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| ***REPLACE WITH YOUR MASTHEAD*** | | |
| **VFIS logo black JPG** | **SOG Title:** | |
| **SOG Number:** | |
| **Original Date:** | **Revision Date:** |
| **ABC Fire Department General Operating Guideline** | | |

**Blighted Building Prevention Ordinance & Procedure**

***This is a sample of a standard operating guideline (SOG) on this topic. You should review the content, modify as appropriate for your organization, have it reviewed by your leadership team and if appropriate your legal counsel. Once adopted, make sure the SOG is communicated to members, implemented and performance monitored for effective implementation.***

**Purpose:**

This Ordinance is enacted pursuant to the authority granted to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ under Statute \_\_\_\_\_\_\_\_\_\_\_\_\_.

This Ordinance prohibits any owner, agent, tenant or person in control of real property located in the \_\_\_\_\_\_\_\_\_\_\_\_ from allowing, creating, maintaining or causing to be created or maintained a blighted premise. The Ordinance establishes penalties for violations of this ordinance.

**Definitions:**

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meaning ascribed to them in this ordinance

**Building or Structure**, An edifice of any kind or any piece of work artificially built or composed of parts joined together in some form which is built or constructed on any real property. The words "building" and "structure" shall be construed as if followed by the words “or part thereof”. Accessory buildings or structures, canopy, awnings, marquees, and each and every type of portable equipment shall be considered "buildings" or "structures" within the meaning of this definition.

**Blighted Premises**-Real property, including any Building or Structure located thereon, which is and continues to be in a state of disrepair or is becoming dilapidated.

**Blight Prevention Officer**- the \_\_\_\_\_\_\_\_\_\_ official designated by the\_\_\_\_\_\_\_\_\_\_ to act as blight prevention officer.

**State of disrepair or becoming dilapidated**- in a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public which may be evidenced by one or more of the following conditions:

* Multiple missing, broken or boarded up windows and/or doors
* Collapsing or missing walls or roof
* Seriously damaged or missing siding
* Fire or water damage
* Infestation by rodents or other pests
* Excessive amounts of garbage or trash on the property
* Inoperative or unregistered motor vehicles or inoperative boats parked, kept or stored on the premises unless garaged or the premises is properly permitted as a junk yard
* Commercial parking lots left in a state of disrepair or abandonment
* Vacant buildings or structures left unsecured or unguarded against unauthorized entry

**Procedure:**

**Prohibition**

No owner, agent, tenant or person in control of real property located in the \_\_\_\_\_\_\_\_\_\_\_ shall allow, maintain, or cause to be maintained, a Blighted Premise.

**Determination of Violation**

* Upon receiving a written complaint of a possible violation signed by the complainant, the Blight Prevention Officer shall make an investigation.
* If after investigation a probable violation is found to exist, the Blight Prevention Officer shall serve written notice to the owner(s) and agent, tenant and/or person in control of the real property where the violation occurred. The notice may be hand delivered or mailed by certified mail, return receipt requested to the last known address of the owner(s) and agent, tenant and/or person in control other than the legal owner(s). A copy of such notice shall be sent to the Department of Social Services.
* Such notice shall state the probable violation(s) and the conditions evidencing such violations and require the person to whom it is delivered to attend a hearing before the Condemnation Board to determine whether there has been a violation and, if so, to establish a plan for abatement of such violation, including the date by which such violation shall be fully abated.
* After the hearing, the Condemnation Board shall make a written determination whether a violation has occurred, the actions to be taken to abate such violation and the date by which such violation shall be fully abated. The date by which such violation shall be fully abated shall not be less than thirty (30) days from the date the written determination is mailed.
* The written determination shall be mailed by certified mail, return receipt requested to the last known address of the owner, agent, tenant and/or person in control other than the legal owner.

**Penalties**

Violations of the provisions of this Ordinance shall be punishable by a fine of one hundred dollars ($100.00) for each day a violation exists after the date established in the determination of the Condemnation Board made under Section 4 D for full abatement of such violation.

**Enforcement Citation(s)**

If any violation remains unabated after the date established in the written determination of the Condemnation Board, the Blight Prevention Officer is hereby authorized to issue a citation to the violator in accordance with this ordinance. The final period for the uncontested payment of any citation under this ordinance shall be 30 days after the mailing of or serving the citation.

**Citation Procedures**

The procedures established in the Ordinance entitled "Ordinance Establishing a Hearing Procedure for Citations" will apply to citations issued under this ordinance.

**Recording of Lien**

Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with Statute \_\_\_\_\_\_.

Each such lien shall be continued, recorded and released as provided for in\_\_\_\_\_\_\_\_\_\_.

**Municipal Performance**

In the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant, or person in control of real property to appeal from the issuance of said citation , or by such appeal being sustain \_\_\_\_\_\_\_\_\_\_, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be a civil claim by the against such owner, agent, tenant, or person responsible for such property and the ']J#W1i'Attorney maybr'G,g an action to recover all such costs and expenses incurred.

**Pending Special Permit or Site Plan Exception**

Any Blighted Premises for which a special permit or site plan application for improvements to the Blighted Premises is pending shall be exempt from the provisions of this Ordinance for a period of not more than 120 days from the date of submittal of a complete application to the Planning and Zoning Commission

**Notice of Penalties Assessment with Clerk of Superior Court**

If Enforcement Citation fines levied in accordance with this Ordinance are not paid within 30 days, despite proper notice to the person found liable, the Blight Prevention Officer shall proceed as set forth in Section \_\_\_\_\_\_\_\_\_ of the Citations Hearing Ordinance.

**Appeal of Penalty Assessment to Superior Court**

A person against whom a judgment has been entered is entitled to judicial review in accordance with the provisions of Section \_\_\_\_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_\_\_\_ Statutes as set forth in Section \_\_\_\_\_ the Citations Hearing Ordinance. Penalties as provided in Section \_\_\_\_\_ (may be abated if the Condemnation Board determines that the appeal was taken in good faith, with probable cause and not for purposes of delay. The penalties as of the date of the judgment of the Superior Court judgment shall not be abatable.

**Effective Date**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***This is a sample guideline furnished to you by VFIS. Your organization should review this guideline and make the necessary modifications to meet your organization’s needs. The intent of this guideline is to assist you in reducing exposure to the risk of injury, harm or damage to personnel, property and the general public. For additional information on this topic, contact your VFIS Risk Control representative.***

**References:**

Town of Fairfield (CT) Blight Prevention Ordinance