

ANTI BLIGHT ORDINANCE

**Approved 4/17/07 - In effect 5/8/07 - Amended 2/10/09 -
Amended 9/15/09 - In effect 9/16/09**

**BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF
SEYMOUR AS FOLLOWS:**

Section 1: Declaration of Policy.

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 Seymour a number of real properties, which are vacant and/or in a blighted condition, and that the continued existence of such properties contributes 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, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

Section 2: Creation or Maintenance of the Blighted Premises Prohibited.

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

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.

ORDINARY PUBLIC VIEW the view from private or public property or public right-of-way from average grade surrounding the property.

BLIGHTED PREMISES shall mean any building structure, or parcel of land in which at least one of the following conditions exist:

- A. It is determined by the Blight Officer or Building Inspector or Zoning Enforcement Officer that the building structure or parcel of land is in a condition which poses a serious threat to the safety, health, morals and general welfare of the community.
- B. It is attracting illegal activity as documented by the Police Department.
- C. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department.
- D. If any of the following conditions exist, action may be taken:
 - 1. Missing or damaged or boarded windows or doors; collapsing or missing walls, roofs or parts of walls or roofs that need repair.
 - 2. Seriously damaged or missing siding of four (4) square feet or more.
 - 3. Existing gutters, which are damaged or missing.

4. A structurally faulty foundation, porches or other attached structure building that need repair. This also applies to all out buildings on the property, which includes garages.
5. All fencing must be maintained and in good condition.
6. Garbage and trash must be contained.
7. Overgrown brush includes weeds and grass and cannot exceed twelve (12) inches in length.
8. Buildings including out building needing painting or sealing. The Anti-Blight Enforcement Officer will request the owner do their best to correct the appearance. If not corrected within six (6) months a second request will be given.
9. Two (2) or more abandoned or unregistered motor vehicles situated on the premises (unless the premises is a junk yard legally licensed by the State of Connecticut). - See "Exceptions"
10. No unused car parts can be stored in the open on the premises.
11. Old unused indoor furniture, appliances, must be kept from public view.
12. All firewood placed on property in public view will not be a violation of the Blight Ordinance.

DILAPITATED shall mean any building or structure or part thereof, that would not qualify for a certificate of use and occupancy, or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for habitation as defined in the state basic building code and the revised ordinances of the Town of Seymour.

LEGAL OCCUPANCY shall mean human habitation which is legal by virtue of compliance with State Building, State Fire Safety, Local Zoning, Local Housing and all other pertinent codes, and which shall further be demonstrated by the proof of occupancy evidenced through a bona fide lease agreement, rent receipt or utility statement.

NEIGHBORHOOD shall mean an area of the city comprising premises or parcels of land any part of which is within a contiguous radius of fifteen hundred (1500) feet of any other parcel within the city.

VACANT shall mean a period of sixty (60) days or longer during which space subject to this ordinance is not legally occupied.

ELDERLY INDIVIDUAL shall mean an individual over the age of sixty-five (65) or older, who does not have a household member capable of providing the necessary maintenance.

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 other household members capable of providing the necessary maintenance.

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 or income established by the State of Connecticut's Elderly Tax Relief Program. This level is in the upper limit of step 5 as set forth in the Connecticut General Statutes Section 12-170 (c). It is immaterial that a person is not elderly with regards to this ordinance because the reference to the Section 12-170 (c) is only for the purpose of mental disability as defined herein.

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.

Section 4: Enforcement

The Anti-Blight Enforcement Officer/s are charged with the enforcement of this ordinance. Can request assistance from the Building Inspector and Zoning Enforcement Officers and the Police and the Fire Marshal. The Anti-Blight Enforcement Officer/s will be considered the anti-blight enforcement officer under this section.

Section 4(a): Complaints on Blight

All complaints must be submitted on the Blight Complaint form, which is on the web site and can also be picked up in Town Hall. Only the violations cited on the complaint form will be investigated.

Section 5: Special Consideration.

Special consideration shall be given to the individuals that are elderly or disabled in the Town's effort to correct blighted conditions. If an individual can not maintain a reasonable level of upkeep of the owner occupied residence because the individual is elderly or disabled and no capable person resides in the residence, the Anti-Blight Enforcement Officer shall give the person adequate time to correct the problem. Except, as noted below, where the residence that is a low income individual and owns and occupies a residence that is designated as blighted, the Anti-Blight Enforcement Officer shall give special consideration to the person by providing adequate time to correct the problem. If the items designated as blighted have to do with lawn and shrub maintenance, keeping the grounds free from rubbish and debris, the enforcement officer will not provide additional time to correct the problem.

Section 6: Notice of Violation.

A. Warning.

Step 1. The Anti-Blight Enforcement Officer assigned to the Complaint will make every effort to contact the property owner alleged to be in violation of Blight in person or by phone. Explain the alleged violation and request it be corrected. The Anti Blight Officer can give a verbal or written warning at that time for corrective action sighting the violation and the time limit to have it corrected. If contact cannot be made in a reasonable time not to exceed fourteen (14) days the Anti Blight Officer will follow Step 2. If no blight is

found, the blight report will be closed. A blight complaint form for the same issue at the same residence will not be accepted for 6 months.

Step 2. A notice of Violation Form shall contain the following information:

- 1. The effected property.**
- 2. The exact nature of the violation.**
- 3. A copy of Section 5 of this ordinance-Special Consideration.**
- 4. The time allowed for corrective action (not to exceed 60 days unless additional time is approved by the Blight Enforcement Officer or Hearing Officer or Committee) except for grass and weeds, which must be completed within ten (10) days.**
- 5. The penalty for continued violation of this ordinance.**
- 6. The procedure to appeal this violation.**
- 7. The name and business telephone number of the Blight Enforcement Officer finding such violation.**
- 8. A copy of the ordinance establishing hearing procedure for Town citations and fines.**

B. Violation.

The Anti-Blight Enforcement Officer shall provide the homeowner with notice of a violation under this ordinance by leaving a copy of such violation notice form with the homeowner or affixed to the premises. He shall also send a copy of the form by certified mail, return receipt requested. In the event that the owner does not claim such form at the post office, the Blight Enforcement Officer shall leave certified notice at entryway of premises and if they fail to respond within ten (10) days of the date of the certified mail, it is deemed the violator was duly notified.

C. Fines.

The penalty for continuous violation of this ordinance shall be five dollars (\$5.00) to one hundred dollars (\$100.00) per each day beyond the time allocated by the Blight Enforcement Officer to correct the violation. All fines will be consistent with the violation. Plus all cost associated with the violation, which shall include, but not limited to attorney fees, court costs, mailing costs, and filing costs.

D. Appeals procedure.

The homeowner may appeal the action of the Blight Enforcement Officer within 10 days of his receipt of the notice form in accordance with Section 6 A. of this ordinance. The appeal shall be made in compliance with the Town ordinance of March 2, 2004 which establishes a hearing procedure. Any subsequent fine or penalty imposed by this ordinance may be appealed in the manner provided by said appeal ordinance.

E. Anti-Blight Lien

In the event that the homeowner does not appeal the action of the Anti-Blight Enforcement Officer within the time set by the ordinance and in the event that no action has been taken by the homeowner to cure the Blight situation within 90 days of the notice of violation issued by said Anti-Blight Enforcement Officer then a Town

Attorney may place a lien against the subject property on the land records of the Town of Seymour which shall recite the status of the Blight situation and the total amount of the fines due as of the date of said lien. Said lien shall remain an encumbrance upon the subject property until such time as the Blight condition shall be cured and the fines assessed have been paid. (To go into effect on 2/10/09.)

Section 7: Town Regulations.

Nothing in this ordinance shall limit the power and authority of the Town Building Inspector or the Planning and Zoning Commission to enforce their respective regulations. The penalties and power of this ordinance shall be in addition to and not in lieu of any other enforcement regulation or procedure exercised by the Town Building Inspector or Planning and Zoning Commission.

Section 8: Exceptions.

- a. This article shall not apply to operable unregistered motor vehicle owned by persons serving in the Armed Forces of the United States outside the state. Such persons shall be required to submit evidence satisfactory to the Zoning Officer or Hearing Officer or Committee to qualify for the exception.
- b. This ordinance does not apply to a vehicle or vehicle part:
 - (I) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
 - (II) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any are:
 - (1) maintain in an orderly manner;
 - (2) not a health hazard; and
 - (3) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, car cover, or tarp.
 - (4) no more than two (2) vehicles are allowed under this total exemption.
- c. Vehicle is operational being sold by owner on their property.

Section 9: Additional Definitions.

ANTIQUÉ VEHICLE means a passenger car or truck that is at least 25 years old.

MOTOR VEHICLE COLLECTOR means a person who:

- a. owns one or more antique or special interest vehicle; and
- b. acquires, collects, or disposed of an antique or special interest vehicles or vehicle parts for personal use to restore and preserve an antique or special interest vehicle of any age and because of its historic interest, is being preserved by a hobbyist.

Section 10: Effective Date.

This Ordinance shall be effective immediately upon action of the Board of Selectmen. Adopted this 4th day of October 2005 by the Seymour Board of Selectmen. Amended on the 17th day of April 2007 and will go into effect on the 8th day of May 2007.

Additionally amended on February 10, 2009 and went into effect on February 21, 2009.

Revised September 15, 2009 and going into effect September 16, 2009.

**Robert J. Koskelowski
First Selectman**