

TOWN OF HARWINTON**BLIGHT ORDINANCE****Sec. 1. Purpose.**

The purposes of this ordinance are to define, prohibit and abate blight and nuisances, to protect and promote public health, safety and welfare, and to preserve and protect property values in the Town of Harwinton.

Sec. 2. Scope of provisions.

This ordinance shall apply uniformly to the maintenance of all residential, nonresidential and undeveloped properties in the Town of Harwinton. 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 ordinance. Such compliance is required whether or not such building shall have been constructed, altered or repaired before or after the enactment of this ordinance. Such compliance is required irrespective of any permits or licenses issued for the use or occupancy of the building or premises, for the construction, repair or demolition of the building, or for the installation or repair of equipment or facilities prior to the effective date of this ordinance.

Sec. 3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Abandoned Premises: Any building, structure or premises for which the owner cannot be identified or located by certified mail to the last known address on file with the Town and, which is unoccupied or unsecured; or which has been occupied by unauthorized persons or used for illegal purposes; or which present a danger of structural collapse or fire that may spread to adjacent properties.

Abandoned vehicle: Any unregistered, inoperable motor vehicle, camper, motorcycle or moped, recreational vehicle (e.g., golf cart, snowmobile, water sled, all-terrain vehicle, etc.), aircraft, boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment whether self-propelled or towed, stored on the exterior of the premises, unless such exterior storage is permitted under the terms of a permit or approval issued by a local or state commission or agency. A vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as the 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) Flat or missing tires, wheels or other parts necessary for locomotion;
- (3) Missing doors or windows;
- (4) Tall grass or other vegetation or debris, indicating immobility;
- (5) Significant holes, rust, or other evidence of obvious physical decay or neglect or lack of maintenance; or
- (6) Use for a purpose other than a means of conveyance (e.g. storage).

Accumulating Refuse: Waste, garbage, trash, litter, junk or rubbish that accumulates on any private premises, business, lot, or abandoned property, which is not completely contained within trash or refuse storage bins, racks or enclosures, or other containers as approved by the Town for such use, all or part of which has remained in such location for at least sixty (60) days.

Agriculture: Agriculture and farming shall have the same definitions as provided in the Harwinton "Right to Farm" Ordinance and as set forth in Connecticut General Statutes Section 1-1(q), as amended.

Blighted Premises: A blighted premises is a property which is subject to the scope of this ordinance and which exhibits one or more of the characteristics as defined in Section 4 of this ordinance.

Blight Commission: The Board of Selectmen is authorized, pursuant to this ordinance, to act as the Blight Commission to identify, receive and investigate or authorize the appropriate official to investigate blighted property complaints and to enforce this ordinance. The Board of Selectmen is authorized to appoint two (2) additional electors of the Town of Harwinton to serve with them as members of the Blight Commission for a term concurrent with that of the Board of Selectmen.

Capable individual: A person who can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children over sixteen (16) years of age without physical or mental disability as defined herein.

Citation Hearing Officer: One or more qualified residents of the Town of Harwinton appointed by the Board of Selectmen pursuant to this ordinance to hear and decide contested citations.

Connecticut General Statutes: The General Statutes of the State of Connecticut revised to January 1, 2016, including any applicable amendments.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers, equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers or garbage which is in public view or clearly visible from a proximate property

Disabled individual: In the case of an owner-occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

Dilapidated: In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

Disrepair: In poor working order, dilapidated, decrepit or in an imminent state of collapse.

Garbage: 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.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition; examples of which include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber.

Junkyard: The storage or parking of two (2) or more unregistered and inoperable motor vehicles (or the equivalent in parts of motor vehicles) located on the same premises.

Legal occupancy: Occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing, and all other pertinent codes, and which, in the case of rental property, must be substantiated by a rental agreement, a rent receipt or a utility statement.

Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by an apparatus propelled by an internal combustion engine.

Natural wooded state: Areas where trees and brush exist in their natural state.

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 that may prove to be 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, swimming pools, shafts, basements, excavations, refrigerators, freezers, vehicles, garbage, refuse, rubbish and any structurally unsound fences (in excess of four feet high) buildings 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 humans.

(5) Fire hazards. Any situation, process, material, blocked/obstructed egress, 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 Town fire marshal or his duly authorized agent.

Operator: Any person who runs or manages a commercial or industrial establishment.

Orderly fashion: Arranged in conforming to or exhibiting some regular order; systemic in regular or proper order.

Overgrown: Overrun with weeds, plants or grasses that have grown too large or thick.

Owner/occupant: Any person, institution, legal entity or authority which owns, leases, rents, possesses, controls, manages or is responsible for property within the Town.

Persistent: Existing or remaining in the same state for a period of least sixty (60) days.

Person: Any individual, corporation, partnership, limited liability company, limited liability partnership, association, trust or unincorporated organization.

Premises: A lot, parcel or tract of land, including its buildings or structures, either occupied or unoccupied. The term "premises," where the context requires, shall be deemed to include any building, dwelling, structure or parcel of land within the scope of this ordinance.

Proximate property: Any premises or parcel of land within one thousand (1,000) feet of a blighted premises.

Public view: Visible from any public right-of-way or neighboring property, at grade level, at any time during the year.

Putrescible: Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation and/or may result in the formation of foul-smelling products.

Reasonable: Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

Rubbish or refuse: Solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

Sanitary Conditions: Free from filth and pathogens.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

Unit: Any space within a building that is or can be rented by tenant(s) for their sole use, and is intended to be a single and distinct space.

Vacant: Buildings, structures, premises or portions thereof, including tenant spaces, which have been unoccupied for a period of ninety (90) days or longer.

Vacant Parcel: A parcel of land with no structure thereon.

Sec. 4. Blighted Premises.

(a) No owner/occupant of real property within the Town of Harwinton shall cause or allow any premises owned, leased, rented, possessed, controlled managed by such owner/occupant to become blighted, nor shall any owner/occupant allow the continued existence of such blighted premises. A blighted premises is identified as any principal building or structure, accessory building or structure, or any parcel of land, in or on which at least one of the following conditions exists:

- (1) It has been determined by the Building Official, Fire Marshal, Torrington Area Health District, or Zoning Enforcement Officer, or other appropriate official as designated by the Blight Commission that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the occupants or other persons in the Town; or
- (2) The Fire Marshal has determined that a building or structure is a fire hazard; or
- (3) The property is in a state of disrepair or is dilapidated; or
- (4) The property is attracting illegal activity due to its state of disrepair or dilapidation; or
- (5) Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or
- (6) The property is not being adequately maintained, as evidenced by the following factors:
 - a. Missing, broken or boarded up windows or doors; or
 - b. Collapsing or missing walls and/or roof; or
 - c. Seriously damaged or missing siding; or
 - d. Unrepaired water or fire damage; or
 - e. Rodent harborage and/or infestation; or
 - f. Persistent debris, rubbish, garbage or accumulating refuse on the property; or
 - g. Two (2) or more abandoned or unregistered vehicles; or
 - h. Overgrown brush, shrubs, weeds and/or grass in the yard surrounding the dwelling or other buildings; *provided however*, failure to regularly mow one's lawn, in and of itself, is not considered to be blight without one or more of the other factors listed above.

(b) Agricultural or farming activities protected under the Harwinton "Right to Farm" Ordinance, if operated or carried on in accordance with the state's best management practices for agriculture, shall not be considered as evidence of blight on any premises operated, classified or registered as a farm with the Town of Harwinton or the State of Connecticut, Department of Agriculture.

Sec. 5. Establishment of a Blight Commission.

This ordinance hereby establishes a Blight Commission consisting of the three (3) members of the Board of Selectmen, and two (2) additional members appointed by the Board of Selectmen, who shall be electors of the Town and who shall serve for terms of two (2) years to run

concurrently with the terms of the Board of Selectmen. The Blight Commission shall appoint a Chairman to conduct its meetings and a Secretary to post its agenda, record its proceedings and prepare Warning Notices and Citations. The Blight Commission shall comply with the provisions of the Freedom of Information Act, Connecticut General Statutes Section 1-200 et seq. The Blight Commission will meet regularly, or as needed, to identify potentially blighted properties, and receive, review, evaluate and address complaints of blight. The Blight Commission shall refer any complaints received under this ordinance to the appropriate municipal official or officials designated in Section 4(a)(1) of this ordinance to investigate blighted property complaints. The Blight Commission shall have the authority to issue Warning Notices and Citations and to authorize the remediation of blighted conditions according to the procedure set forth in this ordinance. Furthermore, the Blight Commission shall have the authority to communicate and coordinate with any other municipal board, commission, or other appropriate state or municipal official as the factual circumstances may suggest. Furthermore, the Blight Commission shall have the authority to make or refer any complaint to any other municipal board, commission, or other appropriate state or municipal official as the factual circumstances may suggest and where a more appropriate remedy may exist. All actions taken by the Blight Commission shall require a majority vote of its members present and voting at a regular or special meeting warned for such purpose.

Sec. 6. Complaints, Warning Notice.

(a) Any resident, property owner or public official of the Town of Harwinton shall file a written complaint of violation of this ordinance with the Blight Commission on a form prescribed by the Blight Commission for review. If, after a thorough investigation, it appears to the Blight Commission that a violation of this ordinance exists, the Blight Commission shall provide a Warning Notice to the owner/occupant and to any individual or legal entity with a recorded lien against the property, at the time such determination has been made.

(b) A Warning Notice from the Blight Commission shall be issued prior to issuing a Citation.

(c) The Warning Notice shall:

(1) Include a description of the premises sufficient for identification, and specify the nature of the violation that is alleged to exist on the premises and the remedial action which is required;

(2) Allow a period of sixty (60) days for the performance of any act required; provided however, upon written request from the owner/occupant the Blight Commission may allow for a longer period for abatement depending on the nature of the violation;

(3) Specify that if the required remedial actions are not completed within the time allowed, the civil penalties commencing thereafter which may be imposed for noncompliance shall be: twenty-five dollars (\$25.00) per day for days 1-30, fifty dollars (\$50.00) per day for days 31-60, and one hundred (\$100.00) dollars per day for each day that the violation continues beyond sixty (60) days from the date set for compliance in the Warning Notice;

(4) Specify that if the required remedial actions are not completed within the time allowed for compliance in the Warning Notice, the Town may remediate the property

and assess the cost of remediation against the property owner in accordance with Sections 15 and 17 of this ordinance;

(5) Specify that in the process of remediation, the Town may remove and dispose of items constituting and/or contributing to the blighted condition of the property at the owner/ occupant's cost which, if not paid, shall be lien against the premises; and

(6) Advise that the owner/occupant may respond to a Warning Notice in writing or in person at the next Blight Commission meeting to be heard as to the violation alleged in the Warning Notice and/or provide information regarding special considerations, as described in Section 18 of this ordinance.

(7) Specify that the owner/occupant shall inform the Blight Commission in writing when the violation has been corrected.

(d) A Warning Notice to the owner/occupant with a copy to any lien holder shall be given by one of the following methods:

(1) By personal delivery to the owner/occupant by the investigating officer or official; or

(2) By certified mail, return receipt requested, addressed to the owner/occupant and to any lien holder at his/her/its last known address with postage prepaid thereon; or if a Warning Notice served via certified mail is unclaimed, it may be sent by regular United States first class mail; or

(3) Personal or abode service by a State Marshal.

(e) Failure to provide a copy of the Warning Notice to any lien holder shall not relieve the owner/occupant of the obligation to remediate the violation(s) or of paying any civil penalties or costs of remediation.

Sec. 7. Enforcement by Citation.

(a) If the remedial actions specified in the Warning Notice are not taken within sixty (60) days from the date that the Warning Notice is personally delivered, mailed or served, the Blight Commission may issue a Citation to the owner/occupant with a copy to any lien holder unless the Blight Commission receives information sufficient to determine that no violation exists or that the violation has been corrected. Failure to provide a copy to any lien holder shall not relieve the owner/occupant of remediating the violation(s) or from liability for any civil penalties or costs of remediation.

(b) A Citation shall be in writing and include:

(1) A description of the real estate sufficient for identification, specifying the nature of the violation that is alleged to exist and the remedial actions required;

(2) Detailed information regarding the contents of the initial Warning Notice and the failure of the owner/occupant to take the remedial actions specified therein within the time

prescribed in the Warning Notice;

- (3) The amount of the civil penalties due for noncompliance and a statement that the owner/occupant has ten (10) days from receipt of the Citation within which to make uncontested payment;
- (4) Notice that it is the owner/occupant's obligation to inform the Blight Commission in writing that the violation has been brought into compliance;
- (5) A statement that the owner/occupant may contest the Citation and request a hearing before a Citation Hearing Officer in accordance with Section 11 of this ordinance; and
- (6) A statement that if the owner/occupant does not pay the civil penalties or request a hearing, an assessment and judgment shall be entered against such owner/occupant.

(c) The Citation shall be given to the owner/occupant and a copy to any lien holder in the same manner as set forth in Section 6 (d) of this ordinance.

Sec. 8. Uncontested Payment Period

Uncontested payment to the Town of Harwinton of the civil penalties specified in the Citation shall be allowed for a period of ten (10) calendar days from receipt of the Citation. If the Citation was sent by mail as set forth in Section 6(d)(2) of this ordinance, the day of receipt of the Citation shall be deemed to be four (4) days after the date of its mailing.

Sec. 9. Notice of Violation and Hearing

(a) If uncontested payment of the civil penalties specified in the Citation is not made within the ten (10) day period set forth in Section 8 of this ordinance, at any time within twelve (12) months from the expiration of the ten (10) day period, the Blight Commission shall provide notice to the person(s) cited, informing such person:

- (1) Of the allegations against such person and the amount of the civil penalties, costs, or fees due;
- (2) That the cited person may contest the Citation before a Citation Hearing Officer by delivering, in person or by mail, within ten (10) days of the date of the notice (the date of delivery if hand delivered or the date of mailing if mailed), a written request for a hearing;
- (3) That filing a request for a hearing shall cause the daily accrual of civil penalties to cease from the date such filing is hand-delivered or mailed to the Blight Commission until the date the hearing officer renders a decision unless, during such period, the violation of this ordinance is expanded or increased;
- (4) That if the cited person does not request such a hearing, an assessment and judgment shall be entered against such person; and
- (5) That such judgment may issue without further notice.

(b) The notice shall be delivered to the owner/occupant, in the same manner as set forth in Section 6 (d) of this ordinance.

Sec. 10. Admission of Liability and Payment of Civil Penalty.

(a) Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the civil penalties admitted, in person or by mail, to the Town of Harwinton. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

(b) Any person who does not deliver or mail written request for a hearing within ten (10) days of the date of the notice described in Section 9 above (the date of delivery if hand delivered or the date of mailing if mailed) shall be deemed to have admitted liability for violating this ordinance. The Blight Commission or its designee shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall enter and assess the civil penalties provided in Section 6 (c) (3) of this ordinance and shall thereafter follow the procedures set forth in Section 13 of this ordinance.

Sec. 11. Hearing.

(a) An owner/occupant may request a hearing within ten (10) days after receiving a Citation described in Section 9 of this ordinance. Such request shall be made in writing and mailed or delivered to the following: Town of Harwinton Blight Commission, 100 Bentley Drive, P. O. Box 66, Harwinton, CT 06791.

(b) Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than fifteen (15) days nor more than thirty (30) days from the date of the original request. The Citation Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for a postponement or continuance. An original or certified copy of the Citation shall be filed and retained by the Blight Commission and shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the facts contained therein. Upon request of the person appealing the Citation, the presence of a member of the Blight Commission shall be required at the hearing. A person wishing to contest liability shall appear at the hearing, present evidence, and may be represented by an attorney. A designated municipal official, other than the Citation Hearing Officer, may present evidence on behalf of the municipality. If the person who was served the Citation, without a continuance or good cause shown, fails to appear, the Citation Hearing Officer may enter an assessment by default against the person upon a finding of proper notice and liability under the applicable provision(s) of this ordinance. The Citation Hearing Officer may accept written information by mail from the person who received the Citation and may determine thereby that the appearance of such person is unnecessary. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as the Citation officer deems fair and appropriate.

(c) The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(d) Pending the hearing before a Citation Hearing Officer, no further enforcement activity as contemplated by Sections 15 and 16 shall occur until either a hearing is held or the Citation Hearing Officer assesses civil penalties or until the person fails to appear for a scheduled hearing and the Citation Hearing Officer assesses civil penalties.

Sec. 12. Decision.

The Citation Hearing Officer shall announce the decision at the end of the hearing. If the Citation Hearing Officer determines that the person who received the citation is not liable, the Citation Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable for the violation, the Citation Hearing Officer shall forthwith enter and assess the civil penalties against such person as provided by this ordinance, which penalties shall be immediately due and payable. The amount thereof shall be stated by the Citation Hearing Officer in the decision.

Sec. 13. Pursuit of Assessment and Judgment.

If such assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the Notice of Assessment with the Clerk of the Superior Court for the Judicial District of Litchfield or as otherwise designated by the Chief Court Administrator, together with the required entry fee. The certified copy of the Notice of Assessment shall constitute a record of assessment. Within such twelve (12) 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 requisite court costs, against such person in favor of the municipality. The Citation 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.

Sec. 14. Appeal of Assessment.

A person against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) 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 Connecticut General Statutes, Section 52-259, at the Superior Court for the Judicial District of Litchfield or as otherwise designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the Superior Court.

Sec. 15. Enforcement by Town Remediation.

When an owner/occupant has been found liable for a violation of this ordinance through failure to timely seek a hearing to contest liability before a Citation Hearing Officer or due to the determination of the owner/occupant's liability by the Citation Hearing Officer, the Blight Commission, within the limits of authorized appropriations, may authorize a town approved private contractor or the Highway Department to enter the property during reasonable hours for the purpose of remediating the blighted conditions. In performing such remediation, however, the Town and/or its designated agents may not enter any dwelling, accessory building or other structure

on such property without the written permission of the owner and any occupants.

Sec. 16. Appointment of Citation Hearing Officers.

The Board of Selectmen shall, within the limit of available appropriations, appoint up to three (3) qualified residents of the Town to serve as Citation Hearing Officers who shall serve two (2) year terms to run concurrently with the terms of the Board of Selectmen. No member of the Blight Commission, the Zoning Enforcement Officer, the Building Official, the Fire Marshal, police officer, or employee of the Town may be appointed as a Citation Hearing Officer under this ordinance. Such persons shall have experience in mediation, arbitration, litigation or other qualifications to serve as a hearing officer of the Town.

Sec. 17. Penalties for offenses; lien.

(a) The owner/occupant of a premises where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or premises in which such violations exist may:

- (1) Be assessed civil penalties not to exceed the penalties specified in Section 6 (c) (3) for each day that a violation continues after a Warning Notice described in Section 6 of this ordinance is given to the owner/occupant; and/or
- (2) Be required to abate the violation at the owner/occupant's expense; and/or
- (3) Be subject to the Town's remediation of the blighted condition(s) and assessment of the costs of said remediation against the subject property by levying a lien on the subject real estate.

(b) Any unpaid civil penalty imposed pursuant to this ordinance, shall constitute a lien upon the real estate against which the civil penalty was imposed from the date such civil penalty was assessed by the Citation Hearing Officer. 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 and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

(c) If the Town remediates blighted conditions on property pursuant to Section 15 of this ordinance, the costs of such remediation may be assessed against the property in the form of a lien which shall take precedence over any other encumbrance except municipal tax assessments on such property. The Town shall, not later than thirty (30) days after the date on which such work is certified by the Blight Commission as completed, file a certificate of such lien in the land records and give notice to the owner of the property in the same manner as provided for property tax liens in the Connecticut General Statutes. Simultaneous with the filing, the Town shall make reasonable effort to mail a copy of the certificate by first class mail to any record lien holder's current or last-known address; provided however, failure to do so shall not invalidate the lien.

(d) In addition to all other remedies and any civil penalties imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court for the Judicial District of

Litchfield. The Town may recover from such owner/occupant or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

Sec. 18. Special consideration.

(a) Notwithstanding anything herein to the contrary, in evaluating whether to issue a Warning Notice, Citation, or Notice of Violation and Hearing, the Blight Commission may give special consideration to individuals who are elderly, disabled, hospitalized, or on active military duty who demonstrate that the violation results from an inability to maintain an owner-occupied residence, that no person with that ability resides therein.

(b) Such special consideration shall include the reduction or elimination of civil penalties and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this ordinance.

Sec. 19. Severability.

In the event that any part or portion of this ordinance is declared invalid for any reason, all other provisions of this ordinance shall remain in full force and effect.

Sec. 20. Interpretation of terms and provisions.

(a) Where terms are specifically defined or the meanings of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.

(b) Where terms are not specifically defined and such terms are defined in the Town Ordinances, such terms shall have the same meaning for the interpretation and enforcement of this ordinance.

(c) Where terms are not specifically defined in this ordinance, they shall have their ordinarily accepted meaning or such meaning as the context may imply.

(d) The provisions of this ordinance shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town.

(e) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Town Ordinances or the laws of State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of public health and safety shall prevail.

Sec. 21. Authorization; effective date.

(a) This ordinance is adopted pursuant to the authority granted in Connecticut General Statutes Sections 7-148(c)(7)(A)(i),(ii), 7-148(c)(7)(E), 7-148(c)(7)(H) (xv), 7-148o, 7-148aa, 7-148ff, 7-148gg, 7-148ii, 148jj, 7-152c; as may be amended.

(b) This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes Section 7-157(b) and shall not be

12-13-2016

implemented until one or more Citation Hearing Officers have been appointed by the Board of Selectmen and duly qualified.

ADOPTED AT TOWN MEETING: December 13, 2016
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HARWINTON TOWN RECORDS: VOLUME 8 PAGES 238 – 250.