



General Assembly

Substitute Bill No. 5713

February Session, 2008

* _____ HB05713PD _____ 031408 _____ *

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 Section 7-325 of the general statutes is repealed and the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, to accomplish its purpose, including the power to lay
64 and collect taxes.

65 [(b)] (c) Any district may enlarge or reduce its territorial limits if the
66 board of directors of the district approves a resolution proposing such
67 an enlargement or reduction and stating the proposed boundaries of
68 the area proposed to be included or excluded, as the case may be,
69 provided: (1) The board of directors of the district shall call a meeting
70 of voters of the area proposed to be included or excluded, which
71 meeting shall be held within thirty days of the board of directors'
72 approval of such resolution and shall be called by publication of a
73 written notice of the same, signed by the members of the board of
74 directors of the district, at least fourteen days before the time fixed for
75 such meeting in two successive issues of some newspaper published or
76 circulated in such town, provided not later than twenty-four hours
77 before any such meeting, two hundred or more such voters or ten per
78 cent of the total number of such voters, whichever is less, may petition
79 the clerk of the district, in writing, that a referendum on the question
80 of whether the area proposed to be included or excluded should join or
81 leave the district be held in the manner provided in section 7-327; (2) a
82 two-thirds majority of the voters of the area proposed to be included or
83 excluded in attendance at such meeting, or, if a referendum is held,
84 two-thirds of such voters casting votes in such referendum, vote in
85 favor of joining or leaving such district; (3) that any area to be added is
86 contiguous with some portion of the existing district, and (4) if the
87 enlargement of the territorial limits of the district will overlap the
88 territorial limits of another district within the town, the legislative

89 body of the town approves such enlargement. If any district enlarges
90 or reduces its territorial limits, the clerk of such district shall notify the
91 town clerk of each town affected by such enlargement or reduction
92 within thirty days after the vote.

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

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

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

118 At such meeting, the voters may establish a district for any or all of
119 the following purposes: To extinguish fires, to light streets, to plant
120 and care for shade and ornamental trees, to construct and maintain

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

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

142 (a) The territorial limits of the district shall constitute a separate
143 taxing district, and the assessor or assessors of the town shall separate
144 the property within the district from the other property in the town
145 and shall annually furnish the clerk of the district with a copy of the
146 grand list of all property in the district after it has been completed by
147 the board of assessment appeals of the town. If the legislative body of
148 the town elects, pursuant to section 12-62c, to defer all or any part of
149 the amount of the increase in the assessed value of real property in the
150 year a revaluation becomes effective and in any succeeding year in
151 which such deferment is allowed, the grand list furnished to the clerk
152 of the district for each such year shall reflect assessments based upon
153 such deferment. When the district meeting has fixed the tax rate, the

154 clerk shall prepare a rate bill, apportioning to each owner of property
155 his proportionate share of the taxes, which rate bill, when prepared,
156 shall be delivered to the treasurer; and the district and the treasurer
157 thereof shall have the same powers as towns and collectors of taxes to
158 collect and enforce payment of such taxes, and such taxes when laid
159 shall be a lien upon the property in the same manner as town taxes,
160 and such liens may be continued by certificates recorded in the land
161 record office of the town, and foreclosed in the same manner as liens
162 for town taxes. The assessor or board of assessment appeals shall
163 promptly forward to the clerk of the district any certificate of
164 correction or notice of any other lawful change to the grand list of the
165 district. The district clerk shall, within ten days of receipt of any such
166 certificate or notice, forward a copy thereof to the treasurer, and the
167 assessment of the property for which such certificate or notice was
168 issued and the rate bill related thereto shall be corrected accordingly. If
169 the district constructs any drain, sewer, sidewalk, curb or gutter, such
170 proportion of the cost thereof as such district determines may be
171 assessed by the board of directors, in the manner prescribed by such
172 district, upon the property specially benefited by such drain, sewer,
173 sidewalk, curb or gutter, and the balance of such costs shall be paid
174 from the general funds of the district. [In the construction of any flood
175 or erosion control system, the cost to such district] The cost to such
176 district in the construction of any flood or erosion control system or the
177 maintenance of water quality in a lake may be assessed and shall be
178 payable in accordance with sections 25-87 to 25-93, inclusive. Subject to
179 the provisions of the general statutes, the district may issue bonds and
180 the board of directors may pledge the credit of the district for any
181 money borrowed for the construction of any public works or the
182 acquisition of recreational facilities authorized by sections 7-324 to 7-
183 329, inclusive, and such board shall keep a record of all notes, bonds
184 and certificates of indebtedness issued, disposed of or pledged by the
185 district. All moneys received by the directors on behalf of the district
186 shall be paid to the treasurer. No contract or obligation which involves
187 an expenditure in the amount of (1) ten thousand dollars or more in
188 districts where the grand list is less than or equal to twenty million

189 dollars, or (2) twenty thousand dollars or more in districts where the
190 grand list is greater than twenty million dollars, in any one year shall
191 be made by the board of directors, unless the same is specially
192 authorized by a vote of the district, nor shall the directors borrow
193 money without like authority. The clerk of the district shall give
194 written notice to the treasurer of the town in which the district is
195 located of any final decision of the board of directors to borrow money,
196 not later than thirty days after the date of such decision. The district
197 may adopt ordinances, with penalties to secure their enforcement, for
198 the purpose of regulating the carrying out of the provisions of sections
199 7-324 to 7-329, inclusive, and defining the duties and compensation of
200 its officers and the manner in which their duties shall be carried out.

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

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

Statement of Legislative Commissioners:

In the last sentence of subsection (b) of section 1, the phrase "in relation to the objects for which it was established that are necessary for the accomplishment of such objects" was replaced with "to accomplish its purpose" for clarity and in subsection (a) of section 2, "flood erosion" was replaced with "flood or erosion" for accuracy.

PD *Joint Favorable Subst.-LCO*