



House of Representatives

General Assembly

File No. 358

January Session, 2003

Substitute House Bill No. 5594

House of Representatives, April 15, 2003

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MEMBERSHIP ON AND REVIEW OF APPLICATIONS TO PLANNING AND ZONING COMMISSIONS, THE LOCATION OF AUTO DEALERS, REPAIRERS, JUNKYARDS AND GASOLINE STATIONS AND ADOPTION OF A REHABILITATION SUBCODE.

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

1 Section 1. (NEW) (*Effective October 1, 2003*) Notwithstanding any
2 other provision of the general statutes, prior to the submission of an
3 application for use of property under chapters 124, 126, 440 and 541 of
4 the general statutes or any other provision of the general statutes
5 authorizing an authority, commission, department or agency of a
6 municipality to issue a permit or approval for use of such property,
7 such authority, commission, department or agency or authorized agent
8 thereof may separately, jointly, or in any combination, conduct a
9 preapplication review of a proposed project with the applicant at the
10 applicant's request. Such preapplication review and any results or
11 information obtained from it may not be appealed under any provision

12 of the general statutes, and shall not be binding on any authority,
13 commission, department, agency or other official having jurisdiction to
14 review the proposed project.

15 Sec. 2. Section 14-54 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2003*):

17 Any person who desires to obtain a license for dealing in or
18 repairing motor vehicles shall first obtain and present to the
19 commissioner a certificate of approval of the location for which such
20 license is desired from the [selectmen or town manager of the town,
21 the mayor of the city or the warden of the borough,] zoning
22 commission, planning and zoning commission or local authority of the
23 town, city or borough wherein the business is located or is proposed to
24 be located. [, except in any city or town having a zoning commission
25 and a board of appeals, in which case such certificate shall be obtained
26 from the board of appeals.] In addition thereto, such certificate shall be
27 approved by the chief of police where there is an organized police
28 force or, where there is none, by the commander of the state police
29 barracks situated nearest to such proposed location. The provisions of
30 this section shall not apply to (1) a transfer of ownership to a spouse,
31 child, brother, sister or parent of a licensee, (2) a transfer of ownership
32 to or from a corporation in which a spouse, child, brother, sister or
33 parent of a licensee has a controlling interest, or (3) a change in
34 ownership involving the withdrawal of one or more partners from a
35 partnership.

36 Sec. 3. Subsection (a) of section 14-67i of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective*
38 *October 1, 2003*):

39 (a) No person, firm or corporation shall establish, operate or
40 maintain a motor vehicle recycler's yard or motor vehicle recycler's
41 business unless a certificate of approval of the location to be used
42 therefor has been procured from the [selectmen of the town, the mayor
43 of the city or the warden of the borough] zoning commission, planning
44 and zoning commission or local authority in the town, city or borough

45 wherein such yard or business is located or is proposed to be located. [,
46 except that, in any city or town having a zoning commission, such
47 certificate shall be procured from the zoning commission, certifying
48 that such location is suitable for the proposed use, consideration being
49 given to the factors specified in section 14-67k, nor unless a license to
50 establish or maintain such a yard or such a business has been obtained
51 from the Commissioner of Motor Vehicles as provided in section 14-
52 67l.]

53 Sec. 4. Section 14-321 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2003*):

55 Any person who desires to obtain a license for the sale of gasoline or
56 any other product, under the provisions of section 14-319, shall first
57 obtain and present to the commissioner a certificate of approval of the
58 location for which such license is desired. The certificate of approval
59 shall be obtained from the zoning commission, planning and zoning
60 commission or local authority of the town, city or borough where the
61 station or pump is located or is proposed to be located. A certificate of
62 approval shall not be required in the case of the transfer of the last
63 issued license from one person to another provided no more than one
64 year has elapsed since the expiration of such license, or in the case of a
65 renewal of a license by the holder of the license, or in the case of the
66 addition or discontinuance of pumps. If adjoining physical properties
67 are altered or changed, the applicant shall conform to the provisions of
68 this section. The commissioner shall not issue any license under the
69 provisions of section 14-319 for which a certificate of approval is a
70 prerequisite unless the certificate is presented to him within three
71 years after the date on which it was issued.

72 Sec. 5. Subsection (a) of section 14-58 of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective*
74 *October 1, 2003*):

75 (a) Each new car dealer, used car dealer or repairer before engaging
76 in such business shall make a separate sworn application to the
77 commissioner for a license to engage in such business in each place of

78 business conducted by such dealer. The application shall include any
79 information that may be required by the commissioner on blanks to be
80 furnished by said commissioner. Each application shall be
81 accompanied by a fee of one hundred forty dollars for each place of
82 business conducted by the applicant, together with the fee for the type
83 of license for which the applicant is making application, and such fee
84 or fees shall not be subject to prorating and shall not be subject to
85 refund. No such license shall be transferable. When such licensee adds
86 buildings or adjacent land to such licensee's licensed place of business,
87 the commissioner may require the licensee to furnish satisfactory
88 evidence of compliance with the provisions of [sections] section 14-54,
89 [and 14-55,] or with other applicable provisions of law, administered
90 by the municipality wherein such business is located, concerning
91 building or zoning requirements. When a change of officers of a
92 corporation engaged in such business is made, a notice of the change
93 shall be sent to the commissioner within a period of fifteen days from
94 the date of the change. The commissioner may suspend the license of
95 any corporation, after notice and hearing, when the newly appointed
96 or elected officers cannot be considered as qualified to conduct the
97 business as provided in section 14-51.

98 Sec. 6. Section 14-324 of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2003*):

100 Any person aggrieved by the performance of any act provided for in
101 sections 14-319 to [14-322] 14-321, inclusive, as amended by this act, by
102 the local authority may take an appeal therefrom to the superior court
103 for the judicial district within which such town or city is situated, or in
104 accordance with the provisions of section 4-183, except venue for such
105 appeal shall be in the judicial district of New Britain if the act was
106 performed by the commissioner.

107 Sec. 7. Section 8-19 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective October 1, 2003*):

109 Any municipality may create by ordinance a planning commission,
110 which shall consist of five members, who shall be electors of such

111 municipality and whose terms of office and method of election or
112 appointment shall be fixed in the ordinance. The ordinance may
113 provide that members may be municipal employees if the municipality
114 has adopted an ordinance authorizing such membership pursuant to
115 the provisions of subparagraph (C) of subdivision (2) of subsection (e)
116 of section 7-421. The chief executive officer of the municipality and the
117 engineer thereof or commissioner of public works, if any, shall also be
118 members of the commission, without voting privileges. The terms of
119 office shall be so arranged that the terms of not more than three
120 members shall expire in any one year. [Vacancies] Unless otherwise
121 provided by charter, vacancies shall be filled by the commission for the
122 unexpired portion of the term. Upon the adoption of this section by
123 ordinance as herein provided, and the appointment or election of a
124 commission thereunder, any planning commission in the municipality
125 established under any previous act of the General Assembly shall cease
126 to exist, and its books and records shall be turned over to the
127 commission established under this section, provided all regulations
128 promulgated by such planning commission prior to that time shall
129 continue in full force and effect until modified, repealed or superseded
130 in accordance with the provisions of this chapter. The area of
131 jurisdiction of a planning commission created by a town includes any
132 city or borough therein without a legally constituted planning
133 commission for all planning purposes except those specified in
134 sections 8-24 and 8-29. Powers granted under said sections may be
135 delegated by the legislative body of such city or borough to the
136 planning commission of the town in which such city or borough is
137 situated. Any city or borough in which a planning commission has
138 been previously established may, by ordinance, designate the
139 commission established under this section in the town in which such
140 city or borough is situated to be the planning commission of such city
141 or borough, and such commission shall supersede the planning
142 commission previously established in such city or borough. The
143 commission shall elect a chairman and a secretary from its members,
144 shall adopt rules for the transaction of business and shall keep a public
145 record of its activities. The planning commission of each municipality

146 shall file an annual report with the legislative body thereof.

147 Sec. 8. Section 29-256 of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective October 1, 2003*):

149 (a) In order to make the State Building Code and the State Fire
150 Safety Code more responsive to present economic conditions, to
151 promote reduction in the cost of construction of homes and other
152 buildings, thereby creating more jobs in the construction industry and
153 promoting home ownership, as well as to enable the citizens of the
154 state to realize the benefits of the latest technology in energy
155 conservation in the design and construction of homes and other
156 buildings, the State Building Inspector and Codes and Standards
157 Committee, in conjunction with the Commissioner of Public Safety,
158 shall thoroughly review and revise the State Building Code and the
159 State Fire Safety Code, with an emphasis on performance rather than
160 design specifications. In the course of such review, the State Building
161 Inspector and the Codes and Standards Committee shall develop
162 [separate Building Code standards for the rehabilitation of buildings] a
163 rehabilitation subcode. The provisions of such subcode shall include,
164 but not be limited to, the identification and standardization of
165 economically feasible rehabilitation standards and modifications that
166 ensure the public health, safety and welfare, and protect the
167 environment. Such [separate standards] subcode shall be included in
168 any revision of the State Building Code.

169 (b) Not later than January 1, 2005, the commissioner shall adopt
170 regulations, in accordance with the provisions of chapter 54, to
171 implement the provisions of this section.

172 Sec. 9. (*Effective October 1, 2003*) Sections 14-55, 14-67k and 14-322 of
173 the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>

PD *Joint Favorable Subst.*

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Motor Vehicle Dept.	TF - None	None	None
Public Safety, Dept.	GF - None	None	None

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	Potential Cost	Minimal	Minimal

Explanation

This bill clarifies: 1) instances when local officials may grant “certificates of site approval” to applicants for dealers, recyclers and gas station licenses, and 2) procedures for filling vacancies on local planning commissioners; and eliminates the requirement that municipalities hold certain site approval hearings for dealer, recycler and gas station license applicants. It also requires the State Building Inspector to develop a rehabilitation sub-code which must include provisions to identify and standardize economically feasible rehabilitation standards and modifications that both ensure public health, safety and welfare and protect the environment; and for the Department of Public Safety (DPS) to adopt regulations to implement this provision.

Since Section 1 of the bill is discretionary in that it allows municipalities to hold pre-application reviews with potential applicants concerning proposed projects, it is anticipated that any additional costs or workload increase will be incurred when resources permit.

However, eliminating the requirement that municipalities hold site approval hearings for dealer, recycler and gas station license applicants could result in administrative efficiencies for municipalities.

Since the DPS regulations that are to be developed and implemented by January 2005 closely relate to current practice, passage of the bill is not anticipated to require additional funding.

Passage of this bill is not anticipated to have a fiscal impact on the Department of Motor Vehicles.

OLR Bill Analysis

sHB 5594

AN ACT CONCERNING MEMBERSHIP ON AND REVIEW OF APPLICATIONS TO PLANNING AND ZONING COMMISSIONS, THE LOCATION OF AUTO DEALERS, REPAIRERS, JUNKYARDS AND GASOLINE STATIONS AND ADOPTION OF A REHABILITATION SUBCODE**SUMMARY:**

This bill explicitly allows municipal land use and building agencies and their agents to conduct a pre-application review on a proposed project with the applicant at his request. The review and any results or information obtained from it (1) are not binding on the agency or official authorized to conduct the review and (2) cannot be appealed under the statutes. The provision applies to any municipal authority, commission, department, or other agency that issues permits and approvals under the zoning, planning, inland wetlands, building and fire code, and related laws. Agencies can conduct the pre-application review jointly, separately, or in any combination.

The bill eliminates the need to obtain certain local approval for certain motor-vehicle-related land uses and repeals related notice, hearing, and fee requirements. It allows zoning and planning and zoning commissions, as well as legislative bodies and certain officials, to approve the location of gas stations. It also eliminates the need for a junkyard to obtain a Department of Motor Vehicles (DMV) license as a condition of obtaining local land use approval.

By law, the state building inspector and the Codes and Safety Committee, in consultation with the public safety commissioner, must revise the state building and fire codes to emphasize performance, rather than design specifications. As part of this mandate, the inspector and committee must develop separate standards for building rehabilitation. The bill instead requires the development of a rehabilitation subcode, which must include provisions to identify and standardize economically feasible rehabilitation standards and modifications that ensure public health, safety, and welfare and that protect the environment. It requires the commissioner to develop regulations by January 1, 2005 to implement these provisions.

The bill specifies that a planning commission can fill vacancies only if the town's charter does not specify how vacancies must be filled.

EFFECTIVE DATE: October 1, 2003

APPROVAL OF MOTOR-VEHICLE-RELATED LAND USES

Under current law, in addition to meeting normal zoning requirements, a person who seeks to establish, operate, or maintain a junkyard must obtain the approval of a municipality's chief elected official or selectmen. A person seeking a DMV license for a vehicle dealership or repair facility must obtain the approval of this official or the town manager. But, in municipalities with zoning commissions, (1) a dealership or repair facility requires the zoning board of appeal's approval rather than the official's approval and (2) a junkyard requires the commissioner's, rather than the official's, approval. The bill eliminates these requirements and instead just requires the approval of the municipal zoning commission, planning commission, or local authority. The local authority is the municipality's legislative body, police chief, or other official with authority to enact or enforce traffic regulations.

Under current law, a person seeking a DMV license for a gas station requires the local authority's approval. The bill also allows the zoning commission or planning and zoning commission to issue this approval.

BACKGROUND

Related Bill

sSB 930, "An Act Concerning the Department of Motor Vehicles," favorably reported by the Transportation Committee, provides for a waiver from the municipal officials' approval of dealers and repairers locations under certain circumstances.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0

