

## Chapter 58A. Blight Prevention

[HISTORY: Adopted by the City of Norwalk Common Council 6-9-2015,<sup>[1]</sup> effective 1-1-2016. Amendments noted where applicable.]

### GENERAL REFERENCES

- Building Code — See Ch. **26**.
- Department of Code Enforcement — See Ch. **35A**.
- Fire prevention — See Ch. **42A**.
- Housing Code — See Ch. **59**.
- Landlord identification — See Ch. **62A**.
- Zoning — See Ch. **118**.

*[1] Editor's Note: This ordinance also superseded former Ch. 58A, Housing Blight, adopted 8-13-2013, effective 1-1-2014.*

### § 58A-1. Definitions.

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

#### BLIGHTED PROPERTY

Any building or structure, or any part of a building or structure, or a vacant parcel of land, in which at least one of the following conditions exist:

- (1) It is determined by the City's Chief Building Official that existing conditions pose a serious or immediate danger to the community, i.e., a life-threatening condition or a condition that 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: (a) missing or boarded windows or doors; (b) collapsing or missing roof or exterior walls; (c) siding that is seriously damaged or missing; (d) fire damage; (e) damaged, decaying, or deteriorating condition that could allow vermin or other wildlife interior access; (f) a foundation that is structurally faulty; and (g) 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, or City Charter or Code provisions.
- (4) It has become a place where criminal activity has taken place as documented by reports of the Norwalk Police Department.
- (5) It is a fire hazard as determined by the Fire Marshal or as documented by reports of the Norwalk Fire Department.

- (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 surrounding properties, as documented by complaints or cancellation of insurance on surrounding properties.
- (7) It is a factor that is materially depreciating property values.
- (8) It contains unauthorized outside storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, or refuse of any kind or 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 Chapter "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 materially depreciating property values.
- (10) It contains a Property Maintenance Violation as defined in this Chapter.

### **BLIGHT PREVENTION OFFICER**

The Chief Building Official of the City of Norwalk or his, her or their designee. They shall investigate complaints of Blighted Properties, issue warning letters and citations when appropriate, and explain their findings and actions to the citation hearing officers when necessary.

### **DISABLED INDIVIDUAL**

In the case of an owner-occupied residence, an individual who has a mental or physical disability as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as amended, and does not have other household members capable of providing the maintenance necessary to abate Blighted Properties.

### **ELDERLY INDIVIDUAL**

An individual over the age of 65, who does not have a household member capable of providing the maintenance necessary to abate Blighted Properties.

### **LOW-INCOME INDIVIDUAL**

An individual or a family unit that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is in the upper limit of Step 5 as set forth in the Connecticut General Statutes Section 12-170aa(c), as amended. It is immaterial that a person is or is not elderly for purposes of this definition.

### **MANAGED NATURAL MEADOW LANDSCAPE**

A planned, intentional, and maintained planting of primarily native grasses, wildflowers, ferns, sedges, shrubs, or trees. A Managed Natural Meadow Landscape shall not include Turf Grass that has reached a height greater than nine inches. The provisions of this definition are not intended to allow a property owner to avoid Property Maintenance responsibilities as set forth herein.

## **PROPERTY MAINTENANCE VIOLATION**

A. With respect to lots or parcels, the violation of any the following standards:

- (1) 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.
- (2) 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.
- (3) Yards, courts, and vacant lots shall be kept clean and free of physical hazards, rodent harborage, and infestation. The owner of the property shall maintain the premises litter-free, and shall remove discarded or inoperative appliances, furnishings, and machinery.
- (4) 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.
- (5) 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.
- (6) No dumpster or other refuse container usually used on a construction site may be kept in a residential area unless for a construction or improvement project (which may include the disposal of household items) that is to commence within two weeks of the placing of a dumpster on the premises, provided that such dumpster or other refuse container may not be kept on the premises more than two weeks after the completion of the project.

B. With respect to buildings and structures, the violation of any of the following standards:

- (1) The exterior of a building or structure 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: (a) missing or boarded windows or doors; (b) collapsing or missing roof or exterior walls; (c) exterior walls that contain holes, breaks, loose or rotting materials or the presence of graffiti, or exterior walls that are not properly surface-coated to prevent deterioration; (d) siding that is seriously damaged or missing; (e) foundation walls that contain open cracks or leaks or are structurally faulty; (f) overhang extensions, including but not limited to, canopies, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, that contain rust or other decay; and (g) chimneys and other appurtenances that are in a state of disrepair.

- (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.
- (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 that 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:

- (1) Any conditions that 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, and
- (2) Situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of surrounding properties.

**TURF GRASS**

A grass commonly used in regularly cut lawns or play areas (such as, but not limited to, bluegrass, fescue, and ryegrass blends), maintained in accordance with this Chapter.

## **§ 58A-2. Creation or maintenance of Blighted Property prohibited.**

No owner of real property within the City of Norwalk shall cause or allow such property or any buildings thereon to become a Blighted Property, nor shall an owner allow the continued existence of a Blighted Property.

## **§ 58A-3. Managed Natural Meadow Landscape Exemption.**

A. A property owner may claim an exemption from the provisions of this Chapter on the grounds that an alleged Property Maintenance Violation is a Managed Natural Meadow Landscape. The property owner's exemption claim must be made in writing to the Blight Prevention Officer within seven days of the date of the citation.

B. After a timely exemption claim is made by the property owner, a Managed Natural Meadow Landscape (hereafter, "Meadow") shall be exempt from the provisions of this Chapter if in the determination of the Blight Prevention Officer, in their sole discretion, all the following conditions are met:

- (1) The Meadow is a planned, intentional, and maintained planting of primarily native grasses, wildflowers, ferns, sedges, shrubs, or trees;
- (2) The Meadow does not (a) unreasonably hinder the use of adjacent properties; (b) block or interfere with the use of the public sidewalk and/or public or private street or right-of-way; (c) obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises; (d) block or interfere with the use of a fire hydrant or other fixture used in fire suppression; or (e) extend or infringe beyond the boundaries of the premises; and
- (3) Upon request by the Blight Prevention Officer, the property owner presents to the Blight Prevention Officer a completed Managed Natural Meadow Landscape Plan, to the satisfaction of the Blight Prevention Officer, on or before a date determined by the Blight Prevention Officer in their sole discretion.

C. As used herein, a Managed Natural Meadow Landscape Plan means a written plan that includes (1) a statement of the intended purpose of the Managed Natural Meadow Landscape; (2) a sketch of the site plan; (3) names of the dominant plant species used in the Managed Natural Meadow Landscape; and (4) a description of how the Managed Natural Meadow Landscape is maintained. The form for the written plan

shall be developed by the Blight Prevention Officer and made available in the office of the Blight Prevention Officer.

D. The Blight Prevention Officer may revoke an exemption granted in accordance with the provisions of this Section at any time if, in the Blight Prevention Officer's sole discretion, the Managed Natural Meadow no longer meets one or more of the conditions set forth herein.

#### **§ 58A-4. Warnings; citations; hearings; fines.**

A. The Blight Prevention Officer shall issue a written warning notifying the property owner of a violation of this Chapter. Said warning shall detail each violation and the corrective action necessary, and shall provide a reasonable amount of time for the property owner to correct the violation.

B. If the property owner does not correct the violation within the time period stated in the written warning, the Blight Prevention Officer shall issue a citation to the property owner. Said citation shall be issued not sooner than 15 days after the deadline to correct the violation stated in the written warning. The citation shall assess a fine of \$150 per day for every day the violation continues if such violation occurs at an occupied property; \$250 per day for every day the violation continues if such violation occurs at a vacant property; and \$1,000 per day for every day the violation continues if such violation is the third or more such violation at such property during the prior twelve-month period. Any unpaid fine pursuant to this Chapter shall constitute a lien upon the real estate against which the fine was imposed in accordance with Connecticut General Statutes Section 7-148aa, as amended. Such lien shall be continued, recorded, enforced and released in accordance with Connecticut General Statutes Section 7-148aa, as amended.

C. The Mayor shall appoint one or more citation hearing officers other than police officers, City employees, or the Blight Prevention Officer, to conduct citation appeal hearings. The citation hearing officer shall be a member, in good standing, of the Connecticut Bar Association. Issuance and service of citations, payment of fines, hearings and appeals to the Connecticut Superior Court shall be governed by Section 7-152c of the Connecticut General Statutes, as amended.

D. Fines collected pursuant to this section shall be deposited into a separate fund to be used for expenses related to the enforcement and abatement of blight within the City of Norwalk.

#### **§ 58A-5. Abatement by City.**

When a property owner is issued a citation pursuant to this Chapter, and does not correct the violation within 30 days of the service of the citation, the City of Norwalk may correct the conditions that caused the violation. Upon issuance of the third violation, and for each additional violation at such property during the prior twelve-month period, the City may correct the conditions that caused the violation immediately. The costs

incurred by the City to correct the conditions that caused the violation shall constitute a lien against the real property in addition to any fines assessed pursuant to this Chapter.

### **§ 58A-6. Special considerations.**

Special consideration may be given to property owners who are Elderly Individuals, Disabled Individuals, or Low Income Individuals when the Blighted Property is an owner-occupied residential dwelling. In such cases, the Blight Prevention Officer shall give such individuals adequate time to correct the conditions that caused the violation not to exceed 90 days. The Blight Prevention Officer shall provide information on possible opportunities for assistance with each such warning letter and citation.

### **§ 58A-7. Other enforcement.**

Nothing in this Chapter shall be deemed to prohibit or limit in any manner any enforcement action with respect to any zoning, building, public health, fire, inland wetlands, or other statutes, code, regulation or laws relating to the use of real property.