

Town of Thompson
Ordinance for the Control of Vacant, Abandoned and Tax Delinquent (VAD) Structures in
Certain Districts

Section 1 Purpose and Declaration of Policy

- A. This Ordinance is authorized pursuant to Section 7-148 (c) (7) (H) (xv) of the Connecticut General Statutes.
- B. It is hereby found and declared that there exists, in the Town of Thompson (the Town), a number of Vacant, Abandoned and Tax Delinquent (hereinafter **VAD**) structures, as defined in Section 2 of this Ordinance. The continued existence of VAD structures constitutes a continuing nuisance and contributes to the decline of neighborhoods; and such nuisance and decline result in a detrimental effect upon neighboring properties. Further, it is found that the existence of such structures adversely affects the economic well-being of the Town and is detrimental to the property values, health, safety and the general welfare of its residents.
- C. The Town considers it desirable that VAD structures be rehabilitated, reconstructed, or demolished, in order to provide decent, safe, sanitary neighborhoods. Such demolition, reconstruction, or rehabilitation of VAD structures would remedy and prevent the adverse conditions described above.
- D. The procedures outlined in this Ordinance shall be applicable to properties located in the Downtown Mill Rehabilitation District (DMRD) and the Thompson Corridor Development District (TCDD).
- E. Owner Occupied one-, two-, and three-family residences; and agricultural properties are exempted from the procedures outlined in this Ordinance.

Section 2 Definitions

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

Abandoned structure: A structure that is unoccupied in any manner for a consecutive period of six or more months. Property will be considered to be abandoned property when mortgage, land contract, or tax foreclosure proceedings have been initiated for that property; no mortgage, land contract, or tax payments have been made by the property owner for at least 90 days; and the property has been unoccupied for at least 90 days. Property under construction is not considered abandoned if all appropriate building permits are issued, in force, and progress on construction is ongoing.

Agriculture (includes Agricultural): means a land use conforming to the provisions of Section 1-1 (q) of the Connecticut General Statutes.

Blight: A structure that constitutes a VAD structure as defined herein is blighted for the purposes of Section 7-148 (c) (7) (H) (xv) of the Connecticut General Statutes.

Citation Enforcement Officer (Enforcement Officer) means an individual authorized by the Board of Selectmen to issue citations in accordance with the procedures of this Ordinance. The ZEO, Building Official, and Fire Marshal are each authorized to act as citation enforcement officers for the Town.

Citation Hearing Officer (Hearing Officer) means an individual appointed by the Board of Selectmen to conduct hearings authorized by the Ordinance pursuant to Section 6, as amended.

Legal Occupancy means occupancy in accordance with State building, State fire, local zoning, local housing and all other pertinent codes.

Owner means any person, institution, foundation, entity or authority which owns, alone or in common with others, real property within the Town containing a VAD structure including the executor or administrator of any estate containing such real property within the Town, or the trustee of any trust holding legal title to such real property.

Premises means a parcel of land containing buildings or structures.

Vacant means not legally occupied by human beings for an allowable use. Vacant status in and of itself does not constitute a VAD structure, if that structure is adequately maintained and the property taxes are up-to-date. A structure which is being illegally occupied shall be considered vacant.

Vacant Status means the date when a vacant structure is identified according to the provisions of Sections 5-6 of this Ordinance.

VAD Structure means any building or structure, including any accessory structures to such primary building or structure, in which any of the following conditions exists:

- A. It is **vacant** (as defined within this Ordinance) and inadequately maintained, as determined by the presence of any of the following factors, documented by the Building Official, Fire Marshal or ZEO, as applicable, and existing for a period of 12-months or more:
 - One or more missing or boarded windows or doors
 - Collapsing or missing roof, chimneys, interior or exterior walls or floors
 - A structurally faulty foundation
 - Improper storage of garbage, trash, rubbish, grocery carts, tires, or hubcaps in violation of Ordinance No. 10-021 Garbage, Rubbish Refuse and Recycling Ordinance of the Thompson CT Code of Ordinances

- Improper storage of unregistered vehicles, in violation of Ordinance No. 10-026 Abandoned Motor Vehicle Ordinance of the Thompson CT Code of Ordinances
 - It attracts or harbors rodents, insects, vermin and/or disease-carrying animals.
 - It is a property which contains one or more dead, decayed, diseased or damaged trees which can be demonstrated to constitute a hazard or danger to proximate properties, including sidewalks and roadways.
 - Any other element of the condition of the building or structure poses a serious or immediate danger to the safety, health or general welfare of the community as found by the Building Official or Fire Marshal.
- B. It is an **abandoned** structure.
- C. It is tax **delinquent**.
- D. It has been the site of illegal activities as documented by the Connecticut State Police, which activities resulted in one or more civil fines or criminal convictions. Illegal activities shall include residential occupation of a structure in violation of any order of the Building Official, Fire Marshal or ZEO. When illegal activity is a contributing factor, the 12-month period may be waived as a consideration.
- E. Owner-occupied one-, two-and three-family residences; and agricultural properties are exempted from being classified as VAD structures.

ZEO means the zoning enforcement of the Town appointed in accordance with Chapter 124 of the Connecticut General Statutes.

Section 3 Prohibition Against Creating or Maintaining VAD Structures

No owner of property in Thompson shall cause or allow structures on such property to become Vacant, Abandoned and Tax Delinquent, nor shall any owner allow the continued existence of such VAD structures.

Section 4 Minimum Standards

- A. The provisions of this Ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than those provided for in this Ordinance.
- B. In any case where a provision of this Ordinance is found to conflict with a provision of any Zoning, Building, Fire Safety or Health Regulation, Code or Ordinance of the Town or the State, the provision which establishes the higher standard for the promotion and protection of the health, safety, welfare and property values of the people shall prevail.

Section 5 Enforcement

- A. Following the enactment of this Ordinance, the Board of Selectmen shall declare that the Building Official, Fire Marshal and ZEO are each empowered to act as a Citation Enforcement Officer (hereafter Enforcement Officer), on a case-by-case basis.
- B. When the Enforcement Officer determines that a structure is in violation of this Ordinance, the Enforcement Officer shall notify the owner or owners of the property of

the violation. Such notice shall be sent by regular mail to the owner's last known address, as listed in the Assessor's Office. If applicable, such notice shall also be sent to any registrant of a property under foreclosure as provided in CGS 7-148ii, as amended.

C. The Notice of Violation shall include the following information:

- i. The address of the VAD structure, including the map/block/lot numbers.
- ii. The exact nature of the violation, referring to the provision(s) of this Ordinance alleged to have been violated.
- iii. The date the VAD status was established.
- iv. The date the notice of vacancy was sent.
- v. The time allowed for corrective action, as determined by the ZEO
- vi. The civil penalty for continued violation of this Ordinance
- vii. The name, business address and telephone number and email address of the ZEO

D. Prior to the expiration of time allowed for correction, as set forth in the Notice of Violation, the owner may make written request to the Enforcement Officer for an extension of the time allowed for corrective action. A single written extension may be granted by the Enforcement Officer, if it is determined that a) the owner has taken reasonable steps to remedy the condition and/or b) verifiable extenuating circumstances prevent corrective action from being taken. Extenuating circumstances may include extreme weather events; local, State or national emergency; or other verifiable circumstances which may not have been reasonably anticipated by the owner. Any further extensions of the time period for correction may only be granted after consultation with and approval by the Board of Selectmen.

Section 6 Citation, Fine and Hearing Procedures

A. Notice of Violation and Opportunity to Correct

- i. Prior to issuing citations for violation of this ordinance the Enforcement Officer shall mail written notice to an owner, agent, tenant or other person responsible for any violation at the last known address of the person on file with the tax collector, as detailed in Section 5. If the notice is mailed only to one (1) of the responsible persons, it shall in no way be or be construed to be a release of any other responsible persons nor evidence that any other person is responsible. If there is more than one (1) responsible party identified in the order, the responsibility for complying with the notice shall be joint and several. Notwithstanding anything to the contrary, the notice shall state the violation(s) of this article and, when necessary for the health and safety of town residents, the Enforcement Officer may require abatement within twenty-four (24) hours from the time of notification or immediately as may be necessary. If the person fails to correct the violations or fails to provide notice to the Town of his or her intent to correct the violations set forth in the order to abate within a reasonable period of time, and if any violation continues unabated after twenty (20) days from the date such order to abate is served or if the person fails to

correct the violations as set forth in the notice of violation, the Town may issue an enforcement citation as specified in this article.

- ii. If the owner fails to correct the violations within the time stated by the Enforcement Officer and the notice provided in part (a) of this section, then the Town may take any action necessary to abate the nuisance as authorized by law and shall invoice the persons for its costs and expenses.

B. Notice of Citation Providing Uncontested Period to Pay Fine

If a person fails to correct a violation after notice of violation is provided pursuant to Section 5, the Enforcement Officer may issue a notice by mail to the person's last-known address on file with the tax collector stating the allegations regarding the violation of this ordinance and the amount of a fine of \$100 per day. The notice shall provide a date by which an uncontested payment of the fines can be made to the Town. Payment of such fine, penalties and costs shall be made to the Town of Thompson. An uncontested payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other persons making the payment.

C. Citation and assessment hearing procedure.

i. Notice of citations and right to hearing on requested assessment.

The Enforcement Officer, at any time within twelve (12) months after the expiration of the time to make an uncontested payment of the amount of the fine pursuant to the notice issued under Section B of this article, may send a citation notice that an assessment is being sought from a Citation Hearing Officer (hereafter Hearing Officer) for one or more of the citations which were the subject of one or more notices issued under Section 5. The notice shall be sent by regular mail to the last-known address of the person on file with the tax collector and shall contain, at a minimum, the following information:

1. The allegations of the violation or violations stated in the the citation notice or notices issued pursuant to Section B for which an assessment is sought.
 2. The amount of the fines that the Enforcement Officer is requesting the Hearing Officer to impose as an assessment, which amount is \$150 per day of violation of this article.
 3. The fact that the person may contest his or her liability before a Hearing Officer by delivery in person or by mail of a written notice to the Office of the First Selectman within ten (10) days from the date of the notice of citation.
 4. That failure to request a hearing will result in an assessment and judgment entered against the person cited, and,
 5. That judgment may issue without further notice.
- ii. A person receiving the notice of citation and right to a hearing may admit liability and pay the amount sought as an assessment. Payment of such fine shall be made to the Office of the First Selectman, payable to the Town of Thompson. An uncontested payment made prior to the imposition of an assessment pursuant to

Section B of this article shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other persons making the payment.

- iii. **Assessment by default:** If the person receiving the notice issued according to part (i) of this section does not deliver or mail a demand for hearing within ten (10) days of that notice to the Office of the First Selectman, the person shall be deemed to have admitted liability and the Enforcement Officer shall certify such person's failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter an assessment in the amount of the fines requested by the Enforcement Officer and shall follow the procedures set forth in part iv of this section for filing the assessment with the court. If the person requests a hearing, is notified of the date, place and time of the hearing in accordance with part ii of this section but fails to appear at the hearing, the Hearing Officer may enter an assessment by default against that person upon a finding of proper notice and liability under the applicable statutes or ordinances based on evidence presented at the hearing. The Hearing Officer shall thereafter follow the procedures as set forth in part iv of this section for filing the assessment with the court.
- iv. **Hearing by Citation Hearing Officer:** Any person who requests a hearing within the time specified in this article shall be given written notice of the date, time and place for the hearing, which shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of the notice, subject to reasonable requests for good cause shown for continuance or postponement by an interested party. The original or a certified copy of the notice of citation and right to hearing issued pursuant to part i of this section shall be filed with the Hearing Officer, shall thereafter be retained by the Town, shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes, and shall be considered evidence of the facts contained therein. The accused shall have the right to request the issuing Enforcement Officer to be present at the hearing and such individual shall in fact be present at the hearing if so requested. At such hearing the accused may appear and present evidence on his or her own behalf and municipal officials may present evidence in support of the requested assessment. The Hearing Officer shall conduct a hearing in the order and form and with such methods of proof as he or she deems fair 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 Hearing Officer shall announce his or her decision at the end of the hearing. If he or she determines that the person is not liable, he or she shall dismiss the matter and enter the determination in writing accordingly. If he or she determines that the person is liable for the violation, he or she shall forthwith enter an assessment against the person as provided by this article and shall thereafter follow the procedures as set forth in part (e) of this section for filing the assessment with the court.
- v. **Notice of assessment and entry of judgment:** If the assessment is not paid as of the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file a certified copy of the notice of the assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator within the boundaries of the Judicial District in which the municipality is located, together with the applicable court entry fee. The certified copy shall not be filed with the court until after the expiration of the thirty-day appeal period set forth in part (f) of this section and must be filed within twelve (12) months of the assessment. A certified copy of the notice of assessment shall constitute a record of assessment and the Clerk of the Superior Court, in accordance with

Connecticut General Statutes Section 7-152c (f) shall enter judgment in the amount of such record of assessment and the court entry fee against such person in favor of the municipality. Notwithstanding any other provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may be made without further notice to such person.

- vi. Appeal:** There shall exist a right of appeal in favor of any person against whom an assessment has been entered pursuant to the provisions of this article. An appeal shall be instituted within thirty (30) days of the mailing notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

D. Pursuant to Connecticut General Statute 7-148aa, any unpaid fine imposed by the Town, pursuant to the provisions of this Ordinance adopted pursuant to Connecticut General Statutes 7-148 (c)(7)(h)(xv) shall constitute a lien upon the real estate against which the fine was imposed, from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after July 1, 1997, and any encumbrances except taxes, and may be enforced in the same manner as property tax liens.

Section 7 Reduced Assessment for Rehabilitation of VAD Structure(s)

The Town considers it desirable that VAD structures be rehabilitated for safe use. For owners who undertake the rehabilitation of VAD structures, or those owners who wish to purchase and rehabilitate such structures, the Town may adjust property tax assessment under the following provisions:

- A.** In accordance with Connecticut General Statute 12-121e, municipalities are authorized to freeze the property tax assessment on property rehabilitated under this Ordinance.
- B.** Such freeze in assessment shall only be adjusted after the subject VAD structure has been rehabilitated.
- C.** The adjusted assessment shall reflect the value of the structure prior to rehabilitation and shall be applicable for a period of three (3) years.
- D.** The following table lists the minimum value of an improvement to qualify for a reduction, the maximum reduction allowed and the maximum reduction period. The Board of Selectmen shall determine the specific reduction of the tax assessment for each project based upon the benefits to the Town, which reduction

shall be implemented by the Thompson Assessor in accordance with Connecticut General Statute 12-121e..

Cost of Improvements	Maximum Allowable Reduction	Maximum Term of Reduction
\$10 million and higher	Up to 100% of increased assessment	Up to 25 years
\$5-\$10 million	Up to 75% of increased assessment	Up to 15 years
\$1-\$5 million	Up to 50% of increased assessment	Up to 10 years
Less than \$1 million	Up to 25% of increased assessment	Up to 5 years

Section 8 Severability

If a court having competent jurisdiction shall hold any provisions of this Ordinance invalid, such invalidation shall not affect any other provisions of this Ordinance that may be given effect without the invalid provisions.

Section 9 Effective Date

This Ordinance shall be effective thirty (30) days after its adoption.