

Branford RTM Rules & Ordinances Committee

Special Meeting

Wednesday, May 26, 2021

Seven o'clock p.m.

In accordance with Governor Lamont's Executive Order No. 7B for the Protection of Public Health and Safety during COVID-19 Pandemic and Response, the public meeting will be held remotely. Members of the public may attend the meeting via Zoom remote access by computer or telephone as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/89135162092?pwd=akU3UjhmeG9Wd3pyM0Myck91VWxtQT09>

Meeting ID: 891 3516 2092 Passcode: 321966

One tap mobile:

+19292056099,,89135162092

All attendees must follow "Town Meeting Rules" as cited in Chapter A236 of the "Code of the Town of Branford," speak when recognized by the Chair, and "speak on the subject under discussion or debate." To announce your intent to communicate during public comment, use the "raise hand" feature or press *9 if attending via telephone, then *6 to unmute when recognized by the Chair. All those recognized to speak must state their name each time they speak. **Personal attacks on any person will not be tolerated and will be cause for removal from the meeting without warning.**

The RTM Rules & Ordinances Committee will meet Wednesday, May 26, 2021, at 7:00 pm via zoom remote meeting application.

1. To review and consider recommendation of a draft blight ordinance creating proposed draft:

Respectfully submitted,
Peter Black, Chair

RTM Rules & Ordinances Committee

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The Mission

The mission of the ordinance drafting sub-group has been to generate an ordinance for Branford, similar to most other towns/cities, that would fill an administrative void by establishing protections other ordinances and regulations do not provide. Understanding that the causes of blight can be complicated, the drafting committee recognized that flexibility is desirable in addressing this issue. The primary economic focus is for the town to prevent a reduction of property values as a result of neighboring blight while keeping the cost minimal.

Preface – to the draft Blight Ordinance

Per State enabling Statute, towns in Connecticut can enact blight ordinances. Over the last ten years most towns in New Haven County have enacted blight ordinances including East Haven, New Haven, North Haven, Guilford and Madison. Presently Branford does not have such an ordinance. Thus, the Town is not empowered to take blight prevention actions.

Blight can take many forms and can have insidious consequences for the town. Its continued existence may contribute to the decline of neighborhoods and a decrease in property values. The existence of such properties can adversely affect the economic wellbeing of the Town and is inimical to the health, safety, and welfare of its residents.

Addressing blight through Zoning Regulation is extremely limited due to scope and process. Currently, if a Town official approaches a blighted property owner, the lack of enforcement capabilities limits their ability to reach appropriate and agreeable response.

The proposed ordinance recognizes that quite often visual indicators of blight reflect a deeper issue with underlying limiting circumstances – age, impoverishment, physical or mental disability, etc. It outlines a process to address blight complaints that encourages voluntary remediation without the necessity of moving further to legal citations and claims. It provides an initial approach to resolution utilizing various Branford support groups without the necessity of legal steps.

This ordinance will provide Town staff with the tools and authority to get a meaningful voluntary response from owners of blighted properties when they are approached, while providing the proper tools and protections to issue citations, etc., in the limited cases where they may be ultimately needed to force resolution.

Although Branford does not have an unusually high number of blighted properties, blight does exist in our town. Where there are blighted properties that blight can be persistent, lasting years and even decades.

Residents residing adjacent or near blighted properties and who have requested help to alleviate those conditions often see limited resolution of the condition. They often find that the Branford Zoning Enforcement Officer or the East Shore District Health Department Director have their hands tied due to a lack of empowering legislation. At present the Town is unable to help prevent or alleviate most blight types; the Branford Zoning Regulations has minimal restrictions on junk and abandoned cars and the East Shore Health District, acting under the Connecticut Health Code, may only address abandoned buildings.

In our conversations with blight officers in other towns they all say that once blight is brought to an owner's attention there is usually a quick response and cooperation to alleviate their blighted conditions. However, in addition to encouraging voluntary compliance, this ordinance does provide a due process procedure, if necessary, for the rare cases when a property owner does not remediate the blight on their property.

In drafting the proposed ordinance, we reviewed numerous blight ordinances throughout the State. What were determined to be the best elements from other Towns were used as building blocks for this draft. We refined and organized the content, holding weekly zoom meetings for several months.

Throughout, we were guided by a "philosophical" intention to define a process that would achieve results while protecting and assisting those who may be vulnerable.

During the drafting of this ordinance the team met with Town Officials to get their helpful input including: First Selectman Jamie Cosgrove, Police Chief Mulhern, Town Planner Smith, Assistant Town Engineer Acquino, (who used to be the Branford Zoning Enforcement Officer,) Branford Counseling and Community Services Director Cimino, Zoning Enforcement Officer Brennan and Building Official Cinicola.

A blight ordinance is needed in Branford. Please pass the blight ordinance for the citizens of Branford. Should you have any questions please ask the blight ordinance drafters.

Blight Prevention Ordinance

Town of Branford, Connecticut

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Blight Prevention Ordinance

Town of Branford, Connecticut

§ xxx-1 Purpose

This Ordinance is enacted pursuant to the Municipal Powers Act (Sec. 7-148, et seq) of the State of Connecticut General Statutes.

It is hereby found and declared that there may exist within the Town of 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 wellbeing of the Town and is inimical to the health, safety, and welfare of its residents.

This ordinance 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.

The objective of this ordinance 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.

In few cases of extreme blight which are not caused by extenuating circumstances this ordinance 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.

§ xxx-2 Declaration of Policy

- 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 Premise.
- B. This Ordinance 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 through conservation easements or similarly protected open space, or areas designated as inland wetlands and watercourses.
- C. The following properties shall be exempted from a declaration of blight:
 1. Any town-owned property;
 2. Any building or structure undergoing remodeling, restoration, repair, correction of a blight condition, or renovation, as evidenced by a current and authorized Building Permit;
 3. Any building or structure which is actively involved in a legal transfer with more than nominal consideration of ownership.

§ xxx-3 Definition of Blight

A Blighted Premise is defined as any building, structure or parcel of land, except exempt property as defined in Section 2 above, in which at least one of the following conditions exist for a period of more than 90 days:

- A. It is Dilapidated or is in a State of Disrepair as verified by the Building Official;
- B. It is attracting Illegal Activity as documented by the Police Department;
- C. It is a fire hazard as determined by the Fire Marshal;
- D. The condition of the building, structure or parcel of land poses a serious or immediate danger to the safety or poses a risk to the public health of the community as determined by a report of the Building Official or the East Shore Health District;
- E. It contains unauthorized outside accumulation of any of the items listed below:
 1. Garbage not in trash containers;
 2. Exposed junk, trash, rubbish, boxes, paper, plastic, inoperable equipment or refuse of any kind;
 3. More than one inoperable or unregistered (if applicable) motor vehicle, boat, motorcycle, or other inoperable machinery (unless the premises is a junkyard or automotive repair facility legally licensed by the State of Connecticut) left on the property or the public right of way;
 4. One Abandoned Motor Vehicle, boat, motorcycle, or other inoperable machinery (unless the premises is a junkyard legally licensed by the State of Connecticut) left on the property or the public right of way.
 5. Dumpsters which are not connected to an active Building Permit or other Permit for use, subject to the time period articulated above.
- F. 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.
- G. It is a factor creating cancellation of insurance on adjacent properties.
- H. It is a factor that is seriously depreciating property values in the neighborhood as evidenced by tax or real estate appraisals.

§ xxx-4 Definition of Terms

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 and led by the Blight Prevention Officer (BPO) which may include:

- (a) The East Shore Health Department;
- (b) An Officer of the Branford Police Department;
- (c) A representative from the Branford Counseling & Community Services center;
- (d) An Officer of the Branford Fire Department;
- (e) The Town Building Official or designee;
- (f) Representatives from other Branford community or neighborhood organizations if deemed appropriate by the BPO.

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

BLIGHT APPEALS COMMITTEE - A committee consisting of three (3) residents of the Town of Branford from different Districts of the Town appointed by the First Selectman and approved by the Board of Selectmen to act as the Appeals Officers in any hearing requested by a person cited thru this ordinance.

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

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 "building" or "structures" within the meaning of this definition.

COMPOSTING MATERIALS – Means yard trimmings, leaves, vegetables or other organic wastes, which when property stored, will undergo a natural transformation into “compost”

DAYS – Means consecutive calendar days.

DILAPIDATED or is in a STATE OF DISREPAIR is defined as 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 6 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 4 cubic feet in capacity made of metal or other material and designed to be hoisted or emptied into a vehicle for removal.

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.

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 solid waste 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.

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

INOPERABLE MOTOR VEHICLE - shall mean the vehicle which can no longer be used for its intended purpose but has not been abandoned.

LEGAL OCCUPANCY – Occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.

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

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

NEIGHBORHOOD – An area of the town comprised of premises or parcels of land within the town any part of which is within a radius of 800 feet of the alleged blighted property.

NOTWITHSTANDING – In spite of.

OWNER – One or more persons, corporation, limited liability company, partnership; jointly or severally, in whom is vested (1) all of 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.

PERSON – Is any individual, 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 with the town. The singular term and the related pronoun shall include the plural of the masculine and feminine.

PROPERTY OWNER – Means any person or entity which holds title to a property.

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

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 any adjoining property.

RESIDENTIAL – Pertaining to one’s residence, place of abode and/or dwelling.

SECURING – Denotes measures that assist in making the property inaccessible to unauthorized persons.

SHALL – Denotes something that is mandatory, not discretionary.

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, unstacked wood or tree cuttings, shipping skids and pallets and bagged or loose grass and lawn clippings, leaves, weeds and other composting materials not intended to be composted. Such object or item 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 passersby 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 its original or other reasonable purpose;
5. The object, despite its condition, is left, placed or stored in such a manner which appears likely to cause bodily injury or injury to the property of another.

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

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

YARD – Means an open, occupied space on a lot.

YARD, FRONT – Means the open, unoccupied space on a lot from the front of the main structure to the street line.

YARD, REAR – Means the open, unoccupied space from the rear of the main structure back to the rear property line.

YARD, SIDE – Means the open, unoccupied space extending from a side property line, inward toward the middle of said lot.

§ xxx-5 Special Consideration

In the Town's effort to correct housing blight, special consideration may be given to individuals that are disabled, elderly, or low income as defined below. If an 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 Blight Prevention Officer. If needed, assistance in finding solutions thru other agencies of the Town or other entities, will be offered by the Town.

- A. CAPABLE INDIVIDUAL shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include a person above eighteen (18) years of age, without a physical or mental disability as defined herein.
- B. DISABLED INDIVIDUAL shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.
- 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
- 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).

§ xxx-6 Blight Prevention Officer

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

§ xxx-7 Process for Resolution and Enforcement

The process for addressing and resolving complaints of a Blighted Premise leading to the possible issuance of a Citation for Violation shall be as follows:

- A. Receipt of Written Complaint
 - 1. Upon the observation of the Blight Prevention Officer and/or upon receiving a Written Complaint of a possible violation of this chapter signed by the complainant in his/her legal name, the Blight Prevention Officer shall initiate an investigation.
 - 2. A Written Complaint shall be a complaint of a condition of blight submitted on a properly completed official complaint form that has been issued by the BPO (form made available on town website) and signed by the complainant who shall be a resident of Branford, an owner of property in the Town of Branford, or a municipal official of the Town of Branford.

- B. Initial investigation
 - 1. The BPO shall review the Complaint form to determine:
 - a. the general nature of the referenced blight
 - b. the owner of record of the referenced property
 - 2. The BPO shall visit and observe the actual site to:
 - a. determine if the Complaint falls within the definitions herein defined as blight and further steps should be taken;
 - b. determine if there are any obvious or apparent special circumstances associated with the property which should warrant Special Consideration.
 - c. determine if a Blight Investigation Team should be used to resolve the Complaint and, if so, what Officials of the Town should be included on Investigation Team
- C. Blight Team Conference
 - 1. Based on the initial site screening if it is concluded that further action should be taken, the BPO may:
 - a. establish a Blight Investigation Team if appropriate
 - b. notify the Team of the Complaint and any initial observations
 - c. determine through consultation with the Team the best way to approach the owner to review the Complaint and to determine which Team member(s), if any, should be involved in the review with the Owner.
- D. Issuance of a Verbal Warning - Initial contact with the property owner shall be made by the BPO or assigned Team Member and shall consist of a verbal review of the Complaint and:
 - 1. A determination through discussion with the Owner and/or Occupant if any Special Considerations exist that may not have been previously understood.
 - 2. A discussion of corrective action, if any, the Owner is willing to take with no further action by the Town along with an agreed timetable for such action
- E. Determination of Special Considerations:
 - 1. 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.
- F. 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, 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.
- G. Resolution by Conference
 - 1. Within thirty (30) 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. 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.

H. 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 ordinance shall follow the requirements of the Branford Town Code, Chapter 227.
2. The BPO is empowered to issue Citations for any violation of this ordinance 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.
 - 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 ordinance;
 - e. The availability of a hearing procedure as stipulated in the Town Code.

I. 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 proscribed period or make payment within thirty (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.

J. Appeal by Hearing - Hearing Procedures for Citations

The procedures for hearings requested by persons cited for Violations of this ordinance shall follow Chapter 227 of the Code of the Town of Branford as amended herein:

1. Hearing procedure.
 - a. In the case of hearings for blight citations the Hearing Officer will be replaced by a Blight Appeals Committee as defined herein, who shall act by majority vote as citation hearing officers in all hearings for alleged violations of this Ordinance.
2. Attendance at hearing.
 - a. The hearing procedure shall follow the provisions of the Town Code provided the Blight Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

K. Remedial Action

If a Notice of Violation (Warning) or Citation for Violation has been issued remediation shall be affected through one of the following actions:

1. Remediation by Owner
 - a. 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
 - b. 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.
 - c. 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
 - a. Upon the failure, neglect or refusal of any owner to remediate violations that are dangerous to the public health, safety, or welfare within seven (7) 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
 - a. In all cases where an owner has failed to remediate the blight violations within 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.

L. Funding of Remediation Undertaken by the Town

1. Use of Funds for Remediation under this Section.
 - a. 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 designed 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 thirty (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 thirty (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.

§ xxx-8 Violations, Penalties, Cure for Non-compliance

- A. Any person who shall violate the provisions of this ordinance and has been issued a formal Citation by an Enforcement officer shall be fined as specified below:
 1. Each violation of this chapter shall be considered a separate offense.
 2. For each 24-hour cycle that any violation continues shall constitute a separate offense.
 3. Each separate offense under this chapter shall be punishable by a civil penalty of \$100.
- B. Legal Proceedings Authorized
 1. If remediation has not been accomplished through the procedures stipulated in this section or the fines imposed through Citation for Violation have not been paid, the First Selectman or their designee is authorized to initiate legal proceedings in the Superior Court to enforce any notice, summons or citation issued pursuant to this chapter or to seek the immediate correction of the violations, collection of all civil penalties, and the recovery of all costs including costs of remedial actions authorized by the court and a reasonable attorney's fee incurred by the Town of Branford to enforce this chapter.
 2. All civil penalties, court costs, costs of remedial action, and attorney's fees as ordered by the court shall constitute a lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made a party to the formal proceedings and any amounts for said fines, court costs, costs of remedial action and attorney's fees as may be collected shall be repaid into the fund source used to remediate the action as previously established.
- C. Lien on Real Estate Where Penalty for Violation is Unpaid
 1. Pursuant to Section 7-148 of the Connecticut General Statutes, any unpaid penalty imposed by the town of Branford pursuant to this Chapter of the Code of the town of Branford, Blight Prevention, a chapter adopted pursuant to Section 7-148(7)(H)(xv) of the Connecticut General Statutes, concerning the prevention and remediation of housing blight shall constitute a lien upon the real estate upon which the penalty was imposed from the date of such penalty. Each such lien shall take precedence over all

other liens filed after July 1, 1997, and encumbrances except taxes and may be enforced in the same manner as property tax liens.

§ xxx-9 Acquisition of Properties

A. Town Acquisition of Abandoned Blight Properties

1. The Board of Selectmen is authorized to take the necessary steps to acquire the Blighted properties with RTM approval which have been certified by the Building Official to be abandoned pursuant to the Urban Homesteading Act, Connecticut General Statutes Section 8-169(o) et seq., as it may be amended from time to time.
2. A prejudgment lien on real estate may be imposed where the fine for violation of the blighted premises provisions of this ordinance have not been paid within thirty (30) days, despite proper notice to the person found liable. Any unpaid fine imposed by a municipality pursuant to the provisions of an ordinance regulating blight, adopted pursuant to Connecticut General Statutes §7-148(c)(7)(H)(xv), shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.
3. In addition to all other remedies and any fines imposed herein, the provisions of this code may be enforced by injunctive proceedings in Superior Court. The Town may recover from such other/occupier or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provision of this code.

§ xxx-10 Minimum Standards

- A. Nothing in this ordinance shall limit the power and authority of the Town Building Official, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall, the Director of Health, the Assessor, the Police Department, or the Director of the Department of Public Works, or their designee, to enforce their respective rules and regulations.
- B. 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.
- C. This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or after 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.

§ xxx-11 Severability.

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