



General Assembly

January Session, 2003

**Committee Bill No. 52**

LCO No. 3256

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE LAKE GARDA IMPROVEMENT ASSOCIATION.**

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

1 Section 1. Section 1 of number 255 of the special acts of 1943 is  
2 amended to read as follows (*Effective from passage*):

3 All owners of [cottages and] dwellings or other real estate  
4 specifically located within the limits hereinafter specified in the locality  
5 known as Lake Garda in the towns of Farmington and Burlington, are  
6 constituted a body politic and corporate by the name of The Lake  
7 Garda Improvement Association.

8 Sec. 2. Section 2 of number 255 of the special acts of 1943 is amended  
9 to read as follows (*Effective from passage*):

10 The limits and territory of said association are defined and  
11 established as follows: All that land located in the towns of Farmington  
12 and Burlington delineated and described on a certain map entitled  
13 "Map of property sold by Lake Garda Company, Inc., to Ron-Day, Inc.  
14 Revised May, 1936, Scale 1" equals 200 feet," certified by Merton

15 Hodge, L.S. No. 303, and revisions thereof, and on file in the town  
16 clerk's office in the respective towns. The limits and territory of said  
17 association may be extended at any time so as to include any land in  
18 the towns of Farmington and Burlington [adjacent to] within five  
19 hundred feet of the above-described land upon written application of  
20 the owner or owners of such other land, in an instrument describing  
21 the same and the terms of such proposed annexation, provided such  
22 application shall be accepted by a two-thirds vote of the members  
23 present [or represented] at any annual or special meeting of said  
24 association. If such application shall be thus accepted, it shall be  
25 inscribed upon the records of said association and recorded in the land  
26 records of the towns of Farmington and Burlington and thereupon  
27 such other land shall be incorporated within the limits and territory of  
28 said association. [and the owner or owners of such other land, while  
29 they are owners thereof, shall be a part of said body politic and  
30 corporate.]

31 Sec. 3. Section 3 of number 255 of the special acts of 1943 is amended  
32 to read as follows (*Effective from passage*):

33 The [objects] purpose of said association shall be to provide for (a)  
34 the improvement and management of the community property; (b) the  
35 regulation of development of the lands in said territory; [and for] (c)  
36 the health, comfort, protection, [and] convenience and enjoyment of  
37 the inhabitants thereof; and (d) the enactment and enforcement of  
38 reasonable by-laws, rules and regulations to accomplish such  
39 provisions.

40 Sec. 4. Section 5 of number 255 of the special acts of 1943, as  
41 amended by section 1 of number 121 of the special acts of 1953 and  
42 section 1 of number 606 of the special acts of 1955, is amended to read  
43 as follows (*Effective from passage*):

44 Said [corporation] association shall continue to hold an annual  
45 meeting [on the second Sunday of October in each year at such time  
46 and at such place as the board of directors shall appoint in a notice

47 warning such meeting given as for a town meeting. Said corporation  
48 shall continue to have a governing board of six directors, of whom two  
49 shall be elected by majority vote at the annual meeting in 1955, and  
50 annually thereafter, for a term of three years. The members shall also  
51 elect by majority vote at said meeting in 1955, and annually thereafter,  
52 for a term of one year, a president, a vice-president, a secretary, a  
53 treasurer and a tax collector and such other officers as said association  
54 may deem necessary for the performance of its functions. Special  
55 meetings may be called from time to time by a majority of the directors  
56 or upon petition by at least twenty members of said association upon  
57 similar notice. All officers of said corporation shall be members  
58 thereof] in October on a date and at a time and place to elect a slate of  
59 officers for the next twelve months and to fill any expired or open  
60 positions on the board of directors and to conduct any other lawful  
61 business as needed. All officers and directors shall be board members.  
62 The board of directors shall determine the time and place of said  
63 meeting. A notice of such annual meeting or any special meeting shall  
64 be mailed at least fourteen days before such meeting to all members at  
65 their property address located in the territory of the association or at  
66 such alternative address as any member may provide in writing to the  
67 tax collector. Special meetings may be called by a majority of the  
68 directors or upon petition presented to the board by at least ten per  
69 cent of the members. The association shall be governed by a board of  
70 eleven directors. Five of the board members shall be officers: president,  
71 vice-president, secretary, treasurer and tax collector and they shall  
72 serve terms of one year as officers or until their successor is appointed.  
73 The board of directors, with all directors who hold an officer position  
74 abstaining, shall each year set the compensation of such officers. The  
75 remaining six directors shall be elected for a term of three years and  
76 until their successor is elected with two directors being elected at such  
77 annual meeting in accordance with the staggered terms of two  
78 directors elected each year. Any vacancy in the positions of officers or  
79 directors occurring prior to the end of the applicable term shall be  
80 filled by the board of directors to serve for the remaining portion of

81 that term. All voting for the positions on the board of directors and for  
82 officers shall require for affirmation a majority vote of those members  
83 present. The number of officers and directors, their terms, the  
84 procedure and method used to provide notice to members of meetings  
85 and the date of any meeting may be modified at any meeting where  
86 notice has been given by the majority vote of members and set forth in  
87 the by-laws of the association.

88 Sec. 5. Section 6 of number 255 of the special acts of 1943 is amended  
89 to read as follows (*Effective from passage*):

90 Said association may exercise all of the powers herein granted to it  
91 and such powers as are necessarily incidental thereto by the adoption  
92 of by-laws adopted by the majority vote of the [corporate] members  
93 present at annual or special meetings [called for the purpose and of  
94 which notice has been given in writing to their last known places of  
95 abode or of business;] as provided in section 5 of number 255 of the  
96 special acts of 1943, as amended by this act, and by said by-laws said  
97 association may vest the executive powers and duties of the  
98 [corporation] association in [the officers and] the governing board of  
99 directors and authorize such board of directors to enact and enforce  
100 reasonable rules and regulations consistent with sections 3 and 7 of  
101 number 255 of the special acts of 1943, as amended by this act.

102 Sec. 6. Section 7 of number 255 of the special acts of 1943, as  
103 amended by section 2 of number 606 of the special acts of 1955, is  
104 amended to read as follows (*Effective from passage*):

105 The [corporation] association shall have the following powers: [(a)  
106 To adopt building and street lines set out by Ron-Day, Inc., and to  
107 establish reasonable building and street lines upon land of the  
108 association or upon land hereafter annexed; (b) to protect, care for and  
109 replace trees growing along the roads within said territory; (c) to] (a)  
110 To construct, maintain, repair and replace walks, bridges, roads, dams,  
111 beaches, floats, drains and sewers upon land owned by the  
112 [corporation] association and upon the private property of the

113 members thereof to an extent agreed upon by said [corporation]  
114 association and any such member or to the extent any such land has  
115 been condemned as hereinafter provided; [(d)] (b) to appoint  
116 watchmen; [or special policemen who shall have the same powers and  
117 duties within its limits, in relation to criminals and criminal offenses,  
118 that constables have in towns and who shall have power to make  
119 arrests for violations of any by-law, regulation or ordinance of the  
120 association or of any general law; (e)] (c) to prescribe fines and  
121 penalties for a violation of any [such] by-law, regulation and ordinance  
122 of the association not exceeding [fifty dollars] three times the annual  
123 assessment for any one offense and such penalties may be recovered in  
124 any proper action brought for that purpose in the name of The Lake  
125 Garda Improvement Association before any court having jurisdiction  
126 for the use and benefit of said association; [(f) to abate outside toilets or  
127 any type of unsanitary nuisance and to adopt and] (d) to enforce  
128 reasonable sanitary regulations approved by the health officers of the  
129 respective towns of Farmington and Burlington; [(g) to enact and  
130 enforce for all of the roads in said territory traffic and motor vehicle  
131 regulations similar to and no more stringent than the rules of the road  
132 and motor vehicle regulations applicable to the highways in said  
133 towns, and to provide penalties for the violation thereof similar to and  
134 no more stringent than those provided for by said rules of the road and  
135 motor vehicle regulations, and such violations shall be a misdemeanor  
136 for which prosecution may be instituted in the town courts of  
137 Farmington and Burlington; (h) to make and enforce reasonable rules  
138 and restrictions for fire prevention; (i)] (e) to reasonably regulate  
139 [hunting, trapping,] fishing [, and the use of firearms for any purpose]  
140 in said territory; [(j) for the preservation of the public peace] (f) to  
141 make and enforce reasonable regulations as to the use of the bathing  
142 beaches, club house, floats, common roads and all other real and  
143 personal property located within said territory; [(k) to regulate the  
144 collection and disposal of garbage and refuse; (l) to regulate peddling  
145 as provided for in towns under the general statutes; (m) to require  
146 owners or lessees of land or buildings within the limits of said

147 association to remove leaves and other inflammable materials or  
148 obstructions from the highways adjacent to or in front of property  
149 owned, leased or occupied by them; (n)] (g) to prevent the deposit  
150 upon property within the limits of said association of refuse, garbage  
151 or waste material of any kind, which, in the opinion of said  
152 [corporation] association may endanger the public health or safety or  
153 become a nuisance; [(o)] (h) to purchase, lease, acquire, sell, mortgage,  
154 hold or own such real and personal estate as its purpose may require;  
155 and (i) to provide for the improvement, maintenance and development  
156 of the buildings, lands and waters in said territory and for the health,  
157 comfort, protection, convenience and enjoyment of the inhabitants  
158 thereof and to enact reasonable by-laws, rules and regulations to  
159 accomplish such purposes.

160 Sec. 7. Section 9 of number 255 of the special acts of 1943, as  
161 amended by section 1 of number 156 of the special acts of 1951, is  
162 amended to read as follows (*Effective from passage*):

163 Said association shall have the power, for the purposes of  
164 apportioning among all owners of land or other real property the cost  
165 or expense of exercising the powers granted by [this act] number 255 of  
166 the special acts of 1943, as amended by this act, to lay and collect an  
167 annual assessment, which shall be levied by the directors during the  
168 month of April in each year, and which shall be an assessment equal as  
169 to rate upon all owners of record of any land within said territory on  
170 the first day of October in each year, [;] but joint owners of the same  
171 land shall be considered as one owner for the purpose of such levy.  
172 Such assessments shall be due and payable on May fifteenth in each  
173 year. The directors shall [transmit to] provide the tax collector of said  
174 association a rate [bill] book setting forth all necessary information  
175 concerning such assessment [, with a warrant authorizing and  
176 directing him to collect the same and any forfeitures due] of the  
177 members, which tax collector shall have the same powers and duties as  
178 have tax collectors of the respective towns of Farmington and  
179 Burlington with respect to the collection of taxes. [The directors shall

180 fix the compensation of the tax collector or any other officer of said  
 181 association.] If such assessments and forfeitures are not paid within  
 182 thirty days after their due date, they shall be then due without demand  
 183 with [six per cent] interest at the statutory rate applicable for  
 184 delinquent taxes in the state of Connecticut from their due date. They  
 185 shall constitute a lien without record upon all real estate owned of  
 186 record by the person upon whom levied within the limits of the  
 187 territory of said association, and, if not paid within sixty days after  
 188 their due date, such real estate shall be liened by the tax collector in a  
 189 manner similar to that provided by law for tax liens upon real estate,  
 190 and any such lien shall have precedence over all other liens except  
 191 those for state, county and town taxes.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>

**Statement of Purpose:**

To revise the charter of The Lake Garda Improvement Association.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. SULLIVAN, 5th Dist.; REP. GIANNAROS, 21st Dist.  
REP. PISCOPO, 76th Dist.

S.B. 52