

**ADOPTION OF AMENDMENTS TO CODE OF ORDINANCES  
PERTAINING TO PROPERTY MAINTENANCE AND BLIGHT ABATEMENT  
(CODE ENFORCEMENT)**

Revised

BRISTOL CITY COUNCIL MEETING

April 8, 2008

COUNCILMAN CRAIG MINOR, CHAIR, ORDINANCE COMMITTEE

MOTION: I HEREBY MOVE that sections 5-46, 5-47, 5-48, 5-50, 5-54, 5-55, and 5-56 of the Code of Ordinances of the City of Bristol, Connecticut, are hereby amended to read as follows. I FURTHER MOVE that the City Clerk publish said ordinances as amended, and that they become effective upon the expiration of 14 days from the date of their publication in a newspaper of general circulation in the City of Bristol.

**ARTICLE V. PROPERTY MAINTENANCE AND [BLIGHT ABATEMENT]  
CODE ENFORCEMENT**

**Sec. 5-46. Declaration of policy.**

It is found and declared that there exist within the city properties with residential and nonresidential structures that are substandard with respect to structural integrity or maintenance. It is further found that certain conditions causing these structures to be substandard adversely affect the economic well being of the city and are harmful to the health, safety and welfare of city residents. These conditions include, but are not limited to the following: structural deterioration, lack of maintenance, infestation, fire hazards, accumulating refuse on private property, storage of two or more unregistered vehicles (junk yard) and unsanitary conditions. It is further found that certain of these substandard structures can be repaired, rehabilitated, reconstructed or reused so as to provide decent, safe and sanitary housing and commercial facilities, thereby eliminating, remedying, and preventing the adverse conditions described above. It is further found that the lack of maintenance and progressive deterioration of certain structures create blight and initiate slums, and that if the same are not curtailed and removed, these undesirable conditions will grow and spread, necessitating future expenditures of large amounts of public funds to correct and eliminate.

**Sec. 5-47. Declaration of purpose.**

The purpose of this article is to protect the public, health, safety, and welfare as follows:

- (1) By establishing minimum standards governing the maintenance, appearance, and condition of residential and nonresidential premises,
- (2) By fixing [certain] responsibilities and duties upon owners, [and distinct and separate responsibilities upon] operators and occupants, and
- (3) By authorizing and establishing procedures for enforcement, inspection and penalties[, including a means by which the record owner of real property used as a

dwelling may obtain relief from enforcement upon a showing of good faith efforts to take corrective measures, or upon a showing that certain hardships exist].

**Sec. 5-48. Definitions.**

For the purposes of this article the following words and terms shall mean as follows:

*Abandoned property.* Any real property on which there is a vacant structure and on which:

- (1) Real property taxes have been delinquent for one (1) year or more and orders have been issued by the city's fire marshal, building official or health director and there has been no compliance with those orders within the prescribed time given by such official or within ninety (90) days, whichever is longer; or
- (2) The owner has declared in writing to the building official that his property is abandoned.

*Abandoned vehicle.* Any unlicensed, inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g. golf cart, snowmobile, water sled, all-terrain vehicle, etc.) boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment whether self-propelled or towed. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as a department of motor vehicles, or other agency that licenses the particular type of vehicle. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Missing or flat tires or wheels, or other missing parts necessary for locomotion;
- (3) Missing doors or windows;
- (4) Close proximity of grass or other vegetation or debris, indicating immobility;
- (5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or
- (6) Use for another purpose (e.g. storage).

*Accumulating refuse.* Refuse that accumulates on any private premises and is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers that are approved by the city for such use.

*Deterioration.* The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use.

*Exposed to public view.* Any premises or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public.

*Exterior of the premises.* Open space on the premises outside of any building thereon.

*Extermination.* The control and elimination of insect, rodents and vermin.

*Garbage.* (Also see Refuse, Rubbish). Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or the keeping of pets or other animals.

*Infestation.* The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

*Junkyard.* Storage or parking of two or more unregistered or inoperable motor vehicles.

*Nuisance.*

- (1) Any public nuisance as defined by statute or ordinance.
- (2) Any attractive nuisance. An attractive nuisance is defined as the presence of any condition which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned wells, shafts, basements, excavations, refrigerators, vehicles, lumber, and garbage, refuse, rubbish, and any structurally unsound fences or other structures.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (5) Fire hazards. Any situation, process, material, or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property as determined by the city fire marshal or his duly authorized agent.

*Occupant.* Any person, other than the owner, who occupies a building or premises, or a part thereof, as a tenant or lessee, as a family member of a tenant or lessee, as a guest of a tenant or lessee, or as a trespasser. [A guest whose presence in the dwelling or on the premises does not exceed more than sixteen (16) hours in a given day shall not be considered an occupant.]

*Operator.* Any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

*Owner.* The record owner of the real property.

*Parties in interest.* Any person claiming an interest of record pursuant to a bona fide mortgage, assignment of lease or rent, lien, or security in the property.

*Premises.* A lot, plot or parcel of land including the buildings or structures thereon.

*Public authority.* Any officer (or his or her designee) who is in charge of any department or branch of the government of the city relating to health, fire, building regulations or to other activities concerning buildings in the city.

*Refuse.* (Also see Garbage, Rubbish.) All putrescible and nonputrescible solid waste (except human body wastes), including but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, excrement from pets or other animals, abandoned automobiles and solid market and industrial wastes.

*Putrescible.* Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation, resulting in the formation of foul-smelling products.

*Rubbish.* (Also see Garbage, Refuse.) Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

**Sec. 5-49. Applicability.**

Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this article. Such compliance is required whether or not such building shall have been constructed, altered or repaired before or

after the enactment of this article. Such compliance further is required irrespective of any permits or licenses issued for the use or occupancy of the building or premises, for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. This article shall also apply to mobile home parks.

**Sec. 5-50. Higher standard to prevail in case of conflict with other laws or ordinances, preemption by the state.**

In any case where the provisions of this article impose a higher standard than set forth in any other city ordinances or under the laws of the state or federal governments, then the standards as set forth herein shall prevail. If the provisions of this article impose a lower standard than any other city ordinance or under the laws of the state or federal governments, then the higher standard set forth therein shall prevail. The provisions of this article shall not apply to any case where the state has the exclusive right to bring an action to abate a public nuisance involving any real property or portion thereof for the purposes enumerated in [Public Act No. 98-220,] Sections 19a-343 et seq. of the Connecticut General Statutes or any duly adopted amendments thereto.

**Sec. 5-51. Enforcement of and compliance with other ordinances.**

No waiver, relief from enforcement, or certification of compliance with this article shall constitute a defense against any violation of any other city ordinance applicable to any structure or premises. Any provision herein shall not relieve any owner, operator or occupant from complying with any such other provision, nor any official of the city from enforcing any such other provision.

**Sec. 5-52. Maintenance of exterior of premises--Duties of owners.**

It shall be the duty of all owners of premises to keep the exterior of the premises and all structures thereon free of all abandoned vehicles (unless the premises are a legal junkyard), nuisances, garbage, refuse, rubbish, infestations, and filth. The exterior of every structure or accessory structure (including fences and walls) shall be maintained free of broken glass, loose shingles, crumbling stone or brick, or other condition reflective of deterioration or inadequate maintenance. The outside structure walls shall not have any holes, loose boards, or any broken, cracked or damaged siding that admits rain, cold air, dampness, rodents, insects or vermin. Every building shall be maintained as to be weather and watertight. Where weekly curbside pickup of garbage, refuse and rubbish is not available, it further shall be the duty of every dwelling owner to provide a place reasonably calculated to maintain sanitary conditions and to minimize its exposure to public view before transfer for safe and sanitary disposal.

**Sec. 5-53. Duties of operators and occupants.**

It shall be the duty of all operators and occupants of premises to keep the exterior of the premises and all structures thereon free of all abandoned vehicles (unless the premises are a legal junkyard), nuisances, garbage, refuse, rubbish, infestations, and filth. Where weekly curbside pickup is available, an operator or occupant of a dwelling shall have the duty and responsibility of removing garbage, refuse and rubbish generated by him to the curb on the day curbside pickup is scheduled in closed containers intended for that

purpose. Where weekly curbside pickup is not available, an operator or occupant of a dwelling shall have the duty and responsibility to remove garbage, refuse and rubbish generated by him to the place provided by the owner or to arrange with the owner for its transfer for safe and sanitary disposal.

**Sec. 5-54. Prohibition against creating or maintaining blighted premises, penalty.**

No owner, operator or occupant of real property in the city shall cause or allow blighted premises to be created, nor allow the continued existence of blighted premises. An owner, operator or occupant of real property is deemed to have created and allowed to continue the existence of blighted premises by failing to observe the respective duties of owners, operators and occupants as provided in this article. The violation of this provision shall be punished by a fine of not more than [ninety (\$90.00)] one hundred (\$100.00) dollars. Each day any violation of this provision continues shall constitute a separate offense. In addition, any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisance. Said nuisance may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense and shall be deemed to be an infraction.

**Sec. 5-55. [Blighted property] Code Enforcement Committee.**

(a) The mayor[, ]or [his] the mayor's designee[.] shall convene a [blighted property] Code Enforcement Committee consisting of the chief of police or his designee, and a code enforcement police officer, zoning enforcement officer, and the [Executive Director of the Bristol Development Authority,] director of health, fire marshal, director of public works and chief building official, or their designees, and a city elector appointed by the mayor who represents the interests of property owners within the city. The mayor shall assign any city staff deemed appropriate to assist the committee. The Code Enforcement Committee shall hold regularly scheduled meetings to bring forth issues and violations of building, housing, fire, health, zoning and all other codes, ordinances and regulations pertaining to dwellings, buildings and vacant property located within the city. The Code Enforcement Committee shall make recommendations to any enforcement authority responsible for obtaining compliance with laws, codes, ordinances and regulations pertaining to any condition affecting real property.

(b) The Code Enforcement Committee will submit an annual budget request and may submit supplemental funding requests to the Board of Finance to be appropriated as a sub-category within the Building Department budget and administered by the chief building official.

[(b)] (c) Any member of the Code Enforcement Committee who has had warnings, citations, infractions or orders issued under his authority against any owner, occupant or operator of a property found to be in violation of this ordinance or any other law, regulation or code involving the property may bring the matter to the Code Enforcement Committee for abatement. The Code Enforcement Committee, upon a finding that the owner, occupant or operator has either not appealed or has exhausted his right of appeal, and upon a further finding that the condition or conditions are detrimental to the public

health, safety, or welfare, or are depressing the property values of property within the neighborhood may vote to approve a plan of abatement. Any such plan may be carried out by either city personnel or private contractor, and shall be monitored by the Code Enforcement Committee for compliance with its approved plan. The Code Enforcement Committee also may approve payment of the costs of such abatement from the code enforcement committee's budgeted funds [Each member of the blighted property committee may bring forward for consideration by the committee properties whose owners, operators or occupants are believed to be in violation of this article. The blighted property committee shall review any inspection reports or request inspections to be made and reported back to the committee by the public authorities with jurisdiction over the particulars believed to be causing the blighted conditions (e.g., building, fire, and health). Upon documentation of said particulars, the blighted property committee shall request that the city corporation counsel send notice via certified mail, return receipt requested, to the owner, operator and occupant the committee finds to be creating or maintaining blighted property in violation of this article. Said notice shall recite the particulars found to be causing the blighted conditions and order that said conditions be corrected. Said notice shall also provide an opportunity for the owner, operator or occupant to appear before the blighted property committee within ten (10) days to show cause why the blighted property committee's order is erroneous or why he should be exempted or excused from the committee's order. A copy of said notice also shall be sent to the city tax collector and superintendent of water with a request that a report be provided to the committee of all delinquent taxes, and delinquent water and sewer fees and assessments.]

(d) At least ten (10) days prior to any work being performed under an abatement plan approved by the Code Enforcement Committee, a notice of abatement shall be issued to the owner of the real estate. The expenses incurred for the inspection, repair, demolition, removal or other disposition of any real estate in order to secure such real estate or to make it safe and sanitary under any provision of the Connecticut general statutes or pursuant to building, health, housing or safety codes or regulations of the City of Bristol shall be recovered from the owner of the real estate for which such expenses were incurred. Within thirty days after such work has ceased, the city shall file a certificate of such lien pursuant to Section 49-73b of the Connecticut General Statutes and give notice to the owner of the real estate in the same manner as provided in section 49-34 of the Connecticut General Statutes.

[Exemption from enforcement. At the show cause hearing the blighted property committee shall determine whether a violation of this article exists and any circumstances that warrant relief from further proceedings. The blighted property committee is authorized to grant relief from further proceedings pertaining to dwellings for a period of time it deems reasonable to allow correction of the conditions causing the violations as follows, provided, for relief under paragraphs (1) and (3) below, there exist no delinquent taxes or water or sewer fees or assessment pertaining to the property:

(1) The owner of a dwelling, or his representative, presents evidence to the committee sufficient to convince it that the blighted conditions are being caused solely by an operator or occupant, and presents evidence of the owner's bona fide efforts to correct the violations. Bona fide efforts must include proof of attempts to send certified letters from the owner to the operator or occupant demanding compliance. Exemption from enforcement for period longer than ninety (90) days requires proof that eviction

proceedings have been brought and are being actively pursued against the operator or occupant.

(2) The owner of a dwelling, or his representative presents evidence to the committee sufficient to convince it that the blighted conditions are being caused due to financial hardship, temporary absence from the city, disability, or other hardship and enforcement of this article would work an injustice. Exemption from enforcement for a period longer than ninety (90) days requires proof that the record owner qualifies for an abatement of taxes pursuant to chapter 204 of the Connecticut General Statutes.

(3) The owner of a dwelling, or his representative, provides proof to the committee sufficient to convince it that the owner is currently engaged in a plan to rehabilitate and repair the dwelling. Exemption from enforcement for a period longer than ninety (90) days requires proof that the owner has purchased building supplies or construction or repair services of a combined value of at least five hundred dollars (\$500.00) for each additional ninety-day exemption period sought. The committee may consider proof of labor services contributed personally by the owner to meet the five hundred dollar (\$500.00) threshold.]

**Sec. 5-56.[ Declaration of blight, enforcement.] Appeals, Expenses Incurred and Foreclosure**

[At any time subsequent to the date scheduled for any "show cause" hearing the blighted property committee by majority vote may declare the subject premises to constitute "blighted property." Upon such designation, the committee may take any one (1) or more of the following actions:

(1) Turn over its findings and recommendations to]

(a) Any order issued pursuant to the authority of the chief building official, director of health, or zoning enforcement officer may be appealed as provided pursuant to the law granting the authority for said order. Any citation for violation of this Article by any person authorized pursuant to Chapter 23 of the Bristol Code of Ordinances to issue citations hereunder shall be preceded by a written warning providing notice of the specific violation to be corrected. Persons issued citations under this article shall have the right to appeal pursuant to Chapter 23 of the Bristol Code of Ordinances and Sec. 7-152 (c) of the Connecticut General Statutes.

(b) The Code Enforcement Committee [blighted property committee] shall [keep track of] provide an accounting of any unpaid fines and costs the city has incurred in carrying out any plan of abatement and provide an accounting to the corporation counsel, with a request that any unpaid fine or expenses incurred by the city for the inspection, repair, demolition, removal or other disposition of any real estate in order to secure such real estate or to make it safe and sanitary be reduced to a judgment that can be[that constitutes a lien be continued,] recorded and enforced.

[(2) Acquire from each public officer an accounting of the expenses the city has incurred for the inspection, repair, demolition, removal or other disposition of the real estate in order to make it safe. The committee shall thereupon refer said accounting to the corporation counsel with a request that a certificate of lien be filed and notice be given to the owner of real estate as provided by state statute.

(3) Acquire from each public officer an accounting of the expenses the city has incurred to abate any nuisance or source of filth on the premises. The committee shall thereupon refer said accounting to the corporation counsel with a request that a civil action be brought against the person responsible for maintaining the nuisance or source of filth as provided by state statute.]

[(4)] (c) The Code Enforcement Committee may r[R]ecommend premises that are suitable for rehabilitation to the Bristol Development Authority for acquisition and rehabilitation through [an urban homesteading program or other] any appropriate rehabilitation programs as resources permit.

[(5)] (d) The Code Enforcement Committee may r[R]ecommend to the corporation counsel that the premises be taken by foreclosure.

Sec. 5-57. Assessor authorized to reduce assessment of rehabilitated buildings.

To better achieve the return of blighted property acquired by the city to private ownership, the city assessor is authorized to reduce the assessment of any building that was declared "blighted property" and has been rehabilitated. Upon recommendation by the blighted property committee, the city assessor may agree to reduce the assessment of any building that has been rehabilitated and sold or transferred to a private party. The adjusted assessment shall reflect the value of the structure prior to rehabilitation and shall be applicable for a period of five (5) years.