



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL

Chairman Kevin J. Dombrowski

MINUTES
PUBLIC HEARING
LEDYARD TOWN COUNCIL
COUNCIL CHAMBERS - ANNEX BUILDING
HYBRID FORMAT

PUBLIC HEARING MINUTES

6:00 PM, SEPTEMBER 27, 2023

- I. CALL TO ORDER – Chairman Dombrowski called to order the Public Hearing at 6:00 p.m. for the following: The sale of the town-owned residential property located at 332 Colonel Ledyard Highway to Leonard D. Sherman for Two Hundred and Eighty Thousand Dollars (\$280,000); in accordance with CGS 07-163e; (2) Proposed “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” as contained in the draft dated July 31, 2023; (3) Proposed “*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles in the Town of Ledyard*” as contained in the draft dated August 23, 2023; (4) Ordinance #500-005 (rev. 1) “*An Ordinance Rescinding “An Ordinance Establishing a Nursing Service Board*” as contained in the draft dated July 31, 2023; (5) Proposed Amendments to Ordinance #300-012 (rev. 2) “*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*” as presented in the draft dated August 14, 2023.
- II. PLEDGE OF ALLEGIANCE
- III. PROCEDURE OF THE PUBLIC HEARING

Chairman Dombrowski welcomed all to the Hybrid Meeting. He stated for the members of the Town Council and the Public who were participating via video conference that the remote meeting information was available on the Agenda that was posted on the Town’s Website – Granicus-Legistar Meeting Portal.

Chairman Dombrowski explained because there were five separate items on tonight’s Public Hearing that they would present all of the items first; and then hear public comments.

- IV. CALL OF THE PUBLIC HEARING

The following call of the Public Hearing was read by Town Council Administrative Assistant Roxanne M. Maher:

LEGAL NOTICE
TOWN OF LEDYARD

NOTICE OF PUBLIC HEARING

The Ledyard Town Council will conduct a Hybrid Format (In-Person and Video Conference) Public Hearing on Wednesday, September 27, 2023, at 6:00 p.m. to receive comment on the following:

- (1) The sale of the town-owned residential property located at 332 Colonel Ledyard Highway to Leonard D. Sherman for Two Hundred and Eighty Thousand Dollars (\$280,000); in accordance with CGS 07-163e.
- (2) Proposed “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” as contained in the draft dated July 31, 2023.
- (3) Proposed “*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles in the Town of Ledyard*” as contained in the draft dated August 23, 2023.

- (4) Ordinance #500-005 (rev. 1) “*An Ordinance Rescinding “An Ordinance Establishing a Nursing Service Board “* as contained in the draft dated July 31, 2023.
- (5) Proposed Amendments to Ordinance #300-012 (rev. 2) “*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard”* as presented in the draft dated August 14, 2023.

Please join the Public Hearing in-person or remotely as follows:

In-person attendance will be at the
Council Chambers, Town Hall Annex Building
741 Colonel Ledyard Highway, Ledyard, Connecticut

Join the video conference meeting from your computer, tablet, or smartphone at:
<https://us06web.zoom.us/j/86514673019?pwd=Tjh6bktObkM4cVh6VTN4VXhwaFFEQ09>
or by audio only dial: +1 646 558 8656 Meeting ID: 865 1467 3019; Passcode: 682391

At this hearing interested persons may appear and be heard and written communications will be accepted at towncouncil@ledyardct.org.

A vote regarding the sale of 332 Colonel Ledyard Highway will be held at a Special Town Meeting scheduled for September 27, 2023 at 6:30 p.m.

Dated at Ledyard, Connecticut this 14th day of September, 2023.

For the Ledyard Town Council
s/s Kevin J. Dombrowski, Chairman

PLEASE PUBLISH: September 14, 2023 & September 19, 2023

IV. PRESENTATIONS

(1) *The sale of the town-owned residential property located at 332 Colonel Ledyard Highway to Leonard D. Sherman for Two Hundred and Eighty Thousand Dollars (\$280,000); in accordance with CGS 07-163e.*

Councilor Saums explained 332 Colonel Ledyard Highway was part of a larger property explaining in 2007 a Developer purchased the 96 ± acre Founders Preserve Property along with 332 Colonel Ledyard Highway and some other small adjacent properties. He stated in working to make a residential sub-division the Developer changed the original boundary lines, which put the detached garage that belonged to the house at 332 Colonel Ledyard Highway into the Founders Preserve property. However, he stated the Developer never moved forward with the planned sub-division; and because the Developer did not pay the taxes on the properties, which was about \$277,000, the Town foreclosed on the properties. He also stated because there was a title issue when the town acquired 332 Colonel Ledyard Highway property thru a foreclosure, the town could not sell property at that time, and has been renting-out the home out of necessity for nearly five years. He stated Avalonia Land Conservancy paid for the A2 Survey of the property, which resolved the title issue and so the town was now selling property.

Councilor Saums went on to explain at a Special Town Meeting held on October 28, 2020 the Townspeople voted to transfer the 96 ± acre Founders Preserve property to Avalonia Land Conservancy. However, he stated with the new boundary lines that the Developer made for his planned subdivision that Founders Preserve was landlocked and could not be accessed. He stated since 2020 the property boundary lines have been corrected/restored, to the original boundary lines, so the detached garage was now back and within the boundaries of the 332 Colonel Ledyard Highway, enabling the Town to now sell the residential property for \$280,000 and recover the back taxes owed to the town.

Chairman Dombrowski announced that a vote regarding the sale of 332 Colonel Ledyard Highway would be held at a Special Town Meeting scheduled for later this evening (September 27, 2023 at 6:30 p.m.)

(2) *Proposed “An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance” as contained in the draft dated July 31, 2023.*

Councilor Ingalls introduced the proposed new Ordinance titled “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” explaining that there have been some incidents where the Town received a bill for damages related to a first responder breaching the door of a home in responding to an Emergency 911 Call.

Councilor Ingalls went on to note an incident in which the Police Department responded to an Emergency 911Call for a drug overdose. She stated when the Police arrived at the resident’s home their vehicle was in the driveway, and the house was locked. She stated the Police looked into the house and being concerned for the wellness of the individual; they breached the door. However, she stated as it turned out, the individual was not in the home, because the friend, who had made the 911-Call had already come and took the individual to the emergency room. However, she stated when the Police arrived at the home they did not know this, noting that the individual could have been unconscious and laying on the floor; and she noted time was of the essence in responding to an emergency call.

Councilor Ingalls noted Connecticut General Statutes 52-557(b) “Good Samaritan Law” exempted non-profits and first responders from liability in responding to and in providing emergency assistance. She stated the new proposed Ordinance cited CGS 52-557(b) and was consistent with the language provided in the Connecticut Good Samaritan Law. She stated by town adopting the proposed Ordinance that they were bringing this law to public’s attention.

DRAFT: 7/19/2023

Ordinance #

AN ORDINANCE
CONCERNING LIABILITY PERTAINING TO
FIRST RESPONDERS PROVIDING
EMERGENCY ASSISTANCE

Be it ordained by the Town Council of the Town of Ledyard: “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” is hereby enacted.

Section 1: Authority

Pursuant to provisions of Connecticut General Statutes 52-557(b) “Good Samaritan Law”.

Section 2. Exempt from Liability

The Good Samaritan Law exempts the Town of Ledyard from liability; and its agents from liability, including paid and volunteer firefighters, police officers, emergency medical services personnel in providing emergency services to people in need.

This includes protection from civil liability for damages as a result of forcible entry believing that a person inside is in need of assistance or first aide.

Section 3 . Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 4. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski,-Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Background: There has been some incidents for which the Town received a bill for damages due to the breaching of a home in responding to an Emergency 911 Call and concern for the wellness of the individual and concern that the individual could have been unconscious and laying on the floor.

In accordance with the “*Good Samaritan Law*” the town decided to adopt an Ordinance to clearly state that the town as a non-profit and their agents were exempt from liabilities.

(3) Proposed “An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles in the Town of Ledyard” as contained in the draft dated August 23, 2023.

Councilor Ingalls introduced the new proposed “*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles*”, noting that the Ordinance was drafted in response to a resident’s July 26, 2023 request asking that the Town Council consider adopting an Ordinance to provide a tax exemption for Modified Handicapped Accessible Vans in accordance with Connecticut State Statutes 12-81c.

Councilor Ingalls went on to state the resident who brought the available tax abatement to the Town Council’s attention was purchasing a Modified Handicapped Accessible Van which cost about \$90,000 to transport a family member. She noted that Tax Assessor Adrianna Hedwall reported that the loss of tax revenue for this type of vehicle would be about \$2,000. She stated residents could apply anytime during the year, but to receive the tax exemption for the next tax cycle year that Applications must be submitted no later than October 1st. She concluded by noting that the resident would not be required to annually reapply.

Councilor Saums stated this tax relief program was not for vehicles that had a “Handicap Sticker”. He stated this tax relief program was for vehicles that have been modified for person’s disability, explaining that some vehicles had lifts for wheelchair access, or a ramp that slides out; etc.

DRAFT: 8/23/2023

Ordinance #200 - _____

AN ORDINANCE
ESTABLISHING TAX RELIEF FOR
CERTAIN MODIFIED HANDICAP ACCESSIBLE VEHICLES
IN THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard: “*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles in the Town of Ledyard*” is hereby enacted.

Section 1: Authority

Pursuant to provisions of Chapter 203 of the Connecticut General Statutes § 12-81c “Municipal option to exempt certain motor vehicles”.

Section 2: Purpose

Individuals who have permanent legal residence in the town defined as those who occupy that property as their principal residence at least 183 days of each year, and who

individually or jointly own a motor vehicle for the use of a disabled person as described herein, may receive a town tax exemption on the amount of taxes assessed on said motor vehicle provided that the requirements of this Ordinance are met.

Section 2: Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) **Adaptive Control Devices:** Includes, but shall not be limited to, any mechanical or electrical devices added to a standard motor vehicle to enable an individual with mobility restrictions to control the accelerator, foot brake, turn signals, dimmer switch, steering wheel and/or parking brake.
- (b) **Motor Vehicle:** A vehicle that has been altered, reconfigured or has undergone mechanical or structural changes that permit a person with a disability to safely drive such vehicle or ride as a passenger therein. Motor Vehicle shall include, but shall be limited to, vehicles equipped with hand controls, hoists, lifts and other adaptive control devices.

Section 3: Eligibility

Any individual who is a resident with disabilities or parent or guardian of a person with disabilities and owns a motor vehicle described herein shall be eligible for exemption of the personal property taxes for one said motor vehicle.

Section 4: Exemption

The town hereby ordains, pursuant to Connecticut General Statute § 12-81c, that an exemption from personal property taxation for the following:

- (a) Any ambulance-type motor vehicle that is used exclusively for the purpose of transporting any medically incapacitated individual, except for any such vehicle used to transport any such individual for profit; and
- (b) Any property owned by nonprofit ambulance company; and
- (c) Any motor vehicle owned by a person with disabilities or owned by the spouse, parent or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person.

Section 5: Application

Applications for benefits under this program shall:

- (a) Be made on forms provided by the Assessor Office of the town; and
- (b) Be filed with the Assessor's Office of the town by October 1st to obtain a tax exemption for the next fiscal year.
- (c) This program shall be applicable to the assessment year commencing with the grand list of October 1, 2023 and thereafter until modified or repealed.

Section 6: Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 7: Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski,-Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Background: This Ordinance was enacted in response to a resident’s appeal for relief from personal property tax for Modified Handicap Accessible Vehicles that complied with and was in accordance with Connecticut General Statutes § 12-81c “*Municipal option to exempt certain motor vehicles*”.

(4) Ordinance #500-005 (rev. 1) “An Ordinance Rescinding “An Ordinance Establishing a Nursing Service Board “as contained in the draft dated July 31, 2023.

Councilor Ingalls stated the Fiscal Year 2023/2024 Budget did not provide funding to support the Ledyard Visiting Nurses Association (LVNA). She explained the proposed “An Ordinance Rescinding “An Ordinance Establishing a Nursing Service Board” was an administrative action to cancel the Ordinance that established the Nursing Board.

DRAFT: 7/31/2023

Ordinance #500-005 (rev. 1)

AN ORDINANCE RESCINDING
"AN ORDINANCE ESTABLISHING A NURSING BOARD
FOR THE TOWN OF LEDYARD”

Be it ordained by the Town Council of the Town of Ledyard:

Section 1: Statement

The Ordinance # 500-005 entitled "An Ordinance Establishing a Nursing Service Board” amended and adopted by the Town Council on September 25, 2019 is hereby rescinded.

Adopted by the Ledyard Town Council on : _____

Kevin J. Dombrowski, Chairman

Approved/Disapproved on _____

Fred B. Allyn, III, Mayor

Published on:

Patricia A. Riley, Town Clerk

Effective Date:

Revisions: Ordinance #76 “*Ordinance Establishing a Public Health Nursing Service Board of the Town of Ledyard*” Adopted December 11, 1980; #76 “*Ordinance Amending an Ordinance Establishing a Public Health Nursing Service Board of the Town of Ledyard*” Amended and Adopted June 8, 1983; Ordinance #76 Amended and Adopted August 11, 1999; Ordinance #76 Amended and Adopted August 11, 2004; Ordinance #117 *Ordinance Amending an Ordinance Establishing a Public Health Nursing Service*

Board of the Town of Ledyard” Adopted: February 27, 2008; Effective: March 21, 2008. Amended, Adopted and Renumbered by the Town Council on: September 25, 2019.

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #117 to Ordinance #500-005.

2019: Section 2 added language regarding member attendance relative to being considered resigned; Section 7 “Severability: language updated for consistency with town ordinances. Added Section 8 “Effective Date” to be consistent with town ordinances. Removed Section 8 “Cancellation of Previous Ordinances” – Per Town Attorney the “Revisions” and “History” paragraph indicates that the previous ordinance has been updated and replaced.

2023: The Fiscal Year 2023/2024 Budget did not provide funding to support the Ledyard Visiting Nurses Association (LVNA). During the past decade the Ledyard Visiting Nurses Association (LVNA) was not sustaining their operational costs, as large healthcare organizations began to dominate the home healthcare market. This shortfall in LVNA revenues had fallen to the taxpayers, with the hope that this revenue slide would reverse itself, to no avail. On June 30, 2023, after 75 years of service to our community the Ledyard Visiting Nurses Association (LVNA) closed its doors.

(5) ***Proposed Amendments to Ordinance #300-012 (rev. 2) “An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard” as presented in the draft dated August 14, 2023.***

Councilor Ingalls stated in reviewing Ordinance #300-012 (rev.1) “*Town of Ledyard Blight Ordinance*” it was noticed that a few of the section references that pointed to other areas of the Ordinance were pointing to the incorrect sections; and therefore, needed to be updated.

Councilor Ingalls went on to state in an email dated September 26, 2023 that Blight Enforcement Officer Mr. Eric Treaster noted in Section 9 B(2) that the “*Citation Hearing Board*” should be “***Blight Enforcement Officer***”. She stated that these updates were editorial and not substantive, noting that this was an Administrative Exercise.

DRAFT: ~~8/14/2023~~9/27/2023

Ordinance #300-012 (rev -2-4)

AN ORDINANCE
CONCERNING BLIGHT AND PUBLIC NUISANCE
FOR THE TOWN OF LEDYARD

Section 1. Purpose/Declaration

It is hereby found and declared that there exist in the Town of Ledyard a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of our neighborhoods. Existence of blighted properties adversely affects the economic well-being of the Town of Ledyard.

Section 2. Authority

This Ordinance is enacted pursuant to the Connecticut General Statutes (C.G.S.), Section 7-148(c)(7) and Section 14-150a. This Ordinance is to be enforced as a blight ordinance, pursuant to Section 7-148(c)(7)(H)(xv), and as a nuisance ordinance, pursuant to C.G.S. Section 7-148(c)(7)(E).

Section 3. Scope of Provisions

Many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned

up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe, sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleanup or reuse of the blighted and nuisance properties would eliminate, remedy and prevent adverse conditions.

This Ordinance shall apply to the maintenance of all properties now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Section 4. Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context indicates otherwise:

- A. Legal Occupancy - Occupancy in accordance with state building, state fire, local zoning, or all other pertinent codes and Connecticut General Statutes.
- B. New Owner Or New Occupant - Per PA 12-146(3)(b), "new owner" means any person or entity who has taken title to a property, and "new occupant" means any person who has taken occupancy of a property, within thirty days of the notice, of violation and reasonable opportunity to remediate required by C.G.S. 7-148 (c) (7)(h)(xv).
- C. Dilapidated - Any building or structure or part thereof that would not qualify for a Certificate of Occupancy or which is deemed an unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is designated as unfit or unsafe for human habitation as defined by the Connecticut Health Code.
- D. Abandoned Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel which has the appearance that the owner has relinquished control without the intent of reclaiming it including but not limited to, a vehicle or marine vessel with no marker plates, or one which is unregistered, damaged, vandalized, dismantled, partially dismantled, inoperative or in such condition as to be unusable as a motor vehicle.
- E. Abandoned Property - Any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders have been issued by the Fire Marshal, Building and Zoning Official or Health District and there has been no compliance with these orders within the prescribed time given by such official or within 90 days, whichever is longer, (2) the owner has declared in writing to the Building and Zoning Official that the property is abandoned or (3) there has been a determination by the Zoning Official, in accordance with this Ordinance, that the vacant structure contributes to blight.
- F. Blighted Property - Any building, structure or parcel of land in or on which at least one of the following conditions exists:
 - 1. It is dilapidated as documented by the Building and Zoning Official.
 - 2. It is being used for or used as storage or harbor for illegal activity as documented by the Police Department, including criminal activities per investigations, arrest warrant applications and actual arrest convictions.
 - 3. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department.
 - 4. The condition of the building, structure or parcel of land constitutes an unsafe structure as defined by the Connecticut Building Code and poses a serious or immediate danger to the safety, health or general welfare of the community as documented by the Building and Zoning Official or by the Health District.

5. It is not being adequately maintained, as determined by the following factors:
 - a. missing or boarded windows or doors, collapsing or missing walls, roof or floors,
 - b. seriously damaged or missing siding, or the building is otherwise dilapidated,
 - c. a structurally faulty foundation, fire damage, or physical hazards,
 - d. rodent harborage and infestation, improper storage of garbage, trash, rubbish, discarded household appliance or furniture, tires, discarded motor vehicle parts,
 - e. an overgrown plot of grass, customarily tended or mowed, adjacent to and/or part of a residence, business, commercial entity, or estate, wherein the grass has not been mowed and has grown to at least nine inches in length,
 - f. peeling or chipping paint exceeding thirty-three percent (33%) of the structure's total exposed surface area.
6. Any unregistered, abandoned or inoperable motor vehicle or marine vessel located on a parcel of land for a period exceeding 30 days.

Exceptions:

- a. Vehicles or marine vessels under cover. One unregistered motor vehicle or marine vessel being offered for sale by the owner or tenant provided said motor vehicle or vessel does not remain on the same property for a period exceeding 60 days.
- b. Motor vehicles located on a property of a business enterprise lawfully licensed by the Town of Ledyard and Connecticut Department of Motor Vehicles.
- c. Any motor vehicle, which is in operable condition specifically adapted or designated for operation on drag strips or raceways.
- d. Any inoperable or unregistered motor vehicle or marine vessel being actively restored to operating condition provided:
 - i. Only two such vehicles or vessels shall be allowed at one time on the property in question.
 - ii. Parts used in the restoration must be stored in the vehicle or marine vessel or in a structure.
 - iii. Such motor vehicles or marine vessels shall be covered and secured with a cover or tarp, provided the tarp is securely attached whenever work is not being done on them.
 - iv. The brush and growth under and around the motor vehicle(s) or marine vessel(s) shall be controlled and mowed.
7. It creates substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, which complaints have been independently substantiated.
8. Its inadequate maintenance or dilapidated condition has led to the cancellation of insurance on proximate properties.
9. Its inadequate maintenance or dilapidated condition has materially contributed to a decline or diminution in property values on proximate properties.
10. It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible for maintaining safe conditions for the use of the public pursuant to ordinances and regulations of the Town of Ledyard, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash, which would in any way impede or imperil public travel upon said sidewalk or render it unsafe.

- 11. It attracts or harbors rodents, insects, vermin or disease-carrying animals.
- G. Building and Zoning Official - Building Official as defined in C.G.S., Section 29-260.
- H. Citation Hearing Committee - The Mayor shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to C.G.S., Section 7-152c to serve on the Citation Hearing Committee.
- I. Enforcement Officer - The Enforcement Officer(s) are those authorized by the Mayor to take such enforcement actions and to issue citations as specified in this Ordinance.
- J. Exempt Property - Any property acquired by the Town of Ledyard through foreclosure, eminent domain, or by a deed in lieu of foreclosure would be exempt from the provisions of this Ordinance only during the first six (6) months following the date of the foreclosure, and any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.
- K. Inoperable Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel that is incapable of performing the function for which it was designed by virtue of missing parts or broken or severely damaged components.
- L. Marine Vessel - A ship, boat or other craft used in water navigation
- M. Motor Vehicle - Any device propelled by any power other than human power that is or was capable for the conveyance, drawing or other transportation of person or property and is suitable for operation on a highway. Excepted are agricultural tractors or farm implements.
- N. Neighborhood - An area of the Town of Ledyard comprised of premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the Town of Ledyard.
- O. Public View - Visible from any public right of way or neighboring property.
- P. Sidewalk. Any public way adjacent to streets, highways and those public rights of ways used for vehicular traffic that are used for pedestrian traffic.
- Q. Under Cover Completely enclosed in a garage or other building serving the same purpose of a garage.
- R. Unregistered Motor Vehicle or Marine Vessel Any motor vehicle or marine vessel that in its present condition is able to be registered but does not have a valid registration.
- S. Vacant - A period of sixty (60) days or longer during which a building subject to this Ordinance is not legally occupied. Vacant status in and of itself does not constitute a blighted building.

Section 5. Designation of Blighted Property

- A. The Enforcement Officer(s) shall be responsible for determining whether a property which comes to the attention of the Town, whether through written complaint or through the normal operations of the Town, is blighted according to the definitions in this Ordinance.
- B. The Enforcement Officer(s) shall investigate and document conditions of blight, if any, and file a written report with the Mayor or his/her designee. The Enforcement Officer's report shall state whether or not the property is a blighted property within the meaning of this Ordinance. Such report shall be kept by the Town and may be available to the property owner upon request.

Section 6. Property Owner Notification

1. Whenever the Town of Ledyard identifies a blighted premises, written notice of the violation shall be given to the owner and/or the occupant of the property, by posting a notice of the violation in a conspicuous location at the blighted premises, and delivering a copy of the notice of the violation to an owner, either by hand delivery or by mail. Said notice shall specify that the owner or occupant has seven days, from the date notice was posted and mailed, to remediate the blighted conditions, or the Town will take enforcement action. In the case of an unidentified owner or one whose address is unknown, the Enforcement Officer shall publish a notice in in a local newspaper stating the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.

The notice shall contain the following information:

- a. The address of the affected property.
 - b. The exact nature of the violation.
 - c. The time allowed for corrective action shall be in accordance with CGS 7-148.
 - d. The penalty for continued violation of this Ordinance.
 - e. The availability of a hearing procedure before the Blight Appeals Committee pursuant to CGS 7-152c; and
 - f. The penalty for violation of this ordinance shall be \$100 for each day that a violation continues.
2. Prior to the expiration of the seven-day period specified in subsection ~~(A)~~ 6-1 of this section, the property owner may request additional time for remediation. The Enforcement Officer may determine an alternate timetable of a reasonable length of time, if warranted. Such timetable will be in writing and must be signed by both the Enforcement Officer and the property owner. Failure to comply with the agreed upon timetable will make the property owner liable for retroactive fines and penalties as designated in Section ~~7, 8~~ subsections (A) and (B).
 3. After the expiration of the seven-day period specified in subsection ~~(A)~~ 6-1 of this section and without the alternate timetable specified in subsection (B) above, the Town of Ledyard, through its designated agents, may enter blighted premises during reasonable hours for the purposes of remediating blighted conditions, provided neither the Town of Ledyard, nor its designated agents, enter any dwelling house or structure on such property. Costs associated with the remediation of blight may be recovered by the Town in accordance with C.G.S. Section 49-73(b).

Section 7. Creation or Continuation of Blighted Property Prohibited

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in Section ~~H~~ 4 of this Ordinance, to be created or continued.

Section 8. Enforcement: Criminal Violations And Civil Penalties

- A. Criminal Violations: Pursuant to C.G.S. 7-148 (c) (7) (H) (xv), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in Section ~~6-1(A)~~ of this Ordinance, willfully violates Section ~~4 7~~ of this Ordinance, may be fined by the State of Connecticut not more than two hundred and fifty dollars (\$250.00) for each day for which it can be shown, based upon an actual inspection of the property on each such day, the blighted conditions continued to exist after written notice to the owner or occupant, as provided in Section ~~6-1 (A)~~. This section is designated as a violation pursuant to C.G.S. 53a-27.
 1. No person or entity shall be found guilty of a violation pursuant to Section ~~7 8(A)~~ and a civil penalty pursuant to Section ~~7 8(B)~~ of this Ordinance for the same occurrence.
 2. Any person who is a new owner or occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to Section ~~6-1 (A)~~, prior to imposition of a fine; if the blight is remediated during said extension, the case shall be dismissed.

B. Civil Penalties: Any person or entity who fails to comply with Section ~~4~~ **7** of this ordinance, and, thereafter, fails to remediate the blighted conditions within five days of the notice provided pursuant to Section ~~6-1 (A)~~ may be assessed a civil penalty for each building, structure or parcel of land in violation of this Ordinance. The amount of the civil penalty shall be one hundred dollars (\$100.00) per day. Each day a building, structure or parcel of land remains in violation of this Ordinance shall constitute grounds for the assessment of a separate civil penalty. The issuing officer shall deliver written notice of the civil penalty, either by hand delivery or by mail, to the owner or occupant responsible for the blighted premises. Said notice will include the nature of the violation and the penalty being assessed.

1. Penalties assessed pursuant to subsection (B) of this section shall be enforceable by citation pursuant to C.G.S. Section 7-152c.
2. Persons or entities assessed a penalty pursuant to subsection (B) of this section shall remit fines for said violation within ten (10) days of the mailing of notice thereof. The fine imposed shall be payable to the Town of Ledyard. Uncontested payments received pursuant to this subsection shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or entity making the payment.

Section 9. Civil Penalty Citation Hearing Procedure

A. Notification of right to hearing. At the time that the civil penalty is assessed, the property owner shall be notified in writing of the availability of a hearing before the Citation Hearing Officer to contest the determination of blight and/or the assessed penalty. Specifically, the property owner will be notified:

1. that the owner may request a hearing to contest the determination of blight and/or the assessed penalty,
2. that the owner must provide a written request for such a hearing within ten days of the date of notification,
3. that if the property owner does not demand such a hearing, an assessment and judgment shall be entered against the property owner
4. that the judgment may be issued without further notice.

B. Rights of the Respondent

1. Admission of Liability. If the property owner who is sent notice pursuant to subsection (A) above wishes to admit liability for any alleged violation, the owner may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail in accordance with Section ~~7~~ **8** (A) (2) above and remediate the blighted property. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the property owner making the payment.
2. Constructive Admission of Liability. Any person or entity who fails to deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection A above shall be deemed to have admitted liability, and the ~~Citation Hearing Board~~ **Blight Enforcement Officer** shall certify the property owner's failure to respond to the Citation Hearing Board. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for in this ordinance including per diem penalties retroactive to the original date of expected remediation as specified in Section ~~6-1 (A)~~ and shall follow the procedures set forth in Section ~~8-9~~ (C) of this ordinance.
3. Right to Hearing. Any person or entity who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen days, nor more than thirty days, from the date of the mailing of notice, provided, the Citation Hearing Board may grant, upon good cause shown, any reasonable request by any interested party for continuance.

- C. Formal Hearing Procedure. The Citation Hearing Officer shall preside over a hearing which shall be held in the manner outlined in Connecticut General Statutes, Section 7-152c. The Citation Hearing Officer shall render the decision in writing and file it within five days with the Enforcement Officer, the Mayor, and send it by certified mail, return receipt requested, to the property owner or other responsible person and to all parties in the proceedings. The Citation Hearing Officer may decide one of the following:
1. Dismissal. If the Citation Hearing Officer determines that the respondent is not liable, the Citation Hearing Officer shall dismiss the matter, and enter the determination in writing.
 2. Finding of Liability: Assessment. If the Citation Hearing Officer determines that the respondent is liable for the violation, the Citation Hearing Officer shall enter and assess the fines, penalties, costs or fees against the respondent, as provided by the Section ~~7-8~~ (A) including per diem penalties retroactive to the expected date of remediation as set forth in Section ~~5(A)~~ 6-1.
- D. Notice of Assessment; Effect.
1. Assessments must be paid to the Town of Ledyard within 10 days of receipt of the Citation Hearing Officer's determination.
 2. Not less than thirty days, but not more than twelve months, after the mailing, as set forth in subsection (D) (1) above, the Citation Hearing Officer shall file a certified copy of the notice of assessment with the clerk of a Superior Court designated by the Chief Court Administrator (as of the date of adoption hereof, the New London judicial district civil courthouse), together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.
 - a. Entry of judgment. The court clerk shall enter judgment in the amount of the record of assessment, and court costs, allowed by the General Statutes, in favor of the Town pursuant to C.G.S. 7152(c).
 - b. Effect of judgment; levy of execution permitted. Notwithstanding any provision of the General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have effect of a civil monetary judgment, and a levy of execution on the judgment may issue without further notice, to the respondent.
- E. A decision of the Citation Hearing Officer may be appealed to Superior Court in accordance with the provisions of C.G.S., Section 7-152c(g).

Section 10. Failure to Respond to Citation

- A. If the property owner, agent, tenant or responsible person fails to respond to the citation of blight or is unwilling or unable to rehabilitate, demolish, groom, or maintain the blighted property according to the provisions of this Ordinance, the Town may:
1. Take the necessary steps to acquire blighted properties, which have been certified by the Building and Zoning Official to be abandoned pursuant to the Urban Homestead Act of the Connecticut General Statutes.
 2. Take the necessary steps to acquire and rehabilitate the blighted premises in accordance with the Town of Ledyard Plan of Conservation and Development.
 3. Take the necessary steps to acquire blighted properties using other state or federal means as they may be available.

Section 11. Removal of Abandoned, Inoperable or Unregistered Motor Vehicles

For all properties declared blighted properties within the meaning of this Ordinance as a result of the presence of an abandoned, inoperable or unregistered motor vehicle, which blighted condition has remained in effect for thirty (30) days or which motor vehicle has remained abandoned, inoperable or unregistered on site for thirty (30) days after:

1. Notice by hand delivery or by certified mail, return receipt requested, to the last known address of the owner of the property on which such motor vehicle remains, or the owner of the abandoned motor vehicle, if different from the owner of the property requesting the removal of such motor vehicle; and
2. Notice in a newspaper having a general circulation in the Town of Ledyard.

The Chief of Police may provide for the removal and storage of said motor vehicle or parts thereof. The costs of the removal and storage of said motor vehicle or parts thereof and the costs of notices shall be borne by the owner of the property from which the motor vehicle or parts thereof are removed or, if the owner of the property is not the owner of the abandoned motor vehicle, by the owner of the abandoned motor vehicle.

Any motor vehicle that is removed pursuant to this Ordinance may not be returned to the same property unless it has been made operable and has been registered.

If the costs of the removal and storage of the motor vehicle remain unpaid for a period of thirty (30) days, the Chief of Police may order the motor vehicle or parts thereof sold at public auction and no such public auction shall occur without being sent, certified mail, return receipt requested, to the owner of the property involved or, if the owner of the property is different from the owner of the motor vehicle, the motor vehicle is to be auctioned and the proceeds of the auction applied to the cost of removal and storage. Notice of the auction shall be published in a newspaper having circulation in the Town of Ledyard at least ten (10) days prior to said auction date. The proceeds of such sale will be used by the Chief of Police to defray the costs of removal, storage and notice. If there should be any money left over after the payment of said costs, the excess proceeds shall be turned over to the owner of the property involved, or if the owner of the property is different from the owner of the abandoned motor vehicle, or if neither property is known, said funds shall be deposited in the General Fund of the municipality.

Any person aggrieved by a notice requesting the removal of a motor vehicle or by the removal of same may, within 15 days of receipt of notice, appeal said ruling to the Citation Hearing Officer. Said appeal shall be heard and appeals may be taken from any such hearing in accordance with the procedures as set forth in the C.G.S., Section 7152c.

Section 12. Collection of Fines Imposed and Costs Incurred

- A. All fines imposed for violation of this Ordinance shall be payable to the Town of Ledyard and deposited in the General Fund.
- B. Upon petition of the property owner, the Town Council may waive and release the penalties and liens (excluding motor vehicle violations) if:
 1. The Town of Ledyard acquires the property; or
 2. At the time of the sale of the blighted property, in the Town Council's opinion, the buyer has the financial ability and intention and has indicated in writing to the Town Council his, her, or its intent to immediately rehabilitate the blighted property. Failure to rehabilitate the blighted property, within the agreed upon timeframe will result in reinstatement of the previous penalties and liens as well as accrual of additional penalties and liens from the date of the waiver.
- C. Pursuant to C.G.S., Section 7-148aa, any unpaid fine imposed pursuant to this Ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. In addition, pursuant to C.G.S. 49-73, any expenses incurred by the Town pursuant to this Ordinance shall be subject to a lien. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The Town of Ledyard Tax Collector is hereby empowered to place a lien on the land records in the manner as specified by Connecticut General Statutes provided a copy of said lien is mailed by first class mail to the owner as set forth on the most recent tax assessment list.

Section 13. Municipal Abatement

In any action to enforce this Ordinance or to enforce any violation hereof, including the failure to pay a fine or penalty, the Town of Ledyard may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorney fees and its witness fees and such other relief as permitted by law.

Section 14. Administrative Responsibility

The Enforcement Officer(s) may prescribe administrative procedures necessary for the purpose of effectuating this Ordinance, which procedure shall be approved by the Town Council.

Section 15. Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 16. Violation

A violation of this Ordinance is a public nuisance.

Section 17. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Approved / Disapproved on: _____

Fred Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revision: Ordinance #130 *“Town of Ledyard Blight Ordinance”* Adopted March 12, 2013; Ordinance #300-012 *“Town of Ledyard Blight Ordinance”* Renumbered September 25, 2019; Ordinance #300-012 (rev.1) *“Town of Ledyard Blight Ordinance”* Amended and Adopted October 23, 2019.

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #130 *“Town of Ledyard Blight Ordinance”* to Ordinance #300-012. No changes were made to the Ordinance (Town Council September 25, 2019 meeting). to Ordinance #300-012 (rev.1) . No changes were made to the Ordinance (Town Council September 25, 2019 meeting).

2013: Ordinance #130 *“Town of Ledyard Blight Ordinance”* was adopted after several years of work and debate. The intent of the Ordinance is to protect property values by providing the town with another tool to deal with problem properties in town, such as foreclosed properties/bank owned properties that have not been maintained for years. The Ordinance provides the town with a tool to request the bank mow the grass, trim the hedges, etc., because the neighbors are affected by the unmaintained property. The Ordinance also enabled the Town to request certain commercial and industrial properties be cleaned up and be maintained. The intent of the Ordinance is not intended to cause conflict between neighbors.

2019: The *“An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard”*

was a complete rewrite of the Town of “*Ledyard Blight Ordinance*”, to more clearly define the intent.

2023: Minor edits were made to correct Section references and in Section 9 B(2) correct from “....and the ~~Citation Hearing Board~~” to “..... *Blight Enforcement Officer*” .

V. PUBLIC COMMENTS (please limit to three minutes)

Mr. Charles Hollis, 6 Autumn Way, Ledyard, stated that he was the resident that appealed to the Town Council to consider adopting an Ordinance in accordance with Connecticut General State Statute 12-81c to provide a personal property tax exemption for modified handicap accessible vehicles owned by a person with disabilities. He stated their vehicle required extensive modifications noting that the entire floor had to be cut out of the van, hydraulic systems were installed so the vehicle would lean to lower the angle of the ramp, etc. He stated the sticker price on the van was \$44,000; but with the required handicap modifications the final sale price was \$93,000. He explained that the State taxes them on the sale price of the van, noting that they do not tax the cost of the handicap conversions. He also noted that the State allowed for a local tax exemption. He urged the town to move forward with the proposed Ordinance, not only for his family, but for anybody else who might be in this position. He stated his wife Valarie was with here this evening along with the vehicle should anyone like to see what the van looked like.

The Town Council thanked Mr. Hollis for bringing this tax relief benefit for handicap accessible vans to their attention.

Councilor Ingalls thanked Mr. Hollis for presenting a well-informed case, and for bringing it to the Town Council’s attention.

VI. ADJOURNMENT

Chairman Dombrowski stated hearing no further public comment, Chairman Dombrowski adjourned the public hearing at 6:42 p.m.

The Town Council stepped outside to look at Hollis’ handicap accessible van.

Transcribed by Roxanne M. Maher
Administrative Assistant to the Town Council

I, Kevin J. Dombrowski, Chairman of the Ledyard Town Council,
hereby certify that the above and foregoing is a true and correct
copy of the minutes of the Public Hearing held on September 27, 2023

Attest: _____
Kevin J. Dombrowski, Chairman