



General Assembly

February Session, 2008

**Raised Bill No. 5713**

LCO No. 2441

\*02441\_\_\_\_\_PD\_\*

Referred to Committee on Planning and Development

Introduced by:  
(PD)

**AN ACT CONCERNING SPECIAL DISTRICTS.**

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

1 Section 1. Section 7-325 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Upon the petition of fifteen or more voters, as defined by section  
4 7-6, of any town, specifying the limits of a proposed district for any or  
5 all of the purposes set forth in section 7-326, as amended by this act,  
6 the selectmen of such town shall call a meeting of the voters residing  
7 within such specified limits to act upon such petition, which meeting  
8 shall be held at such place within such town and such hour as the  
9 selectmen designate, within thirty days after such petition has been  
10 received by such selectmen. Such limits shall contain only contiguous  
11 property, except any proposed district which is proposed to be  
12 established only to plan, lay out, acquire, construct, reconstruct, repair,  
13 maintain, operate and regulate the use of a community water system  
14 or to construct and maintain drains and sewers or both and which  
15 does not exercise any of the other powers enumerated in section 7-326,  
16 as amended by this act, may contain noncontiguous properties if the  
17 properties proposed to be included are, or are to be, served by a

18 common water or sewer main. Such meeting shall be called by  
19 publication of a written notice of the same, signed by the selectmen, at  
20 least fourteen days before the time fixed for such meeting in two  
21 successive issues of some newspaper published or circulated in such  
22 town. Not later than twenty-four hours before such meeting, (1) two  
23 hundred or more voters or ten per cent of the total number of voters,  
24 whichever is less, may petition the selectmen in writing for a  
25 referendum, or (2) the selectmen in their discretion may order a  
26 referendum, on the sole question of whether the proposed district  
27 should be established. Any such referendum shall be held not less than  
28 seven nor more than fourteen days after the receipt of such petition or  
29 the date of such order, on a day to be set by the selectmen for a vote by  
30 paper ballots or by a "yes" or "no" vote on the voting machines, during  
31 the hours between twelve o'clock noon and eight o'clock p.m.; except  
32 that any town may, by vote of its selectmen, provide for an earlier hour  
33 for opening the polls but not earlier than six o'clock a.m.,  
34 notwithstanding the provisions of any special act to the contrary. If  
35 two-thirds of the voters casting votes in such referendum vote in favor  
36 of establishing the proposed district, the selectmen shall reconvene  
37 such meeting not later than seven days after the day on which the  
38 referendum is held. Upon approval of the petition for the proposed  
39 district by two-thirds of the voters present at such meeting, or if a  
40 referendum is held, upon the reconvening of such meeting after the  
41 referendum, the voters may name the district and, upon the vote of a  
42 majority of such voters, choose necessary officers therefor to hold  
43 office until the first annual meeting thereof; and the district shall, upon  
44 the filing of the first report required pursuant to subsection [(c)] (d) of  
45 this section, thereupon be a body corporate and politic and have the  
46 powers, not inconsistent with the general statutes, in relation to the  
47 objects for which it was established, that are necessary for the  
48 accomplishment of such objects, including the power to lay and collect  
49 taxes. The clerk of such district shall cause its name and a description  
50 of its territorial limits and of any additions that may be made thereto to  
51 be recorded in the land records of each town in which such district is

52 located.

53 (b) Notwithstanding the provisions of subsection (a) of this section  
54 concerning petition and referendum, if the district to be created  
55 pursuant to this section is unoccupied or otherwise undeveloped and  
56 is proposed to be developed or redeveloped, the owner or owners, or  
57 their authorized agents, of the property within the boundaries of such  
58 district may file a district plan, a plan of development and a plan of  
59 finance with the municipality. Upon the approval of the legislative  
60 body of such municipality and the filing of the first report required  
61 pursuant to subsection (d) of this section, the district shall be a body  
62 corporate and politic and have such powers, not inconsistent with the  
63 general statutes, in relation to the objects for which it was established,  
64 that are necessary for the accomplishment of such objects, including  
65 the power to lay and collect taxes.

66 [(b)] (c) Any district may enlarge or reduce its territorial limits if the  
67 board of directors of the district approves a resolution proposing such  
68 an enlargement or reduction and stating the proposed boundaries of  
69 the area proposed to be included or excluded, as the case may be,  
70 provided: (1) The board of directors of the district shall call a meeting  
71 of voters of the area proposed to be included or excluded, which  
72 meeting shall be held within thirty days of the board of directors'  
73 approval of such resolution and shall be called by publication of a  
74 written notice of the same, signed by the members of the board of  
75 directors of the district, at least fourteen days before the time fixed for  
76 such meeting in two successive issues of some newspaper published or  
77 circulated in such town, provided not later than twenty-four hours  
78 before any such meeting, two hundred or more such voters or ten per  
79 cent of the total number of such voters, whichever is less, may petition  
80 the clerk of the district, in writing, that a referendum on the question  
81 of whether the area proposed to be included or excluded should join or  
82 leave the district be held in the manner provided in section 7-327; (2) a  
83 two-thirds majority of the voters of the area proposed to be included or  
84 excluded in attendance at such meeting, or, if a referendum is held,

85 two-thirds of such voters casting votes in such referendum, vote in  
86 favor of joining or leaving such district; (3) that any area to be added is  
87 contiguous with some portion of the existing district, and (4) if the  
88 enlargement of the territorial limits of the district will overlap the  
89 territorial limits of another district within the town, the legislative  
90 body of the town approves such enlargement. If any district enlarges  
91 or reduces its territorial limits, the clerk of such district shall notify the  
92 town clerk of each town affected by such enlargement or reduction  
93 within thirty days after the vote.

94 [(c)] (d) The clerk of each district created pursuant to this chapter or  
95 any provisions of the general statutes or any special act, shall report to  
96 the town clerk of each town in which such district is located: (1) If  
97 created by approval of a petition pursuant to subsection (a) of this  
98 section on or after July 1, 1987, within seven days of such approval;  
99 and (2) on or before July 31, 1993, and annually thereafter for each such  
100 district, irrespective of the date of creation. The first report filed after  
101 the creation of a district shall include a list of the officers of such  
102 district, a copy of the charter or special act of such district and such  
103 other information on the organization and the financial status of such  
104 district as the Secretary of the Office of Policy and Management may  
105 recommend. A copy of the charter or special act of such district shall  
106 be included in any subsequent report if such charter or special act was  
107 amended after the date of the previous filing. No district, irrespective  
108 of the date of creation, created by approval of a petition pursuant to  
109 subsection (a) of this section shall exist as a body corporate and politic  
110 until the clerk of such district has filed at least one report required by  
111 this subsection. If a district is located in more than one town, the report  
112 shall be filed by the district clerk with the town clerk of each town in  
113 which the district is located.

114 [(d)] (e) Any fine imposed on and after July 1, 1992, on a clerk for  
115 failure to file a report required pursuant to subsection [(c)] (d) of this  
116 section shall be waived.

117 Sec. 2. Section 7-326 of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective October 1, 2008*):

119 At such meeting, the voters may establish a district for any or all of  
120 the following purposes: To extinguish fires, to light streets, to plant  
121 and care for shade and ornamental trees, to construct and maintain  
122 roads, sidewalks, crosswalks, drains and sewers, to appoint and  
123 employ watchmen or police officers, to acquire, construct, maintain  
124 and regulate the use of recreational facilities, to plan, lay out, acquire,  
125 construct, reconstruct, repair, maintain, supervise and manage a flood  
126 or erosion control system, to plan, lay out, acquire, construct, maintain,  
127 operate and regulate the use of a community water system, to collect  
128 garbage, ashes and all other refuse matter in any portion of such  
129 district and provide for the disposal of such matter, to implement tick  
130 control measures, to install highway sound barriers, to maintain water  
131 quality in lakes, to establish a zoning commission and a zoning board  
132 of appeals or a planning commission, or both, by adoption of chapter  
133 124 or chapter 126, excluding section 8-29, or both chapters, as the case  
134 may be, which commissions or board shall be dissolved upon adoption  
135 by the town of subdivision or zoning regulations by the town planning  
136 or zoning commission; and to adopt building regulations, which  
137 regulations shall be superseded upon adoption by the town of building  
138 regulations. Any district may contract with a town, city, borough or  
139 other district for carrying out any of the purposes for which such  
140 district was established.

141 Sec. 3. Section 7-328 of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective October 1, 2008*):

143 (a) The territorial limits of the district shall constitute a separate  
144 taxing district, and the assessor or assessors of the town shall separate  
145 the property within the district from the other property in the town  
146 and shall annually furnish the clerk of the district with a copy of the  
147 grand list of all property in the district after it has been completed by  
148 the board of assessment appeals of the town. If the legislative body of

149 the town elects, pursuant to section 12-62c, to defer all or any part of  
150 the amount of the increase in the assessed value of real property in the  
151 year a revaluation becomes effective and in any succeeding year in  
152 which such deferment is allowed, the grand list furnished to the clerk  
153 of the district for each such year shall reflect assessments based upon  
154 such deferment. When the district meeting has fixed the tax rate, the  
155 clerk shall prepare a rate bill, apportioning to each owner of property  
156 his proportionate share of the taxes, which rate bill, when prepared,  
157 shall be delivered to the treasurer; and the district and the treasurer  
158 thereof shall have the same powers as towns and collectors of taxes to  
159 collect and enforce payment of such taxes, and such taxes when laid  
160 shall be a lien upon the property in the same manner as town taxes,  
161 and such liens may be continued by certificates recorded in the land  
162 record office of the town, and foreclosed in the same manner as liens  
163 for town taxes. The assessor or board of assessment appeals shall  
164 promptly forward to the clerk of the district any certificate of  
165 correction or notice of any other lawful change to the grand list of the  
166 district. The district clerk shall, within ten days of receipt of any such  
167 certificate or notice, forward a copy thereof to the treasurer, and the  
168 assessment of the property for which such certificate or notice was  
169 issued and the rate bill related thereto shall be corrected accordingly. If  
170 the district constructs any drain, sewer, sidewalk, curb or gutter, such  
171 proportion of the cost thereof as such district determines may be  
172 assessed by the board of directors, in the manner prescribed by such  
173 district, upon the property specially benefited by such drain, sewer,  
174 sidewalk, curb or gutter, and the balance of such costs shall be paid  
175 from the general funds of the district. [In the construction of any flood  
176 or erosion control system, the cost to such district] The cost to such  
177 district in the construction of any flood erosion control system or the  
178 maintenance of water quality in a lake may be assessed and shall be  
179 payable in accordance with sections 25-87 to 25-93, inclusive. Subject to  
180 the provisions of the general statutes, the district may issue bonds and  
181 the board of directors may pledge the credit of the district for any  
182 money borrowed for the construction of any public works or the

183 acquisition of recreational facilities authorized by sections 7-324 to 7-  
184 329, inclusive, and such board shall keep a record of all notes, bonds  
185 and certificates of indebtedness issued, disposed of or pledged by the  
186 district. All moneys received by the directors on behalf of the district  
187 shall be paid to the treasurer. No contract or obligation which involves  
188 an expenditure in the amount of (1) ten thousand dollars or more in  
189 districts where the grand list is less than or equal to twenty million  
190 dollars, or (2) twenty thousand dollars or more in districts where the  
191 grand list is greater than twenty million dollars, in any one year shall  
192 be made by the board of directors, unless the same is specially  
193 authorized by a vote of the district, nor shall the directors borrow  
194 money without like authority. The clerk of the district shall give  
195 written notice to the treasurer of the town in which the district is  
196 located of any final decision of the board of directors to borrow money,  
197 not later than thirty days after the date of such decision. The district  
198 may adopt ordinances, with penalties to secure their enforcement, for  
199 the purpose of regulating the carrying out of the provisions of sections  
200 7-324 to 7-329, inclusive, and defining the duties and compensation of  
201 its officers and the manner in which their duties shall be carried out.

202 (b) Upon the request of the clerk of any district, the registrar of  
203 voters and the assessor of the town in which the district is located shall  
204 provide a list of voters of the district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	7-325
Sec. 2	<i>October 1, 2008</i>	7-326
Sec. 3	<i>October 1, 2008</i>	7-328

**Statement of Purpose:**

To authorize owners of undeveloped or unoccupied property to apply to the local legislative body to create a special tax district and to authorize special districts for the purpose of maintaining water quality in lakes.

*[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.]*