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RTM RULES & ORDINANCES COMMITTEE



Noel E. Quinn
BRANFORD TOWN CLERK

Town of Branford

Adrian Bonenberger, Dan Adelman, Susan Dahill, Frank Twohill, Peter Black, Trish Anderson
Peter Hentschel, Chair

SCHEDULED MEETING

June 17, 2025, 7:00 PM
Branford Community Center

1. Call to Order - Roll Call
2. Approval of Meeting Minutes
3. To consider, and if appropriate, recommend the establishment of a Town Ordinance to regulate short-term rentals in Branford.
 - a. **Final review and approval of the proposed ordinance (attached)**
4. To consider, and if appropriate, recommend amending the Town Blight Ordinance, Chapter 124 Blight Prevention, based on recommendations from the Town of Branford's Blight Enforcement Officer.
 - a. **Final review and approval of the proposed ordinance (attached)**
5. Other Business
6. Adjourn

Respectfully Submitted
Peter Hentschel
Chair, RTM Rules & Ordinances Committee

SHORT TERM RESIDENTIAL RENTAL ORDINANCE

An ordinance providing for the municipal Registration and Regulation of Short-term Rentals of residences in the Town of Branford.

1. Statement of Purpose

- 1.1. To maintain the tranquility of Branford's residential neighborhoods for all residents, particularly regarding noise, parking, parties, lighting, and other activities that interfere with neighboring residents' quiet enjoyment of their neighborhoods.
- 1.2. To regulate short-term residential rental activity as defined by these regulations to minimize any negative off-site impact of short-term residential rentals on the surrounding neighborhood
- 1.3. To allow residential homeowners to derive some extra income from their primary residence, with the goal of keeping home ownership affordable while at the same time assuring the continued health, safety, and welfare of neighboring residents as well as their short-term rental registered guests.
- 1.4. To minimize the vehicular impact of short-term residential rentals by limiting guest parking along public streets.
- 1.5. To avoid a detrimental reduction in Branford's single family residence stock in residential neighborhoods of the Town.
- 1.6. To address the inherent differences between the short-term rental of permanent year-round housing stock and the short-term rental of non-winterized seasonal cottages.
- 1.7. To ensure that the owners and hosts of short-term residential rental properties have clear understandings of their legal responsibility to oversee and control short-term residential rental occupancies and provide a safe and healthy occupancy.
- 1.8. To inform residential property owners that short-term residential rental of their property may subject them to current and future State regulations and State and Federal business taxes.

1
2 **2. Applicability**

- 3 2.1. This ordinance applies to all Short-Term Residential Rentals located in a
4 Residential Zone (R1-R5, MF) of the Town of Branford or a residential zone of
5 the Pine Orchard or Short Beach Zoning Districts. This ordinance does not apply
6 to rentals in other zones of the Town
7 2.2. Condominium dwelling units and apartment buildings may have additional
8 defined rules and regulations governing such activity.
9 2.3. Local HOAs, the Pine Orchard Association, the Short Beach Civic Association,
10 and the Stony Creek Association may have more restrictive regulations which
11 will take precedence.
12 2.4. This ordinance does not apply to Bed and Breakfast facilities or Hotels, if any,
13 for which the Town of Branford Planning and Zoning Commission or the Zoning
14 Commission of the Pine Orchard Association or the Short Beach Civic
15 Association has approved as a special exception.
16

17 **3. Enabling State Statutes and other relevant Regulations**

- 18 3.1. Reference CT Public Act No. 24-143 (7);
19 3.2. Reference the Zoning Regulations of the Town of Branford, the Pine Orchard
20 Association and the Short Beach Civic Association currently in effect.
21

22 **4. Definition of a Short-term Residential Rental (STRR):**

- 23 4.1. The rental of a single-family dwelling unit (FDU), or any part thereof, which is
24 located in a Residential Zone (R1-R5, MF) of the Town of Branford or a
25 residential zone of the Pine Orchard or Short Beach Zoning Districts for
26 overnight occupancy for a rental period of less than 30 consecutive days and for
27 more than a total of 30 aggregate days during any calendar year.
28

29 **5. Definitions**

- 30 5.1. **Host** – A person who is a 25% minimum owner (directly, or through an LLC, or
31 through a revocable trust) of the STRR property (or immediate family member
32 thereof), who is over 21 years of age and who resides in the STRR during
33 periods of rental or is in residence elsewhere in the area within a 10-mile
34 radius of the rental property during all periods of rental. Hosts must be able to
35 be contacted 24/7. See also Section 6 Hosting Requirements.
36 5.2. **Acting-Host** (for Seasonal Cottages only) - The Acting-Host shall be a person
37 designated by the owner who is over 21 years of age and who resides in the
38 STRR during periods of rental or is in residence elsewhere in the Town within
39 a 10-mile radius of the rental property during all periods of rental. Acting-Hosts
40 must be able to be contacted 24/7. Acting-Hosts do not need to have an
41 ownership interest in the STRR.
42 5.3. **Bed and Breakfast** – As defined by the Branford Zoning Regulations

- 1 5.4. **Ceremony** – a public or private gathering for ceremonial purposes on the
2 rental premises by individuals other than the registered STRR Guests of the
3 premises.
- 4 5.5. **Enforcement Officer** – person designated by the Board of Selectman to
5 enforce this ordinance.
- 6 5.6. **Events** – include, but are not limited to, gatherings such as weddings, parties,
7 concerts, or banquets, whether inside or outside, attended by persons who are
8 not the owners, hosts, or Registered Guests of the Short-Term Residential
9 Rental.
- 10 5.7. **Hotel** – As defined by the Branford Zoning Regulations
- 11 5.8. **Registered Guests** – all persons listed on the rental agreement. Note:
12 registered guests must not exceed 6 in any STRR.
- 13 5.8.1. Children under age 2 may reside with their parents in a single guest
14 bedroom and will not be counted in the overall 6-person Registered
15 Guest limit.
- 16 5.9. **Invited Guest** – a person invited by a Registered Guest onto the premises
17 rented and who is not a Registered Guest of the Short-Term Residential
18 Rental. (Note: Limits on Invited Guests allowed in STRRs – see 10.4)
- 19 5.10. **Single-Family Dwelling Unit (FDU)** - As defined by the Branford Zoning
20 Regulations.
- 21 5.11. **Immediate Family Member** (of the Owner) - as defined in Connecticut
22 General Statutes § 1-79 (6)
- 23 5.12. **Owner** – a person owning at least 25% of a STRR unit (directly, or through an
24 LLC, or through a revocable trust).
- 25 5.13. **Owner Occupied** – a residential unit that is occupied by its owner and who is
26 in residence during all periods of rental.
- 27 5.14. **Party** – an informal gathering on the rental premises by individuals other than
28 the registered STRR Guests of the premises
- 29 5.15. **Registration Permit** – a permit provided by the Town indicating successful
30 and current registration of the STRR unit with Town
- 31 5.16. **Residence** - a Single-Family Dwelling Unit as defined by the Town of Branford
32 Zoning Regulations
- 33 5.17. **Monthly Residential Rental** – rental of a residence for a period of more than
34 30 consecutive days. (*Note: Monthly Residential Rentals are not governed by*
35 *this ordinance.*)
- 36 5.18. **Weekly Short-Term Residential Rentals** – a rental for a period of 1 week or
37 more but less than 1 month
- 38 5.19. **Daily Short-Term Residential Rentals** – a rental on a daily basis or for
39 periods of less than 1 week
- 40 5.20. **Related Parties** – see Immediate Family Member
- 41 5.21. **Retreat** – an organizational event held on the premises to foster employee or
42 member development which includes individuals other than the Registered
43 Guests.

1 5.22. **Seasonal Cottage** – A single family dwelling unit that is not winterized, does
2 not meet the building code requirements for year-round occupancy, and which
3 remains un-occupied during the months of November, December, January,
4 February and March.

5 5.23. **Town** – the Town of Branford, CT.
6

7 **6. Hosting Requirements:**

8 6.1. All Short-term Residential Rentals shall have a Registered Host meeting all of
9 the requirements and regulations of this ordinance during all periods of rental.

10 6.2. Exception - Seasonal Cottages used for STRRs shall be exempted from the
11 requirement that the Host reside within a 10-mile radius of the STRR during all
12 rental periods if they have a registered Acting-Host who does meet this
13 requirement during such periods. *Note: Seasonal Cottages have offsetting*
14 *limitations as defined in this ordinance.*
15

16 **7. Registration & Permit Required:**

17 7.1. All STRRs in the Town of Branford must be annually registered and permitted
18 with the Town prior to and during any period of STRR. No STRR may be
19 operated which is not currently registered & permitted with the Town.

20 7.2. Only owner(s) of record over twenty-one (21) years of age may apply for and
21 obtain a Short-Term Residential Rental Permit.

22 7.3. Registration will entail the submission of a completed Registration form and
23 payment of a fee to the Town of Branford Department designated by the Board
24 of Selectman.

25 7.4. The annual Permit Period shall be from May 1st to the following April 30th.

26 7.5. The initially issued Permit shall end on April 30st and may be renewed annually
27 for the period of May 1st to the following April 30st

28 7.6. Any previously issued Permit not renewed by May 1st shall be automatically
29 revoked.

30 7.7. The initial registration fee and annual renewal fee for Seasonal Cottages will
31 be \$200 and for all other STRRs will be \$300.

32 7.8. Registration data and qualifications will include:

33 7.8.1. Location and Zone of the premises,

34 7.8.2. Identification of the requirements for ownership and hosting,

35 7.8.3. owner and host contact information including cell phone numbers,

36 7.8.4. sworn statement from the Owner that the Short-Term Rental will contain
37 operating smoke and carbon monoxide detectors that meet the
38 requirements for said detectors as set forth by the Town's Building and
39 Fire Codes.

40 7.8.5. compliance with all applicable State and Local building codes,

41 7.8.6. evidence of applicable liability insurance,

42 7.8.7. The number of rental bedrooms in the unit and, if any, the number of
43 owner-occupied bedrooms. The total number of bedrooms in the

- 1 residence must not exceed the number of bedrooms on the Assessors
2 Field Card.
- 3 7.8.8. evidence of compliance with the required off-street parking provisions
4 (see Section 8.6.)
- 5 7.8.9. for units with septic systems an ESHD septic system certificate is
6 required.
- 7 7.9. Upon certification by the Town that all of the registration requirements have
8 been met and payment of fees the Town shall issue an annual STRR Permit.
- 9 7.9.1. Copies of the Permit must be posted in each rental bedroom by the
10 Host.
- 11 7.9.2. The STRR host shall provide every neighboring property owner within a
12 300-foot radius of the property with a copy of the Permit prior to
13 initiating STRR rentals
- 14 7.10. Permits are revocable by the Enforcement Officer if any of the qualifications for
15 STRR registration are changed, or if any of the prohibited activities occur, or if
16 repeated complaints have been logged to the Town or Police Department
17 regarding prohibited actions of Registered Guests.
- 18 7.11. A short-term residential rental permit is not transferable to another owner or
19 property
- 20 7.12. The Town shall maintain a list of Permitted STRRs including identification and
21 contact information of the Host. Such a list shall be made available to the
22 public.
- 23

24 **8. Requirements applicable to all Short-term Residential Rentals:**

- 25 8.1. All STRRs shall be Registered and have a Permit from the Town of Branford -
26 no property in the Town of Branford shall be used as a short-term residential
27 rental facility as defined by this ordinance until the appropriate authority of the
28 Town of Branford has issued a Registration Permit.
- 29 8.2. All STRRs shall be Hosted per Section 6 during all periods of rental.
- 30 8.3. Maximum Number of Rented Bedrooms – a STRR shall rent no more than
31 three (3) Guest bedrooms at a time
- 32 8.4. Maximum Number of Registered Guests – a STRR shall rent to no more than
33 six (6) Registered Guests at a time
- 34 8.5. At least one bedroom shall be provided for every two Registered Guests in the
35 rental contract
- 36 8.6. All Short-Term Residential Rental properties must have the following:
- 37 8.6.1. Working smoke and Carbon Monoxide detectors with placement
38 following Town/State building codes;
- 39 8.6.2. A working fire extinguisher shall be located in the dwelling at all times
40 when the property is being used as a short-term rental;
- 41 8.6.3. A clear path of egress is always visible while the property is available
42 for rent;
- 43 8.6.4. Properly functioning windows and doors in all livable spaces of the
44 dwelling;

- 1 8.6.5. Sleeping accommodations which are compliant with the state building
2 code.
- 3 8.6.6. Certification that any pool on the premises is compliant with all state
4 and local codes.
- 5 8.7. All STRR Dwelling Units shall accommodate and calculate vehicular parking
6 as follows:
- 7 8.7.1. One car per rented guest bedroom plus 2 cars for owners who are
8 resident.
- 9 8.7.2. In locations where neighboring residents park on-street, 2 of the
10 required parking spaces may be on-street. All additional required
11 parking must be off-street and on the site in spaces meeting zoning
12 regulations.
- 13 8.7.3. In locations where the streets are too narrow to accommodate on-street
14 parking without impeding normal traffic all required parking must be off-
15 street, and on the site, in spaces meeting zoning regulations.
- 16 8.7.4. The space for off-street parking shall be adequate in size, layout, and
17 design to facilitate the free flow of traffic on public streets and the safe
18 ingress and egress from the premises.
- 19 8.7.5. Exception - Short Term Rental of Summer Cottages on islands in the
20 coastal waters of Branford shall be exempt from the on-site parking
21 requirements.
- 22 8.8. The Host shall be responsible for the acceptable use of the rental premises
23 according to the requirements set forth in this ordinance. The Host shall be
24 personally responsible for oversight of rental guests and compliance with the
25 Branford ordinances and zoning, including those related to such things as
26 parking, noise, and outdoor lighting. The host's responsibility shall be in
27 addition to, and not a replacement of anything that would otherwise be the
28 responsibility of the property owner.
- 29 8.9. All STRR Registered Guests shall be in continued compliance with all
30 applicable federal, state and local laws and regulations during their period of
31 rental.
- 32 8.10. For all STRRs on septic systems – the facility shall maintain a septic system
33 that is in compliance with the requirements of the East Shore Health District for
34 the total number of bedrooms in the residence or summer cottage
- 35 8.11. Each Registered Guest shall be notified of the STRR Registration number, the
36 Host's name and contact information, and the prohibited uses of the rental.
- 37 8.12. The Host shall be responsible for the enforcement of all prohibited activities
- 38 8.13. Signage, if otherwise allowed in the zoning district, shall comply with the
39 requirements for the zoning district and be approved as required by zoning
40 regulations
- 41 8.13.1. Signage advertising the property as a short-term rental is prohibited
- 42

1
2 **9. Special Requirements to qualify as a Seasonal Cottage**

- 3 9.1. No less than a 7-day rental term;
4 9.2. Rented for no more than a total of 8 weeks in any calendar year;
5 9.3. Rental period limited to the months of April, May, June, July, August,
6 September, October;
7 9.4. Compliance with all other regulations of this ordinance
8

9 **10. Prohibited STRR Activities** – The following activities are prohibited:

- 10 10.1. Short Term Residential Rentals without a Permit from the Town of Branford.
11 10.2. Un-hosted STRRs
12 10.3. Noise generated by STRR guests, including outside amplified music and/or
13 loudspeakers
14 10.4. STRRs used for an Event venue of any kind, whether or not for consideration.
15 10.5. STRRs allowing Invited Guests (non-registered) on the premises; however, up
16 to 4 Invited Guests may be on the premises from 8 am to 12 am.
17 10.6. STRRs allowing bedrooms to be occupied by more than two individuals - see
18 Section 5.8
19 10.7. STRRs used for illegal activities
20 10.8. STRRs used for commercial purposes by quests.
21 10.9. STRRs of tents, recreational vehicles, , sheds, garages, campers or similar
22 types of structures.
23

24 **11. How Complaints are registered and an Offense is determined:**

- 25 11.1. Complaints should be communicated to the Town's Enforcement Officer, or in
26 cases of immediate public safety to the Police Department.
27 11.2. Complaints made to the Police Department:
28 11.2.1. If the case is deemed to be of immediate public safety, the Police
29 Department will act according to their normal procedures
30 11.2.2. In cases of other infractions of this ordinance the Police Department
31 shall refer the complaint to the Town's Enforcement Officer
32 11.3. Complaints made to the Town's Enforcement Officer
33 11.3.1. The Enforcement Officer will investigate the complaint and if valid
34 shall issue a Warning or Citation per the Town's Enforcement
35 Ordinance, Chapter 227. Photographs, recordings or other evidence
36 submitted with the complaint will be added to the investigation.
37

1
2 **12. Penalties for Citations. Including loss of permit**

3 12.1. First citation – First offense shall be subject to a fine of \$250.

4 12.2. Second citation – In addition to a monetary fine of \$250, the offender's permit shall be
5 revoked for a 1-year period.

6 12.3. Each 24-hour period that a violation occurs or continues shall be a citation subject to
7 the above-mentioned \$250 fine.

8
9 **13. Enforcement**

10 13.1. Enforcement Officer – A Short-Term Rental Enforcement Officer shall be appointed by
11 the Board of Selectmen.

12 13.2. Hearings and appeals shall be as set forth in Chapter 227 of the Town Code.

13
14 **14. Conflict with statutory provisions.**

15 14.1. Any State or Local Statute, Ordinance or Regulation that is more restrictive in its
16 application will take precedence.
17

Draft Amended Blight Ordinance

Note key additions are highlighted and key deletions are in red.
Unnecessary definitions have been deleted and are not shown.

Chapter 124

BLIGHT PREVENTION

§ 124-1.	Purpose.	§ 124-7.	Process for resolution and enforcement.
§ 124-2.	Declaration of policy; applicability; exemptions.	§ 124-8.	Penalties for offenses.
§ 124-3.	Blight defined.	§ 124-9.	Town acquisition of abandoned blight properties.
§ 124-4.	Definitions.	§ 124-10.	Authority limited; effect on other provisions.
§ 124-5.	Special consideration.	§ 124-11.	Severability.
§ 124-6.	Blight Prevention Officer.		

[HISTORY: Adopted by the Representative Town Meeting of the Town of Branford 6-9-2021.
Amendments noted where applicable.]

§ 124-1. Purpose.

- A. This chapter is enacted pursuant to the Municipal Powers Act (Section 7-148 et seq.) of the State of Connecticut General Statutes.
- B. It is hereby found and declared that there may exist within the Town of Branford a number of real properties (both commercial and residential) which are vacant and/or in a blighted condition, and whose continued existence may contribute 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.
- C. This chapter is sensitive to the private property rights of the citizens of Branford and to fact that a significant number of the instances of residential blight are the result of extenuating circumstances caused by limitations resulting from age, physical or mental disability, and/or economic situations.
- D. The objective of this chapter is to set up a process for addressing blighted conditions that leads to a successful resolution of those conditions short of the issuance of a citation or a fine.
- E. In few cases of extreme blight which are not caused by extenuating circumstances this chapter will provide the Town with administrative tools to address those conditions. It is further found that many of those properties can be rehabilitated, reconstructed, or reused so as to provide decent, safe and sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, or reuse would eliminate, remedy and prevent the adverse conditions described above.

§ 124-2. Declaration of policy; applicability; exemptions.

- A. No owner of real property located in the Town of Branford shall allow, create, maintain, or cause to be created or maintained, a blighted premises.
- B. This chapter shall apply to the maintenance of all residential and commercial properties 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 preserved in its natural state.

1
2 through conservation easements or similarly protected open space, or areas designated as inland
3 wetlands and watercourses.

4 C. The following buildings or structures shall be exempted from a declaration of blight:

5 ~~Removed the Town building exemption~~

6 (1) Any building or structure undergoing remodeling, restoration, repair, correction of a blight
7 condition, or renovation, as evidenced by a current and authorized building permit, provided that
8 the blighted condition will be corrected thereby and that the period thereof does not exceed six
9 consecutive months. An extension for good cause may be requested of the Blight Enforcement
10 officer, who shall have the discretion to grant the same for a reasonable term.

11 (2) Any building or structure which is actively involved in a legal transfer with more than nominal
12 consideration of ownership.

13 (3) The above exemptions are for buildings or structures involved in reconstruction and do not
14 exempt the site surrounding those structures from the provisions of 124-3.E.
15

16 **§ 124-3. Blight defined.**

17 A blighted premises is defined as any building, structure or parcel of land, except exempt property as
18 defined in § 124-2 above, in which at least one of the following conditions exist for a period of more than
19 90 days:

20 A. It is dilapidated or is in a state of disrepair as verified by the Building Official.

21 B. It is attracting illegal activity as documented by the Police Department.

22 C. It is a fire hazard as determined by the Fire Marshal.

23 D. The condition of the building, structure or parcel of land poses a serious or immediate danger to the
24 safety or poses a risk to the public health of the community as determined by a report of the Building
25 Official or the East Shore Health District.

26 E. Construction sites working under a building permit that are not maintained in a neat and orderly
27 manner and / or have trash and discarded materials which are not placed in a dumpster or have not
28 been removed properly from the site.

29 F. It contains unauthorized outside accumulation of any of the items listed below:

30 (1) Garbage not in trash containers;

31 (2) Exposed junk, trash, rubbish, boxes, paper, plastic, inoperable equipment or refuse of any kind;

32 (3) More than one abandoned, inoperable or unregistered (if applicable) motor vehicle, boat,
33 motorcycle, or other inoperable machinery (unless the premises is a junkyard or automotive
34 repair facility legally licensed by the State of Connecticut) left on the property or the public
35 right-of-way.
36

(4) Dumpsters or other refuse containers usually used on a construction site kept in a residential area for a time frame exceeding thirty (30) days unless for construction or improvement project with a Town-issued building permit which is to commence within two weeks. A permit is required from the appropriate town official for the placement of a dumpster in a public right-of-way for the purpose set forth above. The enforcement officer may consider other information it deems relevant in determining whether a dumpster is improperly placed.

(5) Previously landscaped areas that have been left unattended for a minimum of a full growing season evidenced by a combination of several of the following: lawn that is over 12" in height, high invasive weeds, dead shrubs, and/or trees. The following naturally vegetated areas are exempt – Wetlands, Forested areas, Meadows.

G. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood as documented by neighbor complaints to the Town, its officers, agents and/or employees.

H. It is a factor creating cancellation of insurance on adjacent properties.

I. It is a factor that is seriously depreciating property values in the neighborhood as evidenced by tax or real estate appraisals.

§ 124-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLE — Any unregistered, inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g., golf cart, snowmobile, water sled, all-terrain vehicle, etc.), boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment, whether self-propelled or towed, that is intentionally left, forsaken or deserted. Intent may be determined by an act or omission such as no use and lapse of time.

BLIGHT INVESTIGATION TEAM — A team assembled by the Blight Prevention Officer (BPO).

BLIGHT PREVENTION OFFICER (BPO) — An individual appointed by the Board of Selectmen to fulfill the duties herein.

BUILDING or STRUCTURE — An edifice of any kind or any piece of work artificially built or composed of parts joined together in some form which is built or constructed on any real property. The words "building" or "structure" shall be construed as if followed by the words "or part(s) thereof." Accessory buildings or structures, canopies, awnings, marquees, and each and every type of portable equipment shall be considered "buildings" or "structures" within the meaning of this definition.

CONSTRUCTION — any work on a building structure or site for which a permit from the Town of Branford Building Department is required.

DAYS — Consecutive calendar days.

DILAPIDATED or is in a STATE OF DISREPAIR — A building or structure that is not being maintained as evidenced by one or more of the following factors which have existed for a period of six months and which may be considered in that determination: broken, missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding; a structurally faulty foundation; graffiti; fire damage; and/or in such condition that they would not qualify to receive a certificate of use and occupancy if one were to be applied for.

DUMPSTER — A large trash receptacle of greater than four cubic feet in capacity made of metal or other material and designed to be hoisted or emptied into a vehicle for removal.

1 EXTERIOR YARD OR GROUNDS — Any area of a lot or site or any sidewalk area upon or adjacent not
2 covered by a building or a structure and excluding any open porch or deck areas, land trust property and
3 state and farm properties.

4 FORESTED AREAS — natural woodlands with native trees and shrubs not originally planted as
5 landscaping.

6 GARBAGE — Food wastes, food wrappers, containers, cans, bottles or any other material that results or
7 remains from the use, consumption and preparation of food or drink as well as any other expended, used or
8 discarded materials such as paper, plastic, cardboard, metal, rags, glass or any other solid waste generated
9 from day-to-day activities of a household, business or industry, but shall not include properly prepared and
10 stored recyclable materials or properly maintained compost areas.

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

14 GROWING SEASON — the period in CT from March through October

15 INOPERABLE MOTOR VEHICLE — A vehicle which can no longer be used for its intended purpose but
16 has not been abandoned.

17 LANDSCAPED AREAS — areas of the property surrounding the structure that were previously or currently
18 purposefully planted and maintained by the homeowner with a combination of lawn, shrubs, trees, gardens,
19 ornamental high grasses.

20 LAWN — A stretch of grass-covered land which may include other species of ground cover that has been
21 maintained by the property owner closely mowed near to the ground.

22 LOT - Any land area devoid of buildings or structures within the confines of the front, rear and side property
23 lines.

24 MEADOWS — natural native meadowlands not originally planted as landscaping

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

29 NATIVE — trees, shrubs and understory species which are native to Connecticut

30 NATURAL — native plants and trees not originally planted as landscaped areas

31 NEIGHBORHOOD — An area of the Town comprised of premises or parcels of land within the Town,
32 any part of which is within a radius of 800 feet of the alleged blighted property.

33 OWNER — One or more persons, corporation, limited-liability company, partnership, jointly or severally
34 in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a
35 right to the present use and enjoyment of the premises and accompanying land and includes a mortgagee in
36 possession.

37 PERSON — Any individual, company, public or private corporation, partnership, management agent,
38 societies or association or any employee or member thereof who owns, possesses, controls, leases or
39 manages a parcel of real estate with the Town. The singular term and the related pronoun shall include the
40 plural of the masculine and feminine.

41 PUBLIC RIGHT-OF-WAY — Any street or highway which shall include the entire width between the
42 boundary lines of every way publicly maintained for the purposes of vehicular traffic.

43 RESIDENTIAL — Pertaining to one's residence, place of abode and/or dwelling.

44 SIDEWALK AREA — Means the area located between a property line and a curb line of street or highway.

1 SOLID WASTE — Materials or substances that are discarded or rejected or worthless. This includes, but
2 is not limited to, garbage, refuse, industrial or commercial waste, rubbish, tires, ashes, construction and
3 demolition debris, inoperable motor vehicles or parts, discarded household and commercial appliances,
4 shopping carts, discarded furniture or commercial displays, unstacked wood or tree cuttings, shipping skids
5 and pallets and bagged or loose grass and lawn clippings, leaves, weeds and other composting materials not
6 intended to be composted. Such object or item shall be presumed to be solid waste when it appears to be
7 discarded, rejected, improperly stacked or stored and/or placed or left on the grounds or exterior of the
8 property in the view of neighbors or passersby or general public under circumstances which meet one or
9 more of the following criteria:

- 10 A. The object(s) produces an offensive smell;
- 11 B. The object(s) is of a type designed for interior use or is made of materials suitable only for
12 interior use, yet is left outside and is exposed to the elements;
- 13 C. The object(s) has obviously been discarded;
- 14 D. The object(s) has reached a degree of dilapidation or disrepair that can reasonably be presumed
15 to render said object incapable of being used for its original or other reasonable purpose;
- 16 E. The object, despite its condition, is left, placed or stored in such a manner which appears likely
17 to cause bodily injury or injury to the property of another.

18 VACANT — A period of 60 days or longer during which a building or structure subject to this chapter is
19 not able to be legally occupied.

20 VACANT PARCEL — A parcel of land with no buildings or structures thereon.

21 WETLANDS — natural wetlands areas as defined by the Branford Inland Wetlands Regulations

22 YARD — An open, occupied space on a lot.

23
24 **§ 124-5. Special consideration.**

25 In the Town's effort to correct housing blight, special consideration may be given to individuals that are
26 disabled, elderly, or low income as defined below. If an individual cannot maintain a reasonable level of
27 upkeep of his owner-occupied residence because the individual is disabled, elderly or low income, and no
28 capable person resides in the residence, the Town may give the person a reasonable amount of time to
29 correct the problem, the duration of which shall be in the discretion of the Blight Prevention Officer. If
30 needed, assistance in finding solutions through other agencies of the Town or other entities will be offered
31 by the Town.

- 32 A. "Capable individual" shall mean a person that can be reasonably expected to perform maintenance
33 and yard work around a property or premises. This shall include a person above 18 years of age,
34 without a physical or mental disability as defined herein.
- 35 B. "Disabled individual" shall mean, in the case of an owner-occupied residence, an individual who has
36 a disability meeting the definitions for the mental or physical disability as defined under the
37 Americans with Disabilities Act of 1990¹ and does not have a household member capable of
38 providing the necessary maintenance.
- 39 C. "Elderly individual" shall mean an individual over the age of 65, who does not have a household
40 member capable of providing the necessary maintenance.
- 41 D. "Low-income individual" shall mean, in the case of an owner-occupied residence, an individual, or,
42 where more than one person resides in the premises, a family unit, that has an income below the
43 highest level of "qualifying income" established by Connecticut General Statutes Section 12-

1 170d(a)(3).

2
3 **§ 124-6. Blight Prevention Officer.**

- 4 A. A Blight Prevention Officer (BPO) shall be appointed by the Board of Selectmen; however, the BPO
5 shall not be an officer in the Police Department or a member of the Fire Department.
- 6 B. Remuneration for the BPO shall be at the discretion of the Board of Selectmen with approval of the
7 Board of Finance and the RTM.
- 8 C. The BPO shall maintain records of actions taken pursuant to this chapter.
9

10 **§ 124-7. Process for resolution and enforcement.**

11 The process for addressing and resolving complaints of a blighted premises leading to the possible issuance
12 of a citation for violation shall be as follows:

13 A. Receipt of written complaint.

- 14 (1) Upon the observation of the Blight Prevention Officer and/or upon receiving a written complaint
15 of a possible violation of this chapter ~~need for signature deleted~~, the Blight Prevention Officer
16 shall initiate an investigation after inspecting the validity of the complaint.

- 17 (2) A written complaint shall be a complaint of a condition of blight submitted on a properly
18 completed official complaint form that has been issued by the BPO (form made available on
19 Town website) and signed by the complainant who shall be a resident of Branford, an owner of
20 property in the Town of Branford, or a municipal official of the Town of Branford.

21 B. Initial investigation.

- 22 (1) The BPO shall review the complaint form to determine:

- 23 (a) The general nature of the referenced blight.
24 (b) The owner of record of the referenced property.

- 25 (2) The BPO shall visit and observe the actual site to:

- 26 (a) Determine if the complaint falls within the definitions herein defined as blight and further
27 steps should be taken.
- 28 (b) Determine if there are any obvious or apparent special circumstances associated with the
29 property which should warrant special consideration.
- 30 (c) Determine if a Blight Investigation Team should be used to resolve the complaint and, if
31 so, what officials of the Town should be included in the Investigation Team.

32 ~~Deleted Blight Team Conference~~

33 C. Issuance of a verbal warning. Initial contact with the property owner shall be made by the BPO or
34 assigned Team member and shall consist of a verbal review of the complaint and:

- 35 (1) A determination through discussion with the owner and/or occupant if any special considerations
36 exist that may not have been previously understood.
- 37 (2) A discussion of corrective action, if any, the owner is willing to take with no further action by
38 the Town along with an agreed timetable for such action.

39 D. Determination of special considerations. If the conditions observed by the BPO and discussed with

the owner and/or occupant indicate the possibility of special consideration, then the BPO will contact appropriate social service agencies to determine if outreach by their organization might find a resolution to the complaint condition.

E. Issuance of a written Blight Ordinance notice of violation (warning).

(1) If a successful resolution to the condition is not reached by the actions above within thirty (30) days from the issuance of a verbal warning, then the BPO may issue a formal written warning of violation to the property owner and property occupant outlining the blight conditions to be remediated and reasonable time frame for remediation.

(2) Notice of violation will be sent to the property owner via registered mail with return receipt request.

F. Resolution by conference.

(1) Within 15 days of the date of the issuance of a written notice of violation to the owner of a property, the owner may request a resolution conference with the Blight Prevention Officer to be held within 20 days therefrom. The purpose of the resolution conference is to determine whether the owner is willing and able to remediate the blighted property.

(2) If the owner is willing and able to remediate the blighted property, the Blight Prevention Officer shall establish a reasonable time frame for remediation

(3) Neither the request for, nor the scheduling of, a resolution conference shall toll or abate the possible service of a civil citation upon the owner.

(4) Except in cases involving a public health danger, the property owner may request an extension of time to complete the remediation. The Blight Prevention Officer may grant this request in his or her sole discretion and so notify the owner of the extension in writing. If the owner completes remediation within the time granted by the Blight Prevention Officer, the Blight Prevention Officer shall not issue a written citation nor impose fines.

G. Enforcement by citation. If, in the opinion of the BPO, the owner has not addressed the blight conditions in a timely manner as agreed after issuance of the notice of violation warning, and all efforts to resolve the condition through resolution by conference, or social service agencies, if warranted, have been exhausted, then the BPO may issue a violation citation which may include an associated fine.

(1) The procedures for the issuance of a notice of violation (warnings), issuance of a citation and any requested hearings for violations of this chapter shall follow the requirements of the Branford Town Code, Chapter 227.

(2) The BPO is empowered to issue citations for any violation of this chapter by leaving a copy of such citation form with the owner of the housing 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 form shall contain the following information.

An original or certified copy of the original citation issued by the BPO shall be filed and retained by the town and shall be deemed to be a business record within the C.G.S. §51-180 and evidence of the facts contained therein.

(a) The address of the affected property;

(b) The exact nature of the violation;

(c) The time allowed for corrective action as determined by the BPO;

- (d) The penalty for continued violation of this chapter;
- (e) The availability of a hearing procedure as stipulated in the Town Code.

H. Admission of liability; hearing request.

(1) Upon receipt of a citation, a cited person may:

- (a) Pay the full amount of the fines, penalties, costs or fees as provided in Chapter 196 of this Code.
- (b) Within 30 days of the date of the citation, request a hearing as provided in Chapter 196 of this Code.

(2) Any person who has received a citation and failed to request a hearing within the prescribed period or make payment within 30 days of the date of the citation shall be deemed to have admitted liability, and shall be subject to the further provisions of Chapter 196 of this Code.

I. Appeal by hearing; hearing procedures for citations. The procedures for hearings requested by persons cited for violations of this chapter shall follow Chapter 227 of the Code of the Town of Branford as amended herein:

~~Removed the Blight Appeals Committee involvement~~

(1) Hearing Procedure: The Blight Enforcement Officer, or his designee, may present evidence on behalf of the municipality. If the owner fails to appear in person or by counsel, the hearing officer may enter an assessment by default against him upon the finding of proper notice and liability under the applicable statutes and this chapter. The hearing officer may accept from the owner copies of any investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the owner is not liable, the hearing officer shall dismiss the matter and enter his/her determination in writing accordingly. If the hearing officer determines that the owner is liable for the violation(s), he shall forthwith enter and assess the fines against such owner as provided by §124-7 and as set forth in the citation.

J. Remedial action. If a notice of violation (warning) or citation for violation has been issued, remediation shall be effected through one of the following actions:

(1) Remediation by owner. The owner shall remediate the violation cited as defined in the notice of violation or the citation and within the time period established in the citation.

(2) Remediation authorized with permission of owner.

(a) A property owner may request that the Town of Branford, its employees, agents or servants, including independent contractors hired by the Town of Branford, enter upon his or her property to remediate the blight violations. The Director of Public Works or any designee of the First Selectman (hereinafter referred to as "Director or designee") may grant or deny the request.

(b) If the Director of Public Works or designee grants the request, then prior to the entry of the Blight Prevention Officer and/or other Town employees upon the owner's property, the property owner must agree, in writing, to the dates, time, location and nature of the remediation and release the Town of Branford, its employees, agents, and servants, including independent contractors hired by the Town of Branford, from liability for any

injury or harm caused by the remediation or the entry onto the property.

(3) Remediation by Town for public health danger. Upon the failure, neglect or refusal of any owner to remediate violations that are dangerous to the public health, safety, or welfare within seven calendar days from the date of the citation for violation, the Town, through the appropriate official designated herein, may cause such remediation by Town employees, agents or an independent contractor engaged by the Town.

(4) Remediation by court order. In all cases where an owner has failed to remediate the blight violations within the time period stipulated in a citation, the Town may seek a court order allowing such remediation by Town employees, agents or an independent contractor engaged by the Town.

K. Funding of remediation undertaken by the Town.

(1) Use of funds for remediation under this section. Where an owner has given permission to the Town to remediate violations, or where the Town undertakes remediation of violations that are dangerous to the public health, safety or welfare or where the Town has received a court order, the Director of Public Works or any designee of the First Selectman may assign Town employees to remedy the blight conditions if staffing levels are sufficient to do so without causing disruption to other Town business. If the Director or designee does not so assign Town employees to remedy the blighted conditions, then said Director or designee may consult with the First Selectman regarding whether funds for taking remedial action are available. If adequate funds are available in said account, the Director or designee may use these funds to take, or cause to be taken, action to remedy the blighted condition. If adequate funds are not available in said account, the Director or designee may take, or cause to be taken, action to remedy the blighted condition if said Director or designee deems it appropriate to utilize funds from a different account. If funds for taking remedial action are so used, the owner will be responsible for reimbursing the Town for the cost of the remediation, as set forth below.

(2) Owner's responsibility to pay for remediation/penalty.

(a) Upon completion of any remediation of blight violations by the Town, its employees, agents, servants, or independent contractors hired by the Town of Branford under this section, the Director or designee shall determine the cost of the remediation and shall bill the owner therefor.

(b) The owner shall be responsible to pay a penalty to the Town in the amount of the cost of the remediation.

(c) Upon the failure of the owner to pay the Town the cost of the remediation within 30 days from the date of such bill, the Director or designee shall cause to be recorded on the land records of the Town a sworn statement detailing the cost and expense incurred for the abatement work, the date the work was done and the location of the property upon which the work was done pursuant to Connecticut General Statutes § 49-73b. The recordation of the sworn statement shall constitute a lien on the property.

(d) The Director or designee, at his or her sole discretion, may grant the owner additional reasonable time, greater than 30 days, but not to exceed 360 days, from the date of such bill, to pay the penalty.

(3) Any Town funds used to carry out the provisions of this section shall be appropriated from a source designated by the Board of Selectman and approved by the Board of Finance and the RTM.

1 **§ 124-8. Penalties for offenses.**

2 A. Any person who shall violate the provisions of this chapter and has been issued a formal citation by
3 an enforcement officer shall be fined as specified below:

4 (1) Each violation of this chapter shall be considered a separate offense.

5 (2) Each twenty-four-hour cycle that any violation continues shall constitute a separate offense.

6 (3) Each separate offense under this chapter shall be punishable by a civil penalty of \$100.

7 B. Legal proceedings authorized.

8 (1) If remediation has not been accomplished through the procedures stipulated in this chapter or
9 the fines imposed through citation for violation have not been paid, the First Selectman or their
10 designee is authorized to initiate legal proceedings in the Superior Court to enforce any notice,
11 summons or citation issued pursuant to this chapter or to seek the immediate correction of the
12 violations, collection of all civil penalties, and the recovery of all costs, including costs of
13 remedial actions authorized by the court and a reasonable attorney's fee incurred by the Town of
14 Branford to enforce this chapter.

15 (2) All civil penalties, court costs, costs of remedial action, and attorney's fees as ordered by the
16 court shall constitute a lien on the subject premises, provided the owner of said premises has
17 been notified of the violations as herein provided and was made a party to the formal
18 proceedings, and any amounts for said fines, court costs, costs of remedial action and attorney's
19 fees as may be collected shall be repaid into the fund source used to remediate the action as
20 previously established.

21 C. Lien on real estate where penalty for violation is unpaid. Pursuant to Section 7-148 of the Connecticut
22 General Statutes, any unpaid penalty imposed by the Town of Branford pursuant to this chapter of the
23 Code of the Town of Branford, Blight Prevention, a chapter adopted pursuant to Section 7-
24 148(c)(7)(H)(xv) of the Connecticut General Statutes, concerning the prevention and remediation of
25 housing blight, shall constitute a lien upon the real estate upon which the penalty was imposed from
26 the date of such penalty. Each such lien shall take precedence over all other liens filed after July 1, 1997,
27 and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

28
29 **§ 124-9. Town acquisition of abandoned blight properties.**

30 A. The Board of Selectmen is authorized to take the necessary steps to acquire the blighted properties
31 with RTM approval which have been certified by the Building Official to be abandoned pursuant to
32 the Urban Homesteading Act, Connecticut General Statutes Section 8-169(o) et seq., as it may be
33 amended from time to time.

34 B. A prejudgment lien on real estate may be imposed where the fine for violation of the blighted premises
35 provisions of this chapter have not been paid within 30 days, despite proper notice to the person found
36 liable. Any unpaid fine imposed by a municipality pursuant to the provisions of an ordinance
37 regulating blight, adopted pursuant to Connecticut General Statutes § 7-148(c)(7)(H)(xv), shall
38 constitute a lien upon the real estate against which the fine was imposed from the date of such fine.
39 Each such lien may be continued, recorded and released in the manner provided by the general statutes
40 for continuing, recording and releasing property tax liens. Each such lien shall take precedence over
41 all other liens and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be
42 enforced in the same manner as property tax liens, including foreclosure of the real property.

43 C. In addition to all other remedies and any fines imposed herein, the provisions of this code may be
44 enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/
45 occupier or other responsible person any and all costs and fees, including reasonable attorneys' fees,

1 expended by the Town in enforcing the provision of this code.
2

3 **§ 124-10. Authority limited; effect on other provisions.**

4 A. Nothing in this chapter shall limit the power and authority of the Town Building Official, the Zoning
5 Enforcement Officer, the Planning and Zoning Commission, the Fire Marshal, the Director of Health,
6 the Assessor, the Police Department, or the Director of the Department of Public Works, or their
7 designee, to enforce their respective rules and regulations.

8 B. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning,
9 building, fire safety or health ordinance, regulation or other code of the Town or state, if such provision
10 of this chapter establishes a higher standard for the promotion and protection of the health and safety
11 and property values of the people, such provision shall be enforceable pursuant to the procedures
12 established herein.

13 C. This chapter shall not be intended to affect violations of any other ordinances, codes or regulations,
14 whether existing prior to or after the effective date of this chapter. Such violations shall be governed
15 by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or
16 regulations in effect at the time the violation occurred, and/or by enforcement of this chapter, as may
17 be appropriate.
18

19 **§ 124-11. Severability.**

20 If any provision of this chapter or the application thereof to any person or circumstances is held to be
21 invalid, such invalidity shall not affect other provisions or applications of any other part of this chapter
22 which can be given effect without the invalid provisions or application; and to this end, the provisions of
23 this chapter and the various applications thereof are declared to be severable.