

**CITY OF NORWALK
ORDINANCE COMMITTEE
SEPTEMBER 15, 2009**

ATTENDANCE: Amanda Brown, Chair; Fred Bondi, Andrew Conroy,
Carvin Hilliard, Steven Serasis; Christopher Potts,
Kelly Straniti (8:35 pm)

STAFF: Robert Maslan, Jr., Corporation Counsel;
Brian McCann, Corporation Counsel's Office

OTHER: Tim Callahan, Norwalk Health Department;
Glenn Iannaccone, Fire Marshall;
William Ireland, Building Code Enforcement;
Michael B. Greene, Planning & Zoning

CALL TO ORDER

Ms. Brown called the Information Session to order at 7:05 p.m. and stated that there would be a sheet for residents to list questions or comments that they would like to have addressed as it relates to blight. She asked if there were any questions from the group and there were none.

Information Session on Proposed Blight Ordinance

Ms. Brown stated that the first portion of the meeting would be an information session on the issue of blight, and introduced the following department heads from the Health Department, Planning & Zoning, Building and Code Enforcement and the Fire Marshall. Ms. Brown asked them to give an overview of their department's function and how they interact with the other departments as it relates to complaints on "blight" housing issues.

1. Glen Iannaccone, Fire Marshall, Norwalk Fire Marshals Division, stated that the department consists of, the Fire Marshal, Deputy Fire Marshal and 4 Fire Inspectors, and their role is to provide fire and life safety protection by conducting building inspections, and enforcement of the Connecticut Fire Safety Codes and Statute 29-06. He added that building inspections related to blight pertains to buildings where 3+ families reside, and includes checking smoke detectors, heating units, and hazardous materials on property such as combustible fuels, gasoline operated machinery, and code violations

Ms. Brown asked about the complaint process and how long it takes for a response and resolution. Mr. Iannaccone responded that after an inspection, if there is no response within 30 days, the complaint is submitted to the Housing Court, and it could take six months or more depending on extensions.

Mr. Serasis asked what should be the expected timeframe and Mr. Iannaccone answered that it should take 30 days, but serious hazards or multiple violations result in multiple extensions depending on the legal process involved.

2. Michael B. Greene, Director of Planning & Zoning stated that the enforcement staff is responsible for the interpretation and enforcement of the zoning regulations, and zoning violations and complaints are investigated and appropriate follow-up action is taken. The zoning enforcement staff also provides support services to the Zoning Board of Appeals (ZBA). The ZBA is responsible for zoning regulations where an applicant is found to have an unnecessary hardship or practical difficulty, and also handles appeals from decisions of the zoning inspector.

Ms. Brown asked about the complaint process and how long it takes for a response and resolution, and Mr. Green answered that many stall within the system with delays and often it takes years to resolve. Ms. Brown asked how many complaints are received in a year, and Mr. Green answered between four and five hundred. Mr. Potts asked what types of complaints and Mr. Green answered anywhere from illegal parking or abandoned cars to illegal apartments in a residence, which are a result of the owner's lack of knowledge of a violation which are usually resolved once compliance is met. Mr. Green added that a Zoning Enforcement Officer used to go to the housing court, but it takes up too much time from the officer's regular duties.

Ms. Brown asked how many Zoning Officers there are, and Mr. Green responded one Zoning Officer and three assistants, and the Zoning Officer spends a great deal of time, in housing court, usually without a resolution due to extensions.

3. Mr. Tim Callahan from the Norwalk Health Department stated that it is the objective of their department to prevent and control the spread of disease, assure a healthy environment, and promote the highest quality of life in a manner that provides value within our changing community. He added that there are three housing officers that respond to complaints and work with the inspectors in code enforcement as it relates to issues of health and safety, such as no heat, and summarized their role was much like that of the Fire Marshall.

Ms. Brown asked how the Health Department interacts with the others as it relates to blight, and Mr. Callahan responded that blight is normally aesthetic and not a matter of health or safety. He added that as of October 2009 the statutes will be revised to include registration requirements for maintenance issues to ensure code compliance and that most issues are owner occupied individuals who are not aware of violations or ordinance rules.

Mr. Callahan added that one of their goals is to comply with mandates set in Connecticut general statutes and public health code, and in all contracts with third party funders.

4. Mr. William Ireland, Chief Building Official, Norwalk Code Enforcement, stated the Building Department is responsible for ensuring compliance with the Connecticut State Building Code. He explained that the Department's responsibility to review building and safety code compliance; issue building and all related trade permits; conduct required inspections of building sites and buildings; and issue certificates of occupancy after satisfactory completion of all permitted work. He added that the laws and regulations set forth by the Connecticut Department of Public Safety related to statutes 29-06 involving buildings where 3+ families reside include fire hazards and safety devices such as smoke detectors.

Ms. Brown asked how the Building Department interacts with the others as it relates to blight, and Mr. Ireland responded that Code Enforcement Department is responsible for the protection of unsafe and hazardous buildings and for all the demolition of and asbestos removal in buildings. They inspect and process all complaints of code violations, but there is no leverage after a permit is issued to force the completion of a project, and often there are pre-existing codes in place depending upon the date of the original building code in place at the time of the inspection.

Mr. Ireland added that the term "blight" is very difficult to judge as a safety non-compliance issue and becomes a very scary word for residents. He gave the example of 93 East Avenue and High Street where unsightly building conditions have existed for years. He added that his department was involved with "boarding up" and fencing off the building areas, but both issues have gone on for years. He stated that the departments always work together but the one of the big issues is who is in charge and the time factors that result in resolution "intentional dragging out" for a long time. Mr. Ireland highlighted the area of Fodor Farm which was the most notable examples of "blight" that has recently gone through the process of historical restoration, and is now a community garden.

Ms. Brown asked Mr. Maslan what actually generates the delay and he responded that there are citizen rights through the ZBS appeal process, unless there is a cease and desist order, and that sometimes the process takes one or two years to resolve.

Mr. Potts asked if there was any way an ordinance could be written to speed up the process set by state statutes, such as a 30-day appeal process to be followed, and Mr. Green responded that Zoning has a 15-day appeal process currently.

Mr. Geake asked if there fines associated with the legal process, and stated that most municipalities have a fine structure with violations. Mr. McCann responded that it depends on the prosecutor with the housing court and circumstances such as injunction to stop the violation, and that there were no per diem penalties or legal fees unless sanctions were imposed upon by the judge. Mr. Maslan added that there was no system in place and it is difficult to the city to enforce the fees, if not impossible to collect.

Mr. Green stated that it was unfortunate that inspection extensions allowed by the Zoning Enforcement Department does not permit the process of a “disincentive” to delaying resolutions. Mr. Maslan added that the establishment of an ordinance would require the creation of a department to impose and collect fees, an appeal system and a judgment process. Another problem would be converting the system from “kind” enforcement to that of a hard and fast rule or a “hard-nosed approach.”

Mr. Hilliard asked why the city should have a Blight Ordinance when there are already departments and an efficient system in place that works, and Ms. Brown responded that it was the Committees charge to address the issue and that was the purpose of the information session. Mr. Ireland asked what the definition of blight was, and Ms. Brown responded by reading a copy of an Ordinance from the City of Stamford, summarized as follows:

“Blighted Property... may be any building or structure...that is a separate unit or vacant parcel of land in which at least one of the following conditions exists:

1. It is determined by the city’s Chief Building Official or its Director of Health that existing conditions pose a serious or immediate danger to the community, i.e. a life-threatening condition or a condition which puts at risk the health or safety of citizens of the City.
2. It is not being adequately maintained...missing or boarded windows or doors; collapsing or missing walls, roof, or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; garbage, trash or abandoned cars situated on the property (unless the property is a junkyard legally licensed by the State of Connecticut)
3. It has been cited for code violations as documented by the Building Department of Health Department inspection reports, which violations have not been corrected.
4. It has become a place where criminal activity has taken place as documented by Police Department reports.
5. It is a fire hazard as determined by the Fire Marshall or as documented in Fire Department reports.
6. It is a factor creating a substantial and unreasonable risk of interference with the reasonable and lawful use and enjoyment of either space within the building or other properties within the Neighborhood as documented by Neighborhood complaints, or cancellation of insurance on proximate properties.

Stamford Ordinance - Blighted Property Conditions (continued)

7. Is a factor that is seriously depreciating the property values in the Neighborhood.
8. It contains unauthorized outside storage or accumulation of junk, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of inoperable cars, boats, motorcycles, or other inoperable machinery on the property or the public right of way. For the purposes of this ordinance "authorized" shall pertain to local, state or federal laws and/or regulations.
9. It has been vandalized or otherwise damaged to the extent that it is seriously depreciating property values in the neighborhood.

Mr. Maslan stated that each of the areas listed in the Stamford Ordinance comes under one or more of the City of Norwalk Departments. Mr. Callahan stated that the major difference is when blight is determined, who takes over the property, and Mr. Maslan responded that the City has eminent domain and becomes the property owner.

Mr. Ireland stated a letter issued to a property owner that the property had been deemed as unsafe can be refuted by a construction engineer if no evidence of danger can be proved. He added that this was the case with 10 Burwell Street, as there were complaints but no actual violations; and a complaint on Cold Spring where residents were living in a trailer in back of the property.

Mr. Bondi stated that Norwalk currently has a good system in place and asked why add more beauraucracy to a system that makes it even more difficult to get resolutions. Ms. Brown asked how the department heads could make the system better, and Mr. Maslan stated that to put the issue into perspective was to look at the number of complaints, and Mr. Callahan responded between three and five hundred, Mr. Green said approximately 200.

Ms. Brown stated that there should be a way to input the complaints on a website so that residents could follow and track the process, and that was something the committee should aim to address. She thanked the Department Heads for attending and closed the Information Session at 8:05 p.m. and requested a five minute recess prior to the next item on the regular meeting agenda.

CALL TO ORDER

Ms. Brown called the regular portion of the meeting to order at 8:10 p.m. with a roll call of the above members listed in attendance.

PUBLIC PARTICIPATION

Ms. Brown stated the rules of public participation that would include residents to state their name and address, and asked those intending to speak, to sign the participation list and limit comments to three minutes or less. The following residents spoke:

Mr. Todd Bryant stated that he represented the Norwalk Preservation Trust Committee and stated that regulations are there to monitor complaints and address blight but there are too many loop holes and no disincentive exits to prevent the extension process from taking way too long. He added that other towns have adopted a tax lien or eminent domain to get attention of the property owner to speed up the process and avoid being delayed. Mr. Bryant also stated that the following points should be addressed.

1. Any ordinance should not be written as a tool to intentionally get a property demolished or declared unsafe, but to be brought up to code and out of a state of disrepair.
2. Any historical property repairs should be done in accordance with standards of rehabilitation so as not to damage or decrease the value.

Mr. Jim DelGreco with Golden Hill Property Association thanked the Department Heads for providing an informative session and read his letter, which is summarized as follows:

First, I would like to thank all the department heads - fire, health, zoning, legal, building – for all their assistance in helping Golden Hill. The Golden Hill Association has been working to improve our neighborhood since 1977 while preserving the historic character of Norwalk’s oldest neighborhood. Over the years, we have struggled with the current system. Through our research, we feel a few improvements would go a long way in helping Norwalk.

First is a “common city wide database” that would allow each department access to the same information. Right now we have silos of information that exist separately in each of the City’s Departments. This causes a breakdown in communication and actually results in misinformation being applied and in some cases the wrong decision being made.

Second is a blight ordinance. We all struggle with the definition of blight but from looking into it, I do feel rational criteria can be applied that makes sense to all. Once blight is defined, the question must be asked “does Norwalk have blighted properties?” My answer is yes. If you agree with me, then the next logical question is do we currently have the necessary processes to handle the problems? Having looked into this and having struggled to improve Norwalk over decades, my conclusion is no. This is a sea change for me if what I heard from talking to Stamford is accurate.

Talking to Stamford which has had anti-blight ordinance for 9 years is very eye opening. They have had tremendous success with their program and “have gotten things done that they couldn’t conceivably have done without an anti-blight ordinance. The key is that an entire process has been set up, not just passing a new law. For me a key indicator of their success is that 624 complaints have been received by the anti-blight office with 98% coming to an agreement and only 2 court cases. This is an incredible statistic. My take on the key to this success is (one) the passing of the anti-blight ordinance, (two) the buy in of the City’s department heads who form a committee of the key players who have the power to affect change and (three) the compliance officer coming from social services because many of the problems are social in nature and demand different tactics.

When I first started this process, I didn’t feel that just another law on the books was necessary and still don’t. What is needed is a complete solution in the form of new processes. Therefore, the anti-blight law must be combined with a new process.

Finally, property rights are very important but not to the point where we are actually supporting unhealthy, illegal and offensive conditions at the expense of owners who maintain a sense of pride in ownership and community. Even this past year’s property tax revaluation rewarded owners whose properties are unkempt by lowering their value and thus taxes while penalizing owners who maintain “showcases” by increasing their value and thus taxes. This is not a system that makes sense or helps incent good behavior.

My recommendation is don’t reinvent the wheel. Talk to towns like Stamford that have already gone down this road and copy what works and eliminate what doesn’t. But first, push for a “common citywide online database”.

Mr. Kevin Williams, Burwell Street mentioned that there was an article in today’s Hour that quoted him in reference to this issue, and he stated that there is no mechanism for 8 – 10 Burwell Street because each has a unique situation. He added that nothing can be done and the properties continue to bring down the value of the neighborhood, and real estate people won’t even show prospective buyers the street because of the above listed properties that are in disrepair.

Mr. Larry Johnson, resident of Norwalk, stated that junk cars and untreated wood present an unsafe environment around any structure, and added that this often does not get addressed.

Mr. Anthony Cossuto of Norwalk asked how many vehicles can be kept on a property and Mr. Green responded four registered and one unregistered.

Mr. Anthony Cossuto, Jr. of Norwalk stated that any ordinance written should clearly list what is defined as rubbish, and added that if a person can't afford a boat slip they should be allowed to keep it in their property. He added that an unpainted house does not support the need for a "blight" label.

Ms. Straniti arrived to the meeting at 8:30 p.m.

Mr. Al Raymond of Norwalk thanked the Department Heads for providing a very thorough and informative session and stated that he echoed Mr. DelGreco's comments and agrees that the Committee should look at Stamford. He added that new construction guidelines are needed to prevent the close distance that exists at the Ferris Avenue Condos. Mr. Green responded that they are within the code, and Mr. Ireland added that the code is changing in 2011 with the IBC State of Connecticut Amendment .

Ms. Brown thanked the residents for their comments and closed the public participation portion of the meeting at 8:37 p.m.

Ms. Brown used the Chairperson's prerogative to continue with the discussion of the public comments and move the Approval of Minutes to after the blight discussion.

OLD BUSINESS

Discuss Blight Ordinance Session

Mr. Hempstead provided a copy of how the Town of Middleton is addressing the blight issue, and suggested the committee members review this independently and report any comments at the next meeting.

Mr. Bondi stated that what he has seen in Stamford does not look like the anti-blight ordinance has had a positive impact as there are many properties on High Ridge Road with rotten cars and unsightly looking yards.

Ms. Brown responded that there had been a series of complaints that provoked the schedule of an information session, and she recommends that a recommendation be given to Corporation Counsel to draft a policy statement for an ordinance to be created similar to other cities.

Mr. Bondi stated that Public Works needs to address and fix City properties before we finger point to residents and identify their properties as blight.

Mr. Conroy stated that it is the Committee's charge to strengthen the city's process rather than creation of an ordinance, as there are laws that currently exist. He added that he does not believe in defining the term "blight" as it is too subjective and a matter of opinion. He stated that he does feel that a city-wide data base of complaints would be a very valuable to have.

Ms. Brown asked if the code violations and a policy for responding to complaints should be put on the website, and Mr. Green responded that there is a Customer Service Department in existence that should be promoted more on the website. Mr. Callahan added that there is new software available that is web based that could search by address and list all complaints and items against the address. Ms. Brown answered that it should be run through the Information Technology Department to make it seamless.

Mr. Maslan suggested the Committee look at the current system, see what works and recommend revisions, and that the item be tabled until information can be compiled from Stamford and other towns. Mr. DelGreco offered to provide the contact information from Stamford to Ms. Brown.

Ms. Straniti stated that the Committee needs to strengthen the system we all ready have rather than reinventing the wheel and cause more beauraucracy. Mr. Conroy suggested a policy statement be drafted to correct the lag in the state system with the Housing Court, to give the Departments more "teeth" in enforcing the current City Ordinances that are in place.

- ** MR. SERASIS MOVED TO REQUEST CORPORATION COUNCIL TO DRAFT A RECOMMENDATION FOR AN AMENDMENT TO THE CITY'S ORDINANCE THAT INCLUDES A POLICY STATEMENT THAT ADDRESSES ANTI-BLIGHT.**
- ** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

- ** MR. BONDI MOVED TO APPROVE TO THE MINUTES FROM JANUARY 20, 2009; FEBRUARY 17, 2009; MARCH 17, 2009; MAY 19, 2009; JUNE 16, 2009; AS SUBMITTED.**
- ** THE MOTION PASSED WITH THREE VOTES IN FAVOR, NONE OPPOSED AND FOUR ABSTENTIONS (MR. CONROY, MR. POTTS, MR. BONDI, MS. STRANITI).**

NEW BUSINESS

Official Towing Stations 98-27 through 98-31

- ** MR. BONDI MOVED TO TABLE THE DISCUSSION OF OFFICIAL TOWING STATIONS §98-27 -§98-31 UNTIL NEXT MONTH'S MEETING.**
- ** MR. SERASSIS SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** MR. CONROY MOTIONED TO ADJOURN.**
- ** MR. BONDI SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Services