

**AN ORDINANCE RELATING TO
ABANDONED, WRECKED, JUNKED, AND DISMANTLED PROPERTY;
PROHIBITING THE STORAGE, REPAIR, OR DISMANTLING
THEREOF ON PUBLIC OR PRIVATE PROPERTY;
DECLARING THE SAME TO BE A NUISANCE;
PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES;
AND PROVIDING PENALTIES FOR THE VIOLATION
OF THIS ORDINANCE**

WHEREAS, motor vehicles, airplanes and boats are or may in the future be abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the Town, in places other than junk yards or other appropriate areas; and

WHEREAS, such conditions tend to impede traffic in the streets; interfere with the enjoyment of property; reduce the value of private property; invite plundering; create fire hazards; extend and aggravate urban blight; and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

NOW THEREFORE, be it ordained by the Town of Harwinton:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the "Abandoned Property Ordinance."

Section 2. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Town is the Town of Harwinton

(b) Motor Vehicle is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers. Also included as a motor vehicle shall be any trailer or camper, self-propelled or otherwise, required to be registered by the Department of Motor Vehicles prior to having access to public roads.

(c) Junked Motor Vehicle is any motor vehicle, as defined by subsection (b) of Section 2, which does not have lawfully affixed thereto both an unexpired registration plate or plates and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

(d) Person shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(e) Private Property shall mean any real property within the Town which is privately owned and which is not public property as defined in this section.

(f) Public Property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Section 3. STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCHMOTOR VEHICLE PROHIBITED: AND DECLARED NUISANCE: EXCEPTIONS. No person shall park, store, leave, or permit the parking, storing, or leaving of a motor vehicle, airplane or boat of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled condition whether attended or not, upon any public property within the Town for a period of time in excess of forty-eight (48) hours, or upon any private property within the Town for a period of time in excess of fifteen (15) days. The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled vehicle, airplane or boat, or parts thereof, on private or public property, is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance. This section shall not apply to any vehicle, airplane or boat enclosed within a building on private property or to any vehicle, airplane or boat held in connection with a business enterprise, lawfully licensed and properly operated in the appropriate business zone, pursuant to the zoning laws of the Town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any antique vehicle retained by the owner, or an operable vehicle retained by the owner for work on the owner's property.

Section 4. NOTICE TO REMOVE. Whenever it comes to the attention of the Board of Selectmen in writing that any nuisance as defined in Section 3 of this ordinance exists in the Town of Harwinton, a notice in writing shall be served upon the occupant of the land where the nuisance exists or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this ordinance.

Section 5. RESPONSIBILITY FOR REMOVAL. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle, airplane or boat and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Town, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred.

Section 6. NOTICE PROCEDURE. The Board of Selectmen of the Town shall give notice of removal to the owner or occupant of the private property where it is located, at least seven (7) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle, airplane or boat is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address. If the abandoned vehicle, boat or airplane is located on public property then sufficient notice shall consist of a copy being placed conspicuously upon the abandoned property for a period of 24 hours or a copy mailed to the last known address of the owner of the abandoned property.

Section 7. CONTENT OF NOTICE. The notice shall contain the request for removal within the time specified in this ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the Board of Selectmen or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 8. REQUEST FOR HEARING. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the Board of Selectmen of the Town within the seven (7) day period of compliance prescribed in Section 6 for the purpose of defending the charges by the Town.

Section 9. PROCEDURE FOR HEARING. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing, the Board of Selectmen and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Section 10. REMOVAL OF MOTOR VEHICLE FROM PROPERTY. If the violation described in the notice has not been remedied within the seven (7) day period for compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Board of Selectmen, the Board of Selectmen or its designee shall have the right to take possession of the junked motor vehicle, airplane or boat 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, airplane or boat under the provisions of this ordinance.

Section 11. NOTICE OF REMOVAL. Within forty-eight (48) hours of the removal of such vehicle, the Board of Selectmen shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, airplane or boat, has been impounded and stored for violation of this ordinance. The notice shall give the location of where the vehicle is stored, and the costs incurred by the Town for removal and storage.

Section 12. DISPOSITION OF VEHICLES. Upon removing a vehicle, airplane or boat under the provisions of Section 10, the Town shall after ten (10) days cause it to be appraised. If the vehicle, airplane or boat is appraised at \$200.00 or less, the Board of Selectmen shall execute an affidavit so attesting and describing the vehicle, airplane or boat, including the vehicle identification number and registration number, if ascertainable, and stating the location and appraised value of the vehicle, airplane or boat. The Board of Selectmen, after complying with the above, may summarily dispose of the vehicle, airplane or boat and execute a certificate of sale. If the vehicle, airplane or boat is appraised at over \$200.00, the Board of Selectmen shall give notice of public sale not less than fifteen (15) days before the date of the proposed sale.

Section 13. CONTENTS OF PUBLIC SALE NOTICE. The notice of sale shall state:

(a) The sale is of abandoned property in the possession of the Town.

(b) A description of the vehicle, airplane or boat including its ascertainable make, model, registration number, vehicle identification number and any other information which will accurately identify the vehicle, airplane or boat.

(c) The terms of the sale.

(d) The date, time and place of the sale.

Section 14. PUBLIC SALE. The vehicle, airplane or boat shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Board of Selectmen or its designees shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the Clerk of the Town. Should the sale for any reason be invalid, the Town's liability shall be limited to the return of the purchase price.

Section 15. REDEMPTION OF IMPOUNDED VEHICLES. The owner of any vehicle, airplane or boat seized under the provisions of this ordinance may redeem such vehicle, airplane or boat at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town of Harwinton of such sum as the Board of Selectmen may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus storage of the property redeemed.

Section 16. LIABILITY OF OWNER OR OCCUPANT. Upon the failure of the owner or occupant of property on which abandoned vehicles, airplanes or boats have been removed by the town to pay the unrecovered expenses incurred by the Town in such removal, an attachment shall be placed upon the property for the amount of such expenses.

Section 17. PENALTY. Any person violating any of the provisions of this ordinance shall be subject to a fine of not more than \$100.00. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

Section 18. EFFECTIVE DATE. This ordinance shall take effect fifteen (15) days after publication as required by law.

VOTED: APRIL 17, 1984

PUBLISHED: APRIL 24, 1984

EFFECTIVE: MAY 9, 1984

REPEALED BY ORDINANCE 103