

Item #3

Resolved to adopt an ordinance entitled,

“Abandoned Motor Vehicle Ordinance”

Abandoned Motor Vehicles

Definitions: The following definitions shall apply to this section of the Town ordinance.

Motor vehicle: Shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, and tractors.

Abandoned motor vehicle: Shall mean any motor vehicle within the Town, which, after a good faith determination, has the appearance that the owner has relinquished control without the intention of reclaiming it, or one which is damaged, vandalized, dismantled, partially dismantled, or unusable as a motor vehicle.

Abandoned Vehicles Prohibited

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned condition whether attended to or not, upon a public highway, public property, or private property within the Town of East Windsor. This section shall not apply to:

- Any motor vehicle on private property, which is fully enclosed within a building;
- Any motor vehicle that is associated with any lawfully licensed dealer or repair facility;
- Any motor vehicle, which is associated with a legitimate farm operation;
- Any motor vehicle, which is legitimately used to maintain the owner’s property;
- Any motor vehicle, which is specifically adopted or designed for use on a raceway or retained by the owner for collection purposes, but, if stored outside, must be securely covered;
- Any motor vehicle that is being restored, provided no more than three such vehicles may exist on the property, the vehicle and all parts must be covered and must also be out of plain view, and no storage of such vehicles or parts shall be permitted in front of any residence; or
- Any motor vehicle for private sale for a period not to exceed 90 days, provided that if displayed in a front yard, its location must not result in a sight line traffic hazard; the vehicle and area must not be unsightly or become a safety issue and a “For Sale” sign must be affixed to the windshield.

Administrative Process for Abandoned Vehicles

Upon observance of an abandoned motor vehicle in a prohibited location or upon receipt of a complaint by the Zoning Enforcement Official (ZEO), an inspection will be conducted by the ZEO within fourteen (14) days.

If it appears that there is a violation of the Abandoned Motor Vehicle Ordinance, the ZEO will contact the property owner, notifying him/her of the violation by written letter sent by certified mail, return receipt requested, and requiring a written or verbal response within (30) thirty days of receipt of the letter.

If a property owner does not make such contact with the ZEO, a Zoning Complaint Data Sheet will be forwarded to the East Windsor Police Department, with a copy mailed at the same time to the property owner.

If a property owner makes timely contact with the ZEO, however progress towards compliance is not apparent within (30) thirty days of such contact between the ZEO and Property Owner, a Zoning Complaint Data Sheet will be forwarded to the East Windsor Police Department, with a copy mailed at the same time notifying the property owner.

The process of enforcement shall then proceed in accordance with Section 14-150 and 14-150a of the Connecticut General Statutes.

Notice to Remove Abandoned and Inoperable Motor Vehicles: In accordance with Section 14-150 and 14-150a of the C.G.S., any Police Officer, upon discovery of such a vehicle, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Said notification sticker shall contain the following information:

- The date and time the notification sticker was affixed to the motor vehicle.
- A statement that pursuant to Section 14-150 of the C.G.S., if the motor vehicle is not removed within 24 hours of the time the Sticker was affixed, it shall be taken into custody, and stored at the owners expense.
- The location and telephone number where additional information may be obtained.
- The identity of the officer who affixed the sticker.

If said motor vehicle is not removed within 24 hours, the police may order removal. Notwithstanding the above, if the abandoned or inoperable motor vehicle is on private property, and the private property owner acknowledges that said vehicle is owned by him/her, or is on private property without the owner's consent, the order to remove shall be for within 30 days. Nothing herein shall preclude the Town from removing any abandoned or inoperable motor vehicle for traffic, health, or safety reasons at any time deemed necessary.

Notice of Disposition: If an abandoned vehicle has a market value, based on its current condition, of \$100.00 or less, and is so vandalized, damaged, or in disrepair as to be usable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the Town. Within 48 hours of the time that such motor vehicle is taken into custody, the police department shall notify the Commissioner of the Department of Motor Vehicles, in writing, of the vehicle identification number and a

description of the motor vehicle. Upon sale or disposition of the motor vehicle, the police department shall give written notice by certified mail to the person who was the owner of such motor vehicle at the time of abandonment, if know, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds of the sale or disposition, or the fair market value of the motor value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposition expense, shall be paid to such person or representatives, if claimed by him/her or them within one year from the date of sale. If such balance is not claimed within such period, it shall escheat to the municipality. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle exceed the proceeds of such excess amount.

For vehicles with a fair market value in excess of \$100.00, notice shall be given, by certified mail, to the owners of such motor vehicle, if know, within 48 hours of the time the motor vehicle has been taken into custody, which notice shall state:

- That the motor vehicle has been taken into custody and stored.
- The location of the storage of the motor vehicle.
- That such motor vehicle may be sold after 15 days if the market value does not exceed \$500.00.
- That the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of the Department of Motor Vehicles, to the hearing officer named in such notice within 10 days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the police department.

If the motor vehicle is on private property, the property owner and occupants shall also be provided with the same notice, provided that notice need only be given to a landlord in the case of an apartment complex with more than 3 dwelling units. All sales and/or other disposition of abandoned motor vehicles shall be accomplished in compliance with the notice and advertising provisions of Section 14-150 of the C.G.S.

Penalty: Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than \$100.00. If the abandoned vehicle is on private property, each day which such violation continues after the expiration of the 30-day removal order shall be considered a separate violation. If the abandoned vehicle is on a street or public property, the daily fine shall commence upon the posting of a notice on the vehicle. Nothing herein shall be construed as limiting civil remedies available to a private property owner for damage to, or violation of, the owner's property rights by the owner of the abandoned vehicle.

Removal by the Town: If the motor vehicle is on private property and has not been removed within the 30 day period of compliance, the Town or its designee shall have the right to take possession of the abandoned vehicle and remove it from the premises. This 30 day period may be extended by the hearing officer if there is a pending appeal and if the vehicle is on private property. It shall be unlawful for any person to interfere with, hinder, or refuse to allow the Town or its designee to enter upon private property for the purpose of removing an abandoned motor vehicle under the provision of this ordinance.

Redemption of Impounded Motor Vehicles: The owner of any abandoned motor vehicles seized under the provisions of this section may redeem said motor vehicle prior to its disposition or destruction upon proof of ownership and payment to the town and/or its designee such sum as determined and fixed for the actual and reasonable expense of removal, storage and any preliminary disposition costs.

Liability of Owner or Occupant: Upon failure of the owner of the abandoned motor vehicle, the owner of the private property, and/or the occupant of the private property from which abandoned motor vehicles have been removed by the Town to pay the un-recovered expenses incurred by the Town in such removal, a lien shall be placed upon property of the owner of the abandoned motor vehicle, or the owner of the property, and/or the occupant of the property, for the amount of such expenses.

Designee of the Town: Any designee of the Town selected for the purposes of storing or disposal of abandoned motor vehicles shall be selected through competitive bidding. The bid proposal shall provide that the Town shall be held harmless for any damage to, or disposal of, the abandoned motor vehicle by the designee in violation of state law.

Towing Charges: The First Selectman shall solicit bids for towing charges of abandoned vehicles to a central location designated by the Town. The First Selectman shall also solicit bids for the removal and disposition of abandoned vehicles to a central location. The Town shall only be liable for towing charges of abandoned vehicles towed by order of the Town. The Town shall not be liable for any storage fees unless such storage is at the direction of the Town. Nothing herein shall preclude the Town from pursuing civil action against the owner of an abandoned motor vehicle.

Appeals Concerning Abandoned Motor Vehicles

Hearing Officer: In accordance with Section 14-150 of the C.G.S. the Board of Selectmen shall appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear appeals, as authorized under the appeals of this ordinance.

Appeals: Upon receipt of a notice to remove an abandoned motor vehicle, a person may appeal the determination that such vehicle is abandoned, such appeal to be filed within the 30 day period provides for removal. If a vehicle has been towed in violation of this code, and appeal challenging such towing may also be filed. Upon receipt of such an appeal, the hearing officer shall notify the custodian of the motor vehicle not dispose until further order of the hearing officer. A hearing shall be scheduled within 7 days of the receipt of an appeal. If it is determined by the hearing officer that the motor vehicle is not abandoned, the notice to remove shall be lifted, and no penalties shall be imposed under this ordinance. If the hearing officer determines that the motor vehicle was towed in violation of this ordinance, the lien provision shall not apply, and any

towing and storage incurred by the owner of the motor vehicle, or the owner or occupant of the property on which such motor vehicle was found, shall be reimbursed; provided that such appeal was brought within 30 days of receiving the notice of removal, or if notice was wrongfully sent, within 30 days of actual discovery of the towing. The hearing officer shall render a decision in writing, and note on the decision that any person aggrieved thereby may, within 15 days of the notice of such decision, appeal to the Superior Court.

Effective Date: The effective date of this ordinance shall be **15 days** after its adoption, or when the hearing officer is duly appointed, whichever comes last.

I mover the foregoing resolution be adopted.