



House of Representatives

File No. 815

General Assembly

January Session, 2005

(Reprint of File No. 356)

House Bill No. 5785
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 28, 2005

**AN ACT CONCERNING THE POWERS OF THE ZONING COMMISSION
OF THE NOANK FIRE DISTRICT AND VOTING AT MEETINGS OF THE
FALL MOUNTAIN LAKE PROPERTY OWNERS ASSOCIATION.**

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

1 Section 1. Number 305 of the special acts of 1951, as amended by
2 number 434 of the special acts of 1959, is amended to read as follows
3 (*Effective from passage*):

4 (a) The provisions of chapter 43 of the general statutes relating to
5 boroughs shall apply to the Noank fire district. The zoning
6 commission of the Noank fire district shall consist of five electors who
7 shall be elected at any annual or special meeting of the district. The
8 terms of office of the members of said commission shall be established
9 by the district at any such meeting. No more than three of such
10 members may also be members of the executive committee.

11 (b) The electors of the Noank fire district shall by referendum vote
12 on the question of authorization of establishment of village districts.
13 Such referendum shall be conducted at any regular or special meeting

14 called for such purpose. If the electors approve authorization of
15 establishment of village districts, the zoning commission of such
16 district may establish village districts as provided in section 8-2j of the
17 general statutes.

18 (c) The Noank fire district may establish a schedule of fees for
19 review of land use applications. Such fees shall be sufficient to cover
20 the cost of review of such applications.

21 Sec. 2. Section 8 of number 555 of the special acts of 1953, as
22 amended by special act 73-120, is amended to read as follows (*Effective*
23 *from passage*):

24 Each property owner within the territorial limits of said association
25 shall be considered a member of said association for purposes of the
26 levying and collection of taxes provided hereunder. On any issue
27 regarding the budget, there shall be one vote for each lot. The
28 territorial limits of said association shall constitute a separate taxing
29 district within the town of Plymouth, and the board of governors shall
30 prepare and submit to said association at each annual meeting a
31 budget and recommend a tax for the purpose of and based on the
32 budget [, of not more than seventy-five dollars] on each member as the
33 same may appear of record on May first preceding. Any member
34 owning more than one dwelling or lot or any combination of dwellings
35 and lots within the limits specified in section 2 of [this act] number 555
36 of the special acts of 1953, shall be taxed as a separate member for each
37 dwelling and shall be taxed as a separate member for each dwelling or
38 lot which has different owners of record. Said member, however, shall
39 have but one vote at the association meeting. Said association, at any
40 annual meeting, shall have the power to increase or decrease such
41 budget and rate of taxation recommended by said board. The rate of
42 taxation so recommended by said board shall be final unless increased
43 or decreased by the association at such annual meeting. The tax so laid
44 shall be collected by the treasurer or by any collector specially
45 appointed by the governing board for the purpose, and a rate book
46 shall be prepared and signed by the secretary of said board within

47 such time and in such manner as may be directed by said board, and
 48 warrants shall be issued for the collection of money due on such rate
 49 bill pursuant to the provisions of section 1813 of the general statutes.
 50 Said association shall have the power to determine all other matters
 51 pertaining to the levy or collection of such taxes. Written notice of the
 52 rate of such tax and the amount thereof shall be sent by the treasurer or
 53 collector to each member of the association before April 15 in each
 54 year, on which date such tax shall be due and payable and in the
 55 manner stated therein, and if such tax shall not be paid when due, it
 56 shall bear interest at the rate of ten per cent per annum. The treasurer
 57 or other collector shall have all the powers of collectors of town taxes
 58 and shall be accountable to the board in the same manner as town tax
 59 collectors are accountable to selectmen. Such tax shall be a lien upon
 60 the property upon which it shall be laid and may be collected by suit in
 61 the name of the association by foreclosure of such lien or in such
 62 manner as town taxes may be collected. Such lien may be continued by
 63 certificate which shall be recorded in the land records of the town of
 64 Plymouth, pursuant to the provisions of the general statutes relating to
 65 the continuance of tax liens. The board of governors may from time to
 66 time recommend a special tax be laid to fund projects beneficial to the
 67 health, comfort, protection and convenience of the members of the
 68 association. Said special tax, together with receipts from other sources,
 69 if any, authorized by said association shall not exceed an amount
 70 sufficient to meet appropriations for the proposed costs of such
 71 projects, provided any special tax recommended by the board shall not
 72 be effective unless approved by a majority of the members of said
 73 association at a special meeting called for the purpose of voting on
 74 such recommendation. Said special tax shall be levied and collected in
 75 the same manner as the annual tax provided for in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 305 of the of the special acts of 1951

Sec. 2	<i>from passage</i>	Number 555 of the special acts of 1953, Sec. 8
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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

Municipal Impact: None

Explanation

House "A" strikes the language in the bill and allows the electors of the Noank fire district to hold a referendum vote on the question of establishing village districts. This will have no fiscal impact.

House "B" clarifies that on any issue regarding the budget within the town of Plymouth, there shall be one vote for each lot. This will have no fiscal impact.

OLR Bill Analysis

HB 5785 (as amended by House "A" and "B")*

AN ACT CONCERNING ESTABLISHMENT OF VILLAGE DISTRICTS**SUMMARY:**

The law allows municipalities to designate village districts and adopt zoning regulations to protect their distinctive character. Municipalities include fire, sewer, and other special taxing districts that also exercise zoning powers. This bill requires the Noank Fire District to hold a referendum on whether to designate village districts and allows its zoning commission to do so only if the voters approve the authorization. The district must hold the referendum at a regular or special meeting called for this purpose.

The bill establishes the voting criterion for voting on the Fall Mountain Lake Property Owners Association's budget. It assigns one vote to each lot in the association's territorial limits. The bill also removes the maximum \$75-per-member tax the association's board of governors may recommend when they submit the proposed budget at the association's annual meeting. The legislature created the association in 1953 on behalf of property owners who wanted to improve and maintain property.

*House Amendment "A" eliminates the original bill, which explicitly authorized special district zoning commissions to designate village districts and replaces it with the provisions regarding the Noank Fire District.

*House Amendment "B" adds the provisions regarding the Fall Mountain Lake Property Owners Association.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Report
Yea 17 Nay 1