

**ORDINANCE NO. 1209 SUPPLEMENTAL
AMENDING CHAPTER 146, HOUSING STANDARDS,
ARTICLE III, BLIGHTED PROPERTIES, OF THE CODE OF ORDINANCES**

WHEREAS, Chapter 146, Article III of the Code of Ordinances relating to Housing Standards, Blight, was substantially amended by the 29th Board of Representatives as Ordinance Number 1199 Supplemental and approved for final adoption on August 3, 2015; and

WHEREAS, after said ordinance was enacted, it was discovered that Chapter 146, Article III, Section 146-45 conflicts with Chapter 137, Section 137-2 of the Code of Ordinances, as amended by Ordinance Number 1196 Supplemental; and

WHEREAS, it was further discovered it is not necessary for the Board of Representatives to approve the members of the Blight Hearing Committee, as required by Chapter 146, Article III, Section 146-48, since the members are all appointed by virtue of their offices; and

WHEREAS, it is necessary to correct Chapter 146, Article III, Sections 146-45 and 146-48.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 146, Article III, Sections 146-45 and 146-48 of the Code of Ordinances is hereby amended as follows:

Sec. 146-45. Definitions.

For the purpose of this article, the following words and terms shall have the following meanings:

Anti-Blight Officer shall mean an individual appointed by the Mayor to enforce the provisions of this article.

Blighted Property or Blighted Properties shall mean, as the case may be, any building or structure, or any part of a building or structure that is a separate unit, or a vacant parcel of land in which at least one (1) of the following conditions exist:

- (1) It is determined by the City's Chief Building Official or by its Director of Health that existing conditions pose a serious or immediate danger to the community, i.e., a life-threatening condition or a condition which puts at risk the health or safety of citizens of the city.
- (2) It is not being adequately maintained; without limitation, the following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; damaged, decaying, or deteriorating condition that could allow vermin or other wildlife interior access; a foundation that is structurally faulty; garbage, trash or abandoned motor vehicles situated on the property (unless the property is a junkyard legally licensed by the State of Connecticut).
- (3) It has been cited for violations of State statutes and/or State regulations, Stamford Charter or Code provisions, or zoning regulations, or conditions to permits granted by the Zoning Board, Zoning Board of Appeals, Environmental Protection Agency and Health Department, which violations have not been corrected.
- (4) It has become a place where criminal activity has taken place as documented by Police Department reports.
- (5) It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.
- (6) It is a factor creating a substantial and unreasonable risk of interference with the reasonable and lawful use and enjoyment of other space within the building or other properties within the Neighborhood as documented by Neighborhood complaints, or cancellation of insurance on proximate properties.
- (7) It is a factor that is seriously depreciating property values in the Neighborhood.
- (8) It contains unauthorized outside storage or accumulation of junk, trash,

rubbish, boxes, paper, plastic or refuse of any kind; the parking of inoperable motor vehicles, boats, motorcycles or other inoperable machinery on the property or the public right of way. For the purposes of this article "authorized" shall pertain to local, state or federal laws and/or regulations.

- (9) It has been vandalized, or otherwise damaged to the extent that it is seriously depreciating property values in the Neighborhood.
- (10) It contains a *Property Maintenance Violation* as defined by this Section.

Building Official shall mean the building official as defined in Connecticut General Statutes Section 29-260 and Section C5-30-6 of the City Charter.

Dilapidated shall mean a building or structure or any part thereof that would not receive a certificate of occupancy if applied for, regardless of whether one had been previously issued.

Housing Blight shall mean the existence of a Blighted Property, whether residential or commercial, within the same Neighborhood as a residential property or properties.

Neighborhood shall mean an area of the city comprised of all properties or parcels of land, any part of which is within a radius of four hundred (400) feet of any part of another parcel or lot within the city.

Property Maintenance Violation

(a) *Property Maintenance Violation* shall mean the violation of the following standards with respect to lots or parcels:

- (1) All premises shall be graded, drained, kept free of persistent standing water and maintained in a clean, safe and sanitary condition. Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.
- (2) No shopping baskets, carts or wagons shall be left unattended or standing, and the baskets, carts or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.
- (3) All fences shall be maintained. Such maintenance shall include, but not be limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences which may become in disrepair.
- (4) All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but not be limited to, the replacement of trees and shrubs which may die or otherwise be destroyed. Grass, weeds or similar growths shall not reach a height greater than nine (9) inches on any premises. Front yards shall not be allowed to deteriorate into unattended bare, dirt patches.
- (5) The planting strip fronting the premises shall be maintained in a safe condition, neat, mowed as necessary, and free of litter, poison ivy, ragweed, and other noxious plant.
- (6) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs and replacement accomplished. All off-street parking facilities shall be swept as often as necessary in the determination of the Anti-Blight Officer.
- (7) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent accumulations of trash, garbage, litter, debris and rubbish. The owner of the property shall maintain the premises litter-

free, and shall remove discarded or inoperative appliances, furnishings or machinery.

- (8) All signs exposed to the public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. A non-operative or broken electrical or other sign shall be repaired or removed.
- (9) Refuse and recycling receptacles shall be emptied on a regular basis and shall be removed from ~~the curbside no later than 9 a.m. of the day~~ the street or curb within two (2) days following collection.
- (10) All places of business that serve food or drink to patrons (e.g., restaurants, cafes, bars, etc.) shall maintain receptacle(s) for the disposal of cigarettes on their premises and shall empty the receptacle(s) on a regular basis.

(b) *Property maintenance violations* shall also mean the violation of the following standards with respect to buildings and structures:

- (1) The exterior of buildings and structures shall be maintained so that it is not dilapidated, deteriorating, or decaying, nor open to the elements. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or the presence of graffiti, or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open cracks or leaks or are structurally faulty; overhang extensions, including but not limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.
- (2) The foundation walls of every building shall be maintained in good repair and in a structurally sound condition.
- (3) Foundations, floors, and walls shall be in good painted or finished condition without peeling.
- (4) Exterior walls (including doors and windows), roofs, and the areas around doors, windows, chimneys and other parts of a building shall be maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects and materials shall be removed, repaired or replaced.
- (5) Buildings and structures shall be maintained free of insect, vermin, bird, rodent, and other wildlife harborage and infestation.
- (6) Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety and fire hazards.
- (7) All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.

(c) *Property maintenance violations* shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk and/or public or private street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.

(d) *Property maintenance violations* shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by a complaint(s) from adjoining and nearby property owners.

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

Vacant and/or Abandoned shall mean that a building or structure or any part thereof, or land, is not legally occupied for a period of sixty (60) days or longer.

Vacant Parcel shall mean a parcel of land with no intact building structure(s) thereon.

Sec. 146-48. Citation Hearings Before the Blight Hearing Committee

(a) Appointment of Blight Hearing Committee.

The Mayor shall appoint, ~~with the approval of the Board of Representatives,~~ the Chairperson of the Police Commission or his or her designee, the Chairperson of the Fire Commission or his or her designee, the Chairperson of the Zoning Board or his or her designee, the Chairperson of the Health Commission or his or her designee, and the President of the Board of Representatives or his or her designee to comprise the Blight Hearing Committee, which Committee shall conduct citation hearings for violations of this section. However, in no event may a hearing officer sitting on this Committee be police officers or employees of the City of Stamford or persons who issue citations. Said officers shall serve for terms of two years and shall be empowered to hear appeals from issuance of citations as provided herein.

(b) Notice of hearing; notice of violation retained.

- (1) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided that the chairman of the Blight Hearing Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.
- (2) An original or certified copy of the initial notice of violation issued by the Anti-Blight Officer shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein.

(c) Admission of liability; failure to respond; fines assessed.

- (1) If any person cited pursuant to this article wishes to admit liability for any alleged violation, said person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the city. Said payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.
- (2) Any person cited pursuant to this article who does not deliver or mail written demand for a hearing in accordance with Section 146-47(d) above shall be deemed to have admitted liability, and the Anti-Blight Officer shall certify such person's failure to request a hearing to the Blight Hearing Committee.
- (3) The Blight Hearing Committee shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection 146-48(d)(6) of this article.

(d) Hearing procedure.

- (1) The presence of the Anti-Blight Officer shall be required at the hearing, if such person who was cited so requests.
- (2) A person wishing to contest his or her liability shall appear at the hearing and may present evidence on his or her behalf. A designated city official, other than member of the Blight Hearing Committee, may present evidence on behalf of the City of Stamford.

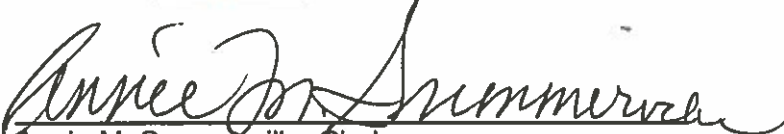
- (3) If the person cited fails to appear, the Blight Hearing Committee may enter an assessment by default against said individual upon a finding of proper notice and liability under the applicable ordinance or regulation. Before the time and date of the hearing, the Blight Hearing Committee may accept from the cited individual copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary and find in favor of such person.
- (4) The hearing procedure shall be taken under oath or affirmation. In considering an appeal, the standard of proof shall be by preponderance of the evidence. The Blight Hearing Committee shall consider all facts and circumstances that said Committee deems to be relevant. All evidence and testimony must be presented at the time of said hearing; no other testimony or evidence shall be considered.
- (5) The Blight Hearing Committee shall announce its decision at the end of the hearing and shall issue a written decision within five days after the conclusion of the hearing. If the Blight Hearing Committee determines that the person is not liable, it shall dismiss the matter and enter its determination, in writing, accordingly. If the Committee determines that the person is liable for the violation, it shall forthwith enter, in writing, its determination and an assessment of the fines, penalties, costs or fees against such person as provided for in this article.
- (6) If such assessment is not paid on the date of its entry, the Blight Hearing Committee shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.
- (7) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

The ordinance shall take effect upon adoption.

Randall M. Skigen, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing Ordinance was approved by the 29th Board of Representatives by a machine vote of 37-1-1 at the Regular Board Meeting held on March 7, 2016.



Randall M. Skigen, President
Dated this 10th day of March, 2016



Annie M. Summerville, Clerk
Dated this 14th day of March, 2016



David R. Martin, Mayor, City of Stamford
Dated this 16th day of March, 2016

EFFECTIVE DATE: March 26, 2016

cc: Mayor David R. Martin
Michael Handler, Director of Administration
Jay Fountain, Director of OPM
Ernie Orgera, Director of Operations
Thomas Madden, Director of Economic Development
Kathryn Emmett, Esq., Law Department
Ted Jankowski, Director of Public Safety, Health & Welfare
Donna Loglisci, Town Clerk
Paul Zeiss, Anti-Blight Committee