

BLIGHT
An Ordinance Regarding Unsightly Materials and Abandoned Vehicles
in Residentially Zoned Areas

Sec. 1. Purpose

The purpose of this Ordinance is to define, prohibit and abate blights and nuisances and to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values. This ordinance is adopted pursuant to Conn. Gen. Stat. §7-148(c)(7)(H)(xv) and is considered a Blight Ordinance.

Sec. 2. Scope of Provisions

This Ordinance shall apply to the maintenance of all residentially zoned, premises 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 dedicated as public or semi-public open space or preserved in its natural state through conservation easements; or areas designated as inland wetlands and watercourses or commercial, industrial, marine zoned areas.

Sec. 3. Definitions of Blight

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded, or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are 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 which are in the public view.

Decay: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.

Dilapidated: Decayed or rotten beyond repair.

Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine; to also include electric and pneumatic equipment.

Natural field state: Areas where grass, weeds, and brush exist in their natural, un-landscaped state.

Naturally wooded state: Areas where trees, brush and plants exist in their natural, un-landscaped state.

Person: Any man, woman, corporation, or other legal entity capable of owning real property.

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

Public view: Visible from any public right-of-way or neighboring property, at grade level.

Structure: Any building, dwelling, fence, swimming pool, or similarly constructed object.

Sec. 4. Public Nuisance

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Clinton to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions exist thereon, which shall be defined as blight:

- a) Any structure which is in a state of dilapidation; or decay; or is open to the elements; or unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, or decay;
- b) Premises, occupied by a structure intended for human occupancy, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables, and areas maintained in their original naturally wooded, field, or shoreline state) is allowed to reach and remain at a height of ten (10) inches or greater for a period of ten (10) days, or longer;
- c) Dead, decayed, diseased or damaged trees constituting a hazard or danger to public property or persons lawfully therein;
- d) More than one unregistered and unstreetable motor vehicle in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;
- e) Property with any combination of three or more pieces of non-operational mechanical equipment excluding licensed motor vehicles stored on the premises and in the public view, except for "grandfathered use" properties;
- f) Property that has any of the following conditions:
 - 1) Premises containing accumulated debris, not including compost piles or piles of grass and/or brush which are not visible from a public right-of-way and do not otherwise constitute a public health or safety hazard; or
 - 2) Landscaping on any premises, including, but not limited to trees, shrubs, hedges, grass, and plants which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.

Sec. 5. Minimum Standards

- a) The provisions in this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.
- b) 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, the provision which establishes the higher standard for the promotion and protection of the health and safety, and property values of the people shall prevail.
- c) Nothing herein shall be construed to require any town official to hold a sale or public auction of motor vehicles. Any licensed wrecker service or garage shall comply with the Conn. Gen. Stat. §14-150, as revised, in such matters as, including but not

limited to, owner notification, towing of motor vehicles, storage, and payment of service.
d) This ordinance shall not be intended to affect violations of any other ordinances, code or regulation existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed and/or this ordinance as may be appropriate.

Sec. 6. Responsibility for Compliance

The owner, lessee, or occupant of premises subject to this ordinance, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this ordinance. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

Sec. 7. Notice of Violations

a) Complaints may be submitted to the First Selectman or his/her designee by members of the public, but such complaints must be in writing and signed on forms provided by the Town.

b) Whenever the First Selectman or his/her designee determines that there has been a violation of any provision of this ordinance, except as to Section 4(d), such officer shall give notice of such violation to the person responsible therefore, as hereinafter provided. Such notice shall:

- 1) Be in writing;
- 2) Be sent by both regular mail and certified mail, Return Receipt Requested;
- 3) Set forth the violations of this ordinance;
- 4) Specify a final date for the correction of any violation; however, an extension of time may be granted by the enforcement officer;
- 5) Be served upon the owner or the owner's agent and the occupant; provided, such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by this notice; or if such person is served with such notice by any other method authorized or required under the laws of this State;
- 6) Contain an outline of remedial action which, if taken, will effect permanent compliance with the provisions of this ordinance; and
- 7) State that the penalties and enforcement provisions of this ordinance will become effective on the final date set for the correction of any violation.
- 8) Copy of notice should also be sent to complainant;
- 9) The Complainant should also receive a copy of the Notice which is sent to the alleged violator. Furthermore, the Complainant should be offered the right to appeal in writing within ten (10) days;

c) Whenever the First Selectman or his/her designee determines that there has been a violation of Section 4(d) pertaining to unregistered motor vehicles, such officer shall give notice of such violation to the person responsible therefore, which notice shall be in compliance with Section 7(a), except that:

- 1) The notice shall specify that the owner has thirty (30) days to correct the violation by removing the vehicle or registering it; and

2) The notice of the violation may be published in a newspaper having a substantial circulation in the Town of Clinton.

d) Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this ordinance and subject to its penalties and enforcement procedures. Any person in violation of Section 4(d) thirty (30) days after notice of alleged violation in accordance with Section 7(b) above, shall be subject to the removal and disposition of the unregistered motor vehicle.

e) Notice pursuant to Section 7 c) and enforcement pursuant to Section 7 d) shall not apply to wrecker services until sixty (60) days from the required filing date pursuant to Conn. Gen. Stat. §14-150, provided the wrecker has complied with statutorily mandated notification procedures and sent copies thereof to the Chief of Police. Such wrecker services shall be licensed pursuant to Connecticut General Statute §14-66 and shall have a principal place of business in the Town of Clinton and shall be in compliance with all applicable Town ordinances, including, but not limited to the zoning ordinance, and all applicable zoning and wetland permits.

f) Notwithstanding the foregoing, the First Selectman or his designee may elect to first provide informal verbal notice to the owner or owner's agent and the occupant of the property in an attempt to resolve the matter prior to formal written notice being sent.

Sec. 8. Appeals

a) Any person notified in accordance with Section 7 above may appeal said notice of violation(s) to the Board of Selectmen, in writing, within fifteen (15) days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven (7) days after the decision of the Board of Selectmen or on such later date as established by the Board of Selectmen.

b) The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of an appeal and citation hearing process for considering all appeals under this Ordinance.

Sec. 9. Penalties and Enforcement

a) Penalties:

1) Each violation of this ordinance shall be considered a separate municipal offense.

2) Each day any violation continues shall constitute a separate offense.

3) Each separate offense under this ordinance shall be punishable by a fine of one hundred dollars (\$100.00) payable to the Town of Clinton.

b) Enforcement

1) The First Selectman, his/her designee, or any police officer in the Town of Clinton is authorized to issue a citation or summons for a violation of this ordinance.

2) In addition thereto, the First Selectman or his/her designee 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 costs of remedial action(s) authorized by the

Court and reasonable attorney's fees incurred by the Town of Clinton to enforce this ordinance.

- 3) All fines, Court costs, costs of remedial action, and attorney's fees, as ordered by the Court, shall constitute a written lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made a party to the enforcement proceedings.

Notification of the placement of a written lien will be sent fifteen (15) days prior to the placement of a lien in the Clinton Land Records.

This ordinance, if approved as enacted, will take effect immediately.

Dated at Clinton, Connecticut the 18th day of August, 2005.

James M. McCusker, Jr.
First Selectman
For the Board of Selectmen

FOR PUBLICATION IN THE NEW HAVEN REGISTER THURS. AUG. 18, 2005