

**Bolton Board of Selectmen  
Public Hearing – Minutes  
7:00 PM - Wednesday, September 18, 2019  
Bolton Town Hall, 222 Bolton Center Road**

The Board of Selectmen held its public hearing on the subject of the proposed blight ordinance (attached) at the Town Hall with First Selectman Sandra Pierog presiding. Also in attendance were Deputy First Selectman Robert Morra, Selectmen Mike Eremita, Selectman Kim Miller, Administrative Officer Joshua Kelly, and more than twenty members of the public.

First Selectman Pierog called the meeting to order at 7:02 PM.

**PUBLIC COMMENT**

Thomas Davoren, of 152 Camp Meeting Rd, submitted written testimony regarding the City of Groton's blight ordinance and how it has fared over time,

Richard Treat, of 8 Lyman Rd, asked a question of the written testimony.

Paula Meyers, of 57 Country Club Rd, stated that she was concerned with the subjectivity of the draft ordinance. She agrees with the intent, but does not agree with the subjective nature of the item. She specifically questioned the text of Section 6, asking whether or not grass would be considered a "weed" under the ordinance. She also questioned the logistics and clarity of 9b.

Morra noted that he was grateful for input from the public and encouraged attendees to speak if they had concerns.

Kiera Catolane, of 33 West St, noticed that the ordinance excludes barns and town buildings but not houses built before 1900. She commented that the town bulk pickup and transfer station are closed or unavailable for much of the year and asked what the Board would do to help alleviate issues around enforcement in those off-months, when folks are unable to get rid of their extra junk that may be considered blight.

Pierog replied by stating that the flexibility with the enforcement timeline was meant to give relief to folks for the issue that the previous speaker had noted.

Morra reminded the attendees that the chore program is available to those in need through the town's Social Services office.

Tyler McNutt, of 33 West St, stated that he was concerned about the ordinance sections that claim that machinery no longer in use constitutes blight. Also expressed concerns about the lack of exemption for houses undergoing renovation or restoration.

Paula Meyers echoed the sentiments of the previous speaker.

Pierog shared an anecdote about such an instance of long-term renovation to exemplify the application of the ordinance.

Morra asked Tyler McNutt for clarification on his comments.

Eremita addressed concerns and spoke in favor of maintaining reasonable property rights.

Pierog turned attention to Section 8b, subsection 2, to point out flexible nature of the ordinance.

Jonathan Treat, of 87 Bolton Center Rd, asked a question pertaining to the “lots, plots, or parcels not adjacent to the dwelling” line found in Section 6. He also questioned the definition of “community standard” under Section 3.

Eremita and Pierog addressed Jonathan Treat’s questions.

Eric Luntta, of 384 Lake St, stated that, as a past member of the Planning & Zoning Commission, he feels strongly that this ordinance should not be put into effect. He noted that the town attorney once gave specific advice against a rural community such as Bolton adopting a subjective blight ordinance. Stated that he fears it will drive neighbors against neighbors, and he asked the Board to consider putting the ordinance up for referendum instead of passing it on their own.

Sandra Turkington, of 26 Llynwood Dr, stated that she has lived in town for 25 years and feels the ordinance is strongly needed. Trash sorting has occurred on the lawn of nearby properties to her house and she has measured grass as long as 36”, and she hopes the town will adopt a blight ordinance to help combat these happenings.

Paula Meyers, of 57 Country Club Rd, added that Section 4.1, Section 8.3b, and Section 4.2i are all either too subjective or pertain to automobiles, which she feels should not be covered under this ordinance.

Kim Welch, of 51 Vernon Rd, noted that inclusion of automobiles may be a “deal breaker” and added that she hopes the ordinance will include a timeline for construction projects.

Sandy Turkington, of 26 Llynwood Dr, posed the question of why automobile work should be exempted from the ordinance when it could easily be done in one’s backyard, away from the sight of neighbors.

William Bosworth, of 239 Hebron Rd, stated that his concern is that commercial activity in some areas leads to blight, and that this ordinance does not seem to cover those issues as effectively.

Pierog stated that town zoning regulations govern issues on commercial properties.

Lisa Anderson, of 64 Shoddy Mill Rd, stated that she personally knows of individual properties around town that truly require attention from a regulation like the proposed draft ordinance.

MOTION by Morra, seconded by Miller, that the public hearing be extended to the October 1, 2019 regular meeting of the Board of Selectmen, until which time the Selectmen’s Office will collect comments and at which time more public comment may be given in the form of verbal testimony.

VOTING IN FAVOR: Unanimous.

Pierog adjourned the meeting at 7:56 PM.

Respectfully submitted,

Joshua Steele Kelly  
Administrative Officer

Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.

# DRAFT

## PROPERTY MAINTENANCE REGULATIONS ORDINANCE

### 1. Intent: authority

A. This ordinance is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable diseases; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and properties as provided by this ordinance. This ordinance is also further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied properties and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said properties, the community and the general public. This ordinance is further intended to maintain and preserve the beauty of the neighborhoods and to allow for control of blighted properties. In addition, this ordinance is intended to protect Bolton's rural character and allowing, as is deemed appropriate, areas deliberately being returned to its natural state.

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

C. This ordinance is adopted in accordance with the provisions of Connecticut General Statutes § 7-148, § 7-148aa and § 7-152c.

### 2. Scope of provisions

#### Applicability

- (1) This ordinance shall apply uniformly to the maintenance, use and occupancy of all properties 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 multiple dwellings.
  - (b) Lots, plots or parcels of land whether vacant or occupied.
  - (c) Buildings of non-dwelling use, including commercial properties.
  - (d) Accessory structures accessory to any building.
  - (e) All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.
- (2) This ordinance shall not apply to any barns built before 1900, except when the Board of Selectmen or their designee determines that existing conditions pose a threat to the health, safety and/or welfare of the public.

### 3. Definitions

The following definitions apply to this chapter.

**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 parcel.

**Community standard** shall mean a judgment by a reasonable member of the Bolton community taking into consideration Bolton's rural character.

**Connecticut General Statutes** shall include any applicable amendments.

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

**Proximate property** shall mean any properties or parcel of land within one thousand (1,000) feet of a blighted property.

**4. Blighted properties shall include:**

any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, in which at least one of the following additional conditions exists:

- (1) The Board of Selectmen or their designee determines that existing conditions pose a serious threat to the health, safety and welfare of the persons in Town;
- (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, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
  - (c) exterior walls which contain holes, breaks, loose or rotting materials;
  - (d) foundation walls which contain open cracks and breaks, exempt are loose laid stoned foundations and crumbling foundations due to pyrrhotite issues;
  - (e) overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain significant rust or decay,
  - (f) presence of an unusually large number of insects or animals in a place so as to potentially cause damage or disease;
  - (g) garbage or trash improperly stored or accumulated on the properties ;
  - (h) in the case of fence, broken or rotted boards or in an otherwise significantly dilapidated condition; or
  - (i) debris visible to the public that is incapable of performing the function that it was intended to do; automobiles, furniture, tires, batteries, cans, and appliances.
  - (j) 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.
  - (k) Any of the above conditions shall be exempt if the property is under a state of ongoing repair due to a fire or natural disaster.
- (3) It is creating a substantial and unreasonable interference with the use and enjoyment of other properties within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances.

**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 of the sign.

B. Awnings and marquees. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the properties 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**

Every owner/occupier of property shall keep their property free from vegetation of any type which, in the opinion of the Board of Selectmen or their designee, is injurious to public health. A substantial area of lawn/grass that is fifteen (15) inches or higher for fifteen (15) days or more shall constitute a blighted property. Lots, plots or parcels not adjacent to the dwelling are exempt from the height restriction. Any violation of this section shall constitute a nuisance which may be abated by the town at the expense of the owner, lessor, lessee or any other person in possession or any one or more of them to whom the Board of Selectmen or their designee has given not less than 10 days written notice of intention to abate such nuisance. Such expense shall constitute a lien on the premises pursuant to section 49-73b of the Connecticut General Statutes and may be collected by the town in a civil action against any one or more of the above-named persons responsible therefore.

#### **7. Storage: littering**

A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate on property 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.

C. Throwing or depositing in town. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables in any part of the town in such a manner as to create an offensive, unsightly or unsanitary condition. Property owners shall maintain their property litter free.

D. Throwing or depositing on streets and public grounds. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables upon streets or sidewalks, in any catch basin, drain or watercourse or in parks or any public grounds in the town, except that solid waste, material designated recyclable and recyclables may be deposited in proper containers.

#### **8. Blighted Properties: Certification List**

A. No owner/occupier of real property within the Town of Bolton shall cause or allow blighted properties to be created nor shall any owner/occupier allow the continued existence of blighted properties.

B. Blighted Properties Certification List (Certification List).

(1) Immediately following enactment of this ordinance, the Town Administrative Officer shall request that all Town department heads report any property as defined by this ordinance which they are aware which appears to be blighted or have received complaint(s). Such reports shall be submitted within thirty (30) days of the Town Administrative Officer's request. On an ongoing basis, staff shall submit complaints to the Administrative Officer within thirty (30) days of receipt.

(2) The Town Administrative Officer shall use this information and any other available information to complete a list of blighted properties within sixty (60) days of their original request. On or before January 15 of each subsequent year, the Town Administrative Officer or his or her designee shall renew the process of completing a list of blighted properties as specified in this section.

(3) Within sixty (60) days of its completion, the Town Administrative Officer shall present the list to the Board of Selectmen which shall approve, disapprove, or modify the list. In the event that the Board of Selectmen fails to approve, disapprove or modify the list within thirty (30) days from the date it received it, then the list shall be deemed to have been approved.

(4) Maintenance of the Certification List. The Town Administrative Officer may request the deletion of any properties from the blighted properties list for consideration by the Board of Selectmen. In the event that the Board of Selectmen fails to approve, disapprove or modify any such request within sixty (60) days from the date it received such request, then the request shall be deemed to have been approved.

(5) Additions to Certification List. The Town Administrative Officer or his/her designee shall investigate any and all complaints made under Section 9.A herein. If the Town Administrative Officer or his/her designee has reason to believe that an owner/occupier of property has violated the provisions of this ordinance, he shall request addition of the subject property to the blighted properties list for consideration by the Board of Selectmen. In the event the Board of Selectmen fails to approve, disapprove or modify any such request within sixty (60) days from the date it received such request, then the request shall be deemed to have been approved.

**9. Complaints: Notice of Violation**

A. Any individual, civic organization, municipal agency, or town employee affected by the action or inaction of an owner/occupier of property subject to the provisions of this ordinance, may file, a complaint of violation of this ordinance with the Board of Selectmen on the form prescribed by the Town. The Board of Selectmen or their designee, upon his or her determination of whether there is a violation of this ordinance, shall forward a notice of violation letter to the owner/occupier at the time such determination has been made, and shall include the property for consideration of inclusion on the Certification List.

B. Such a notice of violation letter from the Board of Selectmen or their designee shall be issued prior to issuing a citation.

C. Such notice of violation letter shall include:

(1) a description of the real estate sufficient for identification, specifying the violation 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; and

(3) the amount of the fines, penalties, costs or fees that may be imposed for noncompliance.

D. Neither the owner nor occupier can contest a notice of violation before the Citation Hearing Board.

E. Delivery of a notice letter or citation to the owner/occupier shall be by one of the following methods:

(1) By personal delivery to the owner and occupier or by leaving the citation or notice letters at the usual place of abode of the owner/occupier with a person of suitable age and discretion;

(2) By certified or registered mail addressed to the owner and occupier at their last known address, with postage prepared thereon and return receipt; or

(3) By posting and keeping posted for 24 hours a copy of the citation or notice letter in placard form in a conspicuous place on the properties.

#### **10. Enforcement by Citation**

A. If the corrective actions specified in the notice of violation letter are not taken by specified due date, the Board of Selectmen or their 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 which is alleged to exist and the remedial action required;

(2) Detailed information regarding the contents of the notice letter (which may be a copy of such notice letter) and the failure of the owner/occupier to take the corrective actions specified therein;

(3) The amount of the fines, penalties, costs or fees due for noncompliance; and

(4) A statement that the owner/occupier may contest their liability and request a hearing before the Citation Hearing Board by delivering in person or by certified mail written notice of objection within ten days of the date of the citation.

C. Delivery of the citation shall be by the manner provided in 9. This includes posting and keeping posted for 24 hours a copy of the citation or notice letter in placard form in a conspicuous place on the property.

#### **11. Hearing**

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

B. The Citation Hearing Board (which may designate a "Citation Hearing Officer" and either term used herein shall include the other) will conduct hearings in accordance with Conn. Gen. Stat. Sec. 7-152c (a)-(f) when requested by an owner/occupier who has been cited under this chapter.

C. Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Board of Selectmen. 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 person who does not deliver or mail written demand for a hearing within ten days of the citation shall be deemed to have admitted liability, and the Board of Selectmen or their designee shall certify such person's failure to respond. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and may, if not paid upon entry, follow the procedures set forth in Connecticut General Statute Section 7-152c(f) and/or see Section 7-148aa providing for a lien to be placed on the property.

D. Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than 15 nor more than 30 days from the date of the mailing of notice. The Citation Hearing Board may grant a postponement or continuance for good cause. An original or certified copy of the citation and notice shall be filed and retained by the Board of Selectmen.

E. Pending the hearing before the Citation Hearing Board no further enforcement activity shall occur until either a hearing is held and the Citation Hearing Board assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Board assesses fines, penalties, costs and/or fees. This section shall not preclude the accrual of fines during the period from the issuance of the notice until a hearing is held.

## **12. Appointment of Citation Hearing Board**

The Board of Selectmen shall appoint three Bolton residents to serve as a Citation Hearing Board and who individually or collectively shall constitute the Citation Hearing Officer. Members shall not be an employee of the Town nor serve on any other elected or appointed board or commission. Such members shall serve staggered terms of three years each. Proceedings of the Citation Hearing Board shall be conducted in accordance with the laws of the State of Connecticut and any provisions of the charter or ordinances of the Town of Bolton generally applicable to its boards and commissions.

## **13. Penalties for offenses: prejudgment lien**

A. The owner/occupier of property where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or property in which such violations exist may:

(1) Initially, be fined not more than \$100 for each violation. Each day that a violation exists after a citation as described in 10 is given to the owner/occupier, a fine of \$25 per day may be imposed for each such violation; and/or

(2) Be required to abate the violation at the owner/occupier's expense.

B. Any unpaid fine imposed by a municipality pursuant to the provisions of this ordinance shall constitute a lien upon the real estate against which the fines or associated costs was imposed from the date of such fine pursuant to Connecticut General Statute Section 7-148aa. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 2007 except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.



C. In addition to all other remedies and any fines imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupier or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

#### **14. Appeals: Special Consideration**

A. Any person aggrieved by any order, requirement or decision of the Citation Hearing Board may take an appeal in accordance with Conn. Gen. Stat. § 7-152c(g) which states an appeal must be instituted within thirty (30) days of the mailing of the assessment by filing a petition to the Superior Court.

B. Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly or disabled and 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 fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the Properties for the cost thereof in accordance with the provisions of this ordinance.

C. This section shall not preclude the accrual of fines during the period from the issuance of the notice until an appeal occurs.

#### **15. Severability**

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

#### **16. 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 ordinance.

B. Where terms are not specifically defined and such terms are defined in the Charter and Ordinances of the Town of Bolton, such terms shall have the same meaning for the interpretation and enforcement of this chapter.

C. Where terms are not specifically defined in this ordinance, they shall have such meaning as the context may imply. When a definition is not included in this ordinance, then the definition found in the most recent version of Merriam-Webster Collegiate Dictionary shall be used.

D. The provisions of this ordinance shall not be construed to prevent the enforcement of other ordinances, ordinances or regulations of the Town of Bolton.

E. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Charter and Ordinances of the Town of Bolton 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 Bolton shall prevail.

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