



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR ROY ZARTARIAN

NEWINGTON TOWN COUNCIL

*****L-101 (Lower Level)*** – Town Hall
131 Cedar Street**

**AGENDA
July 12, 2016
7:00 p.m.**

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. PUBLIC PARTICIPATION – IN GENERAL (**In Person/Via Telephone: 860-665-8736**)
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)
- V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION
- VI. CONSIDERATION OF OLD BUSINESS (**Action May Be Taken**)
 - A. Fee Updates: Planning/Zoning & Zoning Board of Appeals
 - B. Discussion: Cemetery Operations
 - C. NHS School Career Technical Program Renovations Plans & Specifications
- VII. CONSIDERATION OF NEW BUSINESS (**Action May Be Taken by Waiving the Rules**)
 - A. Discussion: Police Community Council
 - B. Blight Update
 - C. Discussion: Ordinance Amendment, Chapter 182: Blighted Premises Code
- VIII. RESIGNATIONS/APPOINTMENTS (**Action May Be Taken**)
 - A. Appointments to Boards and Commissions
 1. Affordable Housing Monitoring Agency
 2. **Board of Education – Liaison**
 3. Commission on Aging and Disabled
 4. Balf-Town Committee
 5. Building Code Board of Appeals
 6. Capitol Region Council of Governments (CRCOG)
 7. Central Connecticut Health District Board of Directors (CCHD)
 8. Capital Improvements Committee
 9. Committee on Community Safety
 10. Conservation/Inland Wetlands Commission
 11. Development Commission

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12. Employee Insurance & Pension Benefits Committee
13. Environmental Quality Commission
14. Board of Ethics
15. Fair Rent Commission
16. Newington Housing Authority
17. Human Rights Commission
18. Library Board of Directors
19. Newington CATV Advisory Council
20. Newington School Career Technical Program Renovation Project Building Committee
21. Open Space Committee
22. Standing Insurance Committee
23. STEM Academy PBC
24. Town Hall Renovations Project Building Committee
25. Town Plan & Zoning Commission
26. Tri-Town Community Cable Access
27. Vehicle Appeals Board
28. Zoning Board of Appeals

IX. TAX REFUNDS (**Action Requested**)

X. MINUTES OF PREVIOUS MEETINGS (**Action Requested**)

- A. June 28, 2016 Regular Meeting

XI. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

XII. COUNCIL LIAISON/COMMITTEE REPORTS

XIII. PUBLIC PARTICIPATION – IN GENERAL (**In Person/Via Telephone: 860-665-8736**)
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)

XIV. REMARKS BY COUNCILORS

XV. ADJOURNMENT



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Newington Town Council
From: Jaime Trevethan, Asst. to the Town Manager (on behalf of Tanya D. Lane, Town Manager)
Date: July 7, 2016
Re: Fee Updates: Planning and Zoning

The Town Council tabled the above referenced item at the June 14 and June 28 meetings. Attached, please see two memorandums from Assistant Town Planner Mike D'Amato regarding the determination of the proposed fees for the Zoning Board of Appeals.

As discussed at the May 24 Council meeting, it has been determined that the current Zoning Board of Appeals application fee of \$75.00 is not sufficient to cover the costs involved with hearing such applications. In addition, many of the Town's fees have not been updated since 2007. Therefore, the Town Manager requested various departments review their fees not specified by ordinance or State statute. In addition to the ZBA application fee updates recommended by Mr. D'Amato, Town Planner Craig Minor has submitted various fee updates of approximately 10% as related to planning and zoning as attached. These fee updates were approved by the Town Plan and Zoning Commission on May 11, 2016. Town Engineer Chris Greenlaw recommends increasing the minimum print costs from \$4.00 to \$4.50.

Attached, please see the requested fee changes for both the Zoning Board of Appeals applications and the various planning and zoning fees. Per Council request, comparable towns' fees (where published/applicable) are also included. It should be noted that the request for fee increases is intended to cover the Town's costs related to said fees.

If the Council concurs, there will be a resolution on the July 12 agenda to consider adopting the attached fees.

Attach.

cc. Craig Minor, Town Planner
Mike D'Amato, Asst. Town Planner/ZEO
Chris Greenlaw, Town Engineer



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Zoning Board of Appeals

Craig Minor, AICP
Town Planner

To: Tanya Lane, Town Manager
From: Michael D'Amato, CZEO
Cc: Craig Minor, Jaime Trevethan
Date: June 15, 2016
Subject: **Application Fees to Zoning Board of Appeals**

This memo is to serve as a follow up to the memo sent to you on April 11 regarding the proposed ZBA fee increase. At the 6/14 Town Council meeting, this item was tabled because Councilors felt more information was necessary.

The ZBA currently advertises with the New Britain Herald and has been doing so for that past few years after the Hartford Courants Legal Notice rates became too costly. I have since reviewed the circulation rates and publishing schedules of the 3 papers available to the Town (Courant, Herald and Town Crier) and have come to the conclusion that a change to another Newspaper would not be in the best interest of the Town. Based on the Hartford Courants pricing and the lack of a daily schedule for the Town Crier, the New Britain Herald is not only the most economically practical option but also the one that meets our publishing requirements as set by the Connecticut General Statutes. Therefore, in an effort to make the Zoning Board of Appeals budget more responsible, I ask (on behalf of the ZBA) that the Council approve the increased fees so we may begin to cover the costs of each application.

Cc:
File

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Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Zoning Board of Appeals

Craig Minor, AICP
Town Planner

To: Tanya Lane, Acting Town Manager
From: Michael D'Amato, CZEO
Cc: Craig Minor, Jaime Trevethan
Date: April 11, 2016
Subject: Application Fees to Zoning Board of Appeals



Over the last year and a half I have been monitoring the fees received and expended by the Zoning Board of Appeals for applications. Using last year as an example, it does not appear that the application fees being received are covering the costs associated with publishing meeting notices in the newspaper as required by Section 8-3 of the Connecticut General Statutes. The current application fee is \$75.00. The average application cost to the ZBA was \$255.25. This number comes from the obligation to publish two meeting notices prior to the meeting and one decision notice following the meeting. These costs do not include the required \$60.00 State of CT DEEP fee that we are obligated to send to the State for every application we receive. This would take the average application cost to \$315.25.

Given the information above, after discussing this issue with the members of the Zoning Board of Appeals we would like to request that the Town Council approve a fee increase from the current \$75.00 to \$350.00.

Cc:
File

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mdamato@newingtonct.gov
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AGENDA ITEM: VII.A.

DATE: 7-12-16

RESOLUTION NO.: _____

RESOLVED:

That the Newington Town Council hereby approves changes to various fees on the Town of Newington's "Schedule of Fees and Charges" as indicated in the attached document.

MOTION BY: _____

SECONDED BY: _____

VOTE: _____

Planning and Zoning Fees

	Comparable Towns (Where Published)						
	Newington (Current)	Newington (Proposed)	Wethersfield	West Hartford	Berlin	Rocky Hill	Southington
Subdivision Approval	\$100 per lot/ \$300 minimum	\$110 per lot/ \$330 minimum	\$200 plus \$50 per lot	\$600 or \$100 per lot	\$350 and up	\$150 plus \$50 per lot	\$280 plus \$50 per lot
Change of Zone or Zoning Amendment	\$500	\$550	\$250	\$550		\$250	\$260
Site Plan Approval	\$250	\$275	\$200 plus \$25/1000s.f. GFA	\$150 plus \$50/1000 s.f.GFA	\$350 and up	\$250	\$75 - \$350
Site Plan Modifications	\$175	\$200	\$100			\$100	\$230 and up
Special Permit Applications (except #1-4 for as follows)	\$200	\$220	\$200 plus \$25/100s.f. GFA	\$200 plus \$25/100s.f. GFA	\$220	\$250	\$280 - \$560
1. Multi-family Projects in B-TC or PD zones	\$250 plus \$25 per lot	\$275 plus \$30 per lot					
2. Hospitals, et al	\$200 plus \$25 per bed	\$220 plus \$30 per bed					
3. Special Flood Hazard Area	\$150	\$165					\$280
4. Free-standing Signs	\$100	\$110					
R-D, R-7 and R-12 Zone Multi-family Projects	\$450 plus \$25 per unit	\$500 plus \$30 per unit					
Zoning Review	\$15	\$15		\$75			\$80 - \$160
Certificate of Zoning Compliance - Commercial Buildings, Condos and Apartment complexes	\$35	\$75	\$75				
Certificate of Zoning Compliance - Residential	\$35	\$35	\$25	\$30			
Zoning Regulations	\$15/copy	\$30/copy				\$15/copy	\$25/copy
Subdivision Regulations	\$10/copy	\$15/copy				\$6/copy	\$10/copy
Large Color Zoning Map	\$15/copy	\$15/copy				\$7.50/copy	\$25/copy
Zoning Board of Appeals Application:	\$75	\$350	\$185	\$260	\$210	\$150	\$260 - \$280
Minimum Print Fee - Engineering	\$4.00	\$4.50					

* \$60 DEEP Fee Not Included * \$60 DEEP Fee Included



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Newington Town Council
From: Jaime Trevethan, Asst. to the Town Manager (on behalf of Tanya D. Lane,
Town Manager)
Date: July 7, 2016
Re: West Meadow Cemetery

At the request of the Town Council, an item has been added to the July 12 agenda for continued discussion of operations at the West Meadow Cemetery.

Attached, please see Code of Ordinances §194: Cemeteries.

Attach.

cc. Bill DeMaio, Superintendent – Parks and Recreation/Grounds

*Town of Newington, CT
Friday, June 10, 2016*

Chapter 194. CEMETERIES

[HISTORY: Adopted by the Town Council of the Town of Newington 1-25-1977 (Ch. 4 1/2 of the 1974 Code). Amendments noted where applicable.]

§ 194-1. Purpose.

The purpose of this chapter shall be to regulate activities and conduct within Town cemeteries, to provide for basic procedures under which said cemeteries should be operated, to delegate the responsibility for the proper operation and maintenance of Town cemeteries so that the good order and efficient operation of Town cemeteries may be assured.

§ 194-2. Applicability.

Unless otherwise specifically provided herein, the provisions of this chapter shall apply to the so-called Center Cemetery located on Cedar Street; to the so-called Church Street Cemetery located at the intersection of Church Street and Kelsey Street; and to the so-called West Meadow Cemetery located to the west of Willard Avenue in the vicinity of Cedar Street; and such other public cemeteries as the Town may establish in the future.

§ 194-3. Definitions.

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

SEXTON

The duly appointed Sexton of Cemeteries, or his/her designated agent.

§ 194-4. Administration and maintenance.

[Amended 9-12-1989]

The administration of all Town cemeteries shall be the responsibility of the Town Manager who shall appoint the Sexton of Cemeteries for the Town. The Sexton shall be responsible to the Town Manager for the proper administration of this chapter, the management of Town cemeteries generally and the proper operation and maintenance of the cemeteries.

§ 194-5. Fees and charges.

It is the intent of the Town Council that Town-owned cemeteries shall, to the extent possible, be financially self-sustaining with respect to operation and self-amortizing with respect to land cost investment. To this end, the Town Manager shall establish, and from time to time amend, a list of fees and charges pertaining to the sale of gravesites and the performance of services by the Town pertaining to the cemeteries, provided that notification of the establishment of or amendment to said list of fees and charges shall be filed with the Town Clerk and with each member of the Town Council at least 60 days prior to its effective date. If the list of fees and charges or amendments thereto which the Town Manager intends to make effective are unacceptable to the Town Council, the Town Council may, by resolution, direct that they be changed. If the Council does not take action within the sixty-day period provided for herein, said list of fees and charges or amendment to said list of fees and charges, as the case may be, will automatically become effective at the expiration of the sixty-day period.

§ 194-6. Cemetery Fund.

- A. There is hereby created a Cemetery Fund. There shall be paid into the Cemetery Fund all proceeds from the sale of gravesites and service fees and charges resulting from cemetery operations. There shall also be paid into such fund amounts which the Town Council may, from time to time, authorize to be transferred thereto from the general fund.
- B. The Town Council may cause transfers to be made from the Cemetery Fund to the general fund of the Town to defray the cost of cemetery operations and/or debt reduction costs attributable to cemetery development, provided that such transfers to the general fund shall be authorized only by means of annual budget appropriations of the Cemetery Fund or consistent with special appropriations authorized in accordance with § C-807 of the Town Charter.
[Amended 6-10-2008 by Ord. No. 0709-1]
- C. An annual budget for the Cemetery Fund shall be prepared and approved in the same manner as that provided by the Charter for the general fund of the Town. Appropriations shall be made and expenditures executed in the same manner and with the same restrictions prescribed by the Charter for the general fund. Any unappropriated, unexpended, or unencumbered funds which may remain shall lapse to the balance of said fund at the close of each fiscal year and shall not, therefore, be lapsed to the balance of the general fund. The Town Treasurer and the Director of Finance shall exercise control and administration of the Cemetery Fund in accordance with their duties under the Town Charter.

§ 194-7. Hours of operation.

[Amended 9-12-1989]

The cemeteries shall be open each day from sunrise until sunset. All persons shall leave the grounds of the cemeteries at or before closing time. No person shall be in the cemeteries between sunset and sunrise, unless expressly authorized by the Sexton. The right of admittance to cemeteries is reserved. The Sexton may temporarily close a cemetery or alter the open hours in case of an emergency or to protect the public health and safety or preserve the privacy of burial.

§ 194-8. Rules of conduct.

[Amended 9-12-1989]

The Sexton may cause any person violating the restrictions below to be ejected from a cemetery or to be arrested for being in violation of this chapter. No person shall:

- A. Disrespect the solemnity of a cemetery by boisterous or unruly behavior.
- B. Willfully disfigure, mark, deface, injure or tamper with or displace or remove any building, memorial monument, tablet, turf, fence, paving, waterline or other utility or parts and appurtenances thereof, signs, notices, placards, whether temporary or permanent, property boundary markers, stakes, posts, equipment or other facilities, either real or personal, within a cemetery.
- C. Dig for the purpose of removal from such a cemetery any sand, soil, rocks, stones, trees, shrubs, or plants by any means or method without the express consent of the Sexton.
- D. Willfully damage, cut, carve, transplant or remove any tree or plant or injure the bark of any tree, nor shall any person pick the flowers or seeds of a plant or dig in or otherwise disturb lawn areas or walk upon planted areas which are designated as being prohibited to foot travel.
- E. Hold picnics or parties in a cemetery.
- F. Enter the grounds of a cemetery except through the established and designated entrances, loiter near or intrude upon any funeral services, or stand about an open grave unless a member of a funeral party.
- G. Bear firearms within a cemetery except as may be expressly permitted by the Sexton and except law enforcement officers.
- H. Allow a dog to be in a cemetery except while enclosed in a vehicle.
- I. Be in a cemetery if he/she is under 12 years of age and is not attended by a supervising adult.
- J. Enter an area posted as "closed to the public," nor shall any person use or abet the use of any area in violation of posted notices.
- K. Solicit alms or contributions for any purpose, whether public or private.
- L. Be under the influence of intoxicating liquor or drugs while in the cemetery.
- M. Ride, lead or allow a horse within a cemetery except as may be expressly permitted by the Sexton.
- N. Expose or offer for sale any article or thing, nor shall he/she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing on Town-owned grounds adjacent to a cemetery.
- O. Announce, advertise, or call the public's attention in any way to any article or service for sale or hire.
- P. Paste, glue, tack, or otherwise post any sign, placard, or advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever in a cemetery or on any public lands or highways adjacent to a cemetery.

- Q. Ride a bicycle except on established roads. Bicyclists shall at all times operate their machines with reasonable regard for the safety of others and shall observe the accepted rules of the road for motorized vehicles.
- R. Willfully litter a cemetery or allow materials to be scattered or blown about a cemetery so as to cause litter.
- S. Photograph or record a committal service except with the permission of and under the direction of the Sexton.

§ 194-9. Traffic and parking within cemeteries.

No person while in a cemetery shall:

- A. Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles.
- B. Fail to obey all police officers and cemetery employees when such persons are duly authorized to direct traffic in a cemetery and on the highway, streets or roads immediately adjacent thereto.
- C. Fail to obey all traffic signs indicating speed, direction, caution, stopping or parking.
- D. Drive or ride a vehicle at a rate of speed exceeding 15 miles per hour, or exceeding a lower speed limit as posted by the authority of the Sexton.
- E. Drive any vehicle on any area except established roads and parking areas.
- F. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and/or with the instructions of any authorized attendant who may be present.
- G. Leave a vehicle standing or parked anywhere in a cemetery after the official closing time.
- H. Double-park any vehicle on any roadway or driveway unless directed to do so by a cemetery attendant, nor shall any person otherwise park any vehicle so as to block any roadway or driveway.
- I. Operate a vehicle which causes excessive noise due to a defective or deficient muffler, tailpipe or other equipment.
- J. Operate snowmobiles, minibikes, trail bikes, or other all-terrain-type, off-the-road, recreational vehicles.
- K. Willfully drive his/her vehicle or the wheels thereof on any lawns or gardens or borders thereof. Any damage inadvertently caused by the operation of vehicles shall be the responsibility of the vehicle operator to repair or be responsible for the cost of repair.
- L. Drive a vehicle so as to impede a funeral procession. The driver of any vehicle, upon meeting a funeral procession, shall clear the vehicle from the path of said procession and come to a standstill until said procession passes.

§ 194-10. Gravesites.

[Amended 9-12-1989]

- A. For the purpose of this chapter, the word "gravesite" shall also mean "lot" or "plot."
- B. The Sexton shall have authority to sell gravesites. Gravesites shall only be sold to persons having residence within the Town of Newington for a period of six months or more, or to persons who formerly had residence within the Town of Newington of at least six months' duration. Gravesites containing two or more plots shall not be broken up into smaller gravesites if smaller gravesites are available. No burial shall be permitted unless the grave to be used is paid in full prior to or at the time of interment. Full payment for the purchase of gravesites shall be rendered within 30 days of the time of sale. No credit or installments shall be allowed. All lots must be paid in full before any monument or markers are placed on the lot. Lots will be reserved for a prospective purchaser for a period no longer than 10 days. Upon payment in full of the purchase price, a deed will be executed and delivered to the purchaser for each gravesite sold. Each such deed shall be subject to the terms of this chapter and such other rules and regulations as may be adopted for the management of the cemetery. Any deed shall grant to the purchaser only the right to use the lot for burial purposes for himself/herself, his/her family, his/her heirs and devisees and such friends (provided such friends have been Newington residents) as may be buried therein without profit, gain, emolument, or advantage to the purchaser or owner of the lot.
- C. All gravesites which are sold shall be furnished perpetual care by the Town of Newington, which shall include the regular mowing of grass, trimming of grass, and the raising and grading of sunken graves. Prices charged for gravesites shall reflect the assumption of perpetual care expenses by the Town. Perpetual care shall not include maintenance, repair or replacement of monuments or markers.
- D. In the event of any transfer or sale of a burial lot by the purchaser or owner, the Town of Newington shall have the first right to purchase the lot at the same price at which the Town originally sold the lot to the owner. Any sale or transfer of any lot which has not been first offered to the Town in accordance with the above shall be void. Furthermore, no sale or transfer of a lot by any purchaser or owner or heir will be allowed or be valid except upon the prior written notice to and consent of the Sexton and upon receipt of the original deed. The Sexton shall impose a reasonable charge for effecting any proper transfer of a lot.
- E. When a deed is issued for a gravesite, it shall convey only the right of burial therein, and it shall be the duty of the Sexton to enter thereon and prohibit, remove, or modify an object or adornment or work done in violation of this chapter or rules and regulations established pursuant thereto which may be judged objectionable or injurious to the cemetery. The Town of Newington shall reserve the right to develop and improve the cemetery from time to time in accordance with the judgment of the Sexton.
- F. No fence, hedge, railing or coping not existing on the effective date of this amendment shall be allowed to enclose a lot. All boundaries between lots shall be uniform and shall be as provided by the Sexton.

§ 194-11. Interments.

[Amended 9-12-1989]

- A. No body except that of a human being may be interred in any cemetery. All graves shall be opened and closed under the supervision of the Sexton. No interment or disinterment

shall be allowed without the consent of the Sexton. Interments or disinterments shall be made only by Town personnel unless the Sexton shall authorize otherwise. All funeral processions shall be entirely under the control of the Sexton upon entering any cemetery. Notice of at least 24 hours shall be given to the Sexton in advance of any desired grave opening, except for circumstances dictated by religious tenets or by extraordinary circumstances. No grave shall be opened or interment or disinterment made on a legal holiday unless required for public health reasons and ordered by the Sexton. Funerals and/or graveside/chapel service shall be concluded no later than 3:30 p.m., unless the Sexton expressly permits otherwise in consideration of special hardship.

- B. All interment charges and any arrears for purchase or work done on the lot shall be paid on or before the day of burial.
- C. When an interment is to be made, the location of such interment shall be designated by the lot owner, legal representative or funeral director. Locations given over the telephone should be confirmed in writing prior to interment, otherwise location will be made at lot owner's risk. The Town will assume no responsibility for errors in locations. When instructions regarding the location of an interment space in a lot cannot be obtained or are indefinite, or when for any reason the interment space cannot be opened where specified, the Sexton may, at his discretion, open it in such location in the lot as he deems best and proper, so as not to delay the funeral, and the Town shall not be liable in damages for any change so made.
- D. Assignment of grave spaces by any purchaser, owner or heir will only be valid when recorded in the Town cemetery records.
- E. The Town reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals. In the event such error shall involve the interment of the remains of any person, the Town reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location. In the event of an error in the description, transfer or conveyance of any interment property, the Town reserves and shall have the right to cancel such conveyance or substitute and convey in lieu thereof other interment property of equal value and similar location so far as practicable or as may be selected by the Town. Nothing will be allowed to be taped, adhered to, or in any way placed on the gravestone. All such items shall be removed by the Town of Newington cemetery personnel and the expense for removal shall be charged to the owner of the gravesite.
[Amended 2-23-2010^[1]
[1]: Editor's Note: This ordinance also provided for an effective date of 3-17-2010.
- F. Agreement to make a disinterment must be signed by the owner of the lot from which the removal is to be made and by the next of kin of the decedent. When such agreement is filed with the Town, and the cost of removal is paid, a permit must then be presented to the Sexton, at which time arrangements may be completed for the removal. Disinterment fees include opening of the grave only.
- G. The Town will exercise care in making a disinterment, but the Town assumes no liability for damage to any casket or vault in making the removal unless the disinterment was necessitated by an error in placement made by the Town.
- H. For all double-depth burials, any funeral or related service in the cemetery shall be held with the casket on firm ground in the vicinity of the grave, the specific location to be determined by the Sexton. The casket shall be lowered into the grave only after the ceremony is over.

[Added 2-23-2010^[2]]

[2]: *Editor's Note: This ordinance also provided for an effective date of 3-17-2010.*

§ 194-12. Memorials.

[Amended 6-28-1977; 9-12-1989]

- A. No monument or other memorial may be brought into a cemetery until a sketch or a blueprint showing the design, material, finish, size and inscription thereon is first submitted to the Sexton for approval.
- B. Workpersons engaged in the erection of memorials, monuments, markers and vaults of any description shall be subject to the control of the Sexton. Any workperson failing to conform to the directions of the Sexton shall not be allowed to continue his/her work.
- C. Notice of the intent to set a monument shall be given at least one day in advance of the work.
- D. The building of monument foundations shall only be in accordance with the specifications for same as promulgated by the Sexton.
- E. The erection or installation of monuments or memorial markers shall not take place on Saturdays, Sundays or holidays.
- F. The lower base of all monuments must be dressed to a true level on the bottom so as to bear evenly at all points upon the foundation without the use of chips, sprawls, or underpinnings. A bed of cement must be spread evenly over the top of a foundation and the base lowered into it.
- G. Upright monuments shall only be allowed in those areas of a cemetery designated therefor by the Sexton. No chains or ropes may be attached to trees or other objects for the installation of monuments.
- H. All monument foundations shall be installed clear of graves and shall be constructed to a depth equaling that of a single-depth grave, except where a concrete vault is used and a marker foundation may be constructed at the end of same. Bridging or constructing any foundation for a monument over a grave is prohibited. The provision and installation of all markers and monuments and the bases and foundations therefor shall be at the cost and expense of the gravesite owner.
- I. The following provisions shall apply to the West Meadow Cemetery only:
 - (1) Upright monuments in Section D may be of variable heights not to exceed four feet in height. No monument shall be wider than 36 inches at its widest point when placed on a gravesite containing less than three contiguous plots.
[Amended 6-10-2008 by Ord. No. 0709-1]
 - (2) No memorial, whether upright monument or flush marker, shall be less than four inches in thickness at its narrowest dimension, nor more than a maximum of 14 inches. Upright monuments in the nonveterans' section added in 2009, known as Section F, may be of variable heights, not to exceed 48 inches in height, including the base. No monument shall be wider than 36 inches at its widest point, when placed on a single-grave monument lot. No monument shall be wider than 54 inches at its widest point when placed on a double-grave monument lot.
[Amended 2-23-2010^[1]]

[1]: *Editor's Note: This ordinance also provided for an effective date of 3-17-2010.*

- (3) Upright monuments shall be made only of granite. Memorial flush markers shall be made only of granite or bronze. No monumental work, once installed, shall be removed from a grave unless approved by the Sexton.
- (4) Only one upright monument shall be allowed for each monument lot and only one flush marker per grave will be permitted. On a flush marker lot, two flush markers will be permitted per grave.

[Amended 2-23-2010^[2]]

[2]: *Editor's Note: This ordinance also provided for an effective date of 3-17-2010.*

- (5) Each grave shall have a concrete vault of a type approved by the Sexton and installed in accordance with his/her direction. The provision and installation of vaults shall be at the cost of the gravesite owner.

§ 194-13. Planting.

[Amended 9-12-1989]

- A. Flowers, shrubs, plants and trees shall only be planted in accordance with the rules and regulations established for planting by the Sexton. No planting shall be done without the permission of the Sexton. The cutting of turf on any lot shall be prohibited. The placing of potted plants on lots may be permitted if done in accordance with the rules established therefor by the Sexton. Any plant materials may be removed at the discretion of the Sexton at any time.
- B. No person shall create any mound, depression, hole, or otherwise change the grade of any lot or gravesite without the consent of the Sexton. No person shall spread fertilizer, ashes, chemicals or other material on lots to stimulate the growth of grass or to discourage weeds.
- C. Artificial decorations shall not be permitted during the growing season between April 1 and November 1. All artificial decorations placed in nonconformance with this chapter or with rules established by the Sexton pursuant thereto shall be subject to confiscation. All winter decorations shall be removed prior to March 15 of each year, or they shall be confiscated by the Sexton.
- D. Articles such as glass jars, watering cans, votive lights, palms, and bric-a-brac of any description are forbidden and may be removed without notice. Potted plants shall be contained only in clay pots not exceeding 10 inches in diameter and six inches in height, and in rustic baskets not to exceed 12 inches in diameter. Only one pot or rustic basket will be allowed to be placed on any one grave. The cemetery shall not be responsible for items left on the grounds or at graves.

§ 194-14. Cremated remains columbaria.

[Added 2-23-2010^[1]]

- A. Unless specifically provided herein, the provisions of § **194-11**, Interments, shall also apply to this section. For this section, "graves" shall be replaced with "niches," "interment" with "inurnment," and "disinterment" with "removal of urns."

- B. The Sexton shall have authority to sell inurnment rights and inscription rights for cremated remains. Rights shall only be sold to persons having residence within the Town of Newington for a period of six months or more, or to persons who formerly had residence within the Town of Newington of at least six months' duration. There shall be no more than two sets of cremated remains in any niche. All cremated remains shall be contained in urns that will fit within the purchased niche. No inurnment shall be permitted unless the niche to be used is paid in full prior to or at the time of inurnment. Niches may be reserved for a period of no longer than 30 days, upon which time full payment must be made. No credit or installments shall be allowed. All niches must be paid in full before any inscriptions are made on the columbarium. Upon payment in full of the purchase price, a deed will be executed and delivered to the purchaser for each niche sold. Each such deed shall be subject to the terms of this chapter and such other rules and regulations as may be adopted for the management of the cemetery. Any deed shall grant to the purchaser only the right to use the niche for the inurnment of the ashes of himself/herself, his/her family, his/her heirs and devisees and such friends (provided such friends have been Newington residents) as may be placed therein without profit, gain, emolument, or advantage to the purchaser or owner of the niche.
- C. In the event of any transfer or sale of a niche by the purchaser or owner, the Town of Newington shall have the first right to purchase the niche at the same price at which the Town originally sold the niche to the owner. Any sale or transfer of any niche which has not been first offered to the Town in accordance with the above shall be void. Furthermore, no sale or transfer of a niche by any purchaser or owner or heir will be allowed or be valid except upon the prior written notice to and consent of the Sexton and upon receipt of the original deed. The Sexton shall impose a reasonable charge for effecting any proper transfer of a niche. The Sexton shall also charge for a new faceplate cover whenever the Town purchases back a niche whose faceplate cover is no longer blank.
- D. When a deed is issued for a niche, it shall convey only the right of inurnment therein and the inscription of the faceplate, and it shall be the duty of the Sexton to enter thereon and prohibit, remove, or modify an object or adornment or work done in violation of this chapter or rules and regulations established pursuant thereto which may be judged objectionable or injurious to the cemetery. The Town of Newington shall reserve the right to develop and improve the cemetery and the columbarium from time to time in accordance with the judgment of the Sexton.
- E. All inurnments and removals of urns shall be made by Town of Newington cemetery personnel. All inscriptions shall be cut by a method of sandblasting into faceplates affixed to the granite fronts of the niches. The style and size of lettering and numerals shall be determined by the Sexton and a standard set for all lettering on the niche fronts. After completion of the official inscription form by an authorized agent of the deed holder, all inscription work will be done by the Town of Newington or a contractor selected by and working under the direction of the Sexton. In the event that information for inscription provided to the Sexton is inaccurate or incorrect, all costs to correct the inscription or to make a new inscription shall be paid for by the niche owner. Inscriptions shall be limited to the name, on one or two lines, the year of birth, and the year of death only. There shall not be more than 16 characters and spaces per line. For veterans who have received an honorable discharge from United States military service, inscriptions shall include the person's name, year of birth, year of death, the branch of service, and the war(s) in which the veteran served.
- F. There shall be a veterans' section, with graves and a columbarium, in the West Meadow Cemetery, reserved specifically for those who have received an honorable discharge

from United States military service and their spouses only. Inscriptions for the niches in this columbarium shall be limited to the person's name, on one or two lines, the year of birth, the year of death, the branch of service and the war(s) in which the veteran served. There shall not be more than 16 characters and spaces per line. Graves in this veterans' section shall have flush markers only.

- G. All plantings shall be done and maintained by Town of Newington cemetery personnel.
- H. Nothing will be allowed to be taped, adhered to, or in any way placed on the niche fronts or the columbarium. Pictures, flowers, flower holders, decorations, etc., shall not be allowed on the niche fronts or the columbarium. All such items shall be removed by Town of Newington cemetery personnel and the expense for the removal and cleaning of the granite shall be charged to the niche owner. Inurnment rights may be revoked if continued violation of these rules and regulations occur.

[1]: *Editor's Note: This ordinance also provided for an effective date of 3-17-2010.*



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Tanya Lane, Acting Town Manager
From: Jeff Baron, Dir. of Administrative Services
Date: June 14, 2016
Re: School Career Technical Program Renovations

The School Career Technical Program Renovations Project Building Committee met last evening and reviewed the current status of the plans and specifications for the renovation work at Newington High School that is scheduled to begin later this year. These renovations will turn the former Industrial Arts space (auto shop, woodworking, etc.) at the High School into the improved culinary arts area, the biomedical and aerospace academy areas, and the digital arts and genomic lab areas. The biomedical and aerospace study areas will allow students to continue programs that were begun at Kellogg and Wallace Middle Schools, respectively. Plans, specifications, cost estimates and the project budget were not yet ready for approval by the Committee. Acceptance of the final plans and specifications is anticipated at the Committee's next meeting on June 27th. This is to request that consideration of the Newington High School Career Technical Program Renovations Project be placed on the Town Council's Agenda for their June 28th meeting, in order for the Town Council to take action to accept them and authorize this office to go out to bid, subject to State approval, at the Town Council's meeting on July 12th. Jim Healy of Quisenberry Arcari Architects, the Project Architect, has been asked by the Committee to make a presentation to the Town Council on June 28th. Members of the Committee and Board of Education staff will also be present at the Town Council meeting that evening.

SPECIAL MEETING MINUTES

SCHOOL CAREER TECHNICAL PROGRAM RENOVATION PROJECT BUILDING COMMITTEE

June 27, 2016

Town Hall Lower Level Conference Room L100

- I. Call to Order – The meeting was called to order at 3:32 PM by Chairperson Tofeldt.
- II. Roll Call - Members present: Bob Tofeldt, Chairperson; and Carol Anest. Others present Jim Healy, Quisenberry Arcari Architects; William Collins, PhD, Superintendent of Schools; Lou Jachimowicz, Chief Finance and Operations Officer (arrived at 3:35 PM); and Jeff Baron, Director of Administrative Services.
- III. Public Participation – None.
- IV. Approval of prior meeting minutes – Ms. Anest made a motion to approve the minutes of the June 13, 2016 meeting as presented. A second to the motion was made by Mr. Tofeldt. The motion passed by a vote of 2 YES to 0 NO.
- V. Review and Take Action on Newington High School Project Plans, Specifications, Budget and Cost Estimate – Presented by Mr. Healy. The architectural drawings had been reviewed at the previous meeting and were unchanged. Mr. Healy reviewed the plumbing, fire protection, mechanical and electrical drawings with the Committee. The Chairman felt that the Committee should provide some background for the project when they appear before the Town Council the next evening. It was suggested that they use the Newington Public Schools Academy Construction Summary that was distributed at the previous meeting. The Architect will have a thumb drive for use on the Town's equipment to allow for a visual presentation of the drawings. The Project Architect estimated the cost to be within the project budget. Mr. Baron presented a project budget, noting that the architect's fees were corrected to cover the \$2.4 million total project cost and that the roughly 5.24% contingency amount was an arbitrary number. Due to the pre-project demolition activity, the contingency required is expected to be small. Ms. Anest made a motion that the School Career Technical Program Renovations Project Building Committee approve the final plans, specifications, construction cost estimate and project budget for the Newington High School renovations project, as presented, and refer them to the Town Council for its approval and authorization to proceed to bid. A second to the motion was made by Mr. Tofeldt. The motion passed unanimously by a vote of 2 YES to 0 NO.

- VI. Other Business Pertinent to the Committee – The Final Plans will be presented to the Building Department for local official code review. The Town Council will be briefed by the Committee and the Project Architect on June 28th and is expected to take action at their July 12th meeting. Once acceptance is given by the Building Department it will be provided to the State for authorization to proceed to bid. A brief turnaround time from the State is expected. Bid documents are expected to be out for about three weeks after the date of the legal ad in the newspaper. The Committee will then meet to review the bid results and make a recommendation to the Town Council regarding award.
- VII. Public Participation – None.
- VIII. Response to Public Participation – None.
- IX. Adjournment – the meeting adjourned at 3:50 PM.

Respectfully submitted,

Jeff Baron

Jeff Baron
Director of Administrative Services

TOWN OF NEWINGTON

SCHOOL CAREER TECHNICAL PROGRAM RENOVATIONS PROJECT BUILDING COMMITTEE

NEWINGTON HIGH SCHOOL RENOVATIONS PROJECT BUDGET

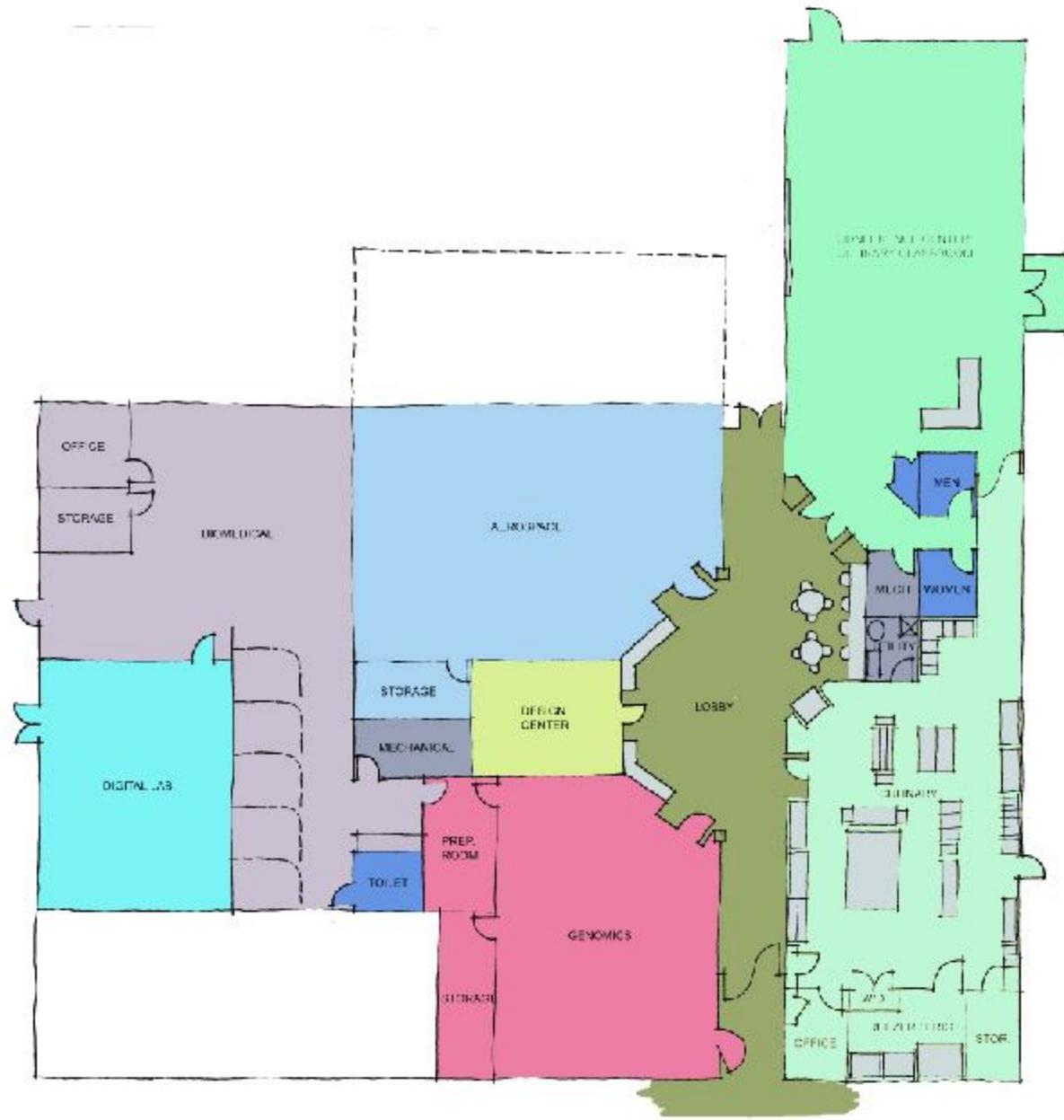
JUNE 27, 2016

Funding Source:

Public Building Fund, Account number 31190-88307-0105 \$2,400,000

Anticipated Expenditures:

Architect's Fees	128,940
Construction	2,157,507
Contingency (~5.24%)	113,553
Total	\$2,400,000



QUISENBERRY ARCAM
 ARCHITECTS, L.L.C.
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 T (860) 677-4794
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 318 Main Street
 Farmington, CT 06032

Alterations to
 Biomedical, Aerospace and Culinary Academies
 Town of Newington
Newington High School
 Newington, CT
 603 Willard Avenue

Sheet Description

State Project #: 04-4715
 Issue Date: 03 18 2006

Project #: QA 645
 Sheet #: 01

AGENDA ITEM: VI.C.

DATE: 7-12-16

RESOLUTION NO. _____

RESOLVED:

Pursuant to Chapter 8, Article X, Section 8-45, Project Building Committees, of the Newington Code of Ordinances, the Newington Town Council hereby approves the plans and specifications for the Newington High School Career Technical Program Renovations Project, as approved by the School Career Technical Program Renovation Project Building Committee on June 27, 2016 and authorizes the project to proceed to bid.

MOTION BY: _____

SECONDED BY: _____

VOTE: _____



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Newington Town Council
From: Jaime Trevethan, Asst. to the Town Manager (on behalf of Tanya D. Lane,
Town Manager)
Date: July 08, 2016
Re: Police Community Council

Per the request of the Agenda Committee, there will be an item on the July 12 Town Council agenda to discuss and receive an update on the recently formed Police Community Council. Chief Clark will be in attendance for the discussion. Information regarding the Police Community Council is attached.

Attach.

cc. Chief Clark

	Newington Police Department General Order		Number 54.4
Police Community Council			
Chapter 54 – Community Services			
Date: March 21, 2016	Revised:	Page 1 of 2	

1. Policy

It is the policy of the Newington Police Department to reach out to local residents and proactively engage them in working with the department to improve police services.

2. Purpose

The Police Community Council provides an opportunity for community members and the Newington Police Department to meet together in a collaborative process toward implementation of Community Policing. The Council includes members who represent and interact with a cross-section of the community, acting as a joint problem solving group of citizens and police personnel. It provides opportunities to exchange ideas and information to build and maintain a communication link between users and providers of police services.

3. Procedure

A. Mission

1. The mission of the Police Community Council shall be to work together in partnership with the Police Department to enhance the quality of life and provide a safe and secure living and working environment for the citizens who live and/or work within the Town of Newington.
2. In keeping with its mission, the Police Community Council shall be comprised of citizens who live and/or work in the Town of Newington.
3. Police Community Council members shall serve as liaisons between the community and the Newington Police Department to bring matters of community concern to the Police Department and matters of Police Department concern to the community.
4. The Police Community Council shall meet at least quarterly at the police department. The Chief of Police may call other special meetings as required.

B. Members

1. Members of the Police Community Council shall be appointed by the Chief of Police and should be representative of civic, school, and church groups, as well as business and community leaders.
2. Members shall not hold any other public office while a member of the Police Community Council.
3. Term limits and appointment to the Council will be determined by the Chief of Police.
4. The Chief of Police reserves the right to officially remove any member of the Council for lack of attendance, and matters of misconduct or inappropriate

	Newington Police Department General Order		Number 54.4
Police Community Council			
Chapter 54 – Community Services			
Date: March 21, 2016		Revised:	Page 2 of 2

behavior.

5. Prior to being appointed to the Police Community Council, all prospective members will be required to submit to a background check.

C. Police Personnel

1. The Chief of Police will oversee the Police Community Council. The Chief of Police may designate police personnel to attend and participate in Police Community Council meetings.

By Order of: _____

Stephen M. Clark
Chief of Police

Date



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Newington Town Council
From: Jaime Trevethan, Asst. to the Town Manager (on behalf of Tanya D. Lane,
Town Manager)
Date: July 08, 2016
Re: Blight Update

There will be an item on the July 12 agenda to update the Council on Blight Ordinance protocol and to provide the Council with a statistical update of blight complaints as well as updates to the Blight List.

Below is an overview of the blight process:

The Blight Team & Intake Process

All blight complaints are received and processed through the Town Manager's office. A file is created for each complaint and the property is added to a master list of potential blighted properties. Residents who report potential blighted properties are welcome to leave contact information for follow-up or may choose to remain anonymous.

All complaints are first screened by the Police Department to determine whether there is any prior history at the location that may pose a danger to the Enforcement Officer during inspection. The Human Services Department is also notified of new complaints. When necessary, the Assessor's office researches ownership of the property.

The Blight Enforcement Officer (BEO) is the first point of inspection and follow-up for all blight complaints and may determine whether a property meets the criteria to be listed as a blighted property. The BEO may receive assistance from the CCHD, Building Inspector or Fire Marshal as warranted.

Inspection, Notification & Enforcement

Once the property has been screened, the BEO will perform inspection(s) of the property. The BEO will determine whether the property meets the blighted property criteria. Properties that do not meet the blight criteria are noted as such and moved to an "inactive" complaint list. When a property meets the blight criteria, the BEO will move forward with the notification process as required by the ordinance:

- Notice of Violation Warning Letter
- Citation letter, which includes a minimum fine of \$100.00
- 10-day notice of placement on the Blight List from the Town Manager's Office.

If the violation is not resolved as a result of this process, the property will be placed on the official Blighted Premises List. Properties placed on the blight list may continue to be fined until the blighted condition is rectified. Further action such as liens, legal action and Town remediation may be taken as necessary. Only properties that have not been resolved as a result of the above listed process may be placed on the Blight List. The blight list is presented to the Council annually for information only; no action is required.

It is the Town's objective to work with property owners to devise a workable and positive solution to the blight issue. Each communication to the property owner contains information regarding the appeals process, contact information for the BEO and Town Manager as well as contact information for the Human Services Department. Whenever possible, the BEO works with the property owner to devise a written plan for more complex blight situations.

The Council will receive an updated Blight List at the July 12 meeting. Staff will also discuss methods used for enforcement as well as resources available for property owners. There will be a separate item on the July 12 agenda to discuss potential changes to the Blight Ordinance.



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Newington Town Council

From: Jaime Trevethan, Asst. to the Town Manager (on behalf of Tanya D. Lane, Town Manager)

Date: July 7, 2016

Re: Ordinance Amendment, Chapter 182: Blighted Premises

On February 9, 2016 the Town Council formed a Blight Ordinance Subcommittee consisting of Councilors Manke, Nagel and Serra and charged it to review and consider amendments to the Town Code of Ordinances Chapter 182: Blighted Premises. The Subcommittee met with staff to gather input on the current ordinance and to discuss proposed amendments. Concurrently, staff members worked with Asst. Town Attorney Tony Palermino to perform a thorough legal review of the current and proposed language. On July 5, 2016 the Subcommittee members voted unanimously in favor of forwarding the amended ordinance to the Town Council for consideration in accordance with sections 405 & 406 of the Town Charter.

Attached, please see two copies of the proposed ordinance. The first copy is a clean draft of the amendments incorporated into the ordinance. The second copy is a red-line draft outlining said changes. The amendments incorporate the following items:

- 1) Changes as recommended by the Subcommittee members.
- 2) Revisions to incorporate amendments to the Connecticut General Statutes that have been made since the current ordinance went into effect in August, 2012
- 3) Extended definitions and clarified verbiage throughout as recommended by Attorney Palermino to better define blighted conditions and protect the Town in the event of litigation.
- 4) Changes as recommended by enforcement, administrative and Human Services staff.
- 5) Amendments in accordance with the recent Pierczyk Straska Farm v. Town of Rocky Hill court decision in which the court ruled in favor of the property owner.
- 6) Reorganization of the document to place the various sections in the same order as the actual enforcement and appeals process.

Also attached is a summary of the proposed amendments by section. Asst. Town Planner Mike D'Amato and Asst. to the Town Manager Jaime Trevethan will be in attendance at the July 12 meeting to discuss the proposal. If the Council concurs with the changes then the ordinance may be introduced and a public hearing may be set at a future Council meeting.

Attach.

cc. Mike D'Amato, Asst. Town Planner
Tony Palermino, Asst. Town Attorney

Phone: (860) 665-8510 Fax: (860) 665-8507
townmanager@newingtonct.gov
www.newingtonct.gov

Summary of Proposed Amendments

Newington Code of Ordinances Chapter 182: Blighted Premises

July 7, 2016

§1. Title

- No changes

§2. Intent and Authority

- Incorporates amendments to the Connecticut General Statutes that have been made since the current ordinance went into effect in August, 2012

§3. Scope of Provisions

- No changes

§4. Definitions

- Includes numerous new definitions to better define blighted conditions and protect the Town in the event of litigation
- Adds a provision that overgrown grass or weeds must remain at a height of 12" or more for a period of seven days
- Adds a provision for dilapidated swimming pools
- Removes active farms as an exemption from the code
- Replaces "public property" with "Municipal, State and Federal property" as an exemption from the code

§5. Signs, Awnings and Marquees

- No changes

§6. Removal of Weeds and Similar Vegetation

- No changes

§7. Solid Waste, Storage and Littering

- Adds a provision for storage requirements not to exceed 60 days

§8. Blighted Premises List (current ordinance)

- Moved to §14 to organize the ordinance in the same order as the actual enforcement and appeals process

§8. Complaints – Notice of Violation Warning Letter (proposed ordinance)

- Indicates that verbal complaints shall be reduced to writing by staff.
- Adds language requiring that warning letters shall include the action(s) necessary to remedy the violation(s)

§9. Enforcement by Citation (proposed ordinance)

- Moved from to §11 to organize the ordinance in the same order as the actual enforcement and appeals process

§10. Hearing (proposed ordinance)

- Moved from to §12 to organize the ordinance in the same order as the actual enforcement and appeals process
- Adds language pertaining to the property owner's right to admit liability and agree to perform all remediation work.
- Adds language to require that the Citation Hearing Officer provides a decision within fourteen days following the completion of a citation hearing.

§11. Appointment of Citation Hearing Officers

- Moved from to §13 to organize the ordinance in the same order as the actual enforcement and appeals process
- Includes a term length of two years for appointed Citation Hearing Officers

§12. Penalties for Offences – Prejudgment Lien

- Moved from to §14 to organize the ordinance in the same order as the actual enforcement and appeals process
- Changes the term “real estate” to “property”

§13. Appeals – Special Consideration

- Moved from to §15 to organize the ordinance in the same order as the actual enforcement and appeals process

§14. Blighted Premises List

- Moved from to §8 to organize the ordinance in the same order as the actual enforcement and appeals process

Note: non-substantive changes such as corrections to formatting or typographical errors are not included on this list.

CLEAN DRAFT 7-7-16

The Newington Town Council repealed Chapter 182 of the Code and adopted the Blighted Premises Code on 7/24/12.

**TOWN OF NEWINGTON
BLIGHTED PREMISES CODE**

§ 1. Title

This chapter shall be known as the “Blighted Premises Code of the Town of Newington” (“the code”) and the standards established by this code shall be referred to as and constitute the minimum property standards of the Town of Newington (“Town”).

§ 2. Intent and Authority

A. This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable disease; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and non-residential structures, equipment and premises as provided by this code. This code is further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public. This code is intended to maintain and preserve the beauty of the neighborhoods and to allow for control of blighted premises.

B. This code shall establish minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.

C. This code is adopted in accordance with the provisions of Connecticut General Statutes §7-148 (c)(7)(H)(XV), § 7-148aa, 7-148ff, 7-148gg and 7-152c and further incorporates all authority and power that currently or in the future is conferred under Connecticut General Statutes

§ 3. Scope of Provisions

A. Applicability.

1. This code shall apply uniformly to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:

- a. Dwellings or dwelling units, including one-family and two-family dwellings and buildings with multiple-unit dwellings;
- b. Lots, plots or parcels of land whether vacant or occupied;
- c. Buildings of non-dwelling use, including commercial properties and mixed use properties that may include one or more dwelling units;
- d. Accessory structures to any building;
- e. All apartments, boarding houses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.

2. This code shall not apply to public property.

§ 4. Definitions

The following definitions apply to this chapter.

1. **Accessory structure** shall mean a structure, the use of which is customarily incidental and subordinate to that of principal building, structure or use on the same lot.
2. **Abandon** shall mean to give up control, cease to maintain, for vehicles the physical condition, the length of time since it was last used on the public highway, whether or not it is registered, for vehicles and/or other things not required to be registered or not normally used on the public highways, the physical condition, the length of time since it was last used for the purpose intended.
3. **Blighted premises** shall mean:
 - A. Any building or structure, or any part of a structure that is a separate unit, or a parcel of land or premises, or any necessary structure, or fence, where at least one of the following conditions exists:
 1. The Blighted Premises Enforcement Officer determines that existing conditions pose a serious threat to the health, safety and welfare of town citizenry;
 2. It is not being maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:
 - a. Missing, broken or boarded windows or doors;
 - b. Collapsing or deteriorating exterior walls, shutters, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
 - c. Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
 - d. Foundation walls which contain open cracks and breaks;
 - e. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay;
 - f. Chimneys and similar appurtenances which are in a state of disrepair;
 - g. Insect screens which contain tears or ragged edges;

- h. Refuse, rubbish, trash or debris improperly stored or accumulated on the premises, or vehicles, machinery and/or watercraft on the premises. Overgrown grass or weeds allowed to reach and remain at a height of 12” (one foot) or more for a period of 7 days.
 - i. Vermin and/or animal infestations;
 - j. In the case of a fence, broken or rotted sections or in an otherwise dilapidated condition; or
 - k. In ground or above ground swimming pools with standing water and/or which are in a state of disrepair.
 - 3. Any other exterior condition reflecting a level of maintenance which is not in keeping with community standards or which constitutes a blighting factor for adjacent property owners or occupiers or which is an element leading to the progressive deterioration of the neighborhood.
 - 4. It is attracting illegal activity as documented in Police Department records;
 - 5. It is a fire hazard as determined by the Fire Marshal or as documented in the Fire Department records; and/or
 - 6. It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances.
 - B. Blighted premises shall not include any such building, structure or parcel of land located on Municipal, State and Federal property.
4. **Blighted Premises Enforcement Officer** shall mean an individual or individuals appointed by the Town Manager to inspect and re-inspect blighted premises, issue notice of violation warning letters in accordance with § 10 of this Code, and issue citations for violations of this Code in accordance with § 11 of this Code. Said individual shall not be the Town Manager or a Citation Hearing Officer.
 5. **Citation Hearing Officer** shall mean an individual or individuals appointed by the Town Manager to conduct hearings authorized by this chapter.
 6. **Community standard** shall mean a judgment by a reasonable member of the community.
 7. **Connecticut General Statutes** shall include any applicable amendments.
 8. **Days** shall mean calendar days and shall not include the day of receipt of the notice.
 9. **Debris** shall mean material which is incapable of immediately performing the function for which it was designed including, but not limited to abandoned, discarded or unused objects, parts of automobiles, furniture, appliances, cans, boxes, bags, scrap metal, tires, batteries, containers, garbage, rubbish, refuse, machinery and vehicles.

10. **Inoperable** shall mean a motor vehicle which is incapable of being legally operated on public roads w/o major work or modification. Missing parts, broken or severely damaged components shall be prima facie evidence of inoperability.
11. **Junked** shall mean a motor vehicle located on the premises which is inoperable, this definition shall also include parts of motor vehicles or iron, metal, glass, paper, cordage or other or waste or discarded or secondhanded materials which have been a part or intended to be a part of any motor vehicle.
12. **Machinery** shall mean an assemblage of parts that transmits forces, motor and energy, one to another in a predetermined maneuver; a mechanically, electrically or electronically operated device for performing a task; an instrument designed to transmit or modify the application of force, power or motion.
13. **Motorcycle** shall mean a motor vehicle, with or without a side car, having not more than three wheels in contact with the ground and a saddle or seat on which the rider sits or a platform on which the rider stands, including motor scooters or bicycles with an attached motor.
14. **Motor Home** shall mean a vehicular unit designed to provide living quarters and necessary amenities which are built into an integral part of, or permanently attached to, a truck or van chassis, including campers and conveyor trailers.
15. **Motor Vehicle** shall mean any vehicle propelled or drawn by any power other than muscular, any device suitable for the conveyance of, drawing or other transportation of persons or property, whether operated on wheels, runners a cushion of air or by any other means.
16. **Legal occupancy** shall mean occupancy in accordance with state building and fire codes, local zoning regulations, local housing ordinances and all other pertinent codes.
17. **Neighborhood** shall mean an area of the Town comprising all premises or parcels of land, any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.
18. **Owner/occupier** shall mean any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.
19. **Person** shall include any individual, corporation, limited liability company, association, copartner ship, company, form, business trust or other aggregation of individuals but does not include the state or any political subdivision thereof, unless the context clearly states or requires.

20. **Premises** shall mean any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person.
21. **Proximate property** shall mean any premises or parcel of land within one thousand (1,000) feet of the boundary of a blighted premise.
22. **Recreational Vehicle** shall mean a motor vehicle of the type designed for off the road uses for recreation, entertainment or pleasure and which is not authorized by State to be operated on public streets and highways, including but not limited to minibikes, ATV's, trail bikes, dune buggies, snowmobiles and swamp buggies.
23. **Refuse** shall mean all putrescible and non-putrescible solids including garbage, rubbish, ashes and dead animals. These terms shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible waste materials.
24. **Rubbish** shall mean non putrescible solid wastes consisting of both (a) combustible wastes such as batteries, paint scrapings, paper, cardboard, plastic containers, yard clippings and wood; and (b) noncombustible wastes such as tin cans, tires, glass, crockery, metal and used automotive parts, cold ashes, junk, discarded containers, dust, sweepings, wastepaper, boxes, crates, rags, clothing, textiles, glass, crockery and similar waste materials ordinarily accumulated in and around residential premises.
25. **Snowmobile** shall mean a vehicle for traveling on ice or snow.
26. **Trailer** shall mean any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle.
27. **Truck** shall mean a motor vehicle designed, used or maintained primarily for the transportation of property; a motor vehicle with an enclosed forward passenger compartment and an open rearward compartment used for the transportation of property.
28. **Utility Trailer** shall mean a trailer designed and used to transport personal property materials or equipment, whether or not permanently affixed to the bed of the trailer.
29. **Waste** shall mean land clearing debris and waste resulting directly from demolition activities other than clean fill, household items including but not limited to sofas, mattresses, furniture, machinery and/or appliances.
30. **Watercraft** shall mean a ship, vessel boat or craft capable of being used for water transport with or without a motor.
31. **Yard Vegetation** shall mean grass, weeds, garden plants, shrubs, leaves, branches, limbs, brush and similar materials grown on and/or emanating from the premises.

§ 5. Signs, Awnings and Marquees

- A. Signs. All permanent signs and billboards exposed to public view permitted by reason of other ordinances or laws shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated shall be removed forthwith or put into a good state of repair by the owner/occupier.
- B. Awnings and marquees. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

§ 6. Removal of Weeds and Similar Vegetation

- A. Every owner/occupier of properties upon which a building exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road and to which a public water and/or public sewer lateral has been provided, shall cut, to a height of not more than one foot, all grass, weeds and similar vegetation not planted as a crop to be harvested or for ornamental purposes.
- B. Every owner/occupier of property shall keep his property free from vegetation of any type which, based on the reasonable opinion of the Blighted Premises Enforcement Officer, is injurious to public health.
- C. Any violation of § 6A or 6B shall constitute a nuisance which may be abated by the town at the expense of the owner/occupier or any one or more of them to whom the Blighted Premises Enforcement Officer has given not less than 10 days written notice of intention to abate such nuisance. Such expense may be collected by the Town in a civil action against any one or more of the above-named persons responsible thereof.

§ 7. Solid Waste, Storage and Littering

- A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate on premises in the town in such a manner as to create an offensive, unsightly or unsanitary condition.
- B. Storage requirements. In the event that property usage would result in the stacking or piling of materials, including equipment and appliances, even if wanted and useful, they must be so arranged as to prohibit the creation of a blighting factor to their neighbors. Furthermore, all useful, wanted material, including equipment and appliances, stored out

of doors shall be stored in an orderly fashion and, to the extent reasonably feasible, shall be located in the rear yard and not visible from the adjacent public street for no longer than 60 days.

§ 8. Complaints - - Notice of Violation Warning Letter

- A. Any person or legal entity, including but not limited to a civic organization, municipal agency, or town employee may report a complaint of violation of this ordinance with the Town Manager's Office. Verbal complaints shall be reduced to writing by the Town Manager's Office.. The Blighted Premises Enforcement Officer, upon his or her determination that there is a violation of this code, shall forward a notice of violation warning letter to the owner/occupier at the time such determination has been made and shall include the property for consideration of inclusion on the Blighted Premises List. Such a notice of violation warning letter from the Blighted Premises Enforcement Officer shall be issued prior to issuing a citation. Such notice of violation warning letter shall include:
1. A description of the real estate sufficient for identification, specifying the violation(s) alleged to exist and the remedial action required;
 2. A due date, for the performance of any act required to remedy the violation; and what action needs to be taken to remedy the violation;
 3. The amount of the civil penalties/fines, liens, special assessments, costs or fees that may be imposed for noncompliance.
 4. Contact information for the Town Director of Human Services for the purpose of encouraging social work assistance to those in need.
- B. The owner/occupier may not contest a notice of violation warning letter before a Citation Hearing Officer.
- C. Delivery of a notice of violation warning letter or citation to the owner/occupier shall be by one or more of the following methods:
1. By personal delivery to the owner/occupier or by leaving the notice of violation warning letter or citation at the usual place of abode of the owner/occupier with a person of suitable age and discretion;
 2. By certified, registered or regular mail addressed to the owner/occupier at his last known address, with postage prepared thereon; or
 3. By posting and keeping posted for 24 hours a copy of the notice of violation warning letter or citation in placard form in a conspicuous place on the premises.

§ 9. Enforcement by Citation

- A. If the corrective actions specified in the notice of violation warning letter are not taken the Blighted Premises Enforcement Officer or his/her designee shall issue a written citation to the owner/occupier.
- B. A citation shall be in writing and include:
1. A description of the real estate sufficient for identification, specifying the violation(s) alleged to exist and the remedial action required;

2. Detailed information regarding the contents of the notice of violation warning letter (which may be a copy of such notice of violation warning letter) and the failure of the owner/occupier to take the corrective actions specified therein;
 3. Notice of potential liens that may be asserted by the Town pursuant to § 14 of this Code.
 4. The amount of the civil penalties/fines, special assessments, costs or fees due for noncompliance; and
 5. Contact information for the Town Director of Human Services for the purpose of encouraging social work assistance to those in need.
 6. A statement that the owner/occupier may contest his liability and request a hearing before the Citation Hearing Officer by delivering in person or by mail written notice of objection within ten (10) days of the date of receipt of the citation.
- C. Delivery of the citation shall be by the manner provided in § 8 D.

§ 10. Hearing

- A. An owner/occupier may request a hearing after receiving a citation. Said owner/occupier must make his/her request for a hearing within ten (10) days of his/her receipt of the citation.
- B. The Citation Hearing Officer is designated to conduct hearings in accordance with Conn. Gen. Stat. Sec. 7-152c when requested by an owner/occupier who has been cited under this chapter.
- C. If the owner/occupier who was sent a written citation pursuant to § 11 of this Code wishes to admit liability and agree to perform all remediation work for any alleged violation(s), he/she may, without requesting a hearing, pay the full amount of the assessed civil penalties/fines, special assessments, costs or fees in person or by mail to the Town Manager. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any owner/occupier who does not deliver or mail written demand for a hearing within ten days of the date of receipt of the citation shall be deemed to have admitted liability, and the Town Manager shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and affirm the civil penalties/fines, special assessments, costs or fees provided for by the code and shall follow the procedures set forth in Conn. Gen. Stat. Sec. 7-152c (f).
- D. Any owner/occupier who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Citation Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the Blighted Premises Enforcement Officer shall be filed and retained by the Town, and shall be deemed to be a business record within the scope of Conn. Gen. Stat. Sec. 52-180 and evidence of the facts contained therein. The presence of the Blighted Premises Enforcement Officer shall be required at the hearing if such

person so requests. A person wishing to contest his/her liability shall appear at the hearing and shall present evidence. A designated Town official, other than the Citation Hearing Officer, shall present evidence on behalf of the Town. If the owner/occupier who requested the hearing fails to appear, the Citation Hearing Officer may enter a default against him/her upon a finding of proper notice and liability under this ordinance. At the hearing the Citation Hearing Officer shall accept relevant evidence that may include copies of police reports, investigatory and citation reports, and other documents. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as is fair, reasonable and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Citation Hearing Officer shall provide a decision within fourteen (14) days following the completion of the hearing. If the Citation Hearing Officer determines that the person is not liable under the citation, the Citation Hearing Officer shall dismiss the matter and enter his/her determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable under the violation, the Citation Hearing Officer shall enter his/her determination in writing accordingly and include any assessment of civil penalties/fines, special assessments, costs or fees against such person as apply, and shall further provide a copy of his written decision to the Town Manager for his review under Section 8B of this Code.

§ 11. Appointment of Citation Hearing Officers

The Town Manager shall appoint three residents to serve as Citation Hearing Officers pursuant to § 182-5 of Newington Code of Ordinances. Said residents shall not be the Town Manager, a police officer or employee or person who issues citations, zoning enforcement officer, or blighted premises enforcement officer or other code compliance authority. Said appointment shall be for a term of two (2) years.

§ 12. Penalties for Offenses - - Prejudgment Lien

- A. The owner/occupier of premises where a violation of any of the provisions of this code shall exist or who shall maintain any building or premises in which such violation exist may:
 - 1. Be assessed a civil penalty/fine of not more than \$100 for each violation. Each day that a violation exists after a citation as described in § 11 is given to the owner/occupier shall constitute a new violation and a civil penalty may be imposed for such violation; and/or
 - 2. Be required to abate the violation at the owner/occupier's expense
 - 3. Be subject to the town's remediation of the blighted condition and assessing the costs of said remediation against the subject property by levying a lien on the subject property.
 - 4. Be subject to special assessment pursuant to Conn. Gen. Stat. Sec. 7-148ff.
- B. Once a finding by the Citation Hearing Officer is made that a person is in violation as provided by Section 12 above, a prejudgment lien on the real property that is the subject

of the violation may be imposed by the Town for any unpaid civil penalty imposed by the Town pursuant to the provisions of this code which is adopted pursuant to Conn. Gen. Stat. Sec. 7-148 (c)(7)(H)(xv) and shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien shall be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

- C. Where the Blighted Enforcement Officer has determined that a blighted condition exists as defined by this code, the Town Manager may order the remediation of the blighted condition and assess the costs against the subject property in the form of lien which shall be recorded in the land records in the same manner as provided in § 12 B.
- D. In addition to all other remedies and any civil penalties/fine, special assessments or lien imposed herein, the provisions of this code may be enforced by injunctive proceedings in the superior court. The Town may recover from such owner/occupier any and all costs and fees, including reasonable attorney's fees, expended by the Town in enforcing the provisions of this code.

§ 13. Appeals - - Special Consideration

- A. Any person aggrieved by any order, requirement or decision of the Citation Hearing Officer may take an appeal in accordance with Conn. Gen. Stat. § 7-152c (g).
- B. Notwithstanding anything herein to the contrary, special consideration may be given to individuals who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. Such special consideration shall be limited to the reduction or elimination of civil penalties/fines, special assessments 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 code.

§ 14. Blighted Premises List

- A. No owner/occupier of real property within the Town shall cause or allow blighted premises to be created nor shall any owner/occupier allow the continued existence of blighted premises.
- B. Blighted Premises List
 1. The Town Manager shall use all available relevant information to complete a list of blighted properties to be known as the Blighted Premises List.
 2. The Town Manager shall maintain and update the Blighted Premises List.
 3. At least ten days prior to placing a property on the Blighted Premises List, the Town Manager shall provide written notice to the owner/occupier of the subject property of the intended placement. Said written notice shall indicate the conditions on said property that shall cause placement on the Blighted Premises List, unless corrected, and the steps necessary for removal from said List.

- C. For the purpose of documenting continuous blighted conditions, the Blighted Premises Enforcement Officer shall undertake regular inspections of all properties that are:
 - 1 on the Blighted Premises List, or
 - 2 actively under a Notice of Violation of Warning Letter in accordance with § 8 of this Code, or
 - 3 actively under a Citation in accordance with § 9 of this Code.

The Blighted Premises Enforcement Officer shall have all power and authority prescribed by Connecticut General Statutes to enter a suspected Blighted Premises or a designated Blighted Premises for purposes of performing his duties hereunder.

§15. Removal from Blighted Premises List

- A. If the owner/occupier of a property that is included on the Blighted Premises List has remedied the conditions that caused the property to be placed on the Blighted Premises List, and no other blighted condition exists on the property, the owner/occupier may make written request to the Blighted Premises Enforcement Officer requesting inspection of the property. The Blighted Premises Enforcement Officer shall inspect the property within five days of receipt of the written request for the purpose of determining whether the blighted conditions on the property no longer exist. Within ten (10) days of the inspection, the Blighted Premises Enforcement Officer shall provide a copy of the written report of his/her inspection of the property to the owner/occupier.
- B. If after inspection of a property that is on the Blighted Premises List, the Blighted Premises Enforcement Officer determines that the conditions that caused the premises to be placed on the List have been remedied, and that no other blighted condition exists on the premises, then the Blighted Premises Enforcement Officer shall provide written notice to the Town Manager that the premises is no longer a Blighted premises along with a copy of his/her written report of inspection of the premises. Upon receipt of a determination that a premises is no longer a Blighted premises, the Town Manager shall remove the premises from the Blighted Premises List, with written confirmation to the owner/occupier

§ 16. Report to Town Council

The Town Manager shall report, at least annually, to the Council on the Blighted Premises List and the civil penalties/fines, special assessments, liens or any other remedies imposed herein.

§ 17. Severability

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

§ 18. Terms and Provisions

- A. Where terms are specifically defined or the meaning of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this code.
- B. Where terms are not specifically defined and such terms are defined in the Charter and Municipal Code of the Town of Newington, such terms shall have the same meaning for the interpretation and enforcement of this chapter.
- C. Where terms are not specifically defined in this chapter, they shall have their ordinarily accepted meaning or such meaning as the context may imply.
- D. The provisions of this code shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town of Newington.
- E. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Charter and Municipal Code of the Town of Newington or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Newington shall prevail.

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The Newington Town Council repealed Chapter 182 of the Code and adopted the Blighted Premises Code on 7/24/12.

TOWN OF NEWINGTON BLIGHTED PREMISES CODE

§ 1. Title

This chapter shall be known as the “Blighted Premises Code of the Town of Newington” (“the code”) and the standards established by this code shall be referred to as and constitute the minimum property standards of the Town of Newington (“Town”).

§ 2. Intent and Authority

A. This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable disease; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and non-residential structures, equipment and premises as provided by this code. This code is further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public. This code is intended to maintain and preserve the beauty of the neighborhoods and to allow for control of blighted premises.

B. This code shall establish minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.

C. This code is adopted in accordance with the provisions of Connecticut General Statutes §7-148 (c)(7)(H)(XV), § 7-148aa, 7-148ff, 7-148gg and 7-152c and further incorporates all authority and power that currently or in the future is conferred under Connecticut General Statutes, ~~and as the statutes may be amended.~~

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§ 3. Scope of Provisions

A. Applicability.

1. This code shall apply uniformly to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:

- a. Dwellings or dwelling units, including one-family and two-family dwellings and buildings with multiple-unit dwellings;
- b. Lots, plots or parcels of land whether vacant or occupied;
- c. Buildings of non-dwelling use, including commercial properties and mixed use properties that may include one or more dwelling units;
- d. Accessory structures to any building;
- e. All apartments, boarding houses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.

2. This code shall not apply to public property.

§ 4. Definitions

The following definitions apply to this chapter.

1. Accessory structure shall mean a structure, the use of which is customarily incidental and subordinate to that of principal building, structure or use on the same lot.

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~~**1-2. Abandon** shall mean to cease to maintain, to leave, _____, to give up control; something that has not been used on a public highway for a length of time, has not been kept in good physical condition, whether it is registered or not, or the length of time that it has not been used for the puto give up control, cease to maintain, for vehicles the physical condition, the length of time since it was last used on the public highway, whether or not it is registered, for vehicles and/or other things not required to be registered or not normally used on the public highways, the physical condition, the length of time since it was last used for the purpose intended.~~

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~~**2-3. Blighted premises** shall mean:~~

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A. Any building or structure, or any part of a structure that is a separate unit, or a parcel of land or premises, or any necessary structure, or fence, where at least one of the following conditions exists:

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- 1. The Blighted Premises Enforcement Officer determines that existing conditions pose a serious threat to the health, safety and welfare of town citizenry;
- 2. It is not being maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:
 - a. Missing, broken or boarded windows or doors;
 - b. Collapsing or deteriorating exterior walls, shutters, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
 - c. _____ Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
 - d. Foundation walls which contain open cracks and breaks;

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- e. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay;
- f. Chimneys and similar appurtenances which are in a state of disrepair;
- g. Insect screens which contain tears or ragged edges;

~~h. Garbage/Refuse, rubbish, trash or debris/trash improperly stored or accumulated on the premises, or abandoned/abandoned vehicles/machinery on the premises/vehicles, machinery and/or watercraft on the premises, (unless the premises is a junkyard licensed by the State of Connecticut);~~

~~i.h. Overgrown grass or weeds at least one foot in height; allowed to reach and remain at a height of 12" (one foot) or more for a period of 7 days.~~

~~j.i. Vermin and/or animal infestations;~~

~~j. In the case of a fence, broken or rotted sections/boards or in an otherwise dilapidated condition; or~~

~~k. Inground or above ground In ground or above ground swimming pools with standing water and/or which are in a state of disrepair.~~

- 3. Any other exterior condition reflecting a level of maintenance which is not in keeping with community standards or which constitutes a blighting factor for adjacent property owners or occupiers or which is an element leading to the progressive deterioration of the neighborhood.
- 4. It is attracting illegal activity as documented in Police Department records;
- 5. It is a fire hazard as determined by the Fire Marshal or as documented in the Fire Department records; and/or
- 6. It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances.

B. Blighted premises shall not include any such building, structure or parcel of land located on ~~any active farm or~~ Municipal, State and Federal ~~public~~ property.

~~3-4. Blighted Premises Enforcement Officer shall mean an individual or individuals appointed by the Town Manager to inspect and re-inspect blighted premises, issue notice of violation warning letters in accordance with § 10 of this Code, and issue citations for violations of this Code in accordance with § 11 of this Code. Said individual shall not be the Town Manager or a Citation Hearing Officer.~~

~~4-5. Citation Hearing Officer shall mean an individual or individuals appointed by the Town Manager to conduct hearings authorized by this chapter. Said appointment shall be for a term of two (2) years.~~

~~5-6. Community standard shall mean a judgment by a reasonable member of the community.~~

~~7. Connecticut General Statutes shall include any applicable amendments.~~

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8. Days shall mean calendar days and shall not include the day of receipt of the notice.

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9. Debris shall mean material which is incapable of immediately performing the function for which it was designed including, but not limited to abandoned, discarded or unused objects, parts of automobiles, furniture, appliances, cans, boxes, bags, scrap metal, tires, batteries, containers, garbage, rubbish, refuse, machinery and vehicles.

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10. ~~Abandoned: The intent of the owner of a motor vehicle not to use the motor vehicle on the public highways. The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, the statements of the owner of the motor vehicle, the length of time since the motor vehicle was last used on the public highway and whether the motor vehicle is registered or unregistered. With respect to motor vehicles not required to be registered or motor vehicles not customarily used on the public highway, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purpose intended and the statements of the owner.~~ Inoperable shall mean a motor vehicle which is incapable of being legally operated on public roads w/o major work or modification. Missing parts, broken or severely damaged components shall be prima facie evidence of inoperability.

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11. Junked shall mean a motor vehicle located on the premises which is inoperable, this definition shall also include parts of motor vehicles or iron, metal, glass, paper, cordage or other or waste or discarded or secondhanded materials which have been a part or intended to be a part of any motor vehicle.

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12. Machinery shall mean an assemblage of parts that transmits forces, motor and energy, one to another in a predetermined maneuver; a mechanically, electrically or electronically operated device for performing a task; an instrument designed to transmit or modify the application of force, power or motion.

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13. Motorcycle shall mean a motor vehicle, with or without a side car, having not more than three wheels in contact with the ground and a saddle or seat on which the rider sits or a platform on which the rider stands, including motor scooters or bicycles with an attached motor.

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14. Motor Home shall mean a vehicular unit designed to provide living quarters and necessary amenities which are built into an integral part of, or permanently attached to, a truck or van chassis, including campers and conveyor trailers.

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15. Motor Vehicle shall mean any vehicle propelled or drawn by any power other than muscular, any device suitable for the conveyance of, drawing or other transportation of persons or property, whether operated on wheels, runners a cushion of air or by any other means.

6.16. **Legal occupancy** shall mean occupancy in accordance with state building and fire codes, local zoning regulations, local housing ordinances and all other pertinent codes.

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7.17. **Neighborhood** shall mean an area of the Town comprising all premises or parcels of land, any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

8.18. **Owner/occupier** shall mean any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

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19. **Person** shall include any individual, corporation, limited liability company, association, copartner ship, company, firm, business trust or other aggregation of individuals but does not include the state or any political subdivision thereof, unless the context clearly states or requires.

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20. **Premises** shall mean any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person.

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21. **Proximate property** shall mean any premises or parcel of land within one thousand (1,000) feet of the boundary of a blighted premise. ~~Public property shall mean any building, structure or parcel of land owned by the United States, State of Connecticut or Town of Newington.~~

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22. **Recreational Vehicle** shall mean a motor vehicle of the type designed for off the road uses for recreation, entertainment or pleasure and which is not authorized by State to be operated on public streets and highways, including but not limited to minibikes, ATV's, trail bikes, dune buggies, snowmobiles and swamp buggies.

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23. **Refuse** shall mean all putrescible and non-putrescible solids including garbage, rubbish, ashes and dead animals. These terms shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible waste materials.

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24. **Rubbish** shall mean non putrescible solid wastes consisting of both (a) combustible wastes such as batteries, paint scrapings, paper, cardboard, plastic containers, yard clippings and wood; and (b) noncombustible wastes such as tin cans, tires, glass, crockery, metal and used automotive parts, cold ashes, junk, discarded containers, dust, sweepings, wastepaper, boxes, crates, rags, clothing, textiles, glass, crockery and similar waste materials ordinarily accumulated in and around residential premises.

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25. **Snowmobile** shall mean a vehicle for traveling on ice or snow.

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26. **Trailer** shall mean any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle.

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27. **Truck** shall mean a motor vehicle designed, used or maintained primarily for the transportation of property; a motor vehicle with an enclosed forward passenger compartment and an open rearward compartment used for the transportation of property.

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9-28. **Utility Trailer** shall mean a trailer designed and used to transport personal property materials or equipment, whether or not permanently affixed to the bed of the trailer.

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~~Vacant shall mean a period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.~~

~~Vacant parcel shall mean a parcel of land with no structure(s) thereon~~

29. **Waste** shall mean land clearing debris and waste resulting directly from demolition activities other than clean fill, household items including but not limited to sofas, mattresses, furniture, machinery and/or appliances.

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30. **Watercraft** shall mean a ship, vessel boat or craft capable of being used for water transport with or without a motor.

10-31. **Yard Vegetation** shall mean grass, weeds, garden plants, shrubs, leaves, branches, limbs, brush and similar materials grown on and/or emanating from the premises.

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§ 5. Signs, Awnings and Marquees

- A. Signs. All permanent signs and billboards exposed to public view permitted by reason of other ordinances or laws shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated shall be removed forthwith or put into a good state of repair by the owner/occupier.
- B. Awnings and marquees. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

§ 6. Removal of Weeds and Similar Vegetation

- A. Every owner/occupier of properties upon which a building exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road and to which a public water and/or public sewer lateral has been provided, shall cut, to a height

of not more than one foot, all grass, weeds and similar vegetation not planted as a crop to be harvested or for ornamental purposes.

- B. Every owner/occupier of property shall keep his property free from vegetation of any type which, based on the reasonable opinion of the Blighted Premises Enforcement Officer, is injurious to public health.
- C. Any violation of § 6A or 6B shall constitute a nuisance which may be abated by the town at the expense of the owner/occupier or any one or more of them to whom the Blighted Premises Enforcement Officer has given not less than 10 days written notice of intention to abate such nuisance. Such expense may be collected by the Town in a civil action against any one or more of the above-named persons responsible therefor.

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§ 7. Solid Waste, Storage and Littering

- A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate on premises in the town in such a manner as to create an offensive, unsightly or unsanitary condition.
- B. Storage requirements. In the event that property usage would result in the stacking or piling of materials, including equipment and appliances, even if wanted and useful, they must be so arranged as to prohibit the creation of a blighting factor to their neighbors. Furthermore, all useful, wanted material, including equipment and appliances, stored out of doors shall be stored in an orderly fashion and, to the extent reasonably feasible, shall be located in the rear yard and not visible from the adjacent public street for no longer than 60 days.

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§ 8. Blighted Premises List

- A. ~~No owner/occupier of real property within the Town shall cause or allow blighted premises to be created nor shall any owner/occupier allow the continued existence of blighted premises.~~
- B. ~~Blighted Premises List~~
 - 1. ~~Upon enactment of this ordinance, the Town Manager shall request that all Town department heads report any property of which they are aware which appears to be blighted, as defined by this ordinance. Such reports shall be submitted within thirty (30) days of the Town Manager's request.~~
 - 2. ~~The Town Manager shall use all available relevant information to complete a list of blighted properties to be known as the Blighted Premises List.~~
 - 3. ~~The Town Manager shall maintain and update the Blighted Premises List.~~
 - 4. ~~At least ten days prior to placing a property on the Blighted Premises List, the Town Manager shall provide written notice to the owner/occupier of the subject property of the intended placement. Said written notice shall indicate the conditions on said property that shall cause placement on the Blighted Premises List, unless corrected, and the steps necessary for removal from said List.~~
- C. ~~For the purpose of documenting continuous blighted conditions, the Blighted Premises Enforcement Officer shall undertake regular inspections of all properties that are:~~
 - 1. ~~on the Blighted Premises List, or~~

- 2—actively under a Notice of Violation or Warning Letter in accordance with § 10 of this Code, or
- 3—actively under a Citation in accordance with § 11 of this Code.

The Blighted Premises Enforcement Officer shall have all power and authority prescribed by Connecticut General Statutes to enter a suspected Blighted Premises or a designated Blighted Premises for purposes of performing his duties hereunder.

§ 9. Removal from Blighted Premises List

- A. If the owner/occupier of a property that is included on the Blighted Premises List has remedied the conditions that caused the property to be placed on the Blighted Premises List, and no other blighted condition exists on the property, the owner/occupier may make written request to the Blighted Premises Enforcement Officer requesting inspection of the property. The Blighted Premises Enforcement Officer shall inspect the property within five days of receipt of the written request for the purpose of determining whether the blighted conditions on the property no longer exist. Within ten (10) days of the inspection, the Blighted Premises Enforcement Officer shall provide a copy of the written report of his/her inspection of the property to the owner/occupier.
- B. If after inspection of a property that is on the Blighted Premises List, the Blighted Premises Enforcement Officer determines that the conditions that caused the premises to be placed on the List have been remedied, and that no other blighted condition exists on the premises, then the Blighted Premises Enforcement Officer shall provide written notice to the Town Manager that the premises is no longer a Blighted premises along with a copy of his/her written report of inspection of the premises. Upon receipt of a determination that a premises is no longer a Blighted premises, the Town Manager shall remove the premises from the Blighted Premises List, with written confirmation to the owner/occupier.

§ 810. Complaints - - Notice of Violation Warning Letter

- Any person or legal entity, including but not limited to a civic organization, municipal agency, or town employee may report a complaint of violation of this ordinance with the ~~Blighted Premises Enforcement Officer~~ Town Manager's Office. Verbal complaints shall be reduced to writing by the Town Manager's Office. ~~The Blighted Premises Enforcement Officer shall determine the priority of all Blighted Premises Enforcement actions and deal with the accordingly as follows:~~
- ~~Violations that post an immediate danger to the public health, safety and general welfare of the community.~~
- ~~Proactive enforcement programs initiated by the Town Council, Town Manager or Blighted Premises Enforcement Officer.~~
- A. ~~Reactive or complaint based enforcement programs.~~
- 1. ~~4. Those associated with neighbor and/or civil disputes shall receive the lowest priority.~~

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~~B.A.~~ The Blighted Premises Enforcement Officer, upon his or her determination that there is a violation of this code, shall forward a notice of violation warning letter to the owner/occupier at the time such determination has been made and shall include the property for consideration of inclusion on the Blighted Premises List. Such a notice of violation warning letter from the Blighted Premises Enforcement Officer shall be issued prior to issuing a citation. Such notice of violation warning letter shall include:

1. A description of the real estate sufficient for identification, specifying the violation(s) ~~which is~~ alleged to exist and the remedial action required;
2. A due date, ~~within a reasonable time,~~ for the performance of any act required to remedy the violation; ~~and what action needs to be taken to remedy the violation;~~ ~~and~~
3. The amount of the civil penalties/fines, liens, special assessments, costs or fees that may be imposed for noncompliance.
4. Contact information for the Town Director of Human Services for the purpose of encouraging social work assistance to those in need.

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~~C.B.~~ The owner/occupier may not contest a notice of violation warning letter before a Citation Hearing Officer.

~~D.C.~~ Delivery of a notice of violation warning letter or citation to the owner/occupier shall be by one or more of the following methods:

1. By personal delivery to the owner/occupier or by leaving the notice of violation warning letter or citation at the usual place of abode of the owner/occupier with a person of suitable age and discretion;
2. By certified, registered ~~red~~ or regular mail addressed to the owner/occupier at his last known address, with postage prepared thereon; or
3. By posting and keeping posted for 24 hours a copy of the notice of violation warning letter or citation in placard form in a conspicuous place on the premises.

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~~§ 911.~~ Enforcement by Citation

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A. If the corrective actions specified in the notice of violation warning letter are not taken the Blighted Premises Enforcement Officer or his/her designee shall issue a written citation to the owner/occupier.

B. A citation shall be in writing and include:

1. A description of the real estate sufficient for identification, specifying the violation(s) ~~which is~~ alleged to exist and the remedial action required;
2. Detailed information regarding the contents of the notice of violation warning letter (which may be a copy of such notice of violation warning letter) and the failure of the owner/occupier to take the corrective actions specified therein;
3. Notice of potential liens that may be asserted by the Town pursuant to § 14 of this Code.
4. The amount of the civil penalties/fines, special assessments, costs or fees due for noncompliance; and
5. Contact information for the Town Director of Human Services for the purpose of encouraging social work assistance to those in need.

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6. A statement that the owner/occupier may contest his liability and request a hearing before the Citation Hearing Officer by delivering in person or by mail written notice of objection within ten (10) days of the date of receipt of the citation.

C. Delivery of the citation shall be by the manner provided in § ~~10-8~~ D.

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§ 102. Hearing

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A. An owner/occupier may request a hearing after receiving a citation. Said owner/occupier must make his/her request for a hearing within ten (10) days of his/her receipt of the citation.

B. The Citation Hearing Officer is designated to conduct hearings in accordance with Conn. Gen. Stat. Sec. 7-152c when requested by an owner/occupier who has been cited under this chapter.

C. If the owner/occupier who was sent a written citation pursuant to § 11 of this Code wishes to admit liability and agree to perform all remediation work for any alleged violation(s), he/she may, without requesting a hearing, pay the full amount of the assessed civil penalties/fines, special assessments, costs or fees in person or by mail to the Town Manager. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any owner/occupier who does not deliver or mail written demand for a hearing within ten days of the date of receipt of the citation shall be deemed to have admitted liability, and the Town Manager shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and affirm the civil penalties/fines, special assessments, costs or fees provided for by the code and shall follow the procedures set forth in Conn. Gen. Stat. Sec. 7-152c (f).

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D. Any owner/occupier who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Citation Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the Blighted Premises Enforcement Officer shall be filed and retained by the Town, and shall be deemed to be a business record within the scope of Conn. Gen. Stat. Sec. 52-180 and evidence of the facts contained therein. The presence of the Blighted Premises Enforcement Officer shall be required at the hearing if such person so requests. A person wishing to contest his/her liability shall appear at the hearing and shall present evidence. A designated Town official, other than the Citation Hearing Officer, shall present evidence on behalf of the Town. If the owner/occupier who requested the hearing fails to appear, the Citation Hearing Officer may enter a default against him/her upon a finding of proper notice and liability under this ordinance. At the hearing the Citation Hearing Officer shall accept relevant evidence that may include copies of police reports, investigatory and citation reports, and other documents. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as is fair, reasonable and appropriate. The rules regarding the

admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Citation Hearing Officer shall provide a decision ~~upon~~ within fourteen (14) days following the completion of the hearing. If the Citation Hearing Officer determines that the person is not liable under the citation, the Citation Hearing Officer shall dismiss the matter and enter his/her determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable under the violation, the Citation Hearing Officer shall enter his/her determination in writing accordingly and include any assessment of civil penalties/fines, special assessments, costs or fees against such person as apply, and shall further provide a copy of his written decision to the Town Manager for his review under Section 8B of this Code.

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§ 11. Appointment of Citation Hearing Officers

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The Town Manager shall appoint three residents to serve as ~~the~~ Citation Hearing Officers pursuant to § 182-5 of Newington Code of Ordinances. Said residents shall not be the Town Manager, a police officer or employee or person who issues citations, zoning enforcement officer, or blighted premises enforcement officer or other code compliance authority. Said appointment shall be for a term of two (2) years.

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§ 12. Penalties for Offenses - - Prejudgment Lien

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- A. The owner/occupier of premises where a violation of any of the provisions of this code shall exist or who shall maintain any building or premises in which such violation exist may:
 - 1. Be assessed a civil penalty/fine of not more than \$100 for each violation. Each day that a violation exists after a citation as described in § 11 is given to the owner/occupier shall constitute a new violation and a civil penalty may be imposed for such violation; and/or
 - 2. Be required to abate the violation at the owner/occupier's expense.
 - 3. Be subject to the town's remediation of the blighted condition and assessing the costs of said remediation against the subject property by levying a lien on the subject real estate property.
 - 4. Be subject to special assessment pursuant to Conn. Gen. Stat. Sec. 7-148ff.
- B. Once a finding by the Citation Hearing Officer is made that a person is in violation as provided by Section 12 above, a prejudgment lien on the real property that is the subject of the violation may be imposed by the Town for any unpaid civil penalty imposed by the Town pursuant to the provisions of this code which is adopted pursuant to Conn. Gen. Stat. Sec. 7-148 (c)(7)(H)(xv) and shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien shall be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.
- C. Where the Blighted Enforcement Officer has determined that a blighted condition exists as defined by this code, the Town Manager may order the remediation of the blighted

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condition and assess the costs against the subject real estate property in the form of lien which shall be recorded in the land records in the same manner as provided in § 12 B.

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- D. In addition to all other remedies and any civil penalties/fine, special assessments or lien imposed herein, the provisions of this code may be enforced by injunctive proceedings in the superior court. The Town may recover from such owner/occupier any and all costs and fees, including reasonable attorney's fees, expended by the Town in enforcing the provisions of this code.

§ 13. Appeals - - Special Consideration

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- A. Any person aggrieved by any order, requirement or decision of the Citation Hearing Officer may take an appeal in accordance with Conn. Gen. Stat. § 7-152c (g).
- B. Notwithstanding anything herein to the contrary, special consideration may be given to individuals who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. Such special consideration shall be limited to the reduction or elimination of civil penalties/fines, special assessments 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 code.

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§ 14. Blighted Premises List

- A. No owner/occupier of real property within the Town shall cause or allow blighted premises to be created nor shall any owner/occupier allow the continued existence of blighted premises.
- B. Blighted Premises List
- The Town Manager shall use all available relevant information to complete a list of blighted properties to be known as the Blighted Premises List.
 - The Town Manager shall maintain and update the Blighted Premises List.
 - At least ten days prior to placing a property on the Blighted Premises List, the Town Manager shall provide written notice to the owner/occupier of the subject property of the intended placement. Said written notice shall indicate the conditions on said property that shall cause placement on the Blighted Premises List, unless corrected, and the steps necessary for removal from said List.
- C. For the purpose of documenting continuous blighted conditions, the Blighted Premises Enforcement Officer shall undertake regular inspections of all properties that are:
- 1 on the Blighted Premises List, or
 - 2 actively under a Notice of Violation of Warning Letter in accordance with § 8 of this Code, or
 - 3 actively under a Citation in accordance with § 9 of this Code.

The Blighted Premises Enforcement Officer shall have all power and authority prescribed by Connecticut General Statutes to enter a suspected Blighted Premises or a designated Blighted Premises for purposes of performing his duties hereunder.

§15. Removal from Blighted Premises List

- A. If the owner/occupier of a property that is included on the Blighted Premises List has remedied the conditions that caused the property to be placed on the Blighted Premises List, and no other blighted condition exists on the property, the owner/occupier may make written request to the Blighted Premises Enforcement Officer requesting inspection of the property. The Blighted Premises Enforcement Officer shall inspect the property within five days of receipt of the written request for the purpose of determining whether the blighted conditions on the property no longer exist. Within ten (10) days of the inspection, the Blighted Premises Enforcement Officer shall provide a copy of the written report of his/her inspection of the property to the owner/occupier.
- ~~C.~~B. If after inspection of a property that is on the Blighted Premises List, the Blighted Premises Enforcement Officer determines that the conditions that caused the premises to be placed on the List have been remedied, and that no other blighted condition exists on the premises, then the Blighted Premises Enforcement Officer shall provide written notice to the Town Manager that the premises is no longer a Blighted premises along with a copy of his/her written report of inspection of the premises. Upon receipt of a determination that ~~th~~at a premises is no longer a Blighted premises, the Town Manager shall remove the premises from the Blighted Premises List, with written confirmation to the owner/occupier

~~B.~~

§ 16. Report to Town Council

The Town Manager shall report, at least annually, to the Council on the Blighted Premises List and the civil penalties/fines, special assessments, liens or any other remedies imposed herein.

§ 17. Severability

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

§ 18. Terms and Provisions

- A. Where terms are specifically defined or the meaning of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this code.
- B. Where terms are not specifically defined and such terms are defined in the Charter and Municipal Code of the Town of Newington, such terms shall have the same meaning for the interpretation and enforcement of this chapter.
- C. Where terms are not specifically defined in this chapter, they shall have their ordinarily accepted meaning or such meaning as the context may imply.

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- D. The provisions of this code shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town of Newington.
- E. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Charter and Municipal Code of the Town of Newington or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Newington shall prevail.

AGENDA ITEM: IX.

DATE: 7-12-16

RESOLUTION NO: _____

RESOLVED:

That the Newington Town Council hereby makes the following appointment(s):

Town Council Liaison to the Board of Education

Name	Address	Party	Term	Replaces
NTC Liaison: Beth DelBuono	327 Walsh Avenue	R	NTC Term	n/a
NTC Liaison: Diana Serra	237 Reservoir Road	D	NTC Term	n/a

MOTION BY: _____

SECONDED BY: _____

VOTE: _____

AGENDA ITEM: IX

DATE: 7-12-16

RESOLUTION NO. _____

RESOLVED:

That property tax refunds in the amount of \$2,063.78 are hereby approved in the individual amounts and for those named on the "Requests for Refund of an Overpayment of Taxes," certified by the Revenue Collector, a list of which is attached to this resolution.

MOTION BY: _____

SECONDED BY: _____

VOTE: _____

TAX REFUNDS – July 12, 2016

Ally Financial Louisville PPC P.O. Box 9001951 Louisville, KY 40290-1951	\$876.17
Ally Financial Louisville PPC P.O. Box 9001951 Louisville, KY 40290-1951	\$1,187.61
Total	\$2,063.78