

Tolland Blight Ordinance – Adopted October 11, 2016
Amended Effective December 1, 2017

Article 1. Purpose

The purpose of this ordinance is to define, prohibit and abate blight so as to protect the public health, safety and welfare of the town, promote the remediation of blighted premises, and have the ability to address situations where blighted premises have a demonstrated impact on property values.

This article is adopted in accordance with the provisions of Section 7-148(c)(7)(H)(xv) of the Connecticut General Statutes, as amended.

Article 2. Scope

- A. This ordinance shall apply to the maintenance, use and occupancy of all premises, unless specifically excluded herein, now in existence or hereafter constructed, maintained or modified and shall include:
 - 1. Dwellings or dwelling units including one-family and two-family dwellings and buildings with multiple dwellings,
 - 2. Lots, plots or parcels of land whether vacant or occupied, and
 - 3. Accessory structures to any dwelling.
- B. The following premises or structures are exempt from this ordinance:
 - 1. Land and associated structures currently used for agriculture, excluding any dwelling unit, accessory structures to a dwelling unit and those grounds immediately surrounding the dwelling that are related to the dwelling unit,
 - 2. A barn built at least 75 years ago,
 - 3. Town-owned parcels for which a plan for addressing the blighted condition(s) has been developed but funding is not available or those properties used for maintenance and repair activities such as by Public Works and Parks and Recreation.
 - 4. Premises with a legal permitted or non-conforming commercial or industrial use and with no dwelling unit or units on the property,
 - 5. Premises for which a Special Permit or Site Plan application is pending before the Planning and Zoning Commission, and
 - 6. Stone walls.

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Article 3. Terms Defined

ABANDONED DWELLING: A dwelling with no lawful inhabitants which reasonably appears to be unprotected and permanently left by its owner. Factors which support a finding of abandonment include, but are not limited to, non-payment of taxes, non-payment of mortgage, deteriorating condition of dwelling, interior infestation by vermin, wildlife or feral animals, or disconnection of utilities servicing the dwelling.

ABANDONED VEHICLE – An inoperable or unregistered motor vehicle where inoperable means the vehicle is incapable of being legally operated on public roads without major work or modification.

AGRICULTURE – The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry.

BARN – A detached, accessory structure that was at one time constructed, used or maintained for agricultural purposes and not currently used as a dwelling.

BLIGHT ENFORCEMENT OFFICER – An individual or individuals appointed by the Town Manager or his or her designee to enforce the provisions of this ordinance and issue citations.

BLIGHT REVIEW COMMITTEE – A committee appointed by the Town Council. The committee shall include three residents. One member of the Town Council, the Blight Enforcement Officer, and Director of Human Services shall be ex officio members of the Committee.

BLIGHTED PREMISES – Any building or structure or parcel of land subject to this ordinance in which at least one of the following conditions exist:

- Collapsing or collapsed exterior wall of a structure,
- Collapsing or collapsed roof on a structure,
- Remains of a structure damaged by fire or casualty which is exposed to elements and no longer serves the purpose for which it was constructed,
- Accumulations, exposure, deposit or burial of any foul, decayed, putrid or offensive substances,
- Outside storage of debris including but not limited to cans, boxes, scrap metal, containers, trash, tires, appliances, and similar debris; which is visible from a public way; and, in an amount that exceeds what is reasonably customary for a dwelling unit for more than 60 days,
- One or more abandoned vehicles on the premises for more than 60 days and visible from the public right of way,
- An abandoned or vacant building that is unsecured from unauthorized entry, or
- Other condition which poses a serious threat to the safety, health, and general welfare of the community as determined by the Health District, Fire Marshal or Building Official.

Any building or structure or parcel of land in which at least three (3) of the following conditions are visible from a public way:

- One or more missing windows or doors,

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- One or more boarded windows or doors,
- Rotted or missing siding,
- Collapsing stairs, porch or deck,
- Collapsing handrail or railing,
- Overhang or roof extension including awning, patio cover or carport cover that is significantly deteriorated to the point it is disintegrating or can no longer perform its intended function,
- A substantial area of unmanaged weeds or vegetation over thirty-six (36) inches in height, or
- Is attracting illegal activities as documented in police records.

The following shall not be construed as BLIGHTED PREMISES unless posing a serious threat to the safety, health, and general welfare of the community as determined by the Health District, Fire Marshal or Building Official:

- Un-mowed lawn or overgrown vegetation not meeting the above standards,
- Dead, diseased or damaged tree,
- Fence that is dilapidated or has broken or rotted boards,
- Driveway in a state of disrepair, or
- Cosmetic issues including, but not limited to, peeling paint, torn or ragged window screen, or missing or damaged gutters.

CITATION HEARING OFFICER – The Citation Hearing Officer appointed pursuant to Connecticut General Statutes Section 7-152c.

DEBRIS – Material incapable of immediately performing the function for which it is designated, including but not limited to abandoned, discarded or unused objects.

FARM – A parcel of land used principally for agricultural activities, forestry, nursery, truck gardening or for raising, keeping or sale of livestock or fowl.

OWNER – Any person, firm, institution, partnership, corporation, foundation, entity, or authority who or which holds title to real property.

PUBLIC WAY – Premises within the legal limits of any street or road, owned and maintained by the town.

VACANT – A continuous period of 180 days or longer during which a dwelling unit is not occupied by human beings.

Article 4. Determination of Violation

A. Complaints:

1. Any person may submit a complaint of potential blight to the Blight Enforcement Officer.
2. All complaints must be submitted using a Blight Complaint Form.

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3. An anonymous Blight Complaint Form will be accepted, but a signed form will receive a higher priority for review and enforcement.
- B. The Blight Enforcement Officer shall review all Blight Complaint Forms and present a report of each complaint to the Blight Review Committee.
- C. The Blight Review Committee shall determine by vote whether each premise subject to a complaint meets the definition of Blighted Premises.
- D. The Blight Review Committee shall not be required to review a subsequent complaint for any premise the Committee voted upon within the last sixty (60) days unless the complaint form indicates that the premise exhibits additional forms of blight.

Article 5. Notice of Violation, Enforcement, Citations

- A. For those premises which are determined to be Blighted Premises, the Blight Enforcement Officer shall send a Notice of Violation by certified mail and such Notice shall include:
 1. The location of the blighted premises,
 2. The provision(s) of this ordinance that have been violated,
 3. The timeframe for correcting the situation,
 4. A description of the process and penalties if the situation is not corrected,
 5. Information on how to appear before the Blight Review Committee to request a reconsideration of the determination of blight, and
 6. Contact information for the Town Director of Human Services for the purpose of providing information on assistance to those who may be in need.
- B. Time Frame for Compliance:
 1. Owners shall correct the violation within sixty (60) days of receipt of the Notice of Violation.
 2. An extension of the sixty (60) days may be granted if the owner begins work within the sixty (60) days, has submitted a schedule for completion of the work, and such schedule is satisfactory to the Blight Review Committee or its designee.
 3. If the violation presents an imminent health or safety hazard, as determined by the Building Official, Fire Marshal or Health Department, then the violation shall be corrected immediately.
- C. The civil penalty for such violation shall be the following: One-hundred (100) dollars per day for the first thirty (30) days, then ten (10) dollars per day thereafter until an aggregate amount of four-thousand (4,000) dollars is reached. At such time that a civil penalty of four-thousand (4,000) dollars is reached, penalties shall stop accruing and the matter shall be referred to the Town attorney to determine, in consultation with staff, the course of legal action. Such legal action may include, but shall not be limited to, sale of the property through the tax lien procedure, strict foreclosure or foreclosure by sale.

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- D. If the owner fails to take corrective action within the time frame for compliance, including any extensions which may be granted, so that the building, structure or parcel of land is still considered a blighted premise, the Blight Enforcement Officer shall issue a written citation alleging that a violation of this section exists and that the owners have failed to take corrective action. The citation shall include the information contained in Section A, above, in addition to:
 - 1. The civil penalty for such violation in accordance with state statute and as determined by the Article 5, Section C.
 - 2. The process for requesting a hearing to contest the citation.
- E. Any owner aggrieved by the issuance of a citation and/or the imposition of a civil penalty by the Blight Enforcement Officer, may within ten (10) days of the receipt of the citation, request a hearing before a Citation Hearing Officer in the manner set forth in Section 7-152c of the Connecticut General Statutes. Failure to request a hearing within ten (10) days shall constitute admission of liability in accordance with Connecticut General Statutes Section 7-152c(d).
- F. Each day any violation continues shall constitute a separate offense.
- G. Nothing in this Article shall prevent the Blight Enforcement Officer from making initial contact with the owner of Blighted Premises prior to sending a Notice of Violation to discuss the issue, enforcement process or other matters related to the complaint against the premises.

Article 6. Appeal of Citation Officer Decision

Any owner aggrieved by a determination of the Citation Hearing Officer has the right to appeal the decision in accordance with Connecticut General Statutes Section 7-152c(g).

Article 7. Special Consideration of Timeframe for Compliance

- A. Individuals who are disabled, elderly or low income may request special consideration for a longer timeframe to correct the violation by submitting a written request to the Blight Enforcement Officer within ten (10) days of receipt of the Notice of Violation. The Blight Enforcement Officer will submit the request to the Director of Human Services.
- B. The Director of Human Services shall meet with the individual to determine eligibility for special consideration and shall make a determination whether special consideration shall be granted.
- C. The Director of Human Services shall submit this determination to the Town Manager for approval. Once approved, the Director of Human Services will recommend the amount of time for the extension. The amount of time for the extension shall be approved by vote of the Committee.
- D. In no case shall a special consideration be granted if the violation presents an imminent health or safety hazard, as determined by the Building Official, Fire Marshal or Health Department.

Article 8. Relation to Other Regulations, Codes and Ordinances

- E. The provisions of 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.

- F. 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 health and safety shall prevail.