
Ordinance Concerning Discarded Motor Vehicles, etc.

89-3.1

TOWN OF EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on November 15, 1989.

ORDINANCE CONCERNING DISCARDED MOTOR VEHICLES, DISCARDED MOTOR VEHICLE PARTS AND OTHER UNSIGHTLY MATERIAL

WHEREAS, Discarded motor vehicles, discarded motor vehicle parts and other unsightly material have a blighting and deteriorating effect upon the value and enjoyment of properties nearby and constitute a health and safety hazard, particularly to the children in the neighborhood.

BE IT ORDAINED:

1. Prohibition

Discarded motor vehicles, discarded motor vehicle parts and other unsightly material, as hereinafter defined, are prohibited within the limits of the Town.

2. Definitions

a. Motor Vehicle: any vehicle propelled or drawn by an power other than muscular, to include but not be limited to automobiles, trucks, buses, tractors, trailers, motorcycles and like vehicles.

b. Discarded Motor Vehicle: a motor vehicle located on public and/or private property for a period of thirty (30) consecutive days, which vehicle is inoperative, unregistered and not in condition for legal use on the public highways and is in such condition, in the opinion of the Zoning Enforcement Officer, based on the standards set forth in this ordinance, as to create a blighting or deteriorating effect on the public landscape or nearby private property or is otherwise a public nuisance or a safety hazard; unless lawfully stored within a garage, building or structure.

c. Discarded Motor Vehicle Parts: Used parts of motor vehicles or old iron, metal glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or is intended to be a part of any motor vehicle, located on private property for a period of thirty (30) consecutive days, provided that any such parts or materials are not lawfully stored within a garage, building or structure.

d. Unsightly Material: Unusable and/or discarded household appliances, furniture, equipment, building materials, junk

and refuse, as well as any other material which is unsanitary or causing a nuisance located on private property for a period of thirty (30) consecutive days, provided that any such material is not lawfully stored within a garage, building or structure.

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3. Exemptions

1.

This ordinance shall not apply to:

a. Discarded motor vehicles and discarded motor vehicle parts located in a motor vehicle junk yard licensed in accordance with the provisions of Section 14-67i, Connecticut General Statutes, as amended, or permitted under any exemption to such licensing requirement.

b. Licensed garages, service stations, new and used car lots, as such uses shall continue to be regulated by the provisions of the East Windsor Zoning Regulations and the Connecticut General Statutes.

c. Existing contractor's yards covering building materials, equipment, etc., as such uses shall continue to be regulated by the provisions of the East Windsor Zoning Regulations and the Connecticut General Statutes.

d. Farm equipment used by a person or entity, whose occupation is the cultivation, operation or management of a farm for gain or profit, either as owner or tenant. The term farm equipment does not include any type of motor vehicle licensed by the State of Connecticut for travel on the public highways except vehicles bearing farm plates. The term farm includes stock, dairy, poultry, fruit, tobacco, and truck farms.

e. Any other vehicles, parts or material specifically permitted by the East Windsor Planning and Zoning Commission.

4. Violation and Penalty

Any owner of a discarded motor vehicle or of discarded motor vehicle parts or of other unsightly material; and any owner of property or person in possession of property on which a discarded motor vehicle or discarded motor vehicle parts or other unsightly material, are located, shall be subject to a fine of \$75.00 the first day and \$75.00 for each day thereafter that such condition continues, commencing thirty (30) days after the Town has given written notice to remove to such owner or person, as hereinafter provided. Each additional day shall constitute a new and separable offense, punishable hereunder.

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5. Appeal

Any person aggrieved by a Notice of Violation of the Zoning Enforcement Officer shall have the right, within fifteen (15) days of the receipt of said Notice of Violation, to file a written request for a hearing to appeal to the Board of Selectmen or its designee.

6. Procedure for Removal

When it is determined that a discarded motor vehicle, or discarded motor vehicle parts or other unsightly material are located on private property, the Zoning Enforcement Officer shall notify the person in possession or control of such property and the owner of such property, and also the owner of said vehicle, parts or material, if known, in writing by registered or certified mail, postage pre-paid, to remove said vehicles, parts or material, and shall also post a notice of said notification in the Town Hall and place a notice in a newspaper having a substantial circulation in East Windsor. If such person or owner has not caused the removal of said vehicle, parts or material within thirty (30) days after the giving of said notification, the Zoning Enforcement Officer shall cause said motor vehicle, motor vehicle parts or other unsightly material to be removed to a licensed motor vehicle junk yard, or to an area authorized by proper authority for impoundment and retention or for disposal of such vehicles, parts or materials. The Town shall have the right to collect the cost incurred in removing and disposing of such vehicle, parts or material from the owner of said vehicle, parts or material or from the person in possession or control of the property, or the owner of the property, from which the said vehicle, parts or material were removed.

7. Removal from Property

If the violation described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the Board of Selectmen or its designee, the Zoning Enforcement Officer or his designee shall have the right to take possession of the discarded motor vehicle, motor vehicle parts or other unsightly material, and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this ordinance.

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8. Notice to the Commissioner of Motor Vehicles

Prior to the removal of any discarded motor vehicle as provided for in this ordinance, the town shall give written notification to the State of Connecticut, Commissioner of Motor Vehicles of the issuance, by the town, of the aforementioned notices, such notification to include the location of the vehicle, the identification number, if available, and such other description or identification of the vehicle as may assist in establishing the legal ownership of the vehicle.

9. Liability of Owner or Occupant

Upon the failure of the owner or occupant of the property on which discarded motor vehicle, discarded motor vehicle parts or other unsightly material, have been removed by the town, to pay the unrecovered expenses incurred by the Town in such removal and fees or fines, a lien shall be placed upon the property for the amount of such expenses.

10. Sections are Severable

Each section or provision of this ordinance is declared to be severable. In the event any section or provision of this ordinance shall be determined to be invalid by the judiciary for any reason whatsoever, such decision shall be deemed not to affect the remaining sections or provisions hereof.

11. Effective Date

This ordinance shall take effect fifteen (15) days from the publication thereof.

Ord. 89-3

Attest:

Claire S. Badstubner, cmc
Town Clerk of East Windsor

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