

9-1 ANTI-BLIGHT REGULATIONS.

9-1.1 Purpose and Declaration of Policy.

It is hereby found and declared that there may exist within the Town of Brooklyn any number of blighted premises. It is further found that the existence of these blighted premises adversely affects neighborhood property values within the Town and may threaten the health, safety, or general welfare of its residents and citizens. This ordinance is enacted pursuant to the authority granted to the Town of Brooklyn under Connecticut General Statute's section 7-148(c) (7) (H) (xv). (Ord. 3/4/13)

9-1.2 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Agricultural shall mean any premises or portion of a premises or parcel of land that is used for agricultural purposes as defined in the General Statutes, State of Connecticut, Rev. of 1958; Title 1, Chapter 1, Sec. 1-1 (q).

Blighted Premises shall mean:

- a. Any building, structure, or parcel of land that has been determined to pose a serious or immediate threat to the health, safety or general welfare of the community by the Zoning Enforcement Officer, Building Official, Director of Health, Fire Marshal, or any official acting within the scope of their authority as designated by the First Selectman.
- b. Any building, structure, or parcel of land not being maintained as evidenced by two (2) or more of the following conditions:
 1. A building or structure in a state of dilapidation or decay.
 2. Missing, broken, or boarded windows or doors.
 3. Collapsing or deteriorating exterior walls, roofs, stairs, porches, or chimneys.
 4. Exterior walls which contain holes, breaks, loose or rotting materials or are covered by temporary materials.
 5. Deteriorating foundation walls that contain open cracks or breaks.
 6. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, porches, stairways, fire escapes, any of which show dilapidation or improper building materials or construction, and standpipes and exhaust ducts which contain rust or other dilapidation.
 7. Exterior evidence of vermin infestation.
 8. Debris.
 9. Trees, shrubs, hedges, grass and plants, which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.
 10. Fencing in a dilapidated condition.
 11. Evidence of graffiti or vandalism.
- c. Remains of a structure that has been damaged by fire or other casualty and which is exposed to the elements and no longer serves the purpose for which it was constructed.
- d. Any building, structure or parcel of land which creates substantial and unreasonable interference with the use and enjoyment of surrounding residential properties as evidenced by neighborhood complaints, fire, public safety or health department reports.

Debris shall mean 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 parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage. This definition shall not be applicable to premises that are a junkyard licensed by the State of Connecticut.

Decay shall mean a wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.

Deteriorating shall mean to become or make something worse in quality, value, or strength.

Dilapidation shall mean to become, or make something become, partly ruined or decayed, especially through neglect.

Maintained shall mean to keep in good condition and take care of so that its value is sustained.

Owner shall mean any person, 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 public records.
(Ord. 3/4/13)

9-1.3 Prohibition Against Creating or Maintaining Blighted Premises.

No owner of real property within the Town of Brooklyn shall cause or allow blighted premises to be created, nor shall any owner allow the continued existence of blighted premises. (Ord. 3/4/13)

9-1.4 Exemptions.

The term blighted premises shall not include:

- a. That portion of any structure, building or parcel of land that can be shown by the owner, at the time of a complaint, to have been used for agricultural purposes during any period within the preceding five (5) years.
- b. Any building or structure for which a current building permit has been issued.
(Ord. 3/4/13)

9-1.5 Designation and Authority of the Blight Enforcement Officer.

The First Selectman shall appoint the Blight Enforcement Officer. The First Selectman reserves the right to use any or all of the following officials to assist in determinations for any service as deemed necessary: the Zoning Enforcement Officer, Building Inspector, Fire Marshal, Town Attorney or such other person as designated by the Town, acting within the scope of such official's authority. The Blight Enforcement Officer shall have the authority to interpret and enforce the

9-1.6 Complaints, Notice of Violation.

- a. Signed, written complaints on forms provided by the Town may be submitted to the Blight Enforcement Officer. The Blight Enforcement Officer may also enforce the provisions of this section without having received a signed, written complaint.
- b. If the Blight Enforcement Officer determines that there exists a violation of this section, the Officer shall cause written notice of the violation to be given to the owner or owners of the blighted premises. Such notice shall be sent by certified mail - return receipt requested to the owner's last known address as listed in the Tax Collector's Office and to any other such address the Blight Enforcement Officer reasonably believes may be current. If applicable, such notice shall also be sent to any registrant as provided in Section 7-148ii of the Connecticut General Statutes. If such notice shall be returned or unclaimed, the Blight Enforcement Officer may have such notice served by a Judicial Marshal or may choose to serve notice by publication in a newspaper having a general circulation in the Town of Brooklyn.
- c. The Notice of Violation shall contain the following information:
 1. The location of the blighted premises.
 2. The exact nature of the violation referencing the provision(s) of this section alleged to have been violated.
 3. The time allowed for corrective action (not to exceed sixty (60) days).
 4. The civil penalty.
 5. The name and business address and telephone of the Blight Enforcement Officer.
- d. Prior to the expiration of the time allowed for corrective action as set forth in the Notice of Violation, the owner may make written request to the Blight Enforcement Officer for an extension of the time allowed for corrective action. A written extension of up to sixty (60) days may be granted by the Officer upon a determination that the owner has taken reasonable steps to remedy the condition and, under the particular circumstances, granting additional time is warranted. Additional extensions may be granted for good cause but only after consultation and then with the approval of the First Selectman.
(Ord. 3/4/13)

9-1.7 Citation; Fine; Hearing Procedure.

- a. If the owner fails to take corrective action within the time allowed, (including any extension that may be granted) so that the building, structure or parcel of land is still considered a blighted premises, the Blight Enforcement Officer shall, forthwith, issue a written citation alleging that a violation of this section exists and that the owners have failed to take corrective action.
- b. The citation shall include the location of the blighted premises, the provisions of this ordinance that have been violated and the civil penalty for such violation. Such citation shall be given to the owners in the same manner as set forth in subsection 9-1.6b. above.
- c. For each violation of this section, which continues beyond the date set for corrective action by the Blight Enforcement Officer (including any extensions granted) a civil penalty of fifty (\$50.00) dollars, payable to the Town of Brooklyn, shall be imposed. Each day beyond the expiration of the time allowed for corrective action shall be considered a separate violation.
- d. Pursuant to Section 7-148aa of the Connecticut General Statutes, any unpaid civil penalty imposed by the Town, pursuant to the provisions of this section shall constitute a lien upon the blighted premises from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing property tax liens. Each such lien shall take precedence over all other liens filed after July 1, 1997, and encumbrances except taxes, and may be enforced in the same manner as property tax liens.
- 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 Town Hearing Officer in the manner set forth in Section 7-152c of the Connecticut General Statutes.
(Ord. 3/4/13)

9-1.8 Minimum Standards.

- a. The provisions in this section shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations that prescribe standards other than are provided in this section.
- b. In any case where a provision of this section 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 established the higher standard for the promotion and protection of the health and safety and property values of the people shall prevail.
(Ord. 3/4/13)