

Chapter 405

PROPERTY MAINTENANCE

GENERAL REFERENCES

Building construction — See Ch. 232.

Demolition of buildings — See Ch. 237.

Health and sanitation — See Ch. 305.

Junk dealers — See Ch. 334.

Littering — See Ch. 349.

Snow and ice removal — See Ch. 447.

Solid waste — See Ch. 452.

ARTICLE I
Storage of Junk
[Adopted 9-27-1971 (Ch. 68, Art. II of the 1976 Code)]

§ 405-1. Definitions and word usage.

A. When used in this article, the following terms shall have the following meanings:

ENFORCEMENT OFFICER — The Zoning Enforcement Officer or his designated agent or deputy.¹

JUNK — Any old, used or secondhand materials of any kind, including cloth, clothing, rags, bags, papers, rubbish, bottles, glassware, crockery, rubber, iron, brass, copper, other ferrous and nonferrous metals, furniture, fixtures, plumbing materials, waste materials, or any other article or thing which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk.²

JUNK APPLIANCE — Washing machine, drying machine, stove, refrigerator, freezer, air-conditioning device and machine, water heater and water cooler and device for the storage of hot water or cold water, dishwasher, television receiver, furniture, office equipment, and machine or implement for business, manufacturing or farming purposes and any other similar thing or part thereof in an inoperative or discarded condition.

JUNK VEHICLE — Any motor vehicle or part thereof which is not in condition for lawful operation on the public highways of this state and is in a rusted, wrecked, discarded, partly dismantled, inoperative or abandoned condition.³

OPERATOR — Any person who has apparent charge, custody, care or control, possession or occupancy of land.

OWNER — Any person who has any legal title to or beneficial interest in any land, with or without actual possession or occupancy thereof, or who has charge, custody, care or control of any land as an owner or as an agent of an owner, or as an officer, director or employee of a corporation or other business entity which is an owner or an agent of an owner, or as an executor, administrator, trustee, conservator or guardian of an owner or the estate of an owner.

PERSON — Any individual person, firm, partnership, corporation or other legal entity.

B. Words of the male gender shall include the female gender, and words of the singular number shall include the plural number, as the context and the circumstances require.

§ 405-2. Findings.

It is hereby found and declared that junk, junk vehicles and junk appliances upon any property within the Town of Monroe are nuisances and also are detrimental to

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the public safety, health, convenience and welfare; that they constitute a nuisance and particularly imperil the health and safety of children, constitute a potential source of fire and explosion, are and may become harborage for rodents and breeding places for insects and threaten and depreciate neighboring properties; that the preservation of public health, the elimination of such public peril and the general protection of property and maintenance of property values are proper concerns of the Town of Monroe; and that enactment of this article is necessary for the protection and preservation of the public safety, health, convenience and welfare and of property and property values.

§ 405-3. Restrictions. [Amended 9-22-1977⁴]

No owner or operator of any parcel of land wholly or partially within the Town of Monroe shall deposit or cause or permit to be deposited, or retain or cause or permit to be retained, any junk, junk vehicle or vehicles or junk appliances on such land, except when all such storage is visually screened to a height of at least six feet from the street and all adjoining properties, and except when all such storage areas are maintained in a neat and orderly fashion so as not to create health hazards, insect breeding places or rodent harborage, and except when all such exterior storage areas are securely locked and physically inaccessible to any person not authorized or legally entitled to be on the premises or not employed or engaged in the business if a business is located on said premises. All presently existing areas wherein junk, junk vehicles or junk appliances are stored, kept or situated shall comply with this section within six months from the effective date hereof.

§ 405-4. Notice of violation. [Amended 10-14-1976]

On information or complaint of any violation of § 405-3, the enforcement officer shall cause to be served written notice, either personally or by mail, upon the owner or operator of the land on which said violation is found or complained of, setting forth the nature of said violation and ordering correction thereof. Said notice shall be in the form prescribed by the Town Council of the Town of Monroe from time to time as it may determine.

§ 405-5. Penalties for offenses. [Amended 10-14-1976⁵]

Any person who, as owner or operator of any parcel of land, fails, neglects or refuses to comply with the provisions of this article after notice served in accordance with § 405-4 hereof shall be fined not more than \$250, and each day of noncompliance with said notice shall constitute a separate and distinct violation and may be prosecuted as such. Any person who resists, obstructs or interferes with any agent, servant or officer of the Town of Monroe engaged in the enforcement or execution of any provision of this article shall be fined not more than \$250. The penalties provided in this section shall be in addition to any other relief or remedy provided by this article or the Connecticut General Statutes, as amended.

4. Editor's Note: This ordinance also repealed original § 68-10, Enforcement of notice; costs, and § 68-13, Nonapplicability, of this article.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II
Blighted Premises
[Adopted 1-14-2002 (Ch. 71 of the 1976 Code)]

§ 405-6. Authority and purpose.

- A. This article is enacted pursuant to the authority granted to the Town of Monroe under Connecticut General Statutes § 7-148(c)(7)(H)(xv).
- B. This article prohibits any owner, agent, tenant or person in control of real property located in the Town of Monroe from allowing, creating, maintaining or causing to be created or maintained a blighted premises. This article also establishes penalties for violations of this article.

§ 405-7. Definitions.

For the purpose of this article, the following words, terms and phrases shall have the following meanings ascribed to them:

BLIGHTED PREMISES — Any building or structure or parcel of land, proximate to other residential properties, commercial structures, or road, in a state of disrepair, dilapidation or abandonment.

- A. "State of disrepair or dilapidation" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions and a nuisance to the general public and shall be evidenced by one or more of the following conditions:
- (1) Persistent missing, broken or boarded up windows and doors, otherwise not required by order of any other Town official acting within the scope of his or her authority;
 - (2) Collapsing or missing exterior walls or roof;
 - (3) Seriously damaged or missing siding;
 - (4) Unrepaired fire, wind or water damage;
 - (5) Persistent rodent harborage and/or infestation that may pose a significant public health or safety risk;
 - (6) Persistent garbage or trash on the property;
 - (7) Seriously overgrown brush, shrubs and weeds, at least one foot in length, that may pose a significant public health or safety risk;
 - (8) Felled or damaged trees that may pose a significant public health or safety risk;
 - (9) Sinkholes that may pose a significant public health or safety risk;
 - (10) Significant and persistent accumulations of debris bordering on adjacent properties;
 - (11) Parking lots left in a persistent state of disrepair or abandonment; and

- (12) Seriously damaged or deteriorating structures, including but not limited to barns, sheds, swing sets, and jungle gyms, that may pose a significant public health or safety risk or be termed an attractive nuisance.
- B. In determining whether a premises is "blighted," as defined in this article, mitigating factors to be considered include:
- (1) The nature and use of the premises as farmland and/or open space acreage;
 - (2) The transient seasonal presence of snow, water, ice, and/or animal harborage, due to the natural topography of the property, and the feasibility of remediation of such conditions; and
 - (3) The status of the premises as a recognized historic structure.

PLAN OF ACTION — Any written plan submitted by a responsible party, in response to an enforcement citation as defined in this article, that sets forth a definite schedule for the remediation of all items set forth in the enforcement citation.

RESPONSIBLE PARTY — The party who owns the real property in question, as well as any tenant, occupant or person who resides at or controls the real property at issue or who is contractually obligated to maintain the property by virtue of such tenancy or occupancy. In no event shall a contractual obligation protect or absolve the owner of the property of the duty to comply with the terms of this article. "Responsible party," as used in this article, shall not be limited to the singular.

§ 405-8. Blighted premises prohibited.

No responsible party shall allow, maintain or cause to be maintained a blighted premises in the Town of Monroe.

§ 405-9. Designated enforcement officer.

The designated enforcement officer and/or other individuals designated by the First Selectman are charged with the enforcement of this article. The designated enforcement officer is hereby authorized to take such enforcement actions as are specified in this article.

§ 405-10. Notice of violation.

- A. The Town of Monroe, through its designated enforcement officer, shall serve written notice of violation to the responsible party. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of the responsible party named in the notice. Such notice shall state the violation(s) and demand the abatement thereof within 14 business days of the date of the notice. The notice shall also set forth and explain the various time limits set forth in this article for preparing and submitting a plan of action and responding to an enforcement citation, if one is issued. The designated enforcement officer shall file and retain an original or certified copy of the notice.
- B. If the responsible party fails to correct the violation(s) or to prepare and submit a plan of action to the designated enforcement officer, he/she may issue an enforcement citation as specified in this article. If the responsible party submits

such a plan of action, the designated enforcement officer may, in his or her discretion:

- (1) Accept or reject the plan as prepared in writing within 10 days of its submission.
- (2) Accept the plan subject to conditions recommended by the enforcement officer within 10 days of the plan's submission, which conditional plan of action must be acknowledged in writing by the responsible party as acceptable within 10 days of the conditional acceptance.

§ 405-11. Enforcement citation.

If any violation remains unabated, or if a plan of action is not submitted and accepted, after the fourteen-business-day notice period has elapsed, the designated enforcement officer is hereby authorized to serve an enforcement citation upon a responsible party. Service shall be in the manner provided for a notice of violation. If an enforcement citation is not issued within 30 days of the elapsing of the fourteen-business-day notice period, the notice of violation shall expire and a new notice of violation must be issued, which will begin a new fourteen-business-day notice period.

§ 405-12. Penalties for offenses.

Violations of the provisions of this article shall be punishable by a fine of \$100 for each day any and all violations remain unabated following service of an enforcement citation. Penalties shall be stayed during the consideration of a plan of action by the enforcement officer and shall only begin to accrue:

- A. The day after a plan of action is rejected by the enforcement officer; or
- B. The day after the time period for acknowledgement of the acceptance of a conditional plan by the responsible party has elapsed.

§ 405-13. Citation procedures.

- A. After issuance of an enforcement citation, fines will accrue until the responsible party submits to the enforcement officer a statement in writing that the conditions have been rectified. Submission of the statement will stay further accrual of fines until the enforcement officer ascertains whether the conditions have abated. If the conditions have not been rectified satisfactorily, the enforcement officer shall notify the responsible party in writing, which shall have the effect of lifting the stay of the accrual of fines until notice has been received from the responsible party that the condition has once again been rectified. Fines shall stop accruing when the enforcement officer issues to the responsible party, in writing, a notice that the conditions have been satisfactorily addressed. Payment of accrued fines is due 30 days after the notice from the enforcement officer that the conditions have been rectified is received by the responsible party.
- B. The final period for contesting an enforcement citation under this article shall be 30 days after the mailing or delivery of the citation itself or, in the event of the filing of a plan of action, 30 days after such plan of action is rejected or the ten-day period has elapsed during which a responsible party must acknowledge acceptance of a

conditional plan. A responsible party may file with the enforcement officer, in writing, a petition to contest the enforcement citation. The procedures for hearing, disposition and enforcement shall be as set forth in § 7-152c of the Connecticut General Statutes, as the same may be amended from time to time. Filing of a petition shall stay payment but not accrual of fines under this article.

- C. Upon the filing of such a petition, the designated enforcement officer shall present the case before a three-person Anti-Blight Appeal Board, which persons shall be appointed pursuant to Chapter IV, § 2 of the Town Charter. The responsible party shall also be heard. Neither the designated enforcement officer nor any regular members of the Planning and Zoning Commission or the Zoning Board of Appeals nor any employee of the Town of Monroe may be appointed to the Anti-Blight Appeal Board. If the Anti-Blight Appeal Board finds in favor of the responsible party, all fines accrued to the date of decision shall be waived. If the Anti-Blight Appeal Board upholds the enforcement citation, the fines that have accrued will then become due and payable, and additional fines may accrue if the conditions remain unabated.

§ 405-14. Recording of lien.

Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with Connecticut General Statutes § 7-148aa. Each such lien shall be continued, recorded and released as provided for in § 7-148aa.

§ 405-15. Correction of violation by Town; recovery of costs.

In the event that any responsible party shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such party to contest the citation before the Anti-Blight Appeal Board, or by such appeal being unsuccessful, the Town of Monroe, acting through its designated enforcement officer, issuing such notice of violation, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be recovered under the applicable provisions of Connecticut General Statutes § 7-148(c)(7)(E).

§ 405-16. Exception for pending applications.

Any blighted premises for which an application for a special permit, site plan or other improvements to the blighted premises is pending prior to or submitted within 10 days of the issuance of an enforcement citation in the Town Planning and Zoning Commission, the Zoning Board of Appeals, and/or the Inland Wetlands Commission shall be exempt from the provisions of this article until a decision is reached on the same, but in any event not longer than a period of 130 days from the date of submittal of a complete application. The responsible party must notify the designated enforcement officer in writing that he or she has already filed, or submit a complete copy of any application to the enforcement officer in the event that the responsible party files a special permit or site plan application within 10 days of the issuance of an enforcement citation, which notice or submission will maintain the property's exempt status until a hearing is concluded and a decision is reached. No fines shall accrue until a decision has been issued by the applicable board or commission.