

## TRUMBULL MUNICIPAL CODE

That Section 14-11 of the Trumbull Municipal Code is hereby amended to read as follows:

Chapter 14: Offenses & Miscellaneous Provisions  
Sec. 14-11. - Blight prevention.

- § 14-11(1). **Statutory authority; Purpose.**
- § 14-11(2). **Definitions.**
- § 14-11(3). **Prohibition of blighted premises.**
- § 14-11(4). **Determination of violation.**
- § 14-11(5). **Right to a hearing.**
- § 14-11(6). **Penalties for offenses.**
- § 14-11(7). **Willful violations; New owner extension.**
- § 14-11(8). **Superior Court judgment/appeal.**
- § 14-11(9). **Recording of lien.**
- § 14-11(10). **Municipal performance.**
- § 14-11(11). **Exemptions for pending special permit or site plan.**
- § 14-11(12). **Governmental Immunity/Disclaimer.**
- § 14-11(13). **Severability.**
- § 14-11(14). **Effective Date.**

(1) *Statutory authority; Purpose.*

(a) This Blight Prevention Ordinance is enacted pursuant to Section 7-148(c) (7) (H) (xv) of the Municipal Powers Act of the State of Connecticut General Statutes and seeks to encourage rehabilitation of blighted premises.

(b) This ordinance prohibits any owner(s), or occupant(s) of real property located in the Town of Trumbull from allowing, creating, maintaining or causing the creation or maintenance of a blighted premises. This ordinance also establishes penalties for violations of this section.

(2) *Definitions.* For purposes of this ordinance, the following words, terms and phrases shall have the following meanings ascribed to them in this section:

*Blighted premises:* Real property, including any building or structure located thereon, which is and continues to be in a state of disrepair, has blighted conditions, or is becoming dilapidated.

*Blight Prevention Officer:* The Blight Prevention Officer shall be a Town official designated by the First Selectman.

*Building or structure:* An edifice of any kind or any piece of work artificially built or composed of parts joined together in some form which is built or constructed on any real property. The words "building" and "structure" shall be construed as if followed by the words "or parts thereof." Accessory buildings or structures, canopies, awnings, marquees and each and every type of portable equipment shall be considered "a building" or "a structure" within the meaning of this definition.

*Ordinance:* For the purposes of this Section 14-11, "ordinance" shall refer to this Blight Prevention Ordinance.

*State of disrepair, has blighted conditions, or is becoming dilapidated:* In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public which may be evidenced by one or more of the following conditions:

- (a) Multiple missing, broken or boarded up windows and/or doors;
- (b) Collapsing or missing walls or roof;
- (c) Seriously damaged or missing siding;
- (d) Fire, smoke, or water damage;
- (e) Infestation by rodents or other pests;
- (f) Excessive amounts of garbage or trash on the property;
- (g) Inoperative or unregistered motor vehicles or inoperative boats parked, kept or stored on the premises unless garaged on the premises;
- (h) Commercial parking lots left in a state of disrepair or abandoned;
- (i) Vacant buildings or structures left unsecured or unguarded against unauthorized entry;

- (j) Overgrown brush and/or overgrown grass or weeds of at least one foot in height, excluding ornamental grass as part of a landscaped property;
- (k) Graffiti;
- (l) Any other evidence that reasonably demonstrates that a property has or may cause an unsafe or unsanitary condition or a nuisance to the general public.

*Town:* For the purposes of this ordinance “Town” shall refer to the Town of Trumbull, Connecticut.

(3) ***Prohibition of blighted premises.*** No owner(s), or occupant(s) of real property located in the Town shall allow, create, maintain or cause to be created or maintained a blighted premises.

(4) ***Determination of violation.***

- (a) As a result of an observation by the Blight Prevention Officer and/or upon receipt of a written complaint, signed by the complainant, the Blight Prevention Officer shall make an investigation.
- (b) If after investigation, the Blight Prevention Officer determines that a violation exists, the Blight Prevention Officer shall serve written notice to the owner(s) of the real property as well as to the occupant(s) of the real property where the violation occurred. The notice may be hand-delivered or mailed by certified mail to the last known address of (i) the owner(s) and (ii) the occupant(s) of the real property. The date of hand-delivery or the date the certified letter is delivered, shall be the commencement date for the purposes of remediation of violation(s).
- (c) Said notice shall state the violations and the conditions evidencing such violations and notice shall require the person to whom it is delivered to remedy such violations within thirty (30) days. Notice shall specify:
  - 1. The nature of the violation and the amount of the fines, penalties, costs or fees which are due or may be due pursuant to subsection (6) hereof;

2. The right of said person to contest liability before a Citation Hearing Officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
3. That an assessment and judgment shall be entered against him if said person fails to provide said written notice to contest; and
4. That such judgment may be issued without further notice.

(d) If after thirty (30) days no timely request for a hearing has been made and the violation has not been remedied, then the Blight Prevention Officer shall serve a citation in the same manner prescribed as the initial violation notice as set forth in subsection 4(b) of this ordinance. The date of hand-delivery or the date the certified letter is delivered, shall be the commencement date for purposes of the daily civil penalty as set forth in subsection (6) or (7) of this ordinance.

(e) Prior to serving a citation or assessing civil penalty(ies) under this ordinance, the Blight Prevention Officer may give special consideration to property owner(s) or occupant(s) who is(are) disabled, elderly, or low income who cannot maintain a reasonable level of upkeep of the real property at which they reside. In such circumstances, the Blight Prevention Officer may allow the property owner(s) or occupant(s) a reasonable amount of time to remedy the violation, the duration of which shall be in the discretion of the Blight Prevention Officer but shall not exceed six (6) months from the hearing date or from the date of the notice of violation where a hearing is not requested. In order to exercise discretion, the Blight Prevention Officer shall require either testimony or a written affidavit from each affected property owner or occupant (if they are truly unable to appear in person for a hearing) attesting that no person resides at the real property who can perform the necessary maintenance, yard work, and the like to remedy the violation and the property owner(s) or occupant(s) is(are) unable to afford to hire the services of a third-party contractor to perform the remedial services.

1. A property owner or occupant shall be considered disabled if he/she has a mental or physical disability as defined under the American with Disabilities Act of 1990 [ADA] including the changes made by the ADA Amendments Act of 2008.

2. A property owner or occupant shall be considered elderly if he/she is over the age of sixty five (65) years old.
3. A property owner or occupant shall be considered low income if his/her household gross annual income for the previous calendar year was equal to or less than one hundred fifty percent (150%) of the poverty line, according to the poverty line guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(5) ***Right to a hearing.*** The property owner(s) and/or occupant(s) issued a notice of a violation and/or a citation may request a hearing within ten (10) calendar days of the initial violation notice and/or within ten (10) calendar days of the citation. Such request must be made in writing and must be delivered to the Blight Prevention Officer. Such hearing shall be conducted in accordance with the provisions of Connecticut General Statutes, section 7-152c(e) and shall be heard by a Citation Hearing Officer appointed by the First Selectman.

(6) ***Penalties for offenses.*** Violations of the provisions of this section shall be punishable by a civil penalty of one hundred dollars (\$100.00) per day for each day a violation continues to exist. The date the citation was served shall be the commencement date for said one hundred-dollar civil penalty.

(7) ***Willful violations; New owner extension.***

- (a) Except as provided in subsection (b) of this subsection 7, any person who, after written notice and a reasonable opportunity to remediate blighted conditions, willfully violates any regulation, code or statute concerning the prevention and remediation of housing blight shall be fined by the state not more than two hundred fifty dollars (\$250.00) for each day which it can be shown, based on actual inspection of the property on each day, that the blighted conditions continued to exist after written notice to the owner(s) or occupant(s) as provided in this Section 14-11 of the Trumbull Code, and the expiration of thirty days, as provided in subsection 4(c) and subsection 4(d) of this ordinance, provided to remediate the blighted conditions.

(b) Any person who is a new owner or new occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to subsection (a) of this section. For purposes of this section, “new owner” means any person or entity who has taken title to a property within thirty days of the notice, and “new occupant” means any person who has taken occupancy of a property within thirty days of the notice.

(8) ***Superior Court judgment/appeal.*** The failure to pay the civil penalty(ies) assessed by the Citation Hearing Officer may result in a Superior Court judgment as provided in Connecticut General Statutes, Section 7-152c(f). The decision of the Citation Hearing Officer may be appealed to the Superior Court as provided in Connecticut General Statutes, section 7-152c (g) by any person against whom a decision has been made.

(9) ***Recording of lien.*** Any unpaid civil penalty(ies) imposed herein and any and all costs incurred by the Town for the enforcement of this section shall constitute a lien upon the real property against which the civil penalty(ies) was(were) imposed from the date of such civil penalty(ies), as in accordance with Connecticut General Statutes, section 7-148aa. Each such lien shall be continued, recorded and released in accordance with Connecticut General Statutes, section 7-148aa. 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.

(10) ***Municipal Performance.*** In the event any owner(s), or occupant(s) of the real property located in the Town fails to remediate or correct, any violation under this section, within a reasonable opportunity of fifteen (15) days after the issuance of a citation as prescribed in subsection (4) (d) of this ordinance, the Town, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. The Town may designate agents to enter the property during reasonable hours for the purpose of remediating blighted conditions, although neither the municipality nor its designated agents may enter any dwelling house or structure on such property, without the express consent of such owner(s), and/or occupant(s) of such property or by an order issued by a court of competent jurisdiction authorizing the Town’s agents to enter the property. The owner(s), and/or occupant(s) shall be responsible for payment of all costs and expenses incurred by the Town for remediating the blighted conditions.

(11) ***Exemptions for pending special permit or site plan.*** Any blighted premises for which a special permit or site plan application for improvements to the blighted premises is pending shall be exempt from the provisions of this chapter for a period of not more than 120 days from the date of submittal of a complete application to the Town Planning and Zoning Commission.

(12) ***Governmental Immunity and Disclaimer.*** The provisions of this ordinance do not create a contract, duty or obligation, either expressed, special or implied, upon the Town of Trumbull, its departments, officers, agents, servants and/or employees and the doctrine of governmental immunity is fully retained by the Town of Trumbull, its departments, officers, agents, servants and/or employees. Further, the Town of Trumbull, its departments, officers, agents, servants and/or employees have not and do not intend to create any type of special relationship by the enactment of this ordinance and/or application of the terms and provisions set forth herein.

(13) ***Severability.*** The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(14) ***Effective date.*** The effective date of this amended Ordinance shall be October 1, 2012.