

**DRAFT AMENDMENT TO CHAPTER 8C OF THE WILTON CODE OF ORDINANCES**  
**BLIGHTED AND UNSAFE PREMISES**

**DRAFT as of 9/29/23**

WHEREAS, pursuant to the authority granted in Section 7-148(c)(7)(H)(xv) of the Connecticut General Statutes, in 2008 the Board of Selectmen approved Chapter 8C of the Code of Ordinances, entitled “Blighted and Unsafe Premises,” finding that “buildings and structures within the Town of Wilton should not be allowed to become blighted or unsafe or to remain in such a condition;”

WHEREAS, pursuant to Public Act 23-33, effective October 1, 2023, the Connecticut General Assembly amended Section 7-148(c)(7)(H)(xv) of the Connecticut General Statutes to grant municipalities greater authority to enforce against not only housing blight, but also blight “upon any commercial real property;”

WHEREAS, in addition, pursuant to Public Act 23-33, the General Assembly increased the fines for violation of municipal blight prevention regulations to \$150 per day for occupied properties, \$250 per day for vacant properties, and \$1,000 per day for properties that have had three violations during the prior year;

WHEREAS, several nearby municipalities have enacted blight ordinances similar to those of the Town of Wilton, and have defined “blight” to include flaking, peeling, chipped or blistered paint on the exterior of buildings and structures;

WHEREAS, the Board of Selectmen is desirous of amending the existing Chapter 8C of the Code consistent with the expanded authority granted by the General Assembly and as utilized by neighboring communities;

NOW THEREFORE, BE IT ENACTED by the Board of Selectmen of the Town of Wilton that, pursuant to C.G.S. § 7-148(c)(7)(H)(xv), Chapter 8C of the Code of Ordinances be amended as more fully described herein:

**Chapter 8C. Blighted and Unsafe Premises**

§ 8C-1. Statutory authority; findings.

This chapter is enacted pursuant to the authority granted to the Town of Wilton under Connecticut General Statutes § 7-148(c)(7)(H)(xv). The Board of Selectmen finds that blighted or unsafe buildings and other structures of both residential and commercial use may pose a threat to the health, safety and general welfare of their occupants and other members of the public, may reduce property values in the vicinity and unreasonably interfere with the use and enjoyment of said properties. The Board of Selectmen also finds that buildings and structures within the Town of Wilton should not be allowed to become blighted or unsafe or to remain in such a condition.

§ 8C-2. Prohibitions.

No person or other person having lawful possession or control of a building or other structure within the Town of Wilton shall permit the building or structure to become blighted or unsafe, as defined in § 8C-3 below, or to remain in a blighted or unsafe condition.

§ 8C-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

**BLIGHTED PREMISES:** Any building or structure, or any part of a structure that is a separate unit, any parcel of land, any lot of land, or any building under construction for which a building permit has been issued for more than 24 months without receiving a certificate of occupancy and in which at least one of the following conditions exists:

- A. The Blight Prevention Officer determines that existing conditions pose a serious threat to the health and safety of persons in the Town.
- B. The premises are not being maintained ~~and contribute to housing decay~~, as evidenced by the existence of one or more of the following conditions:
  1. Missing, broken or boarded up windows or doors;
  2. Collapsing or missing walls, roof or floor;
  3. Exterior walls or siding which contains holes, breaks, loose or rotting materials;
  4. Foundation walls which contain open cracks and breaks;
  5. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which possess signs of deterioration and decay;
  6. Chimneys and similar appurtenances which are in a state of disrepair;
  7. Insect screens which contain tears or ragged edges;
  8. Vermin and/or insect infestation or conditions favorable to the breeding of vermin and/or insects;
  9. Garbage and trash; to include, but not limited to, household refuse, machines, furniture;
  10. Structures overgrown and covered with invasive nonornamental weeds and/or vines, including but not limited to poison ivy, sumac, burning bush, bittersweet, etc.;
  11. Abandoned or inoperable vehicles, of any kind, on the premises, unless otherwise garaged;
  12. Unrepaired fire or water damage;
  13. The cancellation of insurance on proximate properties;
  - 13.14. Fifty percent of any one exterior elevation or exterior wall with flaking, peeling, chipped or blistered paint on any one exterior elevation which is visible to the public; or having exterior paint which is chipped, blistered, flaking or peeling on more than one wall.
- C. Illegal activities are conducted at the premises, as documented in Police Department records.
- D. The premises constitute a fire hazard as determined by the Fire Marshal or as documented in the Fire Department records.
- E. The premises, upon determination by the Health Department, constitutes a health hazard.

**BUILDING or STRUCTURE:** An edifice of any kind and 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” and “structure” shall be construed as if followed by the words “or part thereof.” Accessory buildings or structures, canopy, awnings, marquees, and each and every type of portable equipment shall be considered “buildings” or “structures” within the meaning of this definition.

**BLIGHT PREVENTION OFFICER:** Individual employees of the Town of Wilton, functioning jointly or severally, consisting of the Building Official, Zoning Enforcement Officer and the Director of Health. The Blight Prevention Officer is authorized by the First Selectman and Board of Selectmen to enforce the Blighted and Unsafe Premises Ordinance.

**HEARING OFFICER:** Any individual appointed by the First Selectman and approved by the Board of Selectmen to conduct hearings authorized by the Wilton Code of Ordinances.

~~**LEGAL OCCUPANCY:** Occupancy in accordance with state building, state fire, local zoning and all other pertinent codes.~~

**NEIGHBORHOOD:** The area of the Town comprised of all premises or parcels of land, any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

**OWNER:** Any person, firm, institution, partnership, corporation, foundation, entity or authority who or which holds title to real property or any mortgage or other secured or equitable interest in such property, as appears in the Wilton land records.

**PROXIMATE PROPERTY:** Any premises or parcel of land or part thereof within 1,000 feet of blighted premises.

**VACANT:** A continuous period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.

**VACANT PARCEL:** A parcel of land with no structure(s) thereon.

§ 8C-4. Enforcement powers.

The Blight Prevention Officer is granted the authority necessary, with appropriate notice, to enforce the provisions of this chapter. Such authority shall include, but not be limited to, entering premises known to be, or suspected of being, blighted or unsafe for the purpose of conducting inspections, citing violations, determining enforcement actions, assessing fines, filing liens, designating a building or structure as blighted or unsafe, ordering the demolition of unsafe buildings or structures, and initiating legal actions.

§ 8C-5. Inspection and designation of blighted or unsafe buildings or structures.

The Blight Prevention Officer, or its designees, shall inspect any buildings or structures that appear to be blighted or unsafe based upon visible conditions or as reported by any other persons who have reason to know of such conditions or upon such other evidence as the Blight Prevention Officer deems relevant. Any building or structure that has been determined by the Blight Prevention Officer to be blighted or unsafe shall be so designated by the Blight Prevention Officer.

§ 8C-6. Notice and enforcement; penalties for offenses.

- A. Upon designating a building or structure as blighted or unsafe, the Blight Prevention Officer shall issue to the owner a written notice of blighted or unsafe premises and shall order the owner to correct the blighted or unsafe condition within 60 days of the date of the notice. The notice shall be either delivered via in-hand service or sent to the owner by certified mail and shall include: (i) the facts upon which the designation is based; (ii) the date by which the blighted or unsafe conditions must be corrected; (iii) the fines, penalties, costs, fees and other enforcement actions that may be imposed by citation if the conditions are not corrected; and (iv) the owner's right to contest the order before one or more citation hearing officers appointed by the Board of Selectmen (the "Hearing Officer"). In the event that the relevant building or structure or portion of a building or structure is known by the Blight Prevention Officer to be occupied by or under the legal control or possession of a person or persons other than the owner, the Blight Prevention Officer may direct a similar notice and order to any such person or persons whom the Blight Prevention Officer may reasonably believe to be fully or partially responsible for creating or maintaining the blighted or unsafe condition. Each person receiving such a notice and order shall be deemed to be jointly and severally liable for correcting the blighted or unsafe conditions. A notice under this Subsection shall not be required prior to taking enforcement action if the violation(s) of this Chapter is the third or more violation at the same property during the prior twelve-month period.
- B. Prior to the expiration of the sixty-day repair period specified in the notice of blighted or unsafe building or structure, the owner or person receiving a notice and order pursuant to Subsection A may apply to the Blight Prevention Officer for an extension of the repair period. The Blight Prevention Officer may grant one or more extensions of the repair period, none of which may be longer than 60 days, if he or she determines that the owner or other person is diligently working to remedy the blighted or unsafe condition and that under the facts and circumstances an extension is reasonable.
- C. If the blighted or unsafe building or structure is not repaired or resolved to the satisfaction of the Blight Prevention Officer by the conclusion of the sixty-day repair period and any extensions thereof granted by the Blight Prevention Officer, the Blight Prevention Officer shall issue a citation and impose a fine of:
- i. one hundred fifty dollars for each day that a violation continues if such violation occurs at an occupied property,
  - ii. two hundred fifty dollars for each day that a violation continues if such violation occurs at a vacant property, and
  - iii. one thousand dollars for each day that a violation continues at a property if such violation is the third or more such violation at such property during the prior twelve-month period, and. For the sole purpose of determining if a violation is the third or more such violation at such property during the prior twelve-month period, "violation" means a violation of any municipal blight regulation for which the municipality has issued a notice of violation and, (I) in the determination of such municipality, the conditions creating such violation were previously cured, or (II) one hundred twenty days have passed from the notice of violation and the conditions creating such violation have not been cured. A third violation may also be established where three or more conditions constituting such

~~violation exist at a property simultaneously not more than \$100 for each day that the building or structure remains unrepaired and stating~~

~~C.D.~~ E.D. Any citation issued pursuant to Subsection C must state that the owner ~~or other person~~

who received notice under Subsection A shall have 15 days from the receipt of the citation to make an uncontested payment of such fines. Each day that the property is in violation of this chapter shall constitute a separate offense.

~~D.E.~~ D.E. Upon the expiration of the fifteen-day period for the uncontested payment of fines under Subsection ~~DE~~, the Blight Prevention Officer shall send written notice to the person cited under Subsection ~~DE~~. Such notice shall inform the person cited: (1) of the allegations against him or her and the amount of fines, penalties, costs or fees due; (2) that he or she may contest his or her liability before the Hearing Officer by delivery, in person or mail, of written notice within 10 days of the date thereof; (3) that if he or she does not demand a hearing, an assessment and judgment shall be entered against him or her; and (4) that such judgment may issue without further notice. All notices and hearings related to such citations shall be given and held, respectively, in accordance with the citation hearing procedures set forth in state law.

~~E.F.~~ E.F. Any property owner or other person who receives a citation pursuant to this chapter has the right to request a hearing before the Hearing Officer by delivering, by hand delivery or mail, written notice of such request within 10 days of the date of the notice of blighted or unsafe premises. If the property owner or other responsible person requests a hearing, the Blight Prevention Officer shall send written notice, by certified mail, of the date, time and place for the hearing. Such hearing shall be held 15 to 30 days from the date of the mailing of the notice of such hearing.

~~F.G.~~ F.G. The Hearing Officer shall conduct the hearing in the form and with the methods of proof as it deems fair and reasonable, in accordance with the hearing procedures for citations specified in state law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

~~G.H.~~ G.H. The Hearing Officer shall announce his or her decision following the conclusion of the hearing. If he or she determines that the subject property owner or other person having lawful possession or control is not liable, the Hearing Officer shall dismiss the matter and enter the determination, in writing, accordingly. If the Hearing Officer determines that the subject property owner or other person having lawful possession or control is liable, it shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this chapter.

~~H.I.~~ H.I. Any fine which is unpaid 30 days after it is imposed shall constitute a lien upon the real estate against which the fine was imposed from the original date of imposition.

#### § 8C-7. Municipal performance.

In the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant, or person in control of real property to appeal from the issuance of such citation, or by such appeal being sustained, the Town of Wilton, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant, or person responsible for such property and the Town Attorney may commence an action on

behalf of the Town of Wilton to recover all costs, expenses and fees, including attorney's fees, incurred by the Town relating to the violation.

§ 8C-8. Severability.

The provisions of this chapter are declared to be severable. If any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences or phrases of the chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand, notwithstanding the validity of any part.

§ 8C-9. When effective.

This chapter shall be effective the 21st day following the date of its publication.