents and business operations.

The purpose of this Ordinance is (1) to define, prohibit and abate blighted premises; (2) to protect, preserve and promote public health, safety and welfare; and (3) to preserve and protect property values within the Town of Colchester.

This ordinance is adopted pursuant to the authority granted by Connecticut General Statutes –

§7-148(c)(7)

§7-148(c)(7)(H)(xv)

§7-148(aa)

§7-152(c)

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SHEILA FURMAN
MAY 11 2016

Scope.

This ordinance shall apply to all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained or modified in the Town of Colchester, Connecticut but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land dedicated as public or semi-public open space or preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Definitions.

BLIGHTED PREMISES

-

Any building, structure or parcel of land, including without limitation, single family or multi-family residential or commercial, whether occupied or vacant in which at least one of the following conditions exists:

1)

It is deemed an unsafe structure or designated as unfit for human habitation by the Building Official

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2)

It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department

.

3)

It is determined by the building department that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community

4)

It is not being adequately maintained and is visible from either the street or from an adjacent property.

The following factors shall be considered in determining whether it is not being adequately maintained:

-

Multiple missing, broken or boarded windows or doors.

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

Persistent accumulation of excessive amounts of garbage or trash on the premises.

Chronically neglected and /or inoperable motor vehicles, camper trailers, or boats being stored on the premises, unless garaged, for

a period of time in excess of 60 days.

This restriction shall not apply to off-season storage of recreational vehicles and boats that are currently registered in the state of Connecticut.

Outside storage, for a period of time in excess of 60 days, of material or equipment which is incapable of performing the function for which it is designed, including, but not limited to, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, tires, etc.

Rodent harborage and/or infestation. (caused by excessive garbage, ect)

Overgrown grass, weeds, or similar vegetation that are allowed to reach and remain at a height of twelve (12) inches or greater. Cultivated gardens and areas maintained in their naturally wooded, field state are specifically excluded from the height requirement so stated.

Commercial/Residential parking areas left in a state of disrepair or abandoned that are causing erosion on adjoining properties, or harboring unlawful activities, ect.

OWNER/OCCUPANT

—

All individuals, firms, partnerships, corporations, limited liability corporations or other entities or authorities which own, lease, rent, possess, or are responsible for property within the Town.

PREMISES

—

A lot or parcel and all buildings, structures, or uses located thereon.

SPECIAL CIRCUMSTANCES

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Shall mean a personal or economic hardship which renders the Owner/Occupant incapable of complying with an order from the assigned town official.

Such special circumstances may be considered by the Town Appeals Committee as grounds to provide additional flexibility in complying with an order from the town officials.