

ARTICLE IV. BLIGHT ABATEMENT

Sec. 7-60. Purpose.

It is hereby found and declared that exists within the town, a number of taxable and tax-exempt real properties which contain vacant and/or blighted buildings. It is further found that the existence of these vacant and/or blighted buildings adversely affects property values within the town and threatens the health, safety and general welfare of its residents.

(Ord. of 9-7-99)

Sec. 7-61. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Blighted premises shall mean any vacant or occupied, as otherwise indicated herein, building or structure, or any vacant

part of a structure that is a separate unit, or a vacant parcel of land, and in which at least one (1) or more of the following conditions exists:

- (1) The building official determines that existing conditions pose a serious threat to the health and safety of persons in the town.
- (2) It is not being maintained and contributes to structural decay, as evidenced by the existence of two or more of the following conditions:
 - a. Missing or boarded windows or doors;
 - b. Collapsing or missing walls, roof or floor;
 - c. Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
 - d. A foundation that is structurally faulty;
 - e. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain rust or other decay;
 - f. Chimneys and similar appurtenances which are in a state of disrepair;
 - g. Insect screens which contain tears or ragged edges;
 - h. Vermin infestation;
 - i. Garbage, trash or abandoned vehicles on the premises (unless the premises is a junkyard licensed by the State of Connecticut);
 - j. Overgrown (non-agricultural) grass or weeds at least one (1) foot in height; or
 - k. Graffiti.
- (3) Illegal activities are conducted at the premises, as documented in police department records, except as otherwise regulated by Sections 19a-343 to 19a-343h inclusive of the Connecticut General Statutes.
- (4) It is a fire hazard as determined by the fire marshal or as documented in fire department records.

- (5) It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports or the cancellation of insurance on proximate properties.

Building official shall mean such individual as is designated to administer the adopted building code and to enforce building ordinances as defined in Section 29-260 of the Connecticut General Statutes.

Housing board of appeals shall mean the five (5) member board as established by chapter IV, section 4 of the Town of Plymouth Charter.

Legal occupancy shall mean occupancy in accordance with state building, state fire, local zoning, local housing, and all other pertinent codes.

Neighborhood shall mean an area of the town comprised of all premises or parcels of land any part of which is within a radius of one thousand (1,000) feet of any part of another parcel or lot within the town.

Owner shall mean any person, firm, institution, partnership, corporation, foundation, entity or authority which holds title to real property or any mortgage or other secured or equitable interest in such property, as appears in the Plymouth Land Records.

Proximate property shall mean any premises or parcel of land or part thereof within one thousand (1,000) feet of a blighted premises.

Unit shall mean any space within a building that is or can be rented by or to a single person or entity for his or her sole use, and is intended to be a single and distinct space.

Vacant shall mean a continuous period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.

Vacant parcel shall mean a parcel of land with no structures(s) thereon.

(Ord. of 9-7-99)

Sec. 7-62. Prohibition against creating or maintaining blighted premises.

No owner of real property, taxable or tax-exempt, within the town shall cause or allow blighted premises to be created nor shall any owner allow the continued existence of blighted premises.

(Ord. of 9-7-99)

Sec. 7-63. Enforcement.

(a) Any individual affected by the action or inaction of any owner of a unit or other space subject to the provisions of sections 7-60 through 7-67 of chapter 7 of the Plymouth Code of Ordinances, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the building official.

(b) If the building official has reason to believe that an owner has violated the provisions of this article, the building official shall serve a notice of violation and an order to correct such violation on the owner of record of the property via certified mail. The order shall require the owner to comply with the requirements of this article in the manner specified in said order within sixty (60) days. A copy of the order shall be filed with the town clerk, and any subsequent purchaser of the property shall be subject to such order.

(Ord. of 9-7-99)

Sec. 7-64. Appeals, hearings.

(a) Any person who is aggrieved as a result of being served with a notice of violation in accordance with this article may request and, upon payment of a twenty-five dollar (\$25.00) fee payable to the town, shall be granted a hearing on the matter before the housing board of appeals; provided that such person shall file with the land use department a written petition bearing the grounds thereof within thirty (30) days after receipt of the

notice of violation. Such appeal to the housing board of appeals may be for either a revocation or extension of the notice of violation.

(b) The housing board of appeals shall conduct a hearing in the manner specified by section 8-62 of the Plymouth Code of Ordinances. The board shall submit its decision to the building official within ten (10) days of the hearing held on the notice of violation.

(c) The housing board of appeals, after full hearing, shall sustain, modify or withdraw the notice of violation. Modifications from the notice of violation may be granted if the aggrieved person can establish to the board's satisfaction that:

- (1) Title to the blighted premises has recently been conveyed.
- (2) There is a financial hardship.
- (3) The premises has been the subject of a bank foreclosure.
- (4) The property owners are elderly on a fixed income.
- (5) The blighted premises is being actively offered for sale or lease.

(d) When extending a time frame for compliance, the board may after due consideration grant up to two (2) additional sixty (60) day periods not to exceed a total of one hundred eighty (180) days from receipt of the original notice of violation.

(Ord. of 9-7-99)

Sec. 7-65. Penalties.

Violation of the provisions of this article shall be punishable by a penalty of not more than fifty dollars (\$50.00) per diem for each unit or for the equivalent amount of other space. Each day a unit or equivalent amount of other space is in violation of this article shall constitute a separate offense. Such penalties shall exist as a lien against the premises wherein said violation exists and may be recorded upon the land records of the town. Such liens shall be perfected and be in effect in accordance with the provisions of the Connecticut General Statutes, as amended, relating to the collection of taxes on real estate.

(Ord. of 9-7-99)

Sec. 7-66. Certification of list of blighted premises.

(a) The mayor shall convene a blighted building committee consisting of the building official, sanitarian, zoning/wetlands enforcement officer and fire marshal. The mayor may assign any other staff as deemed appropriate to assist the committee.

(b) The blighted building committee shall produce a list of blighted premises to be submitted annually to the mayor and town council. Said list shall be presented to the town council for their regular June meeting.

(c) The blighted building committee may from time to time request the addition of any premises to or deletion from the blighted property list for consideration by the town council.
(Ord. of 9-7-99)

Sec. 7-67. Decision by town council.

(a) The town council shall make findings as to and decide:

- (1) Whether the premises are blighted as defined in sections 7-60 through 7-67 of chapter 7 of the Plymouth Code of Ordinances; and
- (2) Whether it is necessary and desirable for the town to acquire the premises in order to eliminate the blighting conditions. In the event that the town council chooses not to approve, disapprove or modify the list within seventy-five (75) days from the date it receives said list, then said list will be deemed to have been approved.

(b) If the town council finds that the premises are blighted and that acquisition is necessary and desirable to eliminate the blighting conditions, the mayor is authorized, subject to the availability of funds, to take the proper action to acquire the premises. Specifically, the mayor, after the acquisition of the property either by negotiation with the property owner or by condemnation proceedings, may order, with the consent of the town council, any of the following actions to be taken:

- (1) Clear the premises with or without demolition of any structures on the site as may be necessary to accomplish the objectives of this article using town employees or independent contractors;

- (2) Rehabilitate any of the structures on the site, using town employees or independent contractors;
 - (3) Sell the blighted premises to a purchaser upon terms providing for the prompt elimination of the blight and ensuring that the conditions causing the blight will not recur.
- (c) All reasonable efforts should be taken to ameliorate the blight and restore the premises to the grand list.
(Ord. of 9-7-99)