Town of Somers
Anti Blight Ordinance

1. Purpose

1.1. This article prohibits any owner, agent, tenant or person in control of real property located in the town from allowing, creating, maintaining or causing to be created or maintained blighted premises. This article also establishes penalties for violations.

2. Definitions

2.1. This article is enacted pursuant to C.G.S. §§ 7-148(c)(7) § 7-148aa and 7-152c as amended.

2.2. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

2.3. *Blighted premises* means any house, building, structure or parcel of land where at least one of the following conditions exists:

2.3.1. It has been determined by the town building official, director of health, town engineer, zoning enforcement officer, or other appropriate official as designated by the Board of Selectmen acting within the scope of their authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.

2.3.2. The fire marshal has determined that a building or structure is a fire hazard.

2.3.3. The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public and be evidenced by one or more of the following conditions:

a. Missing, broken or boarded up windows and doors; except that when ordered by the building department, windows and doors may be boarded for a period not to exceed 90 days. If such windows require boarding for an additional period, a building permit must be obtained.

b. Collapsing or missing exterior walls, roofs, or other exterior features, including but not necessarily limited to, stairs, porches, handrails, railings, hatchways, chimneys or floors.

c. Exterior walls which contain holes, breaks, loose or rotting materials.

d. Seriously damaged, cracked, broken or missing siding.

e. Twenty-five percent flaking or peeling paint on any one exterior elevation which is visible to the public; or having exterior paint which is chipped, blistered, flaking or peeling on more than one wall.

f. Unrepaired fire or water damage.

g. Rodent harborage and/or infestation.

h. Persistent garbage or trash on the property.

i. Parking lots in a state of disrepair or abandonment evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement or macadam, or within medians and buffers;

j. Shrubs, hedges, grass and plants that:

1. Have been left to grow in an unkempt manner by covering or blocking more than 50 percent of the structure, its windows, doors, or means of access

2. Block, interfere with, or otherwise obstruct the sighting of any road sign.

k. No owner or occupant of any premises shall permit grass, weeds or similar growths to reach a height greater than 18 inches on any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not. Nor shall the owner of any undeveloped premises allow any grass, weeds or similar growths thereon greater than 18 inches in height to remain thereon within 25 feet of a street line or any adjoining property line of any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not. Maintained gardens, including flowers and vegetables, are excluded from this subsection.

l. Graffiti or vandalism existing at or on the property.

2.3.4. The overall condition of the property causes an adverse impact on the enjoyment of or value of neighboring properties.

2.3.5. The storage of any worn out, cast off, or discarded article or material, occupying a cumulative area of more than 100 square feet, which is ready for destruction or has been collected or stored for salvage or conversion to some use and/or any material including but not limited to household appliances, parts of motor vehicles, furniture, equipment, building materials and refuse, unless such materials are placed curbside for a scheduled bulky waste pickup, which:

2.3.6. Is hazardous to the safety or welfare of people or property;

2.3.7. Is causing a nuisance; or

2.3.8. Is a factor in creating substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by complaints of abutters and other neighbors, police reports regarding the property on which the unsightly material is located or cancellation of insurance policies on abutting properties or other neighboring properties.

3. Exemptions

3.1. The following properties shall be exempt from subsection "Definitions":

a. Agricultural lands pursuant to G.S. § 22-3(b);
b. Land dedicated as public open space or parks;
c. Land preserved in its natural state through conservation easements or conservation restrictions;
d. Areas designated as buffers by a land use agency;
e. Upland review areas or wetlands and watercourses;
f. Those lots with slopes in excess of 15 degrees or escarpments left to grow wild provided they are in keeping with the established setting and natural character of the neighborhood.
g. Town-owned buildings.

4. Prohibition

4.1. No owner, agent, tenant, where required by a lease to maintain the property, or person in control of real property located in the town shall allow, maintain or cause to be maintained a blighted premises.

5. Notice of Violation

5.1. The town, through its designated enforcement officer, shall serve written notice to an owner, agent, tenant and/or person responsible for the blighted premises. The notice may be hand delivered or mailed by certified mail, return receipt

requested, to the last known address of the owner. A copy of the notice shall also be sent to the lien holder of the property per G.S. § 7-148gg.

5.2. Such notice shall state the violation and demand its abatement within 30 calendar days. If the owner fails to correct the violation, the town may issue an enforcement citation as specified herein.

5.3. If the owner, agent, tenant and/or person responsible for the blighted premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a newspaper having a substantial circulation in the town. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.

6. Designated Enforcement Officer

6.1. The zoning enforcement officer and/or other individuals designated by the Board of Selectmen are charged with the enforcement of this article and are hereby authorized to take such enforcement actions as are specified herein.

7. Penalty for Violation

7.1. Violations of the provisions of this article shall be punishable by a fine of $75.00 for each day the violation continues after the failure to abate the violation as provided herein. Each day of the violation shall constitute a separate offense.

8. Enforcement Citation

8.1. If any violation remains unabated after 30 days, the designated enforcement officer or other person authorized by the Board of Selectmen is hereby authorized to issue a citation to the violator in accordance with this article. The citation will require immediate payment.

8.2. Failure to remedy the violation shall be deemed a public nuisance, subjecting the violator to criminal penalties as permitted by statute.

8.3. In addition to any criminal penalties as permitted by statute and fines provided herein, the designated enforcement officer is authorized to institute any and all legal proceedings before the superior court to compel compliance with this article.

8.4. In the event the designated enforcement officer prevails in any legal proceedings, the violator shall be liable for all costs of bringing his property into compliance and shall further be liable for all legal costs incurred by the town in compelling such compliance, including its reasonable attorney's fees and legal notice fees.

9. Citation Procedure

9.1. Any person issued a citation pursuant to this article shall be entitled to a hearing to contest the citation pursuant to the provisions of G.S. § 7-152c. Enforcement shall be stayed pending the hearing with the designated hearing officer.

10. Recording of Lien

10.1. Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with G.S. § 7-148aa. Each such lien shall be continued, recorded and released as provided for in G.S. § 7-148aa and the General Statutes.

11. Municipal Performance

11.1. In addition to any penalties as permitted by statute, the designated enforcement officer is authorized to institute any and all legal proceedings before the superior court to compel compliance with this article.

11.2. In the event the designated enforcement officer prevails in the legal proceedings provided for herein, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in bringing the property into compliance, including its reasonable attorney's fees and legal notice fees.

12. Pending Special Permit, Site Plan, or Property Sale Exception

12.1. Any blighted premises for which a special permit or site plan application for improvements to the blighted premises is pending, or which has been sold to a bona fide purchaser shall be exempt from the provisions of this article for a period of 90 days from the date of submittal of a complete application to the town planning and zoning commissions or from the date of sale.

13. Notice of Penalty Assessment with Clerk of Superior Court

13.1 If enforcement citation fines levied in accordance with this chapter are not paid within 30 days, despite proper notice to the person found liable, the hearing officer shall file a certified copy of the unpaid fines with the clerk of the superior court. Notice with the clerk of the superior court shall be filed within 12 months. The clerk shall enter judgment in favor of the town. The judgment shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to such person.

14. Appeal of Penalty Assessment to Superior Court

14.1 A person against whom a judgment has been entered is entitled to judicial review in accordance with the provisions of G.S. § 7-152c.