

A **REGULAR MEETING** of the City Council and Water Pollution Control Authority (WPCA) of the City of Torrington was held at the City Hall Auditorium on Monday, April 15, 2024. Present at the City Hall Auditorium were Mayor Elinor Carbone, Corporation Counsel Michael Magistrali, City Councilors Drake Waldron, Stephen Ivain, Molly Spino, Anne Ruwet, Paul Cavagnero, and David Oliver, Treasurer Dan Farley, WPCA Administrator Ed Tousey, City Planner Jeremy Leifert, Assistant City Planner Nate Nardi-Cyrus, City Engineer Paul Kundzins, and Human Resources Director Denise Kurpiewski. No one participated via Zoom.

Mayor Carbone called the meeting to order at 6:36 p.m.

Roll Call Vote: Inland Wetlands Commission Ordinance

On a motion by Councilor Ruwet, seconded by Councilor Oliver, the Council voted unanimously by roll call vote to adopt the proposed revisions to Chapter 33 of the Code of Ordinances, "INLAND WETLANDS COMMISSION". Councilor Ivain asked why they were changing the member numbers, Mr. Nardi-Cyrus said that they currently have seven regular members with no alternates, this will change it to five regular members with three alternates to ensure that they will have a quorum. Councilor Cavagnero asked how they recruit members for the commission, Mr. Nardi-Cyrus explained that it is mostly word of mouth from other members of the commission. See addendum #1.

Roll Call Vote: Fees Ordinance

On a motion by Councilor Ruwet, seconded by Councilor Spino, the Council voted unanimously by roll call vote to adopt the proposed new section, Chapter 114 "FEES" 114-3 "Citation Procedures and Fines for Inland Wetlands and Watercourses Violations". Councilor Ivain asked if the total fees would max out at \$1,000, and Mr. Nardi-Cyrus said that it would. He added that the City is following what is available in State Statutes, and with this, there can be multiple violations. Mr. Leifert added that these are the fees that can be levied locally, \$2500 per day can be issued by the court. Councilor Cavagnero asked why there is a need to set up fees, Mr. Nardi-Cyrus said that the fees are a way to get compliance and start the process. Councilor Ivain asked if there was any way to waive the fees, Mr. Nardi-Cyrus said that they could ask the commission to uphold, modify, or revoke the fees, and work with the owner. See addendum #2.

Roll Call Vote: Property Maintenance Ordinance

On a motion by Councilor Ruwet, seconded by Councilor Spino, the Council voted unanimously by roll call vote to adopt the proposed revisions to Chapter 161 "PROPERTY MAINTENANCE". See addendum #3.

Public Comment

On a motion by Councilor Cavagnero, seconded by Councilor Spino, the Council voted unanimously to open the meeting to the public, in accordance with Section 4(e) of the City Council & WPCA Meeting Rules of Procedure. No one from the public wished to speak.

Approve Minutes

On a motion by Councilor Spino, seconded by Councilor Ivain, the Council voted unanimously to accept the Regular Meeting Minutes from April 8, 2024.

Rescind the Vote - Small Cities Public Hearing

On a motion by Councilor Waldron, seconded by Councilor Spino, the Council voted unanimously to rescind the vote to schedule a Public Hearing on Monday, May 6th to solicit citizen input regarding the closeout of Small Cities Grant SC1814301. Councilor Waldron asked why they were rescinding the vote, Mr. Farley explained that Peter Testa, who oversees the Small Cities projects, had another Public Hearing that evening, so he needed to reschedule.

Opioid Settlement Funds

On a motion by Councilor Spino, seconded by Councilor Ivain, the Council voted unanimously to review the Opioid Settlement Funds received and the proposal for expenditures of funds in accordance with the "Torrington Opioid Settlements" Agreement. Mayor Carbone reviewed the funds received from the Opioid Settlement so far, and what the City will continue receiving payments until 2038. The City has received \$193,251.12 to date. This is a national settlement, and certain rules need to be followed for how to spend the funds. Mayor Carbone said that the terms of the settlement were to utilize the funds back to work in the communities to alleviate the impact that an opioid crisis has had on the community. Mayor Carbone would like to put the funds to work for the residents and be able to see a return on investment. In Exhibit E, Schedule B, Subsection D, Schedule I, titled First Responders, there are a few different options for using these funds. After speaking with Police Chief Baldwin, they believe in using these funds to install a social worker within the police department to be able to work with Officers who may endure a tough call or to be able to assist with other calls in the community that are drug-related.

Councilor Ivain asked how they based the fund distribution, Mayor Carbone said that it was done per capita as they are National Class action suits. Councilor Cavagnero asked if the social worker would be a single person, Mayor Carbone said that the social worker would be embedded in the Police Department as a single person. Councilor Cavagnero asked if this position would be part of the bargaining unit, Ms. Kurpiewski said that the position would not be a part of the bargaining unit it would be separate pay with benefits. It would be a licensed clinical social worker. Mayor Carbone added that the \$193,000 would be two years salary for the social worker, and the goal would be to move it into the regular Police budget. Councilor Ruwet thanked the Mayor for her commitment to this issue. Councilor Cavagnero asked how the funds the City received compared to other municipalities, Mayor Carbone said that compared to municipalities of similar size, they are the same.

Police Social Worker

On a motion by Councilor Ruwet, seconded by Councilor Ivain, the Council voted unanimously to authorize the Mayor and Chief of Police to establish a "Police Social Worker" position utilizing Opioid Settlement Funds in accordance with "**Torrington Opioid Settlements**" Agreement Exhibit E, Schedule B "Approved Uses" Section D "Address the Needs of Criminal Justice-Involved Persons" and Section I "First Responders".

ARPA Community Impact Grants

On a motion by Councilor Ruwet, seconded by Councilor Spino, the Council, on the recommendation of the ARPA Committee, voted unanimously to withdraw the previously approved Community Impact grant award in the amount of \$28,000 to Allen Associates for roof work at 40 Main Street and to approve the award of \$28,000 to Coal Fire Associates for roof repairs at 40 Main Street. Councilor Ivain asked if the ownership had changed, and Councilor Ruwet said that it had. Mayor Carbone said that because the ARPA funds are all reported, they wanted to ensure that there would be no issues with the new owners utilizing the funds.

ARPA – Blight Committee Ad Hoc Lead Abatement Grant Committee

On a motion by Councilor Oliver, seconded by Councilor Ivain, the Council voted unanimously to accept the recommendation of the Blight Committee Ad Hoc Lead Abatement Grant Committee and Torrington Area Health District to award a grant from the Lead Abatement Grant Funds for reimbursement of lead abatement expenses incurred at 57-59 Turner Avenue totaling \$24,928. Councilor Ivain asked if this was a rare occurrence, and Mayor Carbone explained that the Council had set aside \$200,000 for healthy homes to help with lead paint abatement. She further explained that in this situation there was a child that had high lead blood levels, so it was something that had to be taken care of rather quickly.

Online Permitting Software

On a motion by Councilor Spino, seconded by Councilor Ivain, the Council voted unanimously to hear an overview of the City's new Online Permitting Software. Mr. Leifert told the Council that the Building and Land Use have digitized their files. He explained that on March 18th there was a soft launch for the online permitting software. Mr. Leifert said that with this application there is a way to apply, attach documents, and pay for permits online. It also streamlines the process for getting a Certificate of Occupancy from the building department, as all of the departments are integrated into the permitting system.

WPCA Payment Authorization

On a motion by Councilor Waldron, seconded by Councilor Spino, the City Council herein acting as the Water Pollution Control Authority voted unanimously to approve a payment of \$6,202.12 from Fund #490 Sanitary Sewer Capital Improvement to Wright-Pierce Engineering for Invoice #235222 for evaluating bids for Brightwood Ave.

City Center Reconstruction Project

On a motion by Councilor Oliver, seconded by Councilor Spino, the Council voted unanimously to authorize the Mayor to act on behalf of the City to award, execute, and administer a contract agreement for the City Center Reconstruction Project 2024.1 to PAC Group, LLC of Torrington, CT in the amount of \$1,230,296.50, allowing \$60,000 for contingencies. This project will be funded by the City of Torrington Pavement Management Program Bond Fund, as further explained in the City Engineer's memo dated April 10, 2024.

High Street Reconstruction Project

On a motion by Councilor Spino, seconded by Councilor Ivain, the Council voted unanimously to authorize the Mayor to act on behalf of the City to award, execute, and administer a contract agreement for the High Street Reconstruction Project 2024.2 to PAC Group, LLC of Torrington, CT in the amount of \$1,169,394.70, allowing \$60,000 for contingencies. This project will be funded by the City of Torrington Pavement Management Program Bond Fund, as further explained in the City Engineer's memo dated

April 10, 2024. Councilor Ruwet commented that it is nice to see a local company. Councilor Ivain asked what the timing of the project was, Mr. Kundzins said that the gas company is currently replacing a gas main, however, the project will be done by the end of the year.

Add by 2/3 Vote Corporation Counsel's Lien Release

On a motion by Councilor Spino, seconded by Councilor Ruwet, the Council voted unanimously to add by a 2/3 vote Corporation Counsel's lien release.

Lien Releases

On a motion by Councilor Spino, seconded by Councilor Ivain, the Council voted unanimously to release the liens listed in the Corporation Counsel's memo of April 15, 2024.

Tax Collector Refunds

On a motion by Councilor Spino, seconded by Councilor Waldron, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the tax refunds indicated on the list dated April 15, 2024.

Sewer Usage Refunds

On a motion by Councilor Waldron, seconded by Councilor Ivain, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the sewer usage refunds indicated on the list dated April 15, 2024.

Business by Dept. Heads

On a motion by Councilor Waldron, seconded by Councilor Spino, the Council voted unanimously to consider business by Department Heads.

Treasurer Dan Farley told the Council that the Finance Department had a new Accounts Payable Clerk start, and they also have a new Purchasing Clerk.

Human Resources Director Denise Kurpiewski asked that the members of the Personnel Committee review their calendars to schedule a meeting.

Atty. Magistrali said that it is good to be back after vacation.

Business by Mayor & Members

On a motion by Councilor Spino, seconded by Councilor Oliver, the Council voted unanimously to consider business by the Mayor and City Council members.

Councilor Waldron said that he took a tour of the new high school, and it is coming along, and very impressive.

Councilor Ivain asked why the City doesn't tax solar farms, Mayor Carbone explained that any solar array under three megawatts doesn't have to pay taxes, anything over that amount the city can tax.

Public Comment (in-person only)

On a motion by Councilor Spino, seconded by Councilor Ivain, the Council voted unanimously to open the meeting to the public to comment on agenda items only. No one from the public wished to speak.

Adjournment

On a motion by Councilor Oliver, seconded by Councilor Spino, the Council voted unanimously to adjourn at 7:45 p.m.

*Respectfully submitted by
Heather Abraham, Asst. City Clerk*

ATTEST:

Carol L. Anderson
CAROL L. ANDERSON, CITY CLERK

Addendum #1:

LEGAL NOTICE
CITY OF TORRINGTON
REVISED INLAND WETLANDS COMMISSION

Be it Ordained by the Board of Councilmen of the City of Torrington
that the Code of Ordinances Chapter 33 has been revised as follows:

Chapter 33 - INLAND WETLANDS COMMISSION⁽¹⁾

Footnotes:

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Editor's note— [HISTORY: Adopted by the Board of Councilmen of the City of Torrington 6-12-1978. Amendments noted where applicable.]

Cross-reference— Inland wetlands and watercourses, Ch. 136.

§ 33-1. - Creation.

Pursuant to the authority granted by Chapter 440, Section 22a-42, of the Connecticut General Statutes, an Inland Wetlands Commission is hereby created and established for the City of Torrington, with all the powers and duties prescribed in said Act, as it is amended from time to time, to act as the agent of the City in the implementation of the provisions of said Act.

§ 33-2. - Promulgation of regulations.

Said Commission shall promulgate regulations concerning activities affecting the wetlands and watercourses within the territorial limits of the City, including regulations dealing with the licensing of activities on such wetlands or watercourses.

§ 33-3. - Membership; vacancies.

- A. Said Commission shall be composed of five regular members and three alternate members, resident electors of the City of Torrington, appointed by the Mayor, with the advice and consent of the City Council.
- B. Vacancies in the membership of said Commission, which may occur for any reason, shall be filled for the unexpired terms of such members by appointment of the Mayor.

§ 33-4. - Terms.

Initial terms of office of the regular members of said Commission shall be as follows:

- A. The first person appointed shall serve for a period of five years.
- B. The second persons appointed shall serve for a period of four years.
- C. The third person appointed shall serve for a period of three years.
- D. The fourth person appointed shall serve for a period of two years.
- E. The fifth person appointed shall serve for a period of one year.
- F. Thereafter, at the expiration of the original term of office of each of the five regular members, a member shall be reappointed or his or her successor shall be appointed for a term of five years.

Initial terms of office of the alternate members of said Commission shall be as follows:

- A. The first person appointed shall serve for a period of three years.
- B. The second person appointed shall serve for a period of two years.

- C. The third person appointed shall serve for a period of one year.
- D. Thereafter, at the expiration of the original term of office of each of the three alternate members, a member shall be reappointed or his or her successor shall be appointed for a term of three years.

§ 33-5. - Organizational meeting; officers; quorum.

Within 30 days of the effective date of this chapter, the Commission shall be appointed. Within 60 days of the effective date of this chapter, the Mayor shall call an organization meeting of the Commission. At the organization meeting, and annually thereafter, the Commission shall elect a Chairman, a Vice Chairman, and a Secretary, whose duties shall be those commonly associated with such function. A quorum shall be three members of the Commission.

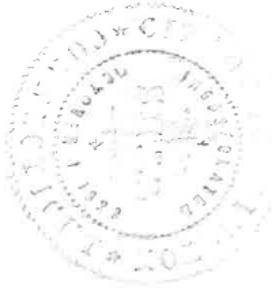
§ 33-6. - Removal of members.

The Mayor may remove any member for cause at any time if, in the Mayor's judgment, after certification by a majority of the Commission, a member's lack of attendance, conflict of interest, or disclosure of confidential information is such as to work a hardship on the Commission or the City.

Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.

Dated at Torrington, Connecticut, this 17th day of April 2024.

Passed: April 15, 2024
Published: April 17, 2024
Effective: May 15, 2024



Handwritten signature of Elinor Carbone in blue ink.

Elinor Carbone
Mayor

Handwritten signature of Carol L. Anderson in blue ink.

Carol L. Anderson, MMC
City Clerk

Addendum #2:

**LEGAL NOTICE
CITY OF TORRINGTON
REVISED FEES**

**Be it Ordained by the Board of Councilmen of the City of Torrington
that the Code of Ordinances Chapter 114 has been revised as follows:**

§ 114-3. - Citation procedures and fines for Inland Wetlands and Watercourses violations.

A.

This chapter is adopted pursuant to Connecticut General Statutes 7-152c and 22a-42g, as amended.

B.

The Inland Wetlands Agent is authorized to issue citations for violations of the City of Torrington Inland Wetlands and Watercourses Regulations to the extent and in the manner provided by this section. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Inland Wetlands Agent shall file and retain an original or certified copy of the citation.

C.

A citation may be issued for any violations of the City of Torrington Inland Wetlands and Watercourses Regulations.

D.

The citation for each such violation shall be \$100.00, payable to the Treasurer of the City of Torrington. Multiple violations may result in multiple fines on the same premises. For continuing violations, each day of violation shall be considered a separate offense, but only one citation needs to be served for either multiple or continuing violations arising from the same condition, act, or activity. The maximum fine for a violation under this article shall not exceed \$1,000.

E.

Any person receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provisions of Subsection A of this section, the day of receipt of the citation shall be deemed to be four days after the day of mailing of the citation.

F.

If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under Subsection E of this section, the Inland Wetlands Agent shall send a notice to the person cited, informing such person:

- (1) Of the allegations against him or her and the amount of the fines;
- (2) That the person cited may contest liability before a hearing officer appointed by the Mayor as provided in Subsection I of this section, by delivering, in person or by mail, within 10 days of the date of the notice, a written demand for a hearing;
- (3) That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
- (4) That such judgment may issue without further notice.

G.

If the person who is sent notice pursuant to Subsection E of this section wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Treasurer. All fines shall be made payable to the Treasurer of the City of Torrington. 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 a written demand for a hearing within 10 days of the date of the notice described in Subsection E of this section shall be deemed to have admitted liability, and the Inland Wetlands Agent shall certify to the hearing officer that such person has failed to respond. The hearing officer shall thereupon enter and assess the fines provided for by this section and shall follow the procedures set forth in Subsection H of this section.

H.

Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Hearings shall follow §1-11, Hearing procedures to contest violations, of the City of Torrington Code of Ordinances.

I.

If such assessment is not paid on 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, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for Litchfield, together with an entry fee of \$8.00. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

J.

A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen the assessment, together with an entry fee in an amount equal to the entry fee for small claims cases pursuant to Connecticut General Statutes 52-259, in Superior Court, for the Judicial District of Litchfield, GA #18, which shall entitle such person to a hearing in accordance with the rules of the judges of Superior Court.

K.

The remedies set forth in this article shall be deemed to be in addition to such other remedies as are provided by law. The decision to assess fines under this article shall be an exercise of municipal discretion, and shall not prevent the Inland Wetlands Agent from instituting enforcement action, such as a cease and desist order or order to show cause, concurrently with the assessment of fines, and to seek such relief, including penalties, attorney's fees, and costs, as may be allowed by law.

Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.

Dated at Torrington, Connecticut, this 17th day of April 2024.

Passed: April 15, 2024

Published: April 17, 2024

Effective: May 15, 2024



Elinor Carbone, Mayor

Carol L. Anderson, MMC, City Clerk

Addendum #3:

**LEGAL NOTICE
CITY OF TORRINGTON**

**Be it Ordained by the Board of Councilmen of the City of Torrington
that the Code of Ordinances Chapter 161 has been revised as follows:**

PART II. - CODE OF ORDINANCES—GENERAL LEGISLATION

Chapter 161 PROPERTY MAINTENANCE¹

§ 161-1. Declaration of purpose; legislative authority.

- A. It is hereby found and declared that there exists within the City of Torrington (hereafter "the City") a number of vacant, abandoned, and/or blighted premises and that their continued existence is harmful to the public health, safety, and welfare and adversely affect the economic well-being of the City by having a deleterious effect upon residential and commercial properties. Moreover, many of the vacant, abandoned, and blighted premises may be rehabilitated, reconstructed, repurposed, demolished, cleaned, maintained, or returned to satisfactory condition to provide decent, safe, and sanitary housing or commercial facilities. This anti-blight code is intended to promote the public health, safety, and welfare of our citizens through the enforcement of regulations to prevent and remediate serious deficiencies constituting blight.
- B. This code establishes 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 the Connecticut General Statutes, §§ 7-148(c)(7)(H)(xv), 7-148aa, 7-148ff, and 7-152c and further incorporates all authority and power that currently or in the future is conferred under Connecticut General Statutes.

§ 161-2. Scope.

- A. Applicability: 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:
 - (1) Dwellings or dwelling units, including one-family and two-family dwellings, buildings with multiple-unit dwellings, and mixed-use buildings;
 - (2) Lots, plots, or parcels of land whether vacant or occupied
 - (3) Buildings of non-dwelling use, including commercial, industrial, and mixed-use properties;
 - (4) Accessory structures to any building;
 - (5) All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses, and unrelated family units.
- B. This code shall not apply to public property.

§ 161-3. Administration.

- A. The Mayor shall convene a Blight Task Force consisting of the Police Chief, Chief Building Official, City Planner, Director of the Health Department, the Fire Marshal, the Director of Economic Development, an official from the Public Works Department, the Corporation Counsel or their designees and any other City staff as deemed appropriate.
- B. The Blight Task Force shall convene no less than once per month.
- C. The Blight Task Force shall maintain a list of blighted premises. The Blight Enforcement Official shall issue notification letters to all property owners on the blighted property list.
- D. The Blight Task Force shall select those premises for which specific strategies may be developed or for which corrective action may be taken. This may include, but is not limited to fines, liens, civil penalties, rehabilitation, foreclosure, and demolition.

(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-4. Definitions.

ABANDONED, INOPERABLE VEHICLE: Any unregistered or inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g., golf cart, snowmobile, water sled, all-terrain vehicle, etc.) boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment whether self-propelled or towed not kept within a fully enclosed structure. It shall be a defense that the vehicle is not abandoned if it is currently registered with a state or federal licensing agency such as a Department of Motor Vehicles, or other agency that licenses the particular type of vehicle. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Missing or flat tires or wheels, or other missing parts necessary for locomotion;
- (3) Missing doors or windows
- (4) Presence of grass or other vegetation or debris on or about the vehicle, indicating immobility;
- (5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or
- (6) Use for another purpose (e.g., storage).

ABANDONED PREMISES: Any premises:

- (1) Which has not been legally occupied for at least one year; and
- (2) Has not been actively marketed for sale for six months at a price reflective of market conditions; and
- (3) Real property taxes have been delinquent for one year or more; or
- (4) The owner has declared to be abandoned in writing to the Building Official, the Zoning Enforcement Officer, or the Blight Enforcement Officer.

ACCESSORY STRUCTURE: A structure, the use of which is customarily incidental and subordinate to that of the principal building, structure, or use on the same lot.

BLIGHTED CONDITION: The presence of any of the following:

- (1) Doors, windows, or other apertures that:
 - a. Are broken or missing;
 - b. Are boarded up with unpainted wood, metal, or other material;
 - c. The material used to board up the windows or doors in question has been broken, pried off or apart, or otherwise vandalized; or
 - d. The screening contains tears or is unsecured;
- (2) Exterior walls that contain holes, breaks, loose or rotting materials; or not properly surface-coated to prevent deterioration or the paint on which is significantly chipped or peeling; foundation walls that contain significant open cracks or breaks; or collapsing/missing walls, floors, or roof;
- (3) Overhang extensions including, but not limited to, canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts which contain rust, tearing, fading, or other decay; and chimneys and similar appurtenances which are in a state of disrepair;
- (4) Fences, screen walls, and retaining walls that create a hazard or are not structurally sound, or are in a state of disrepair. Such hazards, blights, or conditions of disrepair include, but are not limited to, leaning fences or retaining walls, fences that are missing slats or blocks, graffiti, peeling or chipped paint, rotting, damaged, or in a state of disrepair;

- (5) Dead trees deemed hazardous to the public or to adjacent property by tree warden in consultation with an arborist;
- (6) Swimming pools, spas, or architectural pools that are not properly maintained or are in a state of disrepair or accumulating stagnant or unsanitary water;
- (7) One or more abandoned or inoperable vehicles not kept within a fully enclosed structure on the premises;
- (8) Unrepaired fire or water damage;
- (9) Vandalism or other damage to the extent that it is a factor in depreciating property values in the neighborhood;
- (10) Display lights or exterior signs in a broken or disassembled state;
- (11) Debris on premises; or
- (12) Grass or weeds in excess of 10 inches, or shrubbery that has a deleterious effect on the aesthetics of the property
- (13) (j) Vermin and/or animal infestations;

BLIGHT ENFORCEMENT OFFICER(S): The individual(s) charged with the enforcement of the Blight Ordinance under the supervision of the Blight Task Force appointed by the mayor.

BLIGHTED PREMISES: Those premises defined in Section 161-2A which the Blight Enforcement Officer, Building Official, Fire Marshal, City Planner, the Chief of Police, or the Director of Health or their designee has identified as meeting the following:

- (1) One or more conditions contrary to building, zoning, fire, housing, or health codes that pose a significant risk to health or safety; or
- (2) Four or more occurrences in a one-year period of any of the following: violations of building, fire, zoning, housing or health codes; or
- (3) Two or more blighted conditions that do not pose a significant risk to health or safety as identified by the Code Enforcement Official(s); or
- (4) Repeated documentation of illegal or nuisance activity by the Police Department; or
- (5) Is abandoned in accordance with 161-4B.

BUILDING: Any commercial establishment or other structure used for occupancy or storage including, but not limited to, mobile homes, manufactured homes, factory-built buildings, houses, or accessory structures.

BUILDING OFFICIAL: Has the meaning set forth in § 29-260 of the Connecticut General Statutes.

CITATION HEARING OFFICER: An individual or individuals appointed by the Mayor to conduct hearings authorized in this chapter by § 7-152c of the Connecticut General Statutes.

CODE ENFORCEMENT OFFICIAL(S): Refers to the Blight Enforcement Officer(s), Police Chief, Fire Chief, Chief Building Official, City Planner, Director of the Torrington Area Health District, the Fire Marshal, the Director of Economic Development, the Director of Public Works, the Corporation Counsel or any of their designees acting within their regulatory authority to enforce the Blight Ordinance.

DAYS: Calendar days, not including the day of receipt of any required notice.

DEBRIS: Material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded, or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are un-registered or missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers and garbage which is in public view.

DISREPAIR: The condition of needing repair; an impaired or neglected state.

NEIGHBORHOOD: An area of the City comprised of buildings, structures, or parcels of land, any part of which is within a radius of 1,000 feet of any other part of another building, structure, or parcel of land within said City.

NUISANCE: An act or failure to act resulting in an interference with the use and enjoyment of property, or as further described in the Connecticut General Statutes.

OWNER: Any person, institution, foundation, corporation, partnership, entity, person with equitable interests or authority that holds title to or leases property within the City.

PREMISES: A platted lot or part thereof or un-platted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or commercial establishment, and includes any such building, accessory structure, or other structure thereon, or any part thereof. The term premises," where the context requires, shall be deemed to include any dwellings, parcels of land, or structures contained within the scope of this article.

SIGNIFICANT RISK TO HEALTH OR SAFETY: Refers to the conditions that would likely result in illness, injury, or death if allowed to persist.

SPECIAL ASSESSMENT: A reasonable amount as determined in accordance with the provisions of the general statutes Sec. 7-148ff based on the yearly analysis of costs to the City for code enforcement and inspection as well as fire and personnel and enforceable as a tax lien. Special assessment has been set at \$2,500.00 per year.

SPECIAL ASSESSMENT FUND: A fund or account dedicated to the enforcement and remediation of blighted properties.

STRUCTURE: That which has been or is built or constructed and which is or should be fastened, anchored, attached, or rests on a building, foundation, or on the ground including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks, or stairways.

VACANT: A period of 90 days or longer during which a building or structure intended for occupation or part thereof is not occupied.

WILLFUL: Voluntary and intentional, but not necessarily malicious.

§ 161-5. Duty of owner or occupant.

- A. No owner of premises located in the City shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted condition upon such premises.
- B. All buildings and structures are to be maintained so as not to pose a risk to the health and safety of any person. Any building or structure that violates this article may be subjected to demolition if any of the following conditions are present:
 - (1) The building or structure's interior walls or other vertical structural members lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - (2) The building or structure, exclusive of the foundation, has damage or deterioration of 33 percent or more to the supporting member or members or structural assembly; or damage or deterioration of 50 percent to the non-supporting enclosing or outside walls or covering.
 - (3) The building or structure or its contents represent an imminent health or fire hazard.
- C. A vacant building or structure may be exempted by the Blight Task Force or designee if the property owner demonstrates that the building or structure does not pose a threat to the health or safety of any person and the building or structure is in good repair or secured and is actively being offered for sale or rent or is involved in legal proceedings prohibiting repair, sale, or lease.

§ 161-6. Complaints and enforcement.

- A. Any individual affected by the action or inaction of an owner of premises subject to the provisions of this article, any civic organization, and any appropriate municipal agency or official may file a complaint alleging a violation of these sections with the Blight Enforcement Officer. The complaint may be in writing and should state with specificity the nature of the alleged violation and be signed and dated.
- B. In accordance with the provisions of the Connecticut General Statutes § 7-148, Code Enforcement Official(s) shall have the right to enter such premises, except dwelling houses or structures on such premises, for the performance of their duties between 9:00 a.m. and 5:00 p.m., except in the case of an emergency, in which instance the Code Enforcement Official shall have the right of entry at any time, if such entry is necessary in the public interest.
- C. The Blight Enforcement Officer(s) shall initiate an investigation of any complaint by conducting an inspection of the property. If, in the course of such inspection, a condition is observed which may constitute a violation of this ordinance, a report shall be made and a copy of said report together with any actions which are necessary to abate conditions which constitute the violation(s) shall be provided to the Blight Task Force.
- D. The Blight Enforcement Officer(s), upon determination that there is a violation of this code, shall forward a Notice of Violation warning letter to the owner of the property and any lien holder, at the time such determination has been made and shall include the premises on the Blighted Premises List. Such a Notice of Violation warning letter from the Blight Enforcement Officer(s) shall be issued prior to issuing a citation. Such Notice of Violation warning letter shall include:
 - (1) A description of the premises sufficient for identification, specifying the violation which is alleged to exist, and the remedial action required;

- (2) A due date, within a reasonable time determined by the Blight Enforcement Officer(s), for the performance of any act required to remedy the violation; and
 - (3) The amount of civil penalties/fines, liens, special assessments, costs, or fees that may be imposed for noncompliance, which shall be the amounts specified in section 161-7(E) below
- E. The owner may not contest a Notice of Violation warning letter before a Citation Hearing Officer.
- F. Delivery of a Notice of Violation warning letter to the owner shall be by one or more of the following methods:
- (1) By personal delivery to the owner or by leaving the Notice of Violation warning letter or citation at the usual place of abode of the owner with a person of suitable age and discretion;
 - (2) By certified and regular mail addressed to the owner at their last known address, with postage prepaid 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.
- G. A copy of the Notice of Violation shall be sent to each lien holder of the premises by first class mail to the lienholder's current or last-known address in accordance with General Statutes §7-148gg.

§ 161-7. Civil citation process.

- A. If the corrective actions specified in the Notice of Violation warning letter are not taken, the Blight Enforcement Officer(s) or his/her designee shall issue a Citation to the owner.
- B. The Citation shall be in writing and include:
- (1) A description of the premises 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 of Violation warning letter (which may be a copy of such Notice of Violation warning letter) and the failure of the owner to take the corrective actions specified therein;
 - (3) A statement that such Citation shall exist as a lien against the premises wherein said violation exists and shall be recorded on the land records of the City of Torrington and that it shall take precedence over all other encumbrances except taxes.
 - (4) The amount of the civil penalties/fines, special assessments, costs, or fees imposed for noncompliance which shall be the amounts specified in section (E) below;
 - (5) Notice that agents of the City may enter the property during reasonable hours for the purpose of remediating the blighted conditions and that the owner shall be responsible for any and all expenses incurred by the City in connection therewith pursuant to General Statutes sec. 49-73b; and
 - (6) A statement that the owner may object to the citation and contest liability by requesting a hearing before a Citation Hearing Officer in accordance with sec. 161-8, herein, by delivering to the Blight Enforcement Officer(s), in person or by mail, a written request for hearing within fifteen (15) days of the date of receipt of the citation.
- C. Delivery of the citation to the owner shall be by the manner provided in § 161-6 (F) of this code.
- D. A copy of the citation shall be sent to each lien holder of the premises by first class mail to the lienholder's current or last-known address in accordance with General Statutes §7-148gg.
- E. The civil citation penalty for violations of this ordinance is as follows:
- 1) \$150 for each day that a violation continues at an occupied property, or such other amount as specified in General Statutes §7-148(c)(7)(H)(xv), as may be amended from time to time;
 - 2) \$250 for each day that a violation continues at a vacant property as defined in § 161-4 and as determined by the Blight Enforcement Officer, or such other amount as specified in General Statutes §7-148(c)(7)(H)(xv), as may be amended from time to time;
 - 3) \$1000 for each day that a violation continues at a property if such violation is the third or more such violation at such property during a twelve-month period, as defined in Connecticut General Statutes § 7-148(c)(7)(H)(xv), or such other amount as specified in General Statutes §7-148(c)(7)(H)(xv), as may be amended from time to time.
- F. Any person who is a new owner shall, upon request, be granted a 90-day extension of the notice and opportunity to remediate, provided pursuant to § 161-6 (D), prior to any enforcement action. If the blight conditions are remediated during said extension, the case shall be dismissed, otherwise, the City may take any enforcement actions provided herein or under any other ordinance or statute. For purposes of this section, "new owner" means any person or entity who has taken title to a property within 30 days of the notice, and "new occupant" means any person who has taken occupancy of a property within 30 days of the notice.

§ 161-8. Civil hearing procedure.

- A. After receiving a citation, an owner may request a hearing Before a Citation Hearing Officer, which request for a hearing must be made in writing and delivered, either in person or by mail, to the Blight Enforcement Officer within fifteen (15) days of receipt of the citation.
- B. The hearing on the citation shall follow the procedures set forth in § 1-11 of the City's Code of Ordinances and § 7-152c of the Connecticut General Statutes.
- C. Notice of the hearing shall be delivered in the manner provided in § 161-6 (F), above.
(Ord. of 9-18-2017, eff. 10-22-2017; Ord. of 5-17-2021(1) , eff. 6-21-2021)

§ 161-9. Criminal violations and penalties.

- A. The City maintains the authority, in addition to § 161-7 of this code, to issue criminal citations to owners who violate § 161-5 (A) of the Torrington Code of Ordinances. The determination will be made by the Blight Enforcement Officer(s) and will be dependent on the severity or persistence of the problem.
- B. Pursuant to General Statute §§ 7-148(c)(7)(H)(xv)(a) and 7-148(o), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in the Torrington Code of Ordinances § 161-6 (E), willfully violates Torrington Code of Ordinances § 161-5 (A), may be fined by the State of Connecticut not more than \$250.00 for each day for which it can be shown the blighted conditions continued to exist after written notice to the owner or, as provided in § 161-6 (E). This section is designated as a violation pursuant to General Statute § 53a-27.
 - (1) Any person who is a new owner or shall, upon request, be granted a 30-day extension of the notice and opportunity to remediate, provided pursuant to § 161-6 (D)(2), prior to the imposition of a fine or civil penalty; if the blight is remediated during said extension, the case shall be dismissed. For purposes of

this section, "new owner" means any person or entity who has taken title to a property within 30 days of the notice, and "new occupant" means any person who has taken occupancy of a property within 30 days of the notice.

§ 161-10. Municipal remediation.

- A. If the property owner fails to remediate the blighted conditions as directed in the Notice of Violation and Citation, the City may authorize its agents to enter the property during reasonable hours for the purpose of remediating the blighted conditions, and the owner shall be responsible for any and all expenses incurred by the City in connection therewith and the City shall have a lien for such expenses pursuant to General Statutes sec. 49-73b;
- B.
 - (1) A certificate of lien shall be recorded and notice given to the owner of such real estate as provided in General Statutes sec. 49-34no more than 30 days after the work is completed. A copy of the certificate of such lien shall also be mailed by first class mail to any lienholder's current or last-known address.
 - (2) If the owner has an insurance policy on the property, any payout from the policy is subject to the lien, subject to the limitations contained in General Statutes sec. 49-73b(h).

§ 161-11. Severability.

- A. 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.
- B. Nothing in this ordinance shall preclude any other enforcement agency from performing the duties for which they are responsible.

Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.
Dated at Torrington, Connecticut, this 17th day of April 2024.

Passed: April 15, 2024
Published: April 17, 2024
Effective: May 15, 2024


Elinor Carbone
Mayor


Carol L. Anderson, MMC
City Clerk

