

146. “AN ORDINANCE CONCERNING BLIGHT AND PUBLIC NUISANCE”
(INITIALLY APPROVED OCTOBER 8, 2003
AND FINALLY APPROVED NOVEMBER 3, 2003)

I. DECLARATION OF PURPOSE

- A. This Ordinance is enacted pursuant to the Connecticut General Statutes (C.G.S.), Section 7-148(c)(7) and Section 14-150a. This Ordinance is to be enforced as a blight ordinance, pursuant to Section 7-148(c)(7)(H)(xv), and as a nuisance ordinance, pursuant to C.G.S. Section 7-148(c)(7)(E).
- B. It is hereby found and declared that there exist in the City of Groton 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 of Groton. 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.

II. DEFINITIONS

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

- A. **Abandoned Motor Vehicle.** Any motor vehicle which has the appearance that the owner has relinquished control without the intent of reclaiming it including but not limited to, a vehicle with no marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative or in such condition as to be unusable as a motor vehicle.
- B. **Abandoned Property.** Any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders have been issued by the Fire Marshal, Zoning and Building Official or Health District and there has been no compliance with these orders within the prescribed time given by such official or within 90 days, whichever is longer, (2) the owner has declared in writing to the Zoning and Building Official that his property is abandoned or (3) there has been a determination by the Mayor, in accordance with this Ordinance, that the vacant structure contributes to blight.

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- C. **Blighted Property**. Any building, structure or parcel of land in or on which at least one of the following conditions exists:
1. It is dilapidated as documented by the Zoning and Building Official.
 2. It is being used for or used as storage or harbor for illegal activity as documented by the Police Department or State Police, including criminal activities per investigations, arrest warrant applications and actual arrest convictions.
 3. The condition of the building, structure or parcel of land constitutes an unsafe structure as defined by the Connecticut Building Code and poses a serious or immediate danger to the safety, health or general welfare of the community as documented by the Zoning and Building Official or by the Health District.
 4. It is not being adequately maintained, as determined by the following factors: missing or boarded windows or doors, collapsing or missing walls, roof or floors; seriously damaged or missing siding, or the building is otherwise dilapidated; a structurally faulty foundation, physical hazards, rodent harborage and infestation, improper storage of garbage, trash, rubbish, discarded household appliance or furniture, tires, discarded motor vehicle parts, graffiti or fire damage.
 5. Any unregistered, abandoned or inoperable motor vehicle located on a parcel of land for a period exceeding 30 days.

Exceptions:

- a. Vehicles under cover. One unregistered motor vehicle being offered for sale by the owner or tenant provided said motor vehicle does not remain on the same property for a period to exceed 90 days.
- b. Motor vehicles located on a property of a business enterprise lawfully licensed by the City of Groton and Connecticut Department of Motor Vehicles.
- c. Any motor vehicle, which is in operable, condition specifically adapted or designated for operation on drag strips or raceways.
- d. Any inoperable or unregistered motor vehicle being actively restored to operating condition provided:

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- i. Only two such vehicles shall be allowed at one time on the property in question.
 - ii. Motor vehicle parts used in the restoration must be stored in the vehicle or in a structure.
 - iii. Such motor vehicles shall be covered and secured with a motor vehicle cover or tarp, provided the tarp is securely attached whenever work is not being done on them.
 - iv. The brush and growth under and around the motor vehicle(s) shall be controlled and mowed.
6. It is a factor created substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, which complaints have been independently substantiated.
 7. It is a factor as a result of its inadequate maintenance or dilapidated condition that has led to the cancellation of insurance on proximate properties.
 8. It is a factor as a result of the inadequate maintenance or dilapidated condition that has materially contributed to a decline or diminution in property values on proximate properties.
 9. It is adjacent to a sidewalk, for which the property’s owner, agent, tenant or responsible person is responsible to maintain in a safe condition for the use of the public pursuant to ordinances and regulations of the City of Groton, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash, which would in any way impede or imperil public travel upon said sidewalk or render it unsafe.
 10. It attracts or harbors vectors, rodents, insects, vermin or disease-carrying animals.
- D. **Zoning and Building Official.** Zoning and Building Official as defined in Connecticut General Statutes, Section 29-260.

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- E. **Citation Hearing Officer.** The Mayor shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to Connecticut General Statutes, Section 7-152c to serve on the Citation Hearing Board. Such officer(s) shall be other than any individual who issues citations, and the City of Groton shall institute a citation hearing procedure pursuant to that Statute and act in accordance with the procedures set forth therein.
- F. **Designated Enforcement Officer.** The Designated Enforcement Officer(s) are those authorized by the Mayor to take such enforcement actions and to issue citations as specified in this Ordinance.
- G. **Dilapidated.** Any building or structure or part thereof that would not qualify for a Certificate of Use and Occupancy or which is deemed an unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is designated as unfit or unsafe for human habitation as defined by the Connecticut Health Code.
- H. **Exempt Property.** Any property acquired by the City of Groton through foreclosure, eminent domain, or by a deed in lieu of foreclosure would only be exempt from the provisions of this Ordinance during the first six (6) months from the date of the foreclosure, and any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.
- I. **Inoperable Motor Vehicle.** Any motor vehicle that is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components.
- J. **Motor Vehicle.** Any device propelled by any power other than human power that is or was capable for the conveyance, drawing or other transportation of person or property and is suitable for operation on a highway. Excepted are agricultural tractors or farm implements.
- K. **Neighborhood.** An area of the City of Groton comprised of premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the City of Groton.
- L. **Public View.** Visible from any public right of way or neighboring property.
- M. **Sidewalk.** Any public way adjacent to streets, highways and those public rights of ways used for vehicular traffic that are used for pedestrian traffic.

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- N. **Under Cover.** Completely enclosed in a garage or other building serving the same purpose of a garage.
- O. **Unregistered Motor Vehicle.** Any motor vehicle that in its present condition is able to be registered but does not have a valid registration.
- P. **Vacant.** A period of sixty (60) days or longer during which a building subject to this Ordinance is not legally occupied. Vacant status in and of itself does not constitute a blighted building.

III. CREATION OR CONTINUATION OF BLIGHTED PROPERTY PROHIBITED

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in Section II of this Ordinance, to be created or continued.

IV. DESIGNATION OF BLIGHTED PROPERTY

- A. Within fifteen (15) days of receiving a complaint of blight on the proper form provided by the City of Groton, the Mayor, by written notice to a Designated Enforcement Officer, shall cause an investigation to commence by the Officer(s), to determine if conditions constituting blight exist on a property.
- B. The Enforcement Officer(s), within thirty (30) days of receiving said notice to commence, shall investigate, document conditions of blight, if any, and file a written report with the Mayor. The Enforcement Officer’s report shall state whether or not the property is a blighted property within the meaning of this Ordinance. A copy of said report shall be forwarded, certified mail, return receipt requested, to the property owner as listed on the latest assessment list of the City of Groton as well as to any known occupants of the property.

V. ENFORCEMENT AND HEARINGS – PENALTIES

- A. Once a property has been declared a blighted property by the Enforcement Officer in a report to the Mayor, the Enforcement Officer(s), may enforce this Ordinance according to law, by civil action, or in such manner as is authorized by the City of Groton Charter and Ordinance. In addition to any other remedy, such Officer shall serve written notice to an owner, agent, tenant or person responsible of any violation and shall order the correction and cessation of such violation, which shall constitute an order to abate. The notice may be hand delivered or sent by

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certified mail, return receipt requested, to the last known address of the owner, operator or any of the persons identified in Section III of this Ordinance. In the case of an unidentified owner or one whose address is unknown, the Enforcement Officer shall publish a notice in *The Day*, a newspaper having a general circulation within the municipality, stating the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.

- B. Within fifteen (15) calendar days of the date of the notice or of the date the newspaper notice was published, whichever is applicable, the owner, agent, tenant, or responsible person shall file a written response with the Enforcement Officer of an intention to rectify the violation(s), whether through rehabilitation, demolition, grooming, maintaining, or to contest the blighted designation. No response indicating an intention to rectify the violation will be deemed to have been filed unless it contains a timetable for rectifying the violations within a reasonable time period as determined by the Enforcement Officer.
- C. Any owner, agent, tenant, or responsible person filing a written response contesting the designation of blight shall be entitled to a hearing before the Citation Hearing Board. Such hearing shall be held in the same manner outlined in Connecticut General Statutes, Section 7-152c(e). The Citation Hearing Board shall render its decision in writing and shall file it with the Enforcement Officer, the Mayor and send it by certified mail, return receipt requested, to the owner, agent, tenant, or responsible person and to all parties in the proceedings. If the final decision is that the property is blighted, the owner, agent, tenant, or responsible person shall have fifteen (15) calendar days to file with the Enforcement Officer a written timetable to rectify the violation within a reasonable time period as determined by the Enforcement Officer.

For all properties declared blighted properties within the meaning of this Ordinance as a result of the presence of an abandoned, inoperable, or unregistered motor vehicle, the Enforcement Officer shall, in addition to giving notice to the property owner, publish a notice in *The Day*, a daily newspaper having a general circulation within the municipality.

- D. A decision of the Citation Hearing Board may be appealed to superior court in accordance with the provisions of Connecticut General Statutes, Section 7-152c(g).
- E. If the owner, agent, tenant, or responsible person fails to correct the violations, the City of Groton may take any action necessary pursuant to Connecticut General Statutes, Section 7-148(c)(7)(E) to abate the nuisance at any time after the initial twenty-four (24) hour notice of such property.

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- F. The Enforcement Officer may not extend any of the deadlines set out in this Ordinance.
- G. If the owner, agent, tenant, or responsible person fails to respond to the citation of blight, fails to attend any hearing or adjourned hearing before the Citation Hearing Board or is unwilling or unable to rehabilitate, demolish, groom, or maintain the blighted property within a reasonable time, the Enforcement Officer shall notify the Mayor through a written monthly report. The Mayor shall recommend to the City Council whether to:
1. Refer the blighted premises to the Enforcement Officer. The Enforcement Officer shall undertake regular inspections of the blighted property to document continued blight. The Enforcement Officer shall schedule a hearing with the Citation Hearing Board and held in the same manner outlined in Connecticut General Statutes, Section 7-152c(e). The Enforcement Officer shall also impose a penalty of not more than one hundred dollars (\$100.00) per day for each day that the property violates this Ordinance. The fine shall be retroactive to the date of the Enforcement Officer’s initial letter to the owner, agent, tenant, or responsible party or in the case of an unidentified owner, the date of publication of notice in the daily newspaper. Each day that a violation of this Ordinance exists shall constitute a separate offense. The Enforcement Officer shall impose said penalty by notifying the owner, agent, tenant, or responsible party by certified mail, return receipt requested, and shall notify the Mayor.
 2. Take the necessary steps to acquire blighted properties, which have been certified by the Zoning and Building Official to be abandoned pursuant to the Urban Homestead Act of the Connecticut General Statutes.
 3. Take the necessary steps to acquire and rehabilitate the blighted premises in accordance with the City of Groton Plan of Development.
 4. Take the necessary steps to acquire blighted properties using other state or federal means as they may be available.

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VI. REMOVAL OF ABANDONED, INOPERABLE OR UNREGISTERED MOTOR VEHICLES

For all properties declared blighted properties within the meaning of this Ordinance as a result of the presence of an abandoned, inoperable or unregistered motor vehicle, which blighted condition has remained in effect for thirty (30) days or which motor vehicle has remained abandoned, inoperable or unregistered on site for thirty (30) days after (1) Notice by personal service 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, and (2) Notice in a newspaper having a general circulation in the City of Groton.

The City Council may provide for the removal and storage of said motor vehicle or parts thereof. 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.

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

If the costs of the removal and storage of the motor vehicle remain unpaid for a period of thirty (30) days, the City Council may order the motor vehicle or parts thereof sold at public auction and no such public auction shall occur without being sent, certified mail, return receipt requested, to the owner of the property involved or, if the owner of the property is different from the owner of the motor vehicle, the motor vehicle is to be auctioned and the proceeds of the auction applied to the cost of removal and storage. Notice of the auction shall be published in a newspaper having circulation in the City of Groton at least ten (10) days prior to said auction date. The proceeds of such sale will be used by the City Council to defray the costs of removal, storage and notice. If there should be any money left over after the payment of said costs, the excess proceeds shall be turned over to the owner of the property involved, or if the owner of the property is different from the owner of the abandoned motor vehicle, or if neither property is known, said funds shall be deposited in the General Fund of the municipality.

Any person aggrieved by a notice requesting the removal of a motor vehicle or by the removal of same may, within 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 the Connecticut General Statutes, Section 7-152c.

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VII. COLLECTION OF FINES AND/OR WAIVERS

All fines imposed for violation of this Ordinance shall be payable to the City of Groton, collected by the City Treasurer and deposited in the General Fund.

Upon petition of the property owner, the City Council may waive and release the penalties and liens (excluding motor vehicle violations) if: (1) The City of Groton acquires the property or (2) at the time of the sale of the blighted property, in the City Council’s opinion, the buyer has the financial ability and intention and has indicated in writing to the City Council of their intent to immediately rehabilitate the blighted property. Failure to rehabilitate the blighted property, within the agreed upon timeframe will result in reinstatement of the previous penalties and liens as well as accrual of additional penalties and liens from the date of the waiver.

VIII. MUNICIPAL ABATEMENT

In any action to enforce this Ordinance or to enforce any violation hereof, including the failure to pay a fine or penalty, the City of Groton may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorney fees and its witness fees and such other relief as permitted by law.

IX. RECORDING OF LIEN

Pursuant to Connecticut General Statutes, Section 7-148aa, any unpaid fine imposed by the City of Groton pursuant to this Ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The Town of Groton Tax Collector is hereby empowered to place a lien on the land records in the manner as specified by Connecticut 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.

X. ADMINISTRATIVE RESPONSIBILITY

The Enforcement Officer(s) may prescribe administrative procedures necessary for the purpose of effectuating this Ordinance, which procedure shall be approved by the City Council.

XI. SAVINGS CLAUSE

Should any court of competent jurisdiction declare any section, clause or provision of this Ordinance to be unconstitutional, such decision shall affect only such section, clause or provision and shall not affect any other section, clause or provision of this Ordinance.

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XII. VIOLATION

A violation of this Ordinance is a public nuisance.

XIII. EFFECTIVE DATE

This Ordinance shall become effective 10 days after final passage.

WHEREAS, there exists in the City of Groton a number of blighted properties; and

WHEREAS, blighted properties constitutes a continuing nuisance and contributes to the decline of our neighborhoods; and

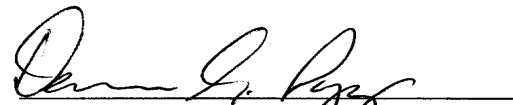
WHEREAS, this Ordinance was initially approved at the Mayor and Council meeting held on October 8, 2003; and

WHEREAS, this Ordinance was published in *The Day*, a newspaper having general circulation in the City of Groton on October 14, 2003 and October 16, 2003;

THEREFORE, BE IT RESOLVED that the Mayor and Council **finally** approve “An Ordinance Concerning Blight and Public Nuisance”.

Initially approved: October 8, 2003.

Finally approved: November 3, 2003.


Dennis L. Popp, Mayor


Debra Patrick, City Clerk