



Senate

General Assembly

File No. 322

February Session, 2000

Senate Bill No. 618

Senate, March 30, 2000

The Committee on Environment reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

An Act Concerning Municipal Water Systems.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-234 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Any town, city or borough or district organized for municipal
4 purposes may acquire, construct and operate a municipal water supply
5 system where (1) there is no existing private waterworks system, (2)
6 the owner or owners of a private waterworks system are willing to sell
7 or transfer all or part of such system to the municipality, or (3) a public
8 regional waterworks system within said town, city or borough or
9 district is willing to sell or transfer all or part of the system to the
10 municipality. The franchise jurisdiction of the municipal water supply
11 system shall be enlarged, by special act, if applicable to include the
12 system or portion thereof sold or transferred and the franchise
13 jurisdiction of the acquired waterworks system shall be reduced, by
14 special act, if applicable to exclude the system or portion thereof sold

15 or transferred. Any such municipality may pay for the acquisition,
16 construction, extension, enlargement and maintenance of any such
17 system by the issuance of general obligation bonds as provided in
18 chapter 109 or by the issuance of revenue bonds as hereinafter
19 provided. Any municipality having the right to acquire all or any part
20 of an existing private waterworks system pursuant to any municipal
21 charter, special act or contract may relinquish such rights by action of
22 its legislative body.

23 (b) Notwithstanding the provisions of subsection (a) of this section,
24 any other provision of the general statutes, a special act or a municipal
25 charter or ordinance, the town of Durham may form a municipal water
26 supply system.

27 Sec. 2. Subdivision (6) of subsection (c) of section 7-148 of the
28 general statutes is repealed and the following is substituted in lieu
29 thereof:

30 (6) (A) (i) Establish, lay out, construct, reconstruct, alter, maintain,
31 repair, control and operate cemeteries, public burial grounds,
32 hospitals, clinics, institutions for children and aged, infirm and
33 chronically ill persons, bus terminals and airports and their
34 accessories, docks, wharves, school houses, libraries, parks,
35 playgrounds, playfields, fieldhouses, baths, bathhouses, swimming
36 pools, gymnasiums, comfort stations, recreation places, public beaches,
37 beach facilities, public gardens, markets, garbage and refuse disposal
38 facilities, parking lots and other off-street parking facilities, and any
39 and all buildings or facilities necessary or convenient for carrying on
40 the government of the municipality;

41 (ii) Create, provide for, construct, regulate and maintain all things in
42 the nature of public works and improvements;

43 (iii) Enter into or upon any land for the purpose of making
44 necessary surveys or mapping in connection with any public

45 improvement, and take by eminent domain any lands, rights,
46 easements, privileges, franchises or structures which are necessary for
47 the purpose of establishing, constructing or maintaining any public
48 work, or for any municipal purpose, in the manner prescribed by the
49 general statutes;

50 (iv) Regulate and protect from injury or defacement all public
51 buildings, public monuments, trees and ornaments in public places
52 and other public property in the municipality;

53 (v) Provide for the planting, rearing and preserving of shade and
54 ornamental trees on the streets and public grounds;

55 (vi) Provide for improvement of waterfronts by a board,
56 commission or otherwise;

57 (B) (i) Lay out, construct, reconstruct, repair, maintain, operate,
58 alter, extend and discontinue sewer and drainage systems and sewage
59 disposal plants;

60 (ii) Enter into or upon any land for the purpose of correcting the
61 flow of surface water through watercourses which prevent, or may
62 tend to prevent, the free discharge of municipal highway surface water
63 through said courses;

64 (iii) Regulate the laying, location and maintenance of gas pipes,
65 water pipes, drains, sewers, poles, wires, conduits and other structures
66 in the streets and public places of the municipality;

67 (iv) Prohibit and regulate the discharge of drains from roofs of
68 buildings over or upon the sidewalks, streets or other public places of
69 the municipality or into sanitary sewers;

70 (v) Declare its intent to become a regional water authority with
71 other municipalities that make such a declaration;

72 (C) (i) Lay out, construct, reconstruct, alter, maintain, repair, control,
73 operate, and assign numbers to streets, alleys, highways, boulevards,
74 bridges, underpasses, sidewalks, curbs, gutters, public walks and
75 parkways;

76 (ii) Keep open and safe for public use and travel and free from
77 encroachment or obstruction the streets, sidewalks and public places in
78 the municipality;

79 (iii) Control the excavation of highways and streets;

80 (iv) Regulate and prohibit the excavation, altering or opening of
81 sidewalks, public places and grounds for public and private purposes
82 and the location of any work or things thereon, whether temporary or
83 permanent, upon or under the surface thereof;

84 (v) Require owners or occupants of land adjacent to any sidewalk or
85 public work to remove snow, ice, sleet, debris or any other obstruction
86 therefrom, provide penalties upon their failure to do so, and cause
87 such snow, ice, sleet, debris or other obstruction to be removed and
88 make the cost of such removal a lien on such property;

89 (vi) Grant to abutting property owners a limited property or
90 leasehold interest in abutting streets and sidewalks for the purpose of
91 encouraging and supporting private commercial development.

ENV Committee Vote: Yea 11 Nay 3 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Public Health

Municipal Impact: Potential Indeterminate Cost

Explanation**State Impact:**

As the bill does not alter the regulatory responsibilities of the Department of Public Health, it will result in no fiscal impact to the agency.

Municipal Impact:

Should Durham choose to form a municipal water supply system it may increase its debt service costs if the Town authorizes and issues bonds to extend public water supply to areas not currently served. The costs associated with any potential capital project cannot be determined at this time.

OLR Bill Analysis

SB 618

AN ACT CONCERNING MUNICIPAL WATER SYSTEMS.**SUMMARY:**

This bill allows the town of Durham to form a municipal water supply system, notwithstanding other state laws, municipal charter, or ordinances. Among other things, the bill supersedes the statute that allows a municipality to establish a system only when (1) there is no private water system, (2) the owners of a private system are willing to sell their facilities to the municipality, or (3) a public system in the municipality is willing to sell its facilities to the municipality. It also supersedes the water utility coordinating committee statute, which establishes a process for creating exclusive service areas for existing water utilities and restricts the creation of new utilities.

The bill also allows municipalities to declare their intent to become a regional water authority with other municipalities that make such declarations.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Environment Committee

Joint Favorable Report

Yea 11 Nay 3