

## Chapter 175. Blighted Premises

[HISTORY: Adopted by the Board of Selectmen of the Town of Woodbridge 2-19-2003, effective 3-21-2003 (Ch. 6, Art. VIII, of the 1983 Code); amended 9-10-2003, effective 10-10-2003. Subsequent amendments noted where applicable.]

### **GENERAL REFERENCES**

Citation hearing procedure — See Ch. 15.

Demolition of buildings — See Ch. 183.

Fire prevention — See Ch. 237.

Building permit system — See Ch. A600, Art. I.

### § 175-1. Statutory authority; purpose.

This chapter is adopted pursuant to the authority granted to the Town of Woodbridge under C.G.S. § 7-148(c)(7)(H)(xv). This chapter prohibits any owner, agent, tenant or person in control of real property (hereinafter collectively and/or singularly referred to as the "owner") located in the Town of Woodbridge from allowing, creating, maintaining or causing to be created or maintained any blighted premises. The chapter also establishes penalties for violation of this chapter.

### § 175-2. Definitions.

For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings ascribed to them in this chapter:

#### **BLIGHTED PREMISES**

Any building or structure or any parcel of land in which at least one of the following conditions exists:

[Amended 1-8-2020, effective 2-22-2020]

- A. It is determined by the Building Official, Zoning Enforcement Officer, or other official designated by the Town, acting within the scope of such official's authority, that the building, structure, or parcel of land is in a condition that poses a serious threat to the safety, health and/or general welfare of the community;
- B. It is attracting illegal activity as documented by Police Department reports;
- C. It is a fire hazard as determined by the Fire Marshal or Deputy Fire Marshal or documented by the Fire Department;
- D. It is not being maintained or is becoming dilapidated as evidenced by existence of one or more of the following conditions:
  - (1) Missing, broken or boarded-up windows or doors.
  - (2) Collapsing or missing walls, roof or floor.
  - (3) Structurally faulty foundation.
  - (4) Seriously damaged or missing siding.

- (5) Unrepaired fire or water damage.
- (6) Rodent harborage and/or infestation.
- (7) Persistent garbage or trash.
- (8) Abandoned motor vehicle situated on the premises unless the premises is a junkyard legally licensed in the State of Connecticut.
- (9) Parking lots left in a state of disrepair or abandonment.
- (10) Violation of provisions regarding outside storage under Zoning Regulations for the Town of Woodbridge.
- (11) Grounds and yards that fail to meet the level of maintenance of surrounding premises and properties, and/or is an element leading to the progressive deterioration of the neighborhood (examples shall include planted lawn grass in excess of 14 inches in height that remains uncut for a period of 30 days or longer, severely overgrown weeds, bushes, dead fallen trees, unstacked wood, rubbish, and deteriorated equipment or materials). Property maintained in its natural or wooded state, garden, and ornamental plantings shall be exempt from this provision.

#### **BUILDING OFFICIAL**

The Building Official as defined in Connecticut General Statutes § 29-260.

#### **CAPABLE HOUSEHOLD MEMBER**

A person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above 16 years of age without physical or mental disability as defined under the Americans With Disabilities Act.

[Amended 10-14-2009, effective 11-13-2009]

#### **DILAPIDATED**

A building or structure or part thereof that would not qualify for a certificate of occupancy if applied for, or which is deemed an unsafe structure as defined by the State Building Code, or any dwelling or unit that is designated as unfit for human habitation as defined in the State Building Code and/or the ordinances of the Town of Woodbridge.

#### **DISABLED INDIVIDUAL**

In the case of an owner-occupied residence, an individual who has a disability meeting the definitions for a mental or physical disability, as defined under the Americans With Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

#### **LOW-INCOME INDIVIDUAL**

In the case of an owner-occupied residence, an individual, or where more than one person resides on the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program.<sup>[1]</sup> This level is in the upper limit of Step 5 as set forth in the Connecticut General Statutes § 12-170aa(c). It is immaterial that a person is not elderly with regards to this chapter because the reference to § 12-170aa(c) is only for the purpose of providing a guideline for this chapter.

#### **NEIGHBORHOOD**

An area of the Town comprised of premises or parcels of land any part of which is within a contiguous radius of 800 feet of any other parcel within the Town.

#### **TOWN**

The Town of Woodbridge.

[1] *Editor's Note: See also Ch. 382, Taxation, Art. IV, Relief for Elderly and/or Totally Disabled Homeowners.*

## § 175-3. Prohibition.

No owner of real property located in the Town of Woodbridge shall allow, maintain or cause to be maintained any blighted premises.

## § 175-4. Notice of violation.

- A. The Town of Woodbridge through its designated enforcement officer shall serve written notice on an owner, which may be any of the individuals described in § 175-1. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of the owner, agent, tenant and/or person in control of real property.
- B. Such notice shall state the violation(s) and demand abatement of such violation(s) within 10 calendar days. If the owner, agent, tenant and/or person responsible fails to correct the violation(s), the Town of Woodbridge may issue an enforcement citation as specified in this chapter.

## § 175-5. Designated enforcement officer.

The Zoning Enforcement Officer or Building Official and/or other individuals designated by the Board of Selectmen are charged with enforcement of this chapter. Such designated enforcement officer is hereby authorized to take such enforcement actions as are specified in this chapter.

## § 175-6. Penalties for offenses.

Violations of the provisions of this chapter shall be punishable by a fine of \$100 for each day a violation exists and continues.

## § 175-7. Enforcement citation.

If any violation remains unabated after 10 days, any police officer, the Zoning Enforcement Officer, Building Official, Fire Marshal or other person authorized by the Board of Selectmen is hereby authorized to issue a citation to the violator in accordance with this chapter.

## § 175-8. Citation procedures.

The procedures established by Chapter 15, Citation Hearing Procedure, of this Code will apply to citations issued under this chapter. The final period for the uncontested payment of any citation under this chapter shall be 10 days after the date of receipt of the citation.

## § 175-9. Recording of lien.

Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with Connecticut General Statutes, § 7-148aa. Each such lien shall be continued, recorded and released as provided for in § 7-148aa.

## § 175-10. Failure to abate violation; action to correct by Town.

In the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant or person in control of real property to appeal from the issuance of said citation, or by the citation of violation(s) being upheld, the Town of Woodbridge, acting through its Building Official, may cause or take such action as is necessary to correct such violation including, but not limited to, the demolition of unsafe buildings as provided in § 175-15 of these ordinances. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant or person in control of real property and the Board of Selectmen may bring an action to recover all costs and expenses incurred. Upon taking any such action to correct such violation, the Town shall cause to be recorded in the land records of the Town a sworn statement showing the cost and expense incurred in correcting such violation, the date the work was done and the location of the property on which said work was done. The recording of such sworn statement shall constitute a lien on the property.

## § 175-11. Effect on pending special permit or site plan applications.

Any blighted premises for which a special permit or site plan application for improvements to any blighted premises is pending shall be exempt from the provisions of this chapter for a period of 90 days from the date of submission of a complete application to the Town Plan and Zoning Commission.

## § 175-12. Unpaid fines; filing; record of assessment; judgment.

If enforcement citation fines levied in accordance with this chapter are not paid within 10 days or a written request for hearing is not received within that time period, despite proper notice as provided hereunder, the designated enforcement officer shall certify the same to the hearing officer appointed pursuant to the citation hearing procedure and such hearing officer shall thereupon record with the Town Clerk and assess the fines provided by this chapter and shall follow the procedure set forth in Chapter 15, Citation Hearing Procedure, of this Code. A certified copy of the unpaid fines shall be filed with the Clerk of the Superior Court. The certified copy of the unpaid fines shall constitute a record of assessment. Notice with the Clerk of the Superior Court shall be filed within 12 months. Within such twelve-month period, fines against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment in the amount of such record of assessment together with appropriate court costs in favor of the Town. The judgment shall have the effect of a civil money judgment and a levy of execution of such judgment may issue without further notice to such person.

## § 175-13. Appeals.

A person against whom a judgment has been entered is entitled to judicial review in accordance with the provisions of Connecticut General Statutes, § 7-152c.

## § 175-14. Special consideration.

- A. Special consideration shall be given to individuals that are elderly or disabled if such individual cannot maintain a reasonable level of upkeep of the owner-occupied residence because the individual is elderly or disabled, as defined under this chapter, and no capable household member resides in the residence. In such cases, the designated enforcement officer shall give such elderly or disabled individual reasonably adequate time to correct the violation(s).
- B. Where the owner of any blighted premises is found to be a low-income individual under this chapter, the designated enforcement officer shall give special consideration to the person by providing reasonably adequate time to correct the cited violation(s). If the cited violation(s)

concerns a lawn, brush, weeds or shrub maintenance or keeping the grounds free from rubbish and debris, the designated enforcement officer will not provide additional time to correct the violation.

## § 175-15. Demolition of unsafe buildings.

[Added 3-22-2010, effective 4-22-2010]

- A. If the building official finds an unsafe condition, he or she shall serve a written notice on the owner, agent, tenant or person in control of the structure. This notice shall describe the condition deemed unsafe, and specify the required repairs or improvements to be made to abate it, or require the unsafe structure to be demolished within a stipulated time. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in Section 115 of the Connecticut Building Code. An "unsafe condition" shall be deemed as one that is dangerous to human life or the public welfare, or which involves illegal or improper occupancy or inadequate maintenance. This includes all structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard. A vacant structure that is not secured against entry shall be deemed unsafe. Said notice shall inform the owner, agent, tenant or person in control of the structure that said structure may be demolished if it is not immediately rehabilitated.
- B. Notice.
  - (1) Such written notice shall be deemed properly served if a copy thereof is:
    - (a) Delivered to the owner personally by the building officer; or
    - (b) Sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or
    - (c) Delivered in any other manner as prescribed by local law.
  - (2) If a certified or registered letter is returned showing that the letter was not delivered, a copy hereof shall be posted in a conspicuous place in or about the structure affected by such notice.
  - (3) Service of notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- C. If the owner, agent, tenant or person in control of the structure to whom notice was sent has refused or neglected to contact the building official and to timely comply with the required repairs or improvements, the building official shall specify the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time consistent with the provisions of Section 115.3 of the Connecticut Building Code. All costs incurred by the Town in pursuing such action shall be assessed against the owner, agent, tenant or person in control of the structure.
- D. Notwithstanding the above provisions, whenever the building official finds that there is imminent danger of failure or collapse of a building or structure, or any part thereof, which endangers life, or when any structure or part of it has fallen and life is endangered by the occupation of the building or structure, the building official is authorized and empowered to order and require the occupants to vacate such structure. The building official shall post, or cause to be posted, at each entrance to the building or structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the building official."
- E. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated or demolished in

accordance with the Connecticut Building Code. Such work shall include that required, in the sole opinion of the building official, to make the premises temporarily safe, up to and including demolition. Costs incurred in the performance of emergency repairs or demolition under the order of the building official shall be paid from the treasury of the Town. Legal counsel of the Town shall then institute appropriate action against the owner of the premises where the unsafe building or structure is or was located.