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Search

Ordinance Regarding The Taking Of Private Property By Eminent Domain

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ORDINANCE REGARDING THE TAKING OF PRIVATE PROPERTY BY EMINENT DOMAIN

IT IS HEREBY ORDAINED by the qualified voters of the Town of Washington, acting at a lawfully called Town Meeting:

1. That neither the Town of Washington nor any of its elected or appointed agencies or officials, nor anyone acting in the name of the Town of Washington, shall be authorized to propose, approve or appropriate funds for the use of the power of eminent domain to take private property unless the property to be taken meets one of the following criteria:
 - a. The property is to be owned by the Town of Washington or an agency of the Town of Washington, and is to be used or set aside for one or more public facilities, such as, but not limited to, streets, bridges, parkways, sidewalks, rights of way, or other public ways, parks, playgrounds, schools, or public sewer, water or waste disposal or transfer facilities; or
 - b. The property is to be owned by the Town of Washington and set aside for permanent open space or drainage or erosion control facilities; or
 - c. The property poses a danger to public health or safety as a result of physical deterioration, pollution or contamination, and is to be taken by the Town of Washington for the purpose of remediating such conditions or minimizing danger to the public.
2. If any portion of this Ordinance is determined to be unlawful or to be in conflict with any governing state or federal law, the remaining provisions of this Ordinance shall remain in effect.
3. This Ordinance shall take effect fifteen days after publication in accordance with Connecticut General Statutes Section 7-157 (**September 18, 2005**).

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