



General Assembly

February Session, 2008

Raised Bill No. 5633

LCO No. 1818

* _____ HB05633PD _____ 031008 _____ *

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING CONTINUATION OF WATER LIENS.

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

1 Section 1. Section 7-239 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) The legislative body shall establish just and equitable rates or
5 charges for the use of the waterworks system authorized herein, to be
6 paid by the owner of each lot or building which is connected with and
7 uses such system, and may change such rates or charges from time to
8 time. Such rates or charges shall be sufficient in each year for the
9 payment of the expense of operation, repair, replacements and
10 maintenance of such system and for the payment of the sums herein
11 required to be paid into the sinking fund. No such rate or charge shall
12 be established until after a public hearing at which all the users of the
13 waterworks system and the owners of property served or to be served
14 and others interested shall have an opportunity to be heard concerning
15 such proposed rate or charge. Notice of such hearing shall be given, at
16 least ten days before the date set therefor, in a newspaper having a

17 circulation in such municipality. Such notice shall set forth a schedule
18 of rates or charges, and a copy of the schedule of rates or charges
19 established shall be kept on file in the office of the legislative body and
20 in the office of the clerk of the municipality, and shall be open to
21 inspection by the public. The rates or charges so established for any
22 class of users or property served shall be extended to cover any
23 additional premises thereafter served which are within the same class,
24 without the necessity of a hearing thereon. Any change in such rates or
25 charges may be made in the same manner in which they were
26 established, provided, if any change is made substantially pro rata as
27 to all classes of service, no hearing shall be required. The provisions of
28 this section shall not apply to the sale of bottled water.

29 (b) If any rates or charges established pursuant to this section are
30 not paid within thirty days after the due date, demand for such rates
31 or charges may be made on the owner of the premises served in the
32 manner provided in subsection (a) of section 12-155 of the 2008
33 supplement to the general statutes, and thereafter an alias tax warrant
34 may be issued in the manner provided in sections 12-135 of the 2008
35 supplement to the general statutes and 12-162 of the 2008 supplement
36 to the general statutes. The rates or charges established pursuant to
37 this section, if not paid when due, shall constitute a lien upon the
38 premises served and a charge against the owner thereof, which lien
39 and charge shall bear interest at the same rate as would unpaid taxes.
40 Such a lien not released of record prior to October 1, 1993, shall not
41 continue for more than [one year] two years unless the superintendent
42 of the waterworks system has filed a certificate of continuation of the
43 lien in the manner provided under section 12-174 for the continuance
44 of tax liens, and when so continued shall be valid for fifteen years. A
45 lien described in this section shall take precedence over all other liens
46 or encumbrances except taxes and may be foreclosed against the lot or
47 building served in the same manner as a lien for taxes.

48 (c) Any municipality, by resolution of its legislative body, may
49 assign, for consideration, any and all liens filed by the superintendent

50 of the waterworks system or tax collector to secure unpaid water
51 charges as provided under the provisions of this chapter. The
52 consideration received by the municipality shall be negotiated between
53 the municipality and the assignee. The assignee or assignees of such
54 liens shall have and possess the same powers and rights at law or in
55 equity as such municipality and municipality's tax collector would
56 have had if the lien had not been assigned with regard to the
57 precedence and priority of such lien, the accrual of interest and the fees
58 and expenses of collection. The assignee shall have the same rights to
59 enforce such liens as any private party holding a lien on real property,
60 including, but not limited to, foreclosure and a suit on the debt. Costs
61 and reasonable attorneys' fees incurred by the assignee as a result of
62 any foreclosure action or other legal proceeding brought pursuant to
63 this section and directly related to the proceeding shall be taxed in any
64 such proceeding against each person having title to any property
65 subject to the proceedings. Such costs and fees may be collected by the
66 assignee at any time after demand for payment has been made by the
67 assignee.

68 (d) The amount of any such rate or charge which remains due and
69 unpaid for thirty days may, with reasonable attorneys' fees, be
70 recovered by the legislative body in a civil action in the name of the
71 municipality against such owners. The municipality shall be subject to
72 the same rates or charges under the same conditions as other users of
73 such waterworks system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	7-239

PD *Joint Favorable*