



General Assembly

January Session, 2001

**Amendment**

LCO No. 6678

Offered by:

REP. BERNHARD, 136<sup>th</sup> Dist.

To: Senate Bill No. 1040

File No. 67

Cal. No. 356

**"AN ACT AUTHORIZING MUNICIPALITIES TO JOINTLY  
PERFORM MUNICIPAL FUNCTIONS."**

1 In line 13, after "(NEW)" insert "(a)"

2 After line 9, add the following and renumber the remaining section  
3 accordingly:

4 "(b) In the case of an agreement to operate a sewerage system, as  
5 defined in section 7-245 of the general statutes, revenue received by  
6 each participating municipality for assessments payable prior to the  
7 effective date of the agreement shall remain under the control of each  
8 such municipality and revenues received for assessments payable after  
9 the effective date of the agreement shall be subject to the terms of the  
10 agreement.

11 Sec. 2. Section 7-249 of the general statutes is repealed and the  
12 following is substituted in lieu thereof:

13 (a) At any time after a municipality, by its water pollution control

14 authority, has acquired or constructed, a sewerage system or portion  
15 thereof, the water pollution control authority may levy benefit  
16 assessments upon the lands and buildings in the municipality which,  
17 in its judgment, are especially benefited thereby, whether they abut on  
18 such sewerage system or not, and upon the owners of such land and  
19 buildings, according to such rule as the water pollution control  
20 authority adopts, subject to the right of appeal as hereinafter provided.  
21 Benefits to buildings or structures constructed or expanded after the  
22 initial assessment may be assessed as if the new or expanded buildings  
23 or structures had existed at the time of the initial assessment. Such  
24 benefits and benefits to anticipated development of land zoned for  
25 other than business, commercial or industrial purposes or land  
26 classified as farm land, forest land or open space land on the last  
27 completed grand list of the municipality in which such land is located,  
28 pursuant to the provisions of sections 12-107a to 12-107e, inclusive,  
29 shall not be assessed until such construction or expansion or  
30 development is approved or occurs. In case of a property so zoned or  
31 classified which exceeds by more than one hundred per cent the size of  
32 the smallest lot permitted in the lowest density residential zone  
33 allowed under zoning regulations or, in the case of a town having no  
34 zoning regulations, a lot size of one acre in area and one hundred fifty  
35 feet in frontage, assessment of such excess land shall be deferred until  
36 such time as such excess land shall be built upon or a building permit  
37 issued therefor or until approval of a subdivision plan of such excess  
38 property by the planning commission having jurisdiction, whichever  
39 event occurs first at which time assessment may be made as provided  
40 herein. No lien securing payment shall be filed until the property is  
41 assessed. The sum of initial and subsequent assessments shall not  
42 exceed the special benefit accruing to the property. Such assessment  
43 may include a proportionate share of the cost of any part of the  
44 sewerage system, including the cost of preliminary studies and  
45 surveys, detailed working plans and specifications, acquiring  
46 necessary land or property or any interest therein, damage awards,  
47 construction costs, interest charges during construction, legal and  
48 other fees, or any other expense incidental to the completion of the

49 work. The water pollution control authority may divide the total  
50 territory to be benefited by a sewerage system into districts and may  
51 levy assessments against the property benefited in each district  
52 separately. In assessing benefits against property in any district the  
53 water pollution control authority may add to the cost of the part of the  
54 sewerage system located in the district a proportionate share of the  
55 cost of any part of the sewerage system located outside the district but  
56 deemed by the water pollution control authority to be necessary or  
57 desirable for the operation of the part of the system within the district.  
58 In assessing benefits and apportioning the amount to be raised thereby  
59 among the properties benefited, the water pollution control authority  
60 may give consideration to the area, frontage, grand list valuation and  
61 to present or permitted use or classification of benefited properties and  
62 to any other relevant factors. The water pollution control authority  
63 may make reasonable allowances in the case of properties having a  
64 frontage on more than one street and whenever for any reason the  
65 particular situation of any property requires an allowance. Revenue  
66 from the assessment of benefits shall be used solely for the acquisition  
67 or construction of the sewerage system providing such benefits or for  
68 the payment of principal of and interest on bonds or notes issued to  
69 finance such acquisition or construction. No assessment shall be made  
70 against any property in excess of the special benefit to accrue to such  
71 property. The water pollution control authority shall place a caveat on  
72 the land records in each instance where assessment of benefits to  
73 anticipated development of land zoned for other than business,  
74 commercial or industrial purposes or land classified as farm land,  
75 forest land or open space land has been deferred.

76 (b) The budget-making authority of a municipality may appropriate  
77 as general revenue of the municipality any income earned from the  
78 investment of sewer benefit assessments provided (1) no bonds, notes  
79 or other obligations issued to acquire or construct all or any part of a  
80 sewerage system, pursuant to 7-259 are outstanding; and (2) no  
81 sewerage system acquisition or construction projects are authorized or  
82 in progress."