

BLIGHT ORDINANCE

for the
Town of Guilford

Section 1: Purpose.

This Ordinance is enacted pursuant to the Municipal Powers Act (Sec. 7-148, et seq) of the State of Connecticut General Statutes. It is hereby found and declared that there may exist within the Town of Guilford a number of real properties, which are vacant and/or in a blighted condition, whose continued existence may contribute to the decline of neighborhoods. It is further found that the existence of such properties adversely affects the economic well being of the Town and is inimical to the health, safety, and welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction, or reuse would eliminate, remedy and prevent the adverse conditions described above. This ordinance is sensitive to the private property rights of the citizens of Guilford and to extenuating circumstances due to age, disability, and citizens' economic situations.

Section 2: Scope of Provisions.

No owner of real property located in the Town of Guilford shall allow, create, maintain, or cause to be created or maintained, housing blight. This Ordinance shall apply to the maintenance of all housing 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 3: Definitions.

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

- 1) **Housing Blight** shall mean the condition of any structure or parcel of land upon which housing is located in which at least one of the following conditions exist:
 - a) It is in a condition which poses a serious threat to the safety, health, and general welfare of the community as determined by the Director of Health, Zoning Enforcement Officer, Fire Marshall or Building Inspector,
 - b) It is attracting illegal activity as documented by the Police Department.
 - c) It is not being maintained as evidenced by the existence of the following conditions: it is open to the elements, or has collapsing or missing walls, roofs, windows, doors or is unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, decay, or severe animal infestation; the property in the public view is chronically neglected or abandoned.
 - d) It has material which is incapable of performing the function for which it is designed including, but not limited to: abandoned, discarded, or

unused objects; equipment such as automobiles, boats, and recreation vehicles which are unregistered and 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 that are in the public view. Notwithstanding the foregoing, Housing Blight shall not include such temporary conditions, not to exceed six (6) months in duration, as may be reasonably related to the repair or restoration of a single boat owned by the property owner or his tenant.

- 2) **Dilapidation** shall mean partial ruin, decay or disrepair of housing property such that it would not qualify for a certificate of use and occupancy, or which is deemed unsafe or which is designated as unfit for habitation as defined in the State Basic Building Code.
- 3) **Abandoned** shall mean any property which is deserted.
- 4) **Neighborhood** shall mean an area of the town comprising premises or parcels of land any part of which is contiguous with any other parcel within the town.
- 5) **Public view** shall mean visible from any public right-of-way or neighborhood.
- 6) **Premises** shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this ordinance.
- 7) **Blight Enforcement Officer** shall mean the Director of Health, the Zoning Enforcement Officer or any police officer of the Town of Guilford.

Section 4: Special Consideration.

Special consideration may be given to individuals that are disabled, elderly, or low income in the Town's effort to correct housing blight. If an individual cannot maintain a reasonable level of upkeep of his owner-occupied residence because the individual is disabled, elderly or low income, and no capable person resides in the residence, the town may give the person a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the Blight Enforcement Officer. If needed, assistance in finding solutions will be offered by the Town.

1) **Capable Individual** shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.

2) **Disabled Individual** shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.

3) **Elderly Individual** shall mean an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance

4) **Low Income Individual** shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of “qualifying income” established by Conn. Gen. Statute Section 12-170d(a)(3).

Section 5: Enforcement by Citation.

- 1) The Blight Enforcement Officer is empowered to issue citations for any violation of this ordinance by leaving a copy of such citation form with the owner of the housing property or by affixing same to the premises. He shall also send a copy of the form by certified mail, return receipt requested to the owner of the property.
- 2) The citation form 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 (not to exceed 60 days).
 - d) The penalty for continued violation of this ordinance.
 - e) The availability of a hearing procedure before the Blight Appeals Committee pursuant to Conn. Gen. Statute Section 7-152c.
 - d) The penalty for violation of this ordinance shall be \$90 for each day that a violation continues.

Section 6: Initiation of Legal Proceedings

In addition to the citation process described herein, the Director of Health is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including cost of remedial action(s) authorized by the court and reasonable attorney's fees incurred by the Town of Guilford to enforce this ordinance.

Section 7: Hearing Procedure for Citations.

- 1) The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of a citation hearing process for alleged violations of this Ordinance.
- 2) There shall be a Blight Appeals Committee consisting of three (3) residents of the Town of Guilford, appointed by the First Selectman and approved by the Board of Selectmen, who shall act by majority vote as citation hearing officers in all hearings for alleged violations of this Ordinance.
- 3) The Director of Health, at any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued for an alleged violation of this ordinance, shall send notice to the person cited. Such notice shall inform the person cited:
 - (a) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
 - (b) that he may contest his liability before the Blight Appeals Committee by delivering in person or by mail written notice within ten days of the date thereof;
 - (c) that if he does not demand such a hearing, an assessment

and judgment shall be entered against him; and (d) that such judgment may issue without further notice.

4) If the person who is sent notice pursuant to subsection (3) of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town Clerk. 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 written demand for a hearing within ten days of the date of the first notice provided for in subsection (3) of this section shall be deemed to have admitted liability, and the Director of Health shall certify such person's failure to respond to the Blight Appeals Committee. The Blight Appeals Committee shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Conn. Gen. Statute 7-152c(f).

5) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Blight Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The procedures and conduct of such hearing, the assessment of fines, penalties, costs or fees and the entry of judgment in Superior Court upon such assessment shall be as provided in Conn. Gen. Statute Section 7-152c.

Section 8: Minimum Standards

Nothing in this ordinance shall limit the power and authority of the Town Building Inspector, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall or the Director of Health to enforce their respective regulations.

- 1) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, if such provision of this ordinance establishes a higher standard for the promotion and protection of the health and safety and property values of the people such provision shall be enforceable pursuant to the procedures established herein.
- 2) This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or subsequent to the effective date of this ordinance. Such violations shall be governed by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or regulations in effect at the time the violation occurred, and/or by enforcement of this ordinance, as may be appropriate.

Section 9: Effective Date.

This Ordinance shall be effective thirty days after its publication in accordance with the Guilford Town Charter.