

## **Abandoned Premises Ordinance**

### **1. Purpose**

To define, prohibit and abate abandoned premises, to protect and promote public health, safety and welfare, and to preserve and protect values in a just, equitable and practicable method in the Town of North Canaan.

### **2. Definition of Abandoned Premises**

Any building, structure or premises which is unoccupied or occupied by unauthorized persons, and where one or more of the following conditions exist:

- A. It has been determined by the Building Official, Fire Marshal, Health Department or Zoning Enforcement Officer, or other appropriate official as designated by the Board of Selectmen, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the occupants or other persons in the Town
- B. The property is being used for illegal purposes or is attracting illegal activity due to its state of disrepair or dilapidation.
- C. There have been persistent occurrences of any of the following: violations of building, fire, zoning, or health codes which pose an unreasonable risk of danger to any individual.
- D. The property is not being adequately maintained as evidenced by any two of the following factors:
  - 1) Buildings or structures are unsecured
  - 2) Missing, broken or boarded up windows or doors
  - 3) Collapsing or missing walls and or roof
  - 4) Seriously damaged or missing siding
  - 5) Unrepaired water or fire damage
  - 6) Rodent harborage and/or infestation
  - 7) Persistent debris, rubbish, garbage or accumulating refuse on the property
  - 8) Parking lots left in a state of disrepair or abandonment
  - 9) Overgrown brush, shrubs, weeds and or grass in the yard surrounding the dwelling or other buildings – exception: failure to regularly mow one's lawn in and of itself is not considered an abandoned premises condition

### **3. Administrative Process**

Upon observance of abandoned premises or upon receipt of a written complaint of abandoned premises to the Authority Having Jurisdiction (AHJ), an investigation will be conducted by the AHJ in collaboration with the appropriate Town Officials, within 30 days.

If it appears that there is a violation of the Abandoned Properties Ordinance, the AHJ will contact the property owner, notifying him/her of the violation by written letter sent by certified mail, return receipt requested, as well as by regular mail. A list of non-profit organizations which may be able to assist the property owner in addressing the violation must accompany the letter to the property owner.

Within 30 days of receipt, the property owner must contact the AHJ to schedule an inspection and make progress towards compliance with this ordinance. If the property owner fails to do so, a Complaint Data Sheet will be forwarded to the Board of Selectmen with a certified copy mailed at the same time notifying the property owner.

The Board of Selectmen shall schedule a hearing with the property owner within 30 days from the date the Complaint Data Sheet was mailed, to attempt a resolution of the matter prior to enforcement.

Special consideration may be given to property owners who are elderly, disabled, hospitalized, or on active military duty who demonstrate that the violation results from their inability to maintain the property and that no person occupying the property can do so.

### **3. Enforcement**

If the Board of Selectman is unable to resolve the matter and determines that a violation of this ordinance exists, the property owner may be:

- A. Assessed a civil penalty of \$100/day to be collected by the Town of North Canaan; and/or
- B. Required to abate the violation at the property owner's expense; and/or
- C. Subject to the Town's remediation of the violation and assessment of a lien on the subject property for the costs of said remediation subject to statutory requirements of CGS 7-148.

Any fine or penalty levied shall be subject to the Town's Citation Hearing Procedure adopted pursuant to Section 7-152 of the Connecticut General Statutes.

History: . Voted: . Published: . Effective: .

## **Abandoned Motor Vehicle Ordinance**

### **1. 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 of North Canaan 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.

### **2. 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 North Canaan. This section shall not apply to:

- A. Any motor vehicle on private property, which is fully enclosed within a building;
- B. Any motor vehicle that is associated with any lawfully licensed dealer or repair facility;
- C. Any motor vehicle, which is associated with a legitimate farm operation;
- D. Any motor vehicle, which is associated with a legitimate contracting operation;
- E. Any motor vehicle, which is legitimately used to maintain the owner's property;
- F. 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
- G. 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.

### **3. Administrative Process:**

Upon observance of an abandoned motor vehicle in a prohibited location or upon receipt of a complaint of an abandoned vehicle in a prohibited location to the Authority Having Jurisdiction (AHJ), an inspection will be conducted by the AHJ within fourteen (14) days.

If it appears that there is a violation of the Abandoned Motor Vehicle Ordinance, the AHJ will contact the property owner, notifying him/her of the violation by written letter sent by certified mail, return receipt requested, with an additional copy sent by regular mail.

Within 30 days of receipt, the property owner must contact the AHJ and make progress towards compliance with this ordinance. If the property owner fails to do so, a Complaint Data Sheet will be forwarded to the Board of Selectmen with a certified copy mailed at the same time notifying the property owner.

The Board of Selectmen shall schedule a hearing with the property owner within 30 days from the date the Complaint Data Sheet was mailed, to attempt a resolution of the matter prior to enforcement. The resulting ruling will determine if and when the next steps of enforcement shall begin.

**4. Enforcement:** The process of enforcement shall then proceed in accordance with Section 14- 150 of the Connecticut General Statutes. (Copy attached)

*History: Voted: . Published: . Effective: .*

*\*\* Note: Please see Public Act 17-79 for additional information about Abandoned Vehicle.*

**Substitute Senate Bill no. 850**

**Public Act no. 17-79**

**(this section pertains to the adopted ordinance)**

Sec. 17. Section 14-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):

(a) Any person who abandons any motor vehicle within the limits of any highway or upon property other than such person's own without the consent of the owner thereof for a period longer than twenty-four hours shall have committed an infraction and shall be fined not less than eighty-five dollars. The last owner of record of a motor vehicle found abandoned, as shown by the files of the Department of Motor Vehicles, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and the person who abandoned the same or caused or procured its abandonment.

(b) Any inspector of the Department of Motor Vehicles, any officer attached to an organized police department, any enforcement officer of a parking authority authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations in the municipality in which it is located or any state police officer upon discovery of any motor vehicle, whether situated within or without any highway of this state, which is a menace to traffic or public health or safety, shall take such motor vehicle into such inspector's or officer's custody and cause the same to be taken to and stored in a suitable place.

(c) Any inspector of the Department of Motor Vehicles, any officer attached to an organized police department, any enforcement officer of a parking authority authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations in the municipality in which it is located or any state police officer, upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of this state, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. This notification sticker shall contain the following information: (1) The date and time the notification sticker was affixed to the motor vehicle; (2) a statement that pursuant to this section, if the motor vehicle is not removed within twenty-four hours of the time the sticker was affixed, it shall be taken into custody and stored at the owner's expense; (3) the location and telephone number where additional information may be obtained; and (4) the identity of the affixing officer. If the motor vehicle is not removed within such twenty-four-hour period, the affixing department or parking authority shall take such motor vehicle into its custody and cause the same to be stored in a suitable place, except that such department or parking authority shall make a reasonable attempt to notify the owner of any such motor vehicle which is determined to be stolen prior to taking such vehicle into its custody and shall allow such owner to make arrangements for removal of such vehicle.

(d) If the motor vehicle has no registration marker plates or invalid registration marker plates, and if such inspector or officer makes a determination in good faith that (1) the motor vehicle is apparently abandoned, (2) the market value of such motor vehicle in its current condition is five hundred dollars or less, and (3) the motor vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in

the municipality in which the motor vehicle was discovered. Within forty-eight hours of the time that such motor vehicle is taken into custody, the affixing department or parking authority shall notify the Commissioner of Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle and thereafter shall immediately sell or transfer such motor vehicle to a recycler licensed in accordance with section 14-67L. Upon sale or other disposition of the motor vehicle, the affixing department or parking authority shall give written notice by certified mail, return receipt requested, to the person who was the owner of such motor vehicle at the time of abandonment, if known, 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 vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses and the amount of any fines due, shall be paid to such person or such person's representatives, if claimed by such person or [them] such person's representatives 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 and any such fines exceed the proceeds of such sale or disposition, such person shall be liable to such municipality for such excess amount.

(e) Within forty-eight hours of the time that a motor vehicle is taken into custody and stored pursuant to subsection (b) or (c) of this section, the affixing department or parking authority shall give written notice by certified mail, return receipt requested, to the owner and any lienholders of such motor vehicle, if [the same] such motor vehicle appears on the records of the Department of Motor Vehicles. [, which] The notice shall state: (1) [that] That the motor vehicle has been taken into custody and stored, (2) the location of storage of the motor vehicle, (3) that, unless title has already vested in the municipality pursuant to subsection (d) of this section, such motor vehicle may be sold after (A) fifteen days if the market value of such motor vehicle does not exceed one thousand five hundred dollars, or [after] (B) forty-five days if the value of such motor vehicle exceeds one thousand five hundred dollars, and (4) that the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named in such notice within ten days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the Department of Motor Vehicles, parking authorities authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations and state and local police departments.

(f) (1) The chief executive officer of each town 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 applications to determine whether or not the towing within such municipality of such motor vehicle was authorized under the provisions of this section. Two or more towns may join in appointing such hearing officer; provided any such hearing shall be held at a location which is as near to the town within which such motor vehicle was towed as is reasonable and practicable. The commissioner shall establish by regulation the qualifications necessary for hearing officers and procedures for the holding of such hearings. If it is determined at such hearing that the vehicle was not a menace to traffic, abandoned or unregistered, as the case may be, the owner of such motor vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such motor vehicle, the lien provisions of this section shall not apply to such owner, and the department which took and stored such motor vehicle shall be liable for such expenses. If the owner, prior to such determination, pays such expenses and the storage charges of such motor vehicle, and it is determined at such hearing that the motor vehicle was not a menace to traffic, abandoned or unregistered, as the case may be, the department or parking authority which took such motor vehicle shall be liable to such owner

for the amount paid by such owner. Any person aggrieved by the decision of such hearing officer may, within fifteen days of the notice of such decision, appeal to the superior court for the judicial district wherein such hearing was held.

(2) The chief executive officer of each municipality shall designate a suitable person who shall be responsible for the collection of data concerning abandoned motor vehicles within such municipality and the preparation and submission of periodic reports to the Commissioner of Motor Vehicles which shall contain such information as the commissioner may require.

(g) The owner or keeper of any garage or other place where such motor vehicle is stored shall have a lien upon [the same] such motor vehicle for such owner's or keeper's towing or storage charges, or both, that result from towing or storage under this section. [Unless title has already vested in the municipality pursuant to]

(1) Except as provided in subsection (d) of this section, if the current market value of such motor vehicle as determined in good faith by such owner or keeper does not exceed one thousand five hundred dollars and such motor vehicle has been stored for a period of not less than fifteen days, such owner or keeper [may] ~~shall~~, unless an application filed by the owner pursuant to subsection (e) of this section is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, [sell the same for storage and towing charges owed thereon, provided a notice of intent to sell shall be sent to the commissioner, the owner and any lienholder of record of such motor vehicle, if known, five days before the sale of such vehicle.] ~~send a notice of intent to sell that complies with subsection (h) of this section to the commissioner, the owner of such motor vehicle and any known lienholder of record of such motor vehicle within such period. Upon approval by the commissioner of the notice of intent to sell, the commissioner shall issue such owner or keeper an affidavit of compliance. Such owner or keeper shall sell such motor vehicle not less than five business days after the mailing date of the notice of intent to sell, and apply the proceeds of the sale toward such owner's or keeper's towing and storage charges.~~

(2) If the current market value of such motor vehicle as determined in good faith by such owner or keeper exceeds one thousand five hundred dollars and if such motor vehicle has been [so] stored for a period of not less than forty-five days, such owner or keeper shall, unless an application filed by the owner pursuant to subsection (e) of this section is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, [sell the same] send a notice of intent to sell that complies with subsection (h) of this section to the commissioner, the owner of such motor vehicle and any known lienholder of record of such motor vehicle within such period. Upon approval by the commissioner of the notice of intent to sell, the commissioner shall issue such owner or keeper an affidavit of compliance. Such owner or keeper shall sell such motor vehicle at public auction for cash, at such owner's or keeper's place of business [, and apply the avails] not less than five business days after the mailing date of the notice of intent to sell. Such owner or keeper shall apply the proceeds of such sale toward the payment of such owner's or keeper's towing and storage charges and the payment of any debt or obligation incurred by the officer who placed [the same] such motor vehicle in storage. [, provided if the last place of abode of the owner of such motor vehicle is known to or may be ascertained by such garage owner or keeper by the exercise of reasonable diligence, notice of the time and place of sale shall be given to such owner and any lienholder of record by mailing such notice to such owner by certified mail, return receipt

requested, at such last usual place of abode, at least five days before the time of sale.] At any public auction held pursuant to this subsection, such [garage] owner or keeper may set a minimum bid equal to the amount of such owner's or keeper's charges and obligations with respect to the tow and storage of the motor vehicle. If no such bid is made, such owner or keeper may sell or dispose of such vehicle.

(h) The notice of intent to sell described in subsection (g) of this section shall include the make, model and vehicle identification number of such motor vehicle, the date such motor vehicle was left with the owner or keeper of the garage for storage and by whom and the registration number thereof if any number plates are on such motor vehicle, and shall be placed on file by the commissioner and subject to public inspection. The notice of intent to sell shall be accompanied by a statement to the owner and known lienholder of such motor vehicle indicating the date, time and place of the sale of such motor vehicle, and the manner of the sale, as specified in subdivision (1) or (2) of subsection (g) of this section. Such owner or keeper shall give such notice and accompanying statement to such motor vehicle owner and lienholder by certified mail, return receipt requested. Such statement shall indicate that any proceeds in excess of such owner's or keeper's charges and obligations may be claimed by the owner of such motor vehicle within one year from the date of such sale. The fee for filing such notice of intent and accompanying statement shall be ten dollars. Any sale under the provisions of this section shall be void, unless such owner or keeper provides the notice required by this section.

(i) At the time of a sale conducted under subsection (g) of this section, such owner or keeper shall provide the purchaser of such motor vehicle with the affidavit of compliance issued by the commissioner. Except for a thirty-day period immediately following the date such motor vehicle was placed in storage under subdivision (1) of subsection (g) of this section, or a sixty-day period immediately following the date such motor vehicle was placed in storage under subdivision (2) of subsection (g) of this section, the commissioner may limit the number of days that such owner or keeper may charge for storage of the motor vehicle prior to the time such motor vehicle was sold unless such owner or keeper provides evidence to the commissioner that the storage charges accrued as a result of such owner or keeper's reliance upon statements or representations made by the owner or lienholder of the motor vehicle or as a result of such owner's or keeper's good faith effort to negotiate the return of such motor vehicle to such owner or lienholder.

[(h) The garage] (i) The owner or keeper of such garage shall report the sales price, storing, towing and repair charges, if any; buyer's name and address; identification of the vehicle and such other information as may be required in regulations [which shall be adopted by the commissioner in accordance with the provisions of chapter 54] adopted pursuant to this section, to the commissioner within fifteen days after the sale of the motor vehicle. The proceeds of such sale, after deducting the amount due such [garage] owner or keeper and all expenses connected with such sale, including the expenses of the officer who placed such motor vehicle in storage, shall be paid to the owner of such motor vehicle or such owner's legal representatives, if claimed by such owner or [them] such owner's legal representatives at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the state.

[(i) If the owner of such motor vehicle placed in storage in accordance with the provisions of this section does not claim such motor vehicle within thirty days, the owner of such garage or other place of storage shall, within forty days of the date such motor vehicle was placed in storage with such owner, send a



written notice to the commissioner, stating the make and vehicle identification number of such motor vehicle, the date such motor vehicle was left with such owner for storage and by whom and the registration number thereof if any number plates are on such motor vehicle, which notice shall be placed on file by the commissioner and shall be subject to public inspection. The fee for filing such notice shall be five dollars. Any sale under the provisions of this section shall be void, unless the notice required by this section has been given to the commissioner.]

[(j)] (k) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, [(1) specifying] to carry out the purposes of this section. The regulations shall (1) specify the circumstances under which title to any motor vehicle abandoned within the limits of any highway may be transferred to any person, firm or corporation towing such vehicle, [and (2) establishing] (2) establish the procedure whereby such person, firm or corporation may obtain title to such motor vehicle. [ The commissioner may adopt regulations, in accordance with the provisions of chapter 54, specifying] and (3) specify the circumstances under which the owner of a campground may dispose of a motor home or recreational vehicle abandoned on such owner's property and establishing procedures governing such disposal.