



General Assembly

**Amendment**

January Session, 2015

LCO No. 8667



Offered by:  
SEN. FRANTZ, 36<sup>th</sup> Dist.

To: Subst. House Bill No. 5980

File No. 783

Cal. No. 451

**"AN ACT EXTENDING THE BOUNDARIES OF THE CAPITAL CITY  
ECONOMIC DEVELOPMENT DISTRICT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (f) of section 13 of public act 11-57, as amended  
4 by section 134 of public act 13-239, is amended to read as follows  
5 (*Effective July 1, 2015*):

6 For the Department of [Transportation] Economic and Community  
7 Development: Grants-in-aid for improvements to ports and marinas,  
8 including dredging and navigational direction, not exceeding  
9 \$5,998,750, provided \$1,000,000 shall be used to conduct a study of the  
10 strategy for economic development in the New Haven, New London  
11 and Bridgeport ports.

12 Sec. 502. Subsection (f) of public act 11-57 is amended to read as  
13 follows (*Effective July 1, 2015*):

14 (f) For the Department of [Transportation] Economic and  
15 Community Development: Grants-in-aid for improvements to ports  
16 and marinas, including dredging and navigational direction, not  
17 exceeding \$25,000,000.

18 Sec. 503. Section 15-1 of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective July 1, 2015*):

20 The Governor shall appoint a harbor master, and may appoint a  
21 deputy harbor master, for each of the harbors of New Haven, Norwich,  
22 Bridgeport, Stamford, Norwalk, Stonington, New London and  
23 Branford, and may appoint a suitable number of harbor masters and  
24 deputy harbor masters in any town in this state which has navigable  
25 waters within its limits, provided the appointment of a harbor master  
26 or deputy harbor master for the harbor of any municipality which has  
27 adopted a harbor management plan, pursuant to chapter 444a, shall be  
28 made by the Governor from a list of not less than three nominees  
29 submitted by the municipality's harbor management commission.  
30 Appointments shall be for terms of three years from July first in the  
31 year of the appointment and until a successor is appointed and  
32 qualified except the term of office of any person appointed before or  
33 after July first in any year to a newly created office of harbor master or  
34 deputy harbor master shall begin on the day of the appointment and  
35 expire on July first next succeeding the completion of the person's  
36 third full year in office. Any appointment to fill a vacancy shall be for  
37 the remainder of the term of the original appointee and until a  
38 successor is appointed and qualified. Harbor masters shall have the  
39 general care and supervision of the harbors and navigable waterways  
40 over which they have jurisdiction, subject to the direction and control  
41 of the Commissioner of [Transportation] Energy and Environmental  
42 Protection, and shall be responsible to the commissioner for the safe  
43 and efficient operation of such harbors and navigable waterways in  
44 accordance with the provisions of this chapter. The harbor masters or  
45 deputy harbor masters shall exercise their duties in a manner  
46 consistent with any harbor management plan adopted pursuant to

47 section 22a-113m for a harbor over which they have jurisdiction. The  
48 commissioner may delegate any of his powers and duties under this  
49 chapter to such harbor masters or to any existing board of harbor  
50 commissioners, but shall at all times be vested with responsibility for  
51 the overall supervision of the harbors and navigable waterways of the  
52 state.

53 Sec. 504. Section 15-7 of the general statutes is repealed and the  
54 following is substituted in lieu thereof (*Effective July 1, 2015*):

55 (a) The harbor master shall have the general care and supervision of  
56 Bridgeport Harbor and its tidewaters and its rivers and of all the flats  
57 and lands flowed thereby, and all other tidewaters, flats and rivers  
58 which are within the city limits of said city but are not adjacent to said  
59 harbor in order to limit, prevent and abate sources of water pollution,  
60 to prevent or remove any unauthorized encroachment and other  
61 obstruction which is likely to interfere with the full navigation of said  
62 harbor, or in any way injure its channels or cause any reduction in its  
63 tidewaters, or prevent, abate or remove any unauthorized landfills  
64 upon or affecting the tidewaters located within the city limits of  
65 Bridgeport. The harbor master shall exercise his responsibility in a  
66 manner consistent with any harbor management plan for the  
67 Bridgeport Harbor adopted pursuant to section 22a-113m.

68 (b) Each person who contemplates the building over said harbor  
69 and tidewaters of any bridge, wharf, pier dam or bulkheads, or the  
70 dredging or filling in of any flats or tidewaters, or the driving or  
71 placement of any piles, dolphins or bumpers below high-water mark  
72 shall, before beginning such work, give written notice upon forms  
73 provided by said master of his intention to do such work to the  
74 Commissioner of [Transportation] Energy and Environmental  
75 Protection and to said harbor master and shall submit plans or  
76 drawings of any proposed wharf or any other structure, and of the  
77 flats to be dredged or filled, and of the mode in which the work is to be  
78 performed; and no such work shall be commenced until the plan or  
79 drawing and the mode of performing the same is approved in writing

80 by the commissioner. The commissioner may reject or alter such plans  
81 at his discretion and prescribe the direction, limits and mode of  
82 building of the wharf and other structures, and all such works shall be  
83 executed under the supervision of the commissioner and the harbor  
84 master.

85 (c) Any erection made or work done in any manner not sanctioned  
86 by said commissioner, when his direction is required as hereinbefore  
87 provided, shall be deemed a public nuisance. Said commissioner may  
88 order suits in the name of the city and prevent or stop or abate, by  
89 injunction or otherwise, any such erection or other nuisance and such  
90 suits shall be conducted by and at the expense of the city of Bridgeport.

91 (d) Any person aggrieved by any action taken or order issued by  
92 said commissioner under authority of this section may within thirty  
93 days appeal to the superior court for the judicial district of Fairfield  
94 and said court shall take such action in the premises as equity may  
95 require.

96 (e) Any person who violates or assists in violating any of the  
97 provisions of subsection (b) of this section or any direction or order of  
98 the commissioner made pursuant thereto shall be guilty of a class C  
99 misdemeanor.

100 Sec. 505. Section 15-9 of the general statutes is repealed and the  
101 following is substituted in lieu thereof (*Effective July 1, 2015*):

102 (a) When the master or owner of any vessel lying within the  
103 navigable waters of this state, or the person having the same in charge,  
104 wilfully neglects or refuses to obey the order of any harbor master  
105 performing his duties under the provisions of this chapter, such harbor  
106 master may cause such vessel to be removed at the expense of the  
107 owner. Any such master, owner or person in violation of this section  
108 shall be deemed to have committed an infraction and shall be fined  
109 eighty-five dollars.

110 (b) A harbor master may notify any officer attached to an organized

111 police department or any state police officer that a master or owner of  
112 a vessel is in violation of the provisions of subsection (a) of this section.  
113 Any such officer may remove and take such vessel into custody and  
114 shall give written notice by certified mail to the owner or master of  
115 such vessel, if known, which notice shall state (1) that the vessel has  
116 been taken into custody and stored, (2) the location of storage of the  
117 vessel, (3) that such vessel may be sold after fifteen days if the market  
118 value of such vessel does not exceed five hundred dollars or after  
119 ninety days if the value of such vessel exceeds five hundred dollars,  
120 and (4) that the owner has a right to contest the validity of such taking  
121 by application, on a form prescribed by the Commissioner of  
122 [Transportation] Energy and Environmental Protection, to the hearing  
123 officer named in such notice within ten days from the date of such  
124 notice. Such application forms shall be made readily available to the  
125 public at all offices of the Department of [Transportation] Energy and  
126 Environmental Protection and at all state and local police departments.

127 (c) The chief executive officer of each town may appoint a suitable  
128 person, who shall not be a member of any state or local police  
129 department, to be a hearing officer to hear applications to determine  
130 whether or not the taking was authorized under the provisions of this  
131 section. Two or more towns may join in appointing such officer;  
132 provided any such hearing shall be held at a location which is as near  
133 to the town where such vessel was located as is reasonable and  
134 practicable. The commissioner shall establish by regulation the  
135 qualifications necessary for hearing officers and procedures for the  
136 holding of such hearings. If it is determined at such hearing that the  
137 owner or master was in violation of subsection (a) of this section, the  
138 owner or master of such vessel shall be liable for any expenses  
139 incurred as a result of such removal, or the costs and expenses incident  
140 to such removal, including legal expenses and court costs incurred in  
141 such recovery. If it is determined at such hearing that the owner or  
142 master was not in violation of subsection (a) of this section, the owner  
143 or master of such vessel shall not be liable for any expenses incurred as  
144 a result of such removal or for the costs and expenses incident to such

145 removal, including legal expenses and court costs incurred in such  
146 recovery. Any person aggrieved by the decision of such hearing officer  
147 may, within fifteen days of the notice of such decision, appeal to the  
148 superior court for the judicial district wherein such hearing was held.

149 (d) The state or local police department which has custody of the  
150 removed vessel shall have the power to sell such vessel at public  
151 auction in accordance with the provisions of this section. The state or  
152 local police department shall apply the avails of such sale toward the  
153 payment of its charges, any storage charges and the payment of any  
154 debt or obligation incurred by the officer who placed the same in  
155 storage. Such sale shall be advertised in a newspaper published or  
156 having a circulation in the town where such vessel is stored or other  
157 place is located three times, commencing at least five days before such  
158 sale; and, if the last place of abode of the owner of such vessel is  
159 known to or may be ascertained by the state or local police by the  
160 exercise of reasonable diligence, notice of the time and place of sale  
161 shall be given him by mailing such notice to him in a registered or  
162 certified letter, postage paid, at such last usual place of abode, at least  
163 five days before the time of sale. The state or local police department  
164 shall report the sales price, storing and towing charges, if any; buyer's  
165 name and address; identification of the vessel and such other  
166 information as may be required in regulations which shall be adopted  
167 by the Commissioner of [Transportation] Energy and Environmental  
168 Protection in accordance with the provisions of chapter 54, to the  
169 commissioner within fifteen days after the sale of the vessel. The  
170 proceeds of such sale, after deducting the amount due for any storage  
171 and all expenses connected with such sale, including the expenses of  
172 the officer who placed such vessel in storage, shall be paid to the  
173 owner of such vessel or his legal representatives, if claimed by him or  
174 them at any time within one year from the date of such sale. If such  
175 balance is not claimed within said period, it shall escheat to the  
176 municipality from which the vessel was removed. If the expenses  
177 incurred by the municipality for such removal and towing and the sale  
178 of such vessel and any fines exceed the proceeds of such sale, the

179 owner of the vessel shall be liable for such excess amount. A vessel  
180 may not be sold in accordance with the provisions of this section until:  
181 (1) The expiration of the time period under subdivision (3) of  
182 subsection (b) of this section and (2) a final decision has been rendered  
183 in connection with an application filed pursuant to subdivision (4) of  
184 subdivision (b) of this section.

185 (e) The Commissioner of [Transportation] Energy and  
186 Environmental Protection shall adopt regulations in accordance with  
187 the provisions of chapter 54, to carry out the provisions of this section.

188 Sec. 506. Section 15-11a of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective July 1, 2015*):

190 (a) A duly authorized harbor master shall determine whether a  
191 vessel is a derelict vessel. Upon such determination, the Commissioner  
192 of [Transportation] Energy and Environmental Protection, such harbor  
193 master or a duly authorized representative of a municipality may  
194 cause such derelict vessel to be removed at the expense of any owner,  
195 agent or operator of such derelict vessel and may recover the expense  
196 of such removal, together with the costs and expenses incident to such  
197 removal, including legal expenses and court costs incurred in such  
198 recovery, from the owner, agent or operator of such vessel in an action  
199 founded upon this section. The last owner of record of such vessel  
200 shall be responsible for such vessel. [After consultation with the  
201 Commissioner of Transportation, the] The Commissioner of Energy  
202 and Environmental Protection may consider any such vessel to be an  
203 encroachment subject to the provisions of sections 22a-359 to 22a-363f,  
204 inclusive.

205 (b) Prior to removing and taking such derelict vessel into custody,  
206 the Commissioner of [Transportation] Energy and Environmental  
207 Protection, a duly authorized harbor master or a duly authorized  
208 representative of a municipality shall make a reasonable attempt to  
209 notify the owner, agent or operator of the vessel and shall allow such  
210 owner, agent or operator to make arrangements for removal of the

211 vessel. Such notification shall inform the owner, agent or operator that,  
212 pursuant to this section, if the vessel is not removed within twenty-  
213 four hours of notification, it shall be removed, taken into custody and  
214 stored at the owner's, agent's or operator's expense.

215 (c) Prior to removing a derelict vessel, the Commissioner of  
216 [Transportation] Energy and Environmental Protection, a duly  
217 authorized harbor master or a duly authorized representative of a  
218 municipality shall affix to such vessel a readily visible notification  
219 sticker. The notification sticker shall contain the following information:  
220 (1) The date and time the notification sticker was affixed to the vessel,  
221 (2) a statement that, pursuant to this section, if the vessel is not  
222 removed within twenty-four hours of the time the sticker was affixed,  
223 it shall be taken into custody and stored at the owner's expense, (3) the  
224 location and telephone number where additional information may be  
225 obtained, and (4) the identity of the person who affixed the sticker.

226 (d) If the derelict vessel is not removed by the owner, agent or  
227 operator within the time period provided in subsection (c) of this  
228 section, the Commissioner of [Transportation] Energy and  
229 Environmental Protection, a duly authorized harbor master or a duly  
230 authorized representative of a municipality may direct that such vessel  
231 be removed and taken into custody and may cause the same to be  
232 stored in a suitable place.

233 (e) If a derelict vessel is removed and taken into custody pursuant to  
234 subsection (d) of this section, the Commissioner of [Transportation]  
235 Energy and Environmental Protection, a duly authorized harbor  
236 master or a duly authorized representative of a municipality shall give  
237 written notice, by certified mail, return receipt requested, to the owner,  
238 agent or operator of such vessel, if known, which notice shall state: (1)  
239 The vessel has been removed, taken into custody and stored, (2) the  
240 location from which the vessel was removed, and (3) that the vessel  
241 may be disposed of after fifteen days if the market value of such vessel,  
242 as determined by a certified marine surveyor, does not exceed two  
243 thousand dollars or that the vessel may be sold after ninety days,

244 pursuant to the provisions of subsection (f) of this section.

245 (f) Ninety days or more after written notice has been given pursuant  
246 to subsection (e) of this section, the Commissioner of [Transportation]  
247 Energy and Environmental Protection, a duly authorized harbor  
248 master or a duly authorized representative of a municipality may sell a  
249 derelict vessel at public auction in accordance with the provisions of  
250 this section. The commissioner, harbor master or authorized agent of a  
251 municipality shall apply the proceeds of such sale toward the payment  
252 of its charges, any storage charges and the payment of any debt or  
253 obligation incurred by the commissioner, harbor master or agent who  
254 placed the vessel in storage. Such sale shall be advertised twice in a  
255 newspaper published or having a circulation in the town where such  
256 vessel is stored or is located, commencing at least five days before such  
257 sale; and, if the last place of abode of the owner, agent or operator of  
258 such vessel is known to or ascertained by the commissioner, harbor  
259 master or agent by the exercise of reasonable diligence, notice of the  
260 time and place of sale shall be given to such owner, agent or operator  
261 by sending such notice to the owner, agent or operator, by certified  
262 mail, return receipt requested, at such last place of abode at least five  
263 days before the day of the sale. The proceeds of such sale, after  
264 deducting any amount due for removal and storage charges and all  
265 expenses connected with such sale, shall be paid to the owner, agent or  
266 operator of such vessel or the owner's, agent's or operator's legal  
267 representatives, if claimed by the owner, agent or operator or the  
268 owner's, agent's or operator's legal representative at any time within  
269 one year from the date of such sale. If such balance is not claimed  
270 within said period, it shall escheat to the municipality from which the  
271 vessel was removed. If the expenses incurred by the commissioner,  
272 harbor master or agent for such removal and storage and sale of such  
273 vessel and any fines exceed the proceeds of such sale, the owner, agent  
274 or operator of the vessel shall be liable for such excess expenses.

275 (g) The Commissioner of [Transportation] Energy and  
276 Environmental Protection may require the owner, agent or operator to

277 furnish a performance bond in an amount sufficient to cover the  
 278 estimated costs of removal as determined by the commissioner.

279 Sec. 507. Section 15-25 of the general statutes is repealed and the  
 280 following is substituted in lieu thereof (*Effective July 1, 2015*):

281 Any person who removes, damages or destroys any buoy, beacon,  
 282 channel marker or floating guide placed in the waters of this state by  
 283 authority of the Commissioner of [Transportation] Energy and  
 284 Environmental Protection or the harbor master of any harbor, or moors  
 285 or in any manner attaches any boat, vessel or raft of any kind to such  
 286 buoy, beacon, channel marker or floating guide, unless his life, or the  
 287 safety of the vessel in which he is, is endangered, or cuts down,  
 288 removes, damages or destroys any beacon or navigational aid erected  
 289 on land in this state, shall be fined not more than one thousand  
 290 dollars."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2015</i>	PA 11-57, Sec. 13(f)
Sec. 502	<i>July 1, 2015</i>	PA 11-57, (f)
Sec. 503	<i>July 1, 2015</i>	15-1
Sec. 504	<i>July 1, 2015</i>	15-7
Sec. 505	<i>July 1, 2015</i>	15-9
Sec. 506	<i>July 1, 2015</i>	15-11a
Sec. 507	<i>July 1, 2015</i>	15-25