

ARTICLE IV
Town-wide Requirements

SECTION 41
PERFORMANCE AND PROPERTY MAINTENANCE STANDARDS

SECTION 41.1 GENERAL: Within the Town of East Haven, the use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance and maintenance standards herein after specified.

The performance and maintenance standards establish certain nuisance factors which, if committed or allowed to exist, will be detrimental to the public health, safety, welfare and quality of life, will be contrary to a comprehensive plan of zoning and/or be offensive to the sight of the general public; and/or will depreciate the value of the property or the property of others.

In order to achieve compliance with the performance and maintenance standards of this section, the Zoning Inspector is authorized to make surveys, take measurements and perform inspections; and his/her agent as hereinafter defined as the "Blight Officer" is authorized to order the remedy or abatement of violations of this Section, and issue Citations for the same.

The performance and maintenance standards, hereinafter specified shall be of continuing application.

SECTION 41.2 PURPOSE AND INTENT: The purpose of this section is to establish certain standards for the development and/or redevelopment of private, single and multi-unit residential, commercial and industrial property for the continued maintenance and nuisance abatement on said property and its exterior ground and visible facades, accessory structure and uses once the development is completed.

To the extent said enactment represents an Amendment to already-existing Article IV, Section 41 of the Ordinances of the Town of East Haven, said enactment is more particularly designed to address the prevention and ongoing abatement of blight in the Town of East Haven as well as quality of life issues.

East Haven is a growing populace that is encountering its share of quality of life issues. The present legislation seeks to address these issues with in a number of ways- with enhanced definitions of blight, and stepped-up enforcement from front line Departments who are in a position to observe violations first hand and issue Citations that are designed to insure

compliance. Barring the same, the violator has the ability to seek an appeal. At the same time, the Town's legislative initiative also affords those who are elderly or disabled and who are living on a fixed income with the ability to seek help from their local legislators and neighbors who can evaluate their individual circumstances, and assist in teaming them with the appropriate Town or private agency.

SECTION 41.3: DEFINITIONS: For the purpose of this section, the following words, terms and phrases and their derivations shall have the meaning given herein. The word "**shall**" is always mandatory and not merely directory. The word "may" is always discretionary.

(a) abandoned: any property and structure or buildings thereon which has not been legally occupied for thirty (30) days or longer.

(b) agent: any person, firm, agency, corporation, company, limited company, partnership or limited partnership; either jointly or severally, who acts, manages or performs a service on the part of an owner[s].

(c) Blight Enforcement Officer: shall mean the Town's Building and Zoning, or Code Officials, Director of East Shore Health District, the Fire Marshal, the Public Work's Director, or his designee, the Assessor, or any sworn Member of the East Haven Police Department, the Superintendent of the Department of Public Services, or his designee.

(d) blighted property and/or premises: any land or structure or part thereof that is a separate unit on which at least one (1) or more of the following conditions exist:

[1] where it is determined by the Town's Blight Officer, Building or Code Officials, or the Director of East Shore Health or the Fire Marshall or any Police Officer of the Town of East Haven that conditions exist that pose a serious or immediate danger to the safety, health and general welfare of the Community, or is unsafe, or a potential fire hazard.

[2] the property, and/or building, and/or structure[s] thereon is [are] not being diligently maintained.

[3] is becoming dilapidated, and open to the elements, 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 as further documented

in the records of the Town's Building and Zoning Department, or the records of the Director of Health or the Fire Marshall. Dilapidation shall also include any such property or premises that contains materials which are incapable of performing the function for which they are designed, including, but not limited to abandoned, discarded, or unused objects, equipment such as automobiles, boats and recreation vehicles which are unregistered and/or missing parts, not complete in appearance and in an obvious state of disrepair, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tiles, batteries, containers and garbage that are in public view.

- [4] is attracting illegal activity, as documented in the records of the Department of Police Service, and/or the State of Connecticut Department of Consumer Protection, Liquor Control Commission.
- [5] is a factor in creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building; or of other premises within the neighborhood, as documented by neighbor complaints to the Town, its officers, agents and/or employees, or the cancellation of insurance on proximate properties.
- [6] is the location of the slaughter of live animals and/or the exhibition of dead animals in public view.

(e) boarding house: The letting of rooms and/or the furnishing of board in a dwelling unit, to a total of not more than three [3] unrelated persons, and with the following conditions

- [a] the property owner letting the room and/or furnishing board shall reside in the dwelling unit... and
- [b] the establishment of any rooming/ boarding house in any zone shall be by Special Exception
- [c] when rooms are let, the dwelling unit shall contain a minimum floor area of 200 square feet of living space times the number of persons residing in the dwelling unit
- [d] the letting of rooms not include the provisions of cooking facilities for such rooms; but may include the sharing of the cooking facilities of the dwelling
- [e] no accessory building or a part thereof shall be used for, or as part of the letting of room or the furnishing of board

- [f] a yearly certificate of compliance requiring review or inspection from the local zoning , fire marshal, building official and health organization to insure public health , safety and welfare are afforded. The fee for said Certificate of Compliance shall be \$ 250.00 per year.
- [g] failure to obtain and/or renew the aforesaid Certificate of Compliance within 30 days of the expiration date will result in the automatic revocation of said Special Exception
- [h] any/all pre-existing rooming/boarding house in operation on the effective date of this text change [2-15-91] shall not be exempt from subsections E and F of the Regulation. Any pre-existing and/or existing rooming/boarding house that suspends said se for a period of one year shall be required to re-apply for a Special Exception.

(f) caretaker: means any individual who has agreed to be responsible for performing maintenance and upkeep of real property, whether compensated or not.

(g) commercial: pertaining, related or connected to trade and traffic or to the exchange or sale of goods, productions or property or any kind.

(h) composting materials: means yard trimmings, leaves, vegetables or other organic wastes, which when property stored, will undergo a natural transformation into “compost”.

(i) days: means consecutive calendar days.

(j) dilapidated: a building or structure with partial decay or disrepair, or part therefor that would not qualify to receive a “Certificate of Use and Occupancy” if one were to be applied for.

(k) due diligence: a conscientious effort or attempt by a reasonable person.

(l) exterior property or grounds: means any area of a lot or site not covered by a building or a structure and excluding any open porch or deck areas, Land Trust property, and State and Farm Properties.

(m) exterior lighting: means sources of artificial illumination, along with the fixtures, poles and necessary wiring.

(n) façade: means the principal face, and/or side of a building that is visible to the general public; extending from ground level to the highest visible point of the roof or any attachment thereto.

(o) foreclosing or foreclosure process: means the legal process of mortgage foreclosure initiated by an entity holding a security against the property for an unpaid debt, by which the entity is proposing to take the property in lieu of the debt due to borrower by default (“strict foreclosure”), or the entity is proposing a sale of the property to pay the debt due to borrower by default (“Foreclosure by sale”). Note: The foreclosure of judgment liens, tax liens and condominium liens is not included within the scope of this ordinance.

(p) foreclosing entity: means the creditor (including service companies and lenders), who files the action in Superior Court as Plaintiff and has the right to foreclose real property in lieu of unpaid mortgage debt.

(q) garbage: means food wastes, food wrappers, containers, cans, bottles or any other material that results or remains from the use, consumption and preparation of food or drink as well as any other expended, used or discarded materials such as paper, plastic, cardboard, metal, rags glass or any other wastes generated from day-to-day activities of a household, business or industry; but shall not include properly prepared and stored recyclable materials or properly maintained compost areas.

(r) industrial: pertaining to, or related to the production, assembly, storage, shipping of any material or product or component as a means of livelihood or for profit.

(s) initiation of the foreclosure process: means a filing of Lis Pendens on the real property.

(t) landscaping: means decorative, ornamental plantings comprised of grass, trees, shrubs, bushes, flowers and other plantings along with mulch, decorative stones, pools, ponds, bird baths and/or ornamental sculptures or ornamental or privacy fencing.

(u) lot: any land area, devoid of buildings or structures within the confines of the front, rear and side property lines.

(v) non-occupant owner: means every person, entity, or company, who alone or severally with others, for any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, has become the Owner by way of purchasing at a foreclosure by sale (Committee Deed), or is a Foreclosing Entity who has become the Property Owner by way of strict foreclosure.

(w) notwithstanding: in spite of.

(x) owner: one or more persons, corporation, limited liability company, partnership; jointly or severally, in whom is vested: [1] all or part of the legal title to property, or [2] all or part of the beneficial ownership and a right to the present use and enjoyment of the premises and accompanying land; and includes a mortgagee in possession.

(y) pavement: means concrete, and/or bituminous asphalt surfaces along with curbing, ramping and required pavement markings.

(z) person: is any individuals, company, public or private corporation, partnership, management agent, societies or association or any employee or member thereof who owns, possesses, controls, leases or manages a parcel of real estate within the Town. The singular term and the related pronoun shall include the plural, the masculine and feminine.

(aa) private property or premises: is any land, dwelling, house, boarding house, building or other structure designed or used either wholly or in part for private residential, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant; and shall include any yard, grounds, walks, driveway, parking lot, fire zone, buffer area, porch, steps, vestibule, free standing signage belonging to or appurtenant to such dwelling, house, building or structure.

(bb) property management company: means any business retained to care and maintain real property.

(cc) property owner: means any person or entity which holds title to a Property

(dd) public place: is any and all streets, sidewalks, boulevards, alleys or other public ways and any/all public parks, squares, grounds and buildings.

(ee) public view: means all areas of any property that are visible by pedestrian, vehicular traffic in the public right-of-way, and/or visible from private property designed for use by the general public or from an adjoining property.

(ff) residential: pertaining to one's residence, place of abode and/or dwelling.

(gg) securing: means measures that assist in making the property inaccessible to unauthorized persons.

(hh) shall: denotes something that is mandatory, not discretionary.

(ii) signs: any exterior display of a message, name, advertisement, directional indicator and/or instructional indicator that may or may not be illuminated; but, for the purpose of this section, shall not mean any type of pavement markings.

(jj) sidewalk area: means the area located between a property line and a curb-line of a street or highway.

(kk) 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 or parts, discarded household and commercial appliances, shopping carts, discarded furniture or commercial displays, un-stacked wood or tree cuttings, shipping skids and pallets, and bagged or loose grass and lawn clipping, leaves, weeds and other composting materials not intended to be composted.

An object or item [above] shall be presumed to be solid waste when it appears to be discarded, rejected, improperly stacked or stored and/or placed or left on the grounds or exterior of the property in the view of neighbors or passerbys or general public under circumstances which meet one or more of the following criteria:

- [1] the object(s) produces an offensive smell;
- [2] the object(s) is of a type designed for interior use, or is made of materials suitable only for interior use, yet is left outside and is exposed to the elements.
- [3] the object(s) has obviously been discarded.
- [4] the object(s) has reached a degree of dilapidation or disrepair that can reasonably be presumed to render said object incapable of being used for it's original or other reasonable purpose.
- [5] the object, despite it's condition, is left, placed or stored in such a manner which appears likely to cause bodily injury or injury to the property of another.

(ll) standing order: means a sign issued by and through the East Haven Police Department that is signed by the owner which allows the police to take notice and arrest any trespassers.

(mm) unit: any space within a building that is, or can be rented to a single entity for his/her's/it's sole use and is intended to be a single and distinct space or area.

(nn) vacant: not inhabited or in use

(oo) vacant parcel: a parcel of land with no buildings or structures thereon.

(pp) yard: means an open, occupied space on a lot.

(qq) yard, front: means the open, unoccupied space on a lot from the front of the main structure to the street line.

(rr) yard, rear: means the open, unoccupied space from the rear of the main structure, back to the rear property line.

(ss) yard, side: means the open, unoccupied space extending from a side property line, inward toward the middle of said lot.

SECTION 41.4 DUST, DIRT, FLY ASH AND SMOKE: On any lot, in any zone, either during a phase of development, or anytime thereafter; no dust, dirt, fly ash or smoke shall be omitted into the air so as to endanger the public safety, or the value and enjoyment of other property, or to constitute a source of pollution.

SECTION 41.5 NOISE: With the exception of time signals and noise necessarily involved in the licensed and permitted construction or demolition or necessary blasting; no noise which is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted outside the lot where it originates from the period of 8pm to 8am.

SECTION 41.6 VIBRATION: With the exception of vibration necessarily associated with the legal, permitted construction, demolition or blasting, no vibration shall be transmitted outside the lot on which it originates from the period of 8pm to 8am.

SECTION 41.7 ODORS: No offensive odors shall be emitted into the air from any lot, structure, residence, business, commercial or industrial waste receptacle, commercial, industrial or residential food and garbage receptacle, commercial or residential animal waste chamber or receptacle so as to impair the value and enjoyment on any other lot, or on the same lot as the source of the odor if said lot is open to, legally assessable, or provides a service or product to the general public or a segment thereof.

SECTION 41.8 GASES AND FUMES: No noxious, toxic or corrosive fumes or gases shall be omitted into the air from any lot so as to endanger the public health and safety or to impair on, or the value of, and/or the enjoyment of any other lot or the general public.

SECTION 41.9 LIGHTING, GLARE AND HEAT: No offensive or disruptive glare from any lighting source[s] shall be permitted so as to endanger the public health and safety; nor shall it be transmitted into any Residence District so as to impair the value of, or the peace, tranquility or enjoyment of any lot therein. No radiant heat shall be perceptible outside any lot from where it originates.

41.9.1. On all apartment buildings, commercial and industrial sites the owner[s] and/or its duly authorized agent shall be responsible for providing adequate lighting, timely maintenance and repair to the site's lighting fixtures, bulbs, wiring and mounting poles.

In the event that any commercial or industrial site's lighting, or any component thereof is, for any reason, damaged or is in any way malfunctioning, and becomes a nuisance or a detriment to the public health and safety, the site owner and/or agent, upon notification, and with due diligence, shall promptly repair and or replace said fixture, bulb, wiring and/or support pole.

SECTION 41.10 DANGER: No material which is dangerous due to explosion, extreme fire hazard or radioactivity, or by it's existence, or improper accessibility, creates a nuisance with regard to the safety of the general public, children, trespassers or household pets, or that, by it's existence may attract insects or rodent and/or other animal; shall be used, stored, manufactured, processed or assembled, except in accordance with the rules and regulations of the Town of East Haven, State of Connecticut and Federal Government on any lot or in any building or structure.

SECTION 41.11 WASTE AND GARBAGE AND ORGANIC MATERIALS: All grounds and exterior property on any lot or site shall be kept clean and free of any/all forms of waste as described below; and "out of sight" of the general public, and any abutting property owner/ notwithstanding any listed exception; and, for the purpose of this section and the enforcement thereof, no form of waste, garbage and/or organic material shall be placed, thrown, discarded or blown pushed or shoveled into any area along a public right-of-way or onto any public property. Trash receptacles and recycling bins shall be placed by the curb no earlier than twelve (12) hours before scheduled pick-up and shall be retrieved no later than twelve (12) hours after pick-up.

[a] **solid waste**, as defined in this section; and notwithstanding any listed exceptions.

- [b] **garbage**, as is defined in this section; except when it is completely contained in a nonabsorbent, water-tight and varmint resistant container having a tight fitting lid, and notwithstanding any listed exceptions.
- [c] exposed, visible piles of accumulated grass clippings, uprooted weeds or other vegetation and/or fallen leaves; and notwithstanding any listed exceptions.

[a-1] **authorized exceptions:** Notwithstanding the above, solid waste, consisting of construction and demolition debris related to an ongoing construction and/or renovation project, having valid permits, may be stored within a dumpster, on a private property, within the public view for not more than 30 days; however, during such period, any dumpster filled to capacity shall be emptied in a timely manner.

[a-2] Acceptable and properly packaged solid waste materials legally placed at the curbside within the proper timing constraints of a Town sponsored; "bulk" trash pick-up.

Acceptable and properly packed solid waste and garbage and/or a combination thereof that qualifies for weekly collection by the Town and/or it's agent, placed at curbside, as long as any/all containers are placed at curbside no more than 12 hours prior to; and removed to a location outside the view of neighbors and the general public no more than 12 hours after the pick-up.

Solid waste and/or garbage or a combination thereof stored on a commercial or industrial site in an authorized, covered dumpster that is screened from public view by an undated enclosure.

[a-3] Composting materials.

SECTION 41.12 SIDEWALKS AND WALKWAYS: In addition to the provisions of **Section 17-47** of the Town of East Haven's Code and Ordinances [entitled "sidewalks"] it shall be the responsibility of the property/site owner, tenant, occupant and/or managing agent having public sidewalks that abut their property or, on commercial and industrial

sites, walkways open to, and serving the general public within the confines of the site to exhibit due diligence in keeping said sidewalks and walkways free of ice, snow, sand, running water, litter, garbage and other obstructions such as store carriages, signs, display racks, items for sale or any other item and/or article that, when situated or located on a sidewalk or walkway would interfere, inhibit, obstruct or in any way alter normal pedestrian or customer foot traffic and/or result in the creation of a nuisance. Shoveling and/or sweeping snow/ice into the municipal roadway after it has already been cleared by the Town is prohibited.

SECTION 41.13 RADIO INTERFERENCE: The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

SECTION 41.14 DRIVEWAYS, PARKING AREAS AND PARKING LOTS: That in addition to the provisions of Section 42, entitled “**Off Street Parking and Loading**” the following additional provisions shall apply:

Section 41.14.1: Residential Units: That driveways and/or parking areas servicing any single or two family dwelling unit[s] shall be created in sufficient size so as to accommodate the vehicles associated with said dwelling[s] and so as to minimize on street parking.

Section 41.14.1a: That, there shall be no parking or storage of any registered or unregistered motor vehicle, trailer, recreational vehicle or boat within the area commonly known as the “front yard” except within the confines of said driveway or parking area.

Section 41.14.2: Multi-Family; commercial and industrial: That, any driveway, parking area or parking lot servicing any privately owned, leased or rented residential structure of three [3] or more units, or any commercially or industrially oriented site that, in any way, is designed or intended to accommodate a segment of the general public, or is utilized in any way by anyone who is not the owner, his agent, tenant or employee, shall be kept and maintained in such a manner as to be free of obstructions, holes, broken and/or loose pavement or curbing, snow, ice, water, mud or litter.

Section 41.14.2a: That, in any driveway, parking area or parking lot under this section; there shall be no storage or accumulation of improperly stored solid and/or

organic wastes, garbage, unregistered motor vehicles, or the unauthorized storage of retail inventory, goods, free standing signs, displays, tents, equipment, storage bins or non-road worthy trailers used primarily for storage, nor shall said area be used for the sale of any such items.

SECTION 41.15 LAWNS AND LANDSCAPING: That, within the Town of East Haven, all outside areas of lots shall be constructed, kept and maintained in such a manner as to not devalue the property or the property of others, and in such condition as to not become a concern as to the public health and safety or a general nuisance or source of annoyance.

Section 41.15.a Residential Units: On any lot containing a single or two family dwelling unit[s]; all lawns, flowers, shrubs, trees or gardens shall be maintained and kept free of any debris, material or condition which may create a health, safety or fire hazard, or which creates a blighting or deteriorating influence on the neighborhood.

Section 41.15.a-1 Property Nuisances, prohibited: That, for the purpose of this section; ragweed, poison ivy, poison sumac, poison oak and similar plants; grass, weeds and undergrowth higher than 6 inches from the ground, or bushes and trees obstructing a walkway, driveway or street, are considered to be public and general nuisances and are prohibited.

Section 41.15.2 Vacant Properties: On any vacant lot within the Town of East Haven, either improved or unimproved shall be maintained by the owner in such a manner as to be free of : ragweed, poison ivy/oak/sumac; grass, weeds and undergrowth in excess of 6 inches in height, trash, rubbish, solid or organic waste, garbage, brush or other discarded items having little or no value.

Section 41.15.3 Residential, Multi-Unit Residential, Commercial and Industrial:
On any residential, multi-unit residential, commercial or industrial site, the site's owner or his duly-authorized agent shall provide due diligence to the care, maintenance, nourishment, weeding, pruning and planting of bed coverings and, when necessary, provide for the replacement for trees, bushes, hues,

shrubs, hedges, plants, flowers, grass areas, ornamental sculptures, mulch or decorative stone as well as ornamental or privacy fencing, signage or patios.

That, in the event any landscaping feature, either living, decorative, and/or structural falls into disrepair, dies or is damaged beyond repair, or becomes a nuisance or detriment to public health and/or safety, said property owner and/or his agent shall, after proper notification, and with due diligence appropriately repair or replace the subject item or organism identified in the notice. That, upon notification, any failure to take the appropriate abatement action specified shall be considered a violation of this section and subject to the appropriate penalties.

Section 41.15.4 Fences shall be constructed/erected with the finished or good side facing the outside of the property. Fences which are already constructed/erected on the effective date of this Ordinance are exempt from this prohibition.

SECTION 41.16 BLIGHTED LOTS, BUILDINGS OR STRUCTURES: Any lot, building or structure, either vacant or occupied, which is by the definitions of this Section, deemed to be “blighted”, or by it’s condition, lack of attention or diligence, or maintenance; or that has a devaluing effect on the property of another, or is deemed to be a General Nuisance, and, as such is a violation of this Section, and subject to any penalties imposed or available under these Regulations.

SECTION 41.17 ENFORCEMENT BY CITATION: 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 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.

The Citation 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 30 days). Repeat offenders shall be given 15 days to comply;
- 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. Stat. Section 7-152c;
- f. The penalty for violation of this ordinance shall be \$100.00 for each day that a violation continues. Payment of any such fine shall be earmarked for additional anti-blight initiatives within the Town, i.e., tree and flower planting, benches, sidewalk maintenance, etc;
- g. That if he/she does not demand such a Hearing in accordance with this Section, he/she shall be deemed to have admitted liability;
- h. That the Town shall file a lien against the property in accordance with Conn. Gen. Stat. Section 7-148a(a) as amended for the amount of any unpaid anti-blight fines imposed;
- i. That said lien shall be enforced in the same manner as property tax liens.

In addition to the Citation process described herein, the Blight Enforcement Officer, as defined in this Section, 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 East Haven to enforce this ordinance. All fines, Court 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 the said premises has been notified of the violation(s) as herein provided 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 Town of East Haven Land Records.

SECTION 41.18 SPECIAL CIRCUMSTANCES: Accommodations may be given to individuals that are disabled, elderly, or low income as defined more particularly below in the Town's effort to correct housing blight. If any 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 Community Development Coordinator. If needed, assistance in finding solutions will be offered by the Town as well as the Blight Committee within each District in the Town.

- [a] **capable individual:** Shall be defined as 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.

- [b] **disabled individual:** shall be defined as, in the case of an owner occupied residence, an individual who has a disability meeting the definition for a mental or physical disability as defined under the American with Disabilities Act of 1990, and/or an individual receiving SSI or SSDI payments for such reason(s), and who does not have a household member capable of providing the necessary maintenance and who is a low income individual as defined below.
- [c] **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 and who is a low income individual as defined below.
- [d] **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 41.19 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 Blight Assistance Committee established in each of the five Districts of the Town of East Haven consisting of five (5) residents for each such Committee. One such member shall be the Councilperson for such District and shall serve for the term of their office commencing on the effective date of this Ordinance. Said Committees shall be appointed by the Mayor and approved by the Town Council. The remaining four (4) members shall serve for three (3) year terms commencing on the effective date of this Ordinance. Each such Committee shall work with the Blight Enforcement Officers in identifying residents within their District in need of a Blight accommodation either individually, with the Town, or through coordination with Town identified community groups, programs and the Town Community Development Coordinator.
- 3) There shall be a Blight Appeals Committee consisting of five (5) residents of the Town of East Haven, appointed by the Mayor and approved by the Town Council, who shall act by majority vote as Citation Hearing Officers in all hearings for alleged violations of this Ordinance. Said members shall serve for three (3) year terms commencing on the effective date of this Ordinance.
- 4) Any Blight Officer, 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.

- 5) 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 any one of the Blight Officers, 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 7-152(f).
- 6) 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, no more than thirty days from the date of the mailing of the notice, provided the Blight Appeals Committee shall grant upon good cause shown any reasonable request by 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 provided in Conn. Gen. Stat. Section 7-152c.
- 7) Pursuant to Conn. Gen. Stat. Sec. 7-148a(a), any unpaid fine imposed pursuant to the above procedure shall constitute a lien upon the real property against which the lien was imposed from the date of the fine. The lien shall be continued, recorded, released, and enforced as provided for by said statute.

SECTION 41.20

Any person in whom title to a residential property has vested after October 1, 2009, through a foreclosure action pursuant to sections 49-16 to 49-19, inclusive, of the general statutes or section 49-26 of the general statutes, shall register such property with the town clerk of the municipality in which the property is located or with MERS (1) no later than ten days after the date title vests in such

person if such residential property is vacant on the date title vests, or (2) if, as a result of an execution of ejectment pursuant to section 49-22 of the general statutes or a summary process action pursuant to chapter 832 of the general statutes, such residential property becomes vacant before the date one hundred twenty days after the date title vests in such person, then no later than ten days after the date on which such property becomes vacant.

If the registration is with the municipality, it shall contain (1) the name, address, telephone number and electronic mail address of the registrant and, if the registrant is a corporation or an individual who resides out-of-state, the name, address, telephone number and electronic mail address of a direct contact in the state; and (2) the name, address, telephone number and electronic mail address of the local property maintenance company responsible for the security and maintenance of the vacant residential property, if such a management company has been engaged by the registrant. The registrant shall indicate on such a registration whether it prefers to be contacted by first class mail or electronic mail and the preferred addresses for such communications. The registrant shall report any change in the information provided on the registration no later than ten days following the date of the change of information. At the time of registration, the registrant shall pay a one-hundred-dollar fee to the municipality.

If the registration is with MERS, it shall contain (1) the name, address, telephone number and electronic mail address of the registrant, and (2) the name, address, telephone number and electronic address of the local property maintenance company responsible for the maintenance of the property, if such a management company has been engaged by the registrant.

If a registrant fails to comply with an provision of the general statutes or of any municipal ordinance concerning the repair or maintenance of real estate, including, without limitation, an ordinance relating to the prevention of housing blight pursuant to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148 of the general statutes, the maintenance of safe and sanitary housing as provided in subparagraph (a) of subsection (c) of section 7-148 of the general statutes, or the abatement of nuisances as provided in subparagraph (E) of subdivision (7) of subsection (c) of section 7-148 of the general statutes, the municipality may issue a notice to the registrant citing the conditions on such property that violate such provisions. Such notice shall be sent by either first class or electronic mail, or both, and shall be sent to the address or addresses of the registrant identified on the registration. A copy of such notice shall be sent by first class mail or electronic mail to the property maintenance company if such a company has been identified on the registration. Such notice shall comply with section 7-148gg of the general statutes.

The notice described in subsection (d) of this section shall provide a date, reasonable under the circumstances, by which the registrant may remedy the condition or conditions on such registrant's property. If the registrant or property

management company does not remedy the condition or conditions on such registrant's property before the date following the date specified in such notice, the municipality may enforce its rights under the relevant provisions of the general statutes or of any municipal ordinance.

A municipality shall only impose registration requirements upon registrants in accordance with this section, except that any municipal registration requirements effective on or before passage of this act shall remain effective.

SECTION 41.21 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, the Assessor, the Police Department, or the Director of the Department of Public Works of his designee, to enforce their respective rules and 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 41.22 EFFECTIVE DATE: This Ordinance shall be effective thirty days after its publication in accordance with the East Haven Town Charter.