



General Assembly

Amendment

January Session, 2001

LCO No. 7336

Offered by:

REP. BERNHARD, 136th Dist.

To: Subst. House Bill No. 6994

File No. 537

Cal. No. 382

(As Amended)

"AN ACT CONCERNING MUNICIPAL FISCAL DISPARITIES."

1 Before the effective date section, add the following and renumber
2 the effective date section:

3 "Sec. 2. (NEW) In the case of a municipality on any list prepared
4 pursuant to section 1 of this act, revenue received by such municipality
5 from investments of assessments imposed for operation of a sewerage
6 system, as defined in section 7-245 of the general statutes, payable on
7 or before June thirtieth immediately prior to completion of such list
8 shall remain under the control of such municipality and revenues
9 received from investments of assessments payable after inclusion on
10 such list may be included in any strategy addressing the fiscal capacity
11 of the municipality prepared pursuant to said section 1 of this act.

12 Sec. 3. Section 7-249 of the general statutes is repealed and the
13 following is substituted in lieu thereof:

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

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

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

83 in progress."