

**CT Department of Energy and  
Environmental Protection's  
Office of Environmental Justice**

**4TH INFORMATIONAL WORKSHOP ON ILLEGAL  
DUMPING ENFORCEMENT PROCEDURES**

**Civil Penalties**

**Arrests & Completing Forfeiture of Vehicle Form**



Illegal Dumping

# CIVIL PENALTIES

## § 22a-250

### **Littering or dumping prohibited. Orders. Procedures. Penalties**

(h) Any person who violates subsection (c) or (d) of this section shall be liable for a civil penalty of not less than one thousand dollars, nor more than ten thousand dollars for each day such violation continues. The Superior Court, in an action brought by the municipality or by the Attorney General on the request of the commissioner, shall have jurisdiction to issue an order to such person directing the removal of the material to a solid waste facility approved by the commissioner. If the court finds that the violation was wilful, it may impose a civil penalty equivalent to three times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order that a violator shall pay restitution to a landowner which the court finds has suffered damages as a result of the violation. All such actions shall have precedence in the order of trial as provided in [section 52-191](#). Any such action by the Attorney General shall be brought in the superior court for the judicial district of Hartford. Any vehicle used by any person in violation of subsection (d) may be forfeited in accordance with [section 22a-250a](#).

# VEHICLE FORFEITURE

## § 22a-250a

# Forfeiture of vehicles used in violation of certain environmental laws

(a) When any vehicle used as a means of disposing of hazardous waste without a permit required under the federal Resource Conservation and Recovery Act of 1976,<sup>1</sup> or as a means of committing a violation of any of the provisions of [section 22a-208a](#), section 22a-208c, subsection (c) or (d) of [section 22a-250](#) or [section 22a-252](#), has been seized as a result of a lawful arrest or lawful search, pursuant to a criminal search and seizure warrant issued under authority of [section 54-33c](#), which the state claims to be a nuisance and desires to have destroyed or disposed of in accordance with the provisions of this section, the judge or court issuing any such warrant or before whom the arrested person is to be arraigned shall, within ten days after such seizure, cause to be left with the owner of, and with any person claiming of record a bona fide mortgage, assignment of lease or rent, lien or security interest in, the vehicle so seized, or at his usual place of abode, if he is known, or, if unknown, at the place where the vehicle was seized, a summons notifying the owner and any such other person claiming such interest and all others to whom it may concern to appear before such judge or court, at a place and time specified in such notice, which shall be not less than six or more than twelve days after the service thereof. Such summons may be signed by a clerk of the court or his assistant and service may be made by a local or state police officer, state marshal, constable or other person designated by the Commissioner of Energy and Environmental Protection. It shall describe such vehicle with reasonable certainty and state when and where and why the same was seized.

## § 22a-250a

# Forfeiture of vehicles used in violation of certain environmental laws

(c) If the judge or court finds the allegations made in such complaint to be true and that the vehicle has been used in violation of any provision of subsection (b) of [section 22a-131a](#), [section 22a-208a](#), section 22a-208c, subsection (c) or (d) of [section 22a-250](#) or [section 22a-252](#), he shall render judgment that such vehicle is a nuisance and order the same to be destroyed or disposed of in the discretion of the Commissioner of Energy and Environmental Protection. From the time the vehicle has been seized until such time as it has been destroyed or disposed of in accordance with law, it shall be kept at such place or places as designated by the Commissioner of Energy and Environmental Protection. Other state agencies shall cooperate with the Commissioner of Energy and Environmental Protection in connection with the transportation and storage of vehicles seized under this section. If any such vehicle is subject to a bona fide mortgage, assignment of lease or rent, lien or security interest, such vehicle shall not be so destroyed or disposed of in violation of the rights of the holder of such interest. When any vehicle has been declared a nuisance and condemned under this section, the court may also order that such vehicle be sold by sale at public auction in which case the proceeds shall become the property of the state and deposited in the General Fund; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest shall have the same right to the proceeds as he had in the vehicle prior to sale. Final destruction or disposal of such vehicle shall not be made until any criminal trial in which such vehicle might be used as evidence has been completed.

## § 22a-250(c)

(c) No person shall **dump, as defined in subdivision (12) of [section 22a-248](#)**, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is authorized to use such property. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection.

## § 22a-248

(12) “Dump” means to discard (A) more than one cubic foot in volume of **litter** at one time or (B) furniture, garbage bags or contents thereof or other similar materials. Material which has been placed at a location with an intent to leave it indefinitely at such location, or material which has not been removed from a location within forty-five days, is deemed discarded.

(4) **“Litter”** means any discarded, used or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material which has not been deposited in a litter receptacle;

## § 22a-250(d)

(d) No person shall dump, as defined in this subsection, any material upon any public property in the state or upon private property in this state not owned by such person except when (1) such property is designated by the state or any political subdivision thereof for dumping or such property is a licensed facility for such purpose, and (2) such person is authorized to use such property. The commissioner or the municipality in which such dumping occurs may, upon complaint or on their own initiative, investigate any violation of this subsection. It shall not be a defense under this subsection that the dumping occurred with the permission of the property owner. As used in this subsection “dump” means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in [section 22a-115](#), or any other similar material.

**STATE OF CONNECTICUT  
SUPERIOR COURT**

**VEHICLE FORFEITURE  
COMPLAINT, SUMMONS, WAIVER & RETURN  
Conn. Gen. Stat. § 22a-250a (front)**

**INSTRUCTIONS:**

1. Police department to fill out form and submit to clerk for hearing date and signature.
2. Following signing of summons, the clerk should provide the entire form to the police department for service.
3. Police department to serve one copy of the summons on each interested party (making additional photocopies if necessary) and of place of seizure if the location of the owner or person claiming an interest is unknown.
4. Summons to be served within 10 days after seizure of vehicle.
5. Hearing date to be not less than 5 days and no more than 12 days after such service.
6. Police department to complete return of service, retain one copy and file original and remaining copies with the clerk.
7. Clerk to file, docket case, and send one copy by FAX to:

**OFFICE OF THE ATTORNEY GENERAL  
ENVIRONMENT DEPARTMENT  
55 ELM STREET, P.O. BOX 120  
HARTFORD, CT 06141-0120**

**Telephone #: 566-2090  
FAX #: 566-1348**

G.A. NUMBER OR JUDICIAL DISTRICT	ADDRESS OF COURT (No., Street & Town)		
CRIMINAL CASE NO. <b>CR-</b>	COMPANION CASE NO. <b>CR-</b>	POLICE DEPT. NO.	
NAME AND ADDRESS OF DEFENDANT: (If related criminal case)			
NAME AND ADDRESS OF OWNER: (If other than defendant)			
<b>C O M P L A I N T</b>	<b>STATE OF CONNECTICUT</b> v. <b>2010 Ford F-150 pickup</b>		<b>CHECK ALL THAT APPLY:</b>
	MAKE, MODEL & YEAR OF VEHICLE VEHICLE ID. #	<input checked="" type="checkbox"/> SEIZED AS A RESULT OF THE ARREST OF (NAME OF DEFENDANT)	
	TOWN AND LOCATION WHERE VEHICLE SEIZED <b>New Haven, 500 Whalley Ave</b>	<input type="checkbox"/> SEIZED AS A RESULT OF THE ARREST OF (IDENTIFY WARRANT)	
	DATE AND TIME VEHICLE SEIZED <b>May 12, 2015 at 11:33 pm</b>		
<p>The undersigned officer charges that on or about <b>May 12, 2014</b> (SPECIFY DATE) the above described vehicle was used at <b>500 Whalley Haven Avenue, New</b> (SPECIFY ADDRESS AND TOWN) as a means of committing a violation of the following provisions of the general statutes, <b>22a-250(c)</b> (SPECIFY STATUTES AND OFFENSES). The vehicle was used as follows: <b>To dump bags of household garbage in the back of the building at 500 Whalley Avenue, New Haven</b></p> <p>WHEREFORE, the said vehicle should be adjudged a nuisance and destroyed or disposed of pursuant to the provisions of Connecticut General Statutes § 22a-250a.</p>			
DATE	SIGNATURE	DEPARTMENT	BADGE #
<p><b>To: Any Local or State Police Officer, Sheriff, Deputy Sheriff, Constable, or Person Designated by the Commissioner of Environmental Protection:</b></p> <p>YOU ARE HEREBY COMMANDED to summon the below-named owner(s) and any person claiming of record a bona fide mortgage, assignment of lease or rent, lien or security interest in the vehicle(s) described in the above Complaint, and all others whom it may concern to appear and show cause why said property should not be adjudged a nuisance and ordered to be destroyed, or otherwise disposed of, in the discretion of the Commissioner of Environmental Protection, as provided for in Conn. Gen. Stat. § 22a-250a, by serving said individuals with this summons according to law, within ten days after the date such property was seized.</p>			
<b>NAME OF OWNER(S)/OTHER(S)</b>		<b>ADDRESS</b>	
1. Any unknown owner or holder of any interest in the vehicle.	The following location where the vehicle was seized:		
2. <b>Usually person Arrested</b>			
3.			
4.			
DATE AND TIME OF HEARING	G.A. NUMBER OR JUDICIAL DISTRICT	ADDRESS OF COURT (No., Street and Town)	
SIGNED (A Judge of Superior Court)		DATE SIGNED	

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## § 22a-250a

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**STATE OF CONNECTICUT  
SUPERIOR COURT**

**VEHICLE FORFEITURE  
COMPLAINT, SUMMONS, WAIVER & RETURN**  
Conn. Gen. Stat. § 22a-250a (front)

**INSTRUCTIONS:**

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4. Summons to be served within 10 days after seizure of vehicle.
5. Hearing date to be not less than 5 days and no more than 12 days after such service.
6. Police department to complete return of service, retain one copy and file original and remaining copies with the clerk.
7. Clerk to file, docket case, and send one copy by FAX to:

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<p>The undersigned officer charges that on or about <b>May 12, 2014</b> (SPECIFY DATE) the above described vehicle was used at <b>500 Whalley Haven Avenue, New</b> (SPECIFY ADDRESS AND TOWN) as a means of committing a violation of the following provisions of the general statutes, <b>22a-250(c)</b> (SPECIFY STATUTES AND OFFENSES). The vehicle was used as follows: <b>To dump bags of household garbage in the back of the building at 500 Whalley Avenue, New Haven</b></p> <p>WHEREFORE, the said vehicle should be adjudged a nuisance and destroyed or disposed of pursuant to the provisions of Connecticut General Statutes § 22a-250a.</p>			
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<p><b>To: Any Local or State Police Officer, Sheriff, Deputy Sheriff, Constable, or Person Designated by the Commissioner of Environmental Protection:</b></p> <p>YOU ARE HEREBY COMMANDED to summon the below-named owner(s) and any person claiming of record a bona fide mortgage, assignment of lease or rent, lien or security interest in the vehicle(s) described in the above Complaint, and all others whom it may concern to appear and show cause why said property should not be adjudged a nuisance and ordered to be destroyed, or otherwise disposed of, in the discretion of the Commissioner of Environmental Protection, as provided for in Conn. Gen. Stat. § 22a-250a, by serving said individuals with this summons according to law, within ten days after the date such property was seized.</p>			
<b>NAME OF OWNER(S)/OTHER(S)</b>		<b>ADDRESS</b>	
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DATE AND TIME OF HEARING	G.A. NUMBER OR JUDICIAL DISTRICT	ADDRESS OF COURT (No., Street and Town)	
SIGNED (A Judge of Superior Court)		DATE SIGNED	

THANK YOU