

CHAPTER 129 OF THE CODE OF THE CITY OF WEST HAVEN

ANTI-BLIGHT ORDINANCE

Sec. 129-1. DECLARATION OF POLICY.

This chapter is authorized pursuant to Conn. Gen. Stat. § 7-148(c)(7)(H)(xv). It is hereby found and declared that there exists within the city a large number of real properties which are vacant and/or in a blighted condition and that the existence of the vacant and/or blighted 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 city and is inimical to the health, safety and welfare of the residents of the city. It is further found that many of such properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities and that the rehabilitation, reconstruction, and demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

Sec 129-2. DEFINITIONS.

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

(a) **BLIGHTED PREMISES.** Any building, structure or parcel of land in which at least one the following conditions exist:

(A) It is becoming dilapidated as documented by the Building Official;

(B) It, or the business or activity conducted thereon, is attracting illegal activity as documented by the Police Department;

(C) It is determined by the Building Official or Director of Health 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;

(D) It is not being maintained as evidenced by the existence of one or more of the following conditions; missing or boarded windows or doors; collapsing or missing walls, roofs or floors; seriously damaged or missing siding; a structurally faulty foundation; solid waste, garbage, trash, rubbish, abandoned and/or inoperable boats or abandoned and/or inoperable motor vehicles cars situated on the premises (unless the previous is a junk yard legally licensed by the state); overgrown grass or weeds at least eight inches in length;

(E) It is a factor causing serious depreciation of property values in the neighborhood; or

(F) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises in the neighborhood.

(b) **BUILDING OFFICIAL.** As defined in Conn. Gen. Stat. § 29-260.

(c) **DILAPIDATED.** Any building or structure or part thereof that would not qualify for a certificate of use and occupancy or is deemed an unsafe structure as defined by the State Building Code and any dwelling or unit which is designated as unfit for human habitation as defined in state law, state housing code and city codes and ordinances.

(d) **MOTOR VEHICLE.** Any motor vehicle which is self-propelled and designed to travel along the ground, and any device or equipment designed to be towed by a self-propelled vehicle, and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, ATVs, snowmobiles, campers and trailers, and parts thereof

(e) **BOAT.** Any vessel designed for travel on water, with or without a deck, and propelled by oars, paddles, sail or motor.

(f) **PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

(g) **PRIVATE PROPERTY.** Any real property within the city which is privately owned and which is neither public property nor a public right of way.

(h) **PUBLIC RIGHT OF WAY.** Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel.

(i) **GRAFFITI.** Any letters, numbers, word or words, writings or inscriptions, symbols, drawings, carvings, stickers, etchings or any other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages or destroys the real or personal property of another.

(j.) **SOLID WASTE.** Shall mean materials or substances that are discarded or rejected or worthless. This includes, but is not limited to: garbage, refuse, industrial or commercial waste, rubbish, tires, ashes, construction and demolition debris, inoperable motor vehicles, boats or parts thereof, discarded household and commercial appliances, shopping carts, discarded furniture or commercial displays and shipping skids and pallets.

Sec 129-3. GRASS, WEEDS, OR VEGETATION CONSTITUTING PUBLIC NUISANCE, SWIMMING POOLS.

It is hereby further declared a blight and public nuisance for any person owning, leasing, occupying or having charge or possession of any private property in the City of West Haven to maintain such premises, and/or any public right-of-way abutting said premises in such manner that any of the following conditions exist thereon:

(A) Premises, occupied by a structure intended for human occupancy, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables) is allowed to reach and remain at a height of eight inches or greater for a period of ten days or longer;

(B) Residentially zoned premises not occupied by a structure in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables) is allowed to reach and remain at a height of eight inches or greater for a period of ten days or longer;

(C) The presence of dead, decayed diseased or damaged trees constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;

(D) Residential or commercially zoned property on which landscaping on the premises, including, but not limited to, trees, shrubs, hedges, grass, and plants physically hinder or interfere with the lawful use of abutting or block or interfere with the use of public sidewalk and/or private street or right-of-way or any road sign.

(E) The presence of a swimming pool, or other artificial body of water whether in ground or above ground, which is not properly chemically treated or covered so as to create an environment for insect or vermin infestation; or other health or safety hazard.

Sec. 129-4. CREATION OR MAINTENANCE OF BLIGHTED PREMISES PROHIBITED.

No owner lessee, occupant or possessor of real property located in the city shall allow, create, maintain or cause to be created or maintained blight or blighted premises.

Sec. 129-5. MINIMUM STANDARDS.

The provisions in this subchapter shall not supersede nor be construed to prevent the enforcement of any and all other statutes, codes, ordinances and regulations.

Sec. 129.6. STORING, PARKING OR LEAVING MOTOR VEHICLES AND BOATS.

(A) No person shall park, store, leave or permit the parking, storing or leaving of more than one unregistered motor vehicle or one registered motor vehicle not in condition for use on public highways on any residential property. Any such vehicle must be parked or stored within a fully enclosed garage or other similar structure.

(B) In no event shall any unregistered motor vehicle or any registered motor vehicle not in condition for use on the public highways be permitted to be parked on any public property or right-of-way.

(C) No person shall park, store, leave or permit the parking, storing or leaving of more than one unregistered boat or one registered boat not in seaworthy condition on any residential property. Any such vehicle must be parked or stored within a fully enclosed garage or other similar structure.

(D) In no event shall any unregistered boat or any registered boat not in seaworthy condition be permitted to be parked on any public property or right-of-way.

(E) No motor vehicle or boat shall be parked on residential property between the street and any house located thereon except on a driveway or other paved parking area approved by Planning and Zoning.

(F) This section shall not apply to any motor vehicle on private property which is enclosed within a building held in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate zone, pursuant to the zoning laws of the city.

Sec. 129-7. GRAFFITI

(A) No person shall write, paint or place any paint, chalk or any other substance or substances or otherwise mark, scratch, place, carve or etch graffiti on the real or personal property of another, whether the real or personal property be publicly or privately owned, unless the owner of the property has specifically consented to the same, prior to the commission of the act or acts.

(B) The owner or occupant of the property, or both, shall not permit graffiti to remain on any residential, commercial, or industrial property for a period of more than five business days after it is first discovered or should have been discovered.

(C) Notwithstanding the foregoing, any graffiti which comprises a desecration of property as defined otherwise in Sec. 46a 58 of the Connecticut General Statutes, or otherwise violates such statute, shall be removed immediately by the owner or occupant of the property.

Sec. 129-8. PENALTIES FOR OFFENSES; ENFORCEMENT

(A) Penalties.

- (1) Each violation of this chapter shall be considered a separate offense.
- (2) Each day any violation continues shall constitute a separate offense.
- (3) Each separate offense under this chapter shall be punishable by a civil penalty of \$100.

(B) Enforcement.

(1) Upon discovery of a violation of this chapter the enforcement officer shall cause to be given to the owner and occupant of the property written notice of the violation and provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action be taken. Unless otherwise provided in this chapter all penalties for violations of this chapter shall be enforced by citation pursuant to Chapter 128 of the Code of the City of West Haven, Enforcement of Ordinances. For purposes of appeal, the Board of Police Commissioners shall act as the board of appeals with respect to citations issued pursuant to this chapter.

(2) In addition thereto, the Mayor or his designee is authorized to initiate legal proceedings in the Superior Court to enforce any notice, summons or Citation issued pursuant to this chapter or to seek the immediate correction of the violation(s), collection of any civil penalties, and the recovery of all costs including costs of remedial action(s) authorized by the court and a reasonable attorney's fees incurred by the City of West Haven to enforce this subchapter.

(3) All civil penalties, court costs, costs of remedial action, and attorney's fees as ordered by the court shall constitute a 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 formal proceedings, and any amounts for said fines, court Cost, costs of remedial action, and attorney's fees as may be collected shall be paid into the City's general fund.

(4) The following officers and agents of the City are authorized to enforce the provisions of this ordinance:

- (a) Building Official or his/her designees
- (b) All officers of the West Haven Police Department
- (c) Zoning Enforcement Officer
- (d) Property Maintenance Inspectors

(C) Reporting.

When a citation has been issued pursuant to this chapter, the officer or agent issuing same shall prepare a report indicating the name(s) of the individual(s) or entity cited, the date of citation, the property address and a description of the condition(s) which led to the citation,

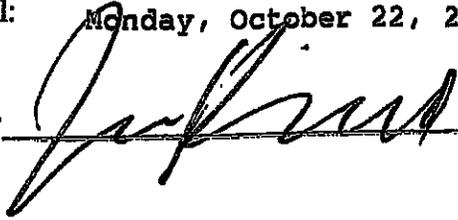
Said report or a copy thereof shall be delivered, electronically or otherwise, to the following Departments:

- (1) The Fire Department in which such property is located.
- (2) The Building Department
- (3) The Police Department
- (4) The Zoning Office
- (5) The Public Works Department
- (6) The Health Department
- (7) The Corporation Counsel Office.

October 2, 2012

Enacted by City Council: Monday, October 22, 2012

Approved by the Mayor

 Date 10/23/12

Operative and In Effect: Immediately upon Mayor's approval.