



General Assembly

**Amendment**

January Session, 2017

LCO No. 7796



Offered by:

REP. CARNEY, 23<sup>rd</sup> Dist.

SEN. FORMICA, 20<sup>th</sup> Dist.

To: House Bill No. 6675

File No. 497

Cal. No. 338

**"AN ACT CONCERNING A MUNICIPAL OPTION FOR PROPERTY TAX ABATEMENTS FOR ARTS AND CULTURE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 2 of number 289 of the special acts of 1935 is  
4 amended to read as follows (*Effective from passage*):

5 The limits and territory of said association are defined and  
6 established as follows: Northerly by the state highway known as route  
7 number 156; southerly by Long Island sound; easterly by the  
8 development known as "Old Lyme Shores" and westerly by the line  
9 drawn from the north to the south boundaries along the west  
10 boundary of land with frontage on the west side of Sound View  
11 avenue. The limits and territory of said association may be extended at  
12 any time so as to include any land in the town of Old Lyme adjacent to  
13 that above described, upon written application of the owner or owners  
14 of such other land, in an instrument describing the same and the terms

15 of such proposed annexation, provided such application shall be  
16 accepted by a two-thirds vote of all the members [present or  
17 represented at any annual or special meeting] of said association. If  
18 such application shall be thus accepted, it shall be inscribed upon the  
19 records of said association and recorded in the land records of the  
20 town of Old Lyme, and thereupon such other land shall be  
21 incorporated within the limits and territory of said association and the  
22 owner or owners of such other land, while they are owners thereof,  
23 shall be a part of said body politic and corporate.

24 Sec. 502. Section 3 of number 289 of the special acts of 1935 is  
25 amended to read as follows (*Effective from passage*):

26 The [objects] objectives of said association shall be to provide for the  
27 improvement of the lands in said territory and for the health, comfort  
28 and protection and convenience of the inhabitants thereof.

29 Sec. 503. Section 5 of number 289 of the special acts of 1935 is  
30 amended to read as follows (*Effective from passage*):

31 The first meeting of the members of said association shall be held on  
32 the fourth Saturday in June, 1935, at such time and place within the  
33 limits of said association as the committee hereinafter named shall  
34 designate in the warning of such meeting, for the purpose of electing a  
35 board of governors. At said first meeting there shall be elected three  
36 members of the board of governors to serve for one year, two members  
37 to serve for two years and two members to serve for three years and  
38 until their successors shall be elected. [Annual meetings shall be held  
39 on the fourth Saturday of June in each year at such time and place  
40 within the limits of said association as said board of governors shall  
41 direct.] Semiannual meetings will be held in June and September with  
42 the date and location to be determined by the board of governors and  
43 located within the boundaries of Old Lyme, Connecticut. Notification  
44 of said meetings will be delivered by an approved method of  
45 communications as outlined in the association by-laws.

46 Sec. 504. Section 7 of number 289 of the special acts of 1935 is

47 amended to read as follows (*Effective from passage*):

48 Any vacancy in said board, occurring during the year, may be filled  
49 by a majority vote of the remaining board of governors members, and  
50 such member so appointed shall hold office for the unexpired portion  
51 of the term.

52 Sec. 505. Section 8 of number 289 of the special acts of 1935, as  
53 amended by section 1 of number 303 of the special acts of 1947 is  
54 amended to read as follows (*Effective from passage*):

55 Said association may purchase, acquire or own real estate, and the  
56 governing board may enact by-laws or ordinances for the following  
57 purposes: To regulate travel over the highways within the limits of the  
58 association when, in the opinion of said board, the free and  
59 unrestricted use of said highways may become dangerous or  
60 inconvenient; to appoint and remove police officers to act within the  
61 limits of said association, who shall have the powers of constables  
62 within said limits for the purpose of making arrests for violations of  
63 any law or any regulation or by-law of said association; to clean and  
64 improve any and all ditches; to care for beaches and waterfronts; to  
65 keep the streets and all public places within the limits of said  
66 association quiet and free from noise; to regulate the parking of motor  
67 vehicles; to build, repair and improve highways, roads and sidewalks  
68 within the limits of said association; to require owners or lessors of  
69 land or buildings within the limits of said association to remove leaves  
70 and other inflammable material or obstructions from the highway  
71 adjacent to or in front of property owned, leased or occupied by them;  
72 to prevent the deposit upon the property within the limits of said  
73 association of any refuse, garbage or waste material of any kind which,  
74 in the opinion of said board, may endanger the public health or safety  
75 or which may become a nuisance; to remove garbage, filth, nightsoil,  
76 ashes and other refuse matter within said limits and to authorize such  
77 person as the board may designate to make entry on any private  
78 property within said limits for the purpose of taking and removing all  
79 filth, garbage, ashes, nightsoil or any other offensive matter; to

80 establish building lines; to adopt, modify and enforce a building code;  
81 to appoint one or more building inspectors; to protect any property  
82 from danger by fire, including the regulation of the number of cottages  
83 and structures that may be erected or placed on a single building lot  
84 within said limits; to regulate and limit the carrying on within the  
85 limits of said association of any business that will, in the opinion of  
86 said board, be prejudicial to public health or dangerous to or constitute  
87 an unreasonable annoyance to those living or owning property in the  
88 vicinity thereof, which regulations shall be uniform for each class or  
89 kind of buildings or structures, or class of business; to regulate  
90 peddling as provided for in towns under the general statutes; to  
91 restrict the right of entry on the property of said association except  
92 upon the highways and to promote the planting of trees and shrubbery  
93 and other work leading to the improvement of the general appearance  
94 of the community. Said association shall have exclusive charge and  
95 control of all roads within the limits which are not under town or state  
96 control. Said governing board may fix a penalty for each violation of  
97 any such by-law, ordinance or regulation, [of not more than twenty  
98 dollars] for each offense, and the penalties may be recovered in any  
99 action brought for the purpose in the name of The Old Colony Beach  
100 Club Association before any court having jurisdiction, for the use and  
101 benefit of said association. No by-law or ordinance shall take effect  
102 until ten days after its passage, nor until it [shall have] has been  
103 [posted on a signpost within the limits of the association, to be  
104 designated by the governing board,] communicated to members of the  
105 board by an approved method of communications as outlined in the  
106 association by-laws for at least seven days. A certificate of the  
107 [secretary of said association of the posting] clerk of the association of  
108 the proper notification of any by-law or ordinance as provided herein  
109 shall [be] determine what constitutes prima facie evidence of such  
110 [posting] notification. Nothing herein shall be construed as authorizing  
111 the board or the association to change, by regulation, restrictions in  
112 deeds and nothing herein shall impair the exclusive right of The Sound  
113 View Water Company, its successors and assigns, to install and  
114 maintain water pipes in the streets.

115 Sec. 506. Section 9 of number 289 of the special acts of 1935 is  
116 amended to read as follows (*Effective from passage*):

117 The board of governors shall prepare and submit to said association,  
118 at [each annual] the June semiannual meeting, a budget and  
119 recommend a tax for the purpose of and based on such budget. [, of  
120 not exceeding seven mills on the dollar of the total value of real estate  
121 within the limits of said association as shown by the last-completed  
122 grand list of the town of Old Lyme which budget and tax rate shall be  
123 posted on the signpost of said association not less than five days before  
124 such annual meeting.] The board of governors will set the mill rate on  
125 the dollar of the total value of real estate within the limits of said  
126 association as shown by the last-completed grand list of the town of  
127 Old Lyme. The recommended tax will be communicated to the  
128 members of the board at least ten days before the annual meeting by  
129 an approved method of communications as outlined in the association  
130 by-laws. Said association shall have the power to decrease such budget  
131 and rate of taxation recommended by said board of governors, but in  
132 no case shall it have power to increase such budget and rate of  
133 taxation. The rate of taxation so recommended by said board of  
134 governors shall be final unless decreased by the association at such  
135 annual meeting. Said board shall appoint a tax collector to collect such  
136 taxes, and a rate book shall be made out and signed by the clerk of said  
137 board on or before the third Saturday of July each year, and warrants  
138 may be issued for the collection of money due on such rate bills,  
139 pursuant to the provisions of section 1208 of the general statutes.

140 Sec. 507. Section 10 of number 289 of the special acts of 1935, as  
141 amended by section 2 of number 303 of the special acts of 1947 is  
142 amended to read as follows (*Effective from passage*):

143 Written notice of the rate of such tax and of the amount apportioned  
144 to each member of the association shall be sent by the tax collector on  
145 or before the following July [fifteenth] first, and such tax shall be due  
146 and payable on [the fifteenth of the following] August first, and, if  
147 such tax be not paid when due, it shall bear interest [at the rate of six

148 per cent per annum from the date] consistent with state tax laws from  
149 the date when it was so payable. The tax collector shall have all the  
150 powers of collectors of town taxes and shall pay over the taxes as soon  
151 as collected to the treasurer of the Association. Each such tax, if not  
152 paid when due, shall be a lien upon the property upon which it shall  
153 be laid for one year from the time of the laying of such tax. Such lien  
154 may be continued by certificate to be recorded in the land records of  
155 the town of Old Lyme, pursuant to the provisions of section 1235 of the  
156 general statutes.

157 Sec. 508. Section 12 of number 289 of the special acts of 1935, as  
158 amended by section 3 of number 303 of the special acts of 1947 is  
159 amended to read as follows (*Effective from passage*):

160 [Twelve] Thirty members of said association shall constitute a  
161 quorum for the transaction of business. To the extent lawful, any  
162 person entitled to attend and vote at a members meeting may establish  
163 his/her presence and cast his/her vote by proxy. A proxy vote may be  
164 given by any person entitled to vote, but shall be valid only for the  
165 specific meeting for which originally given and any lawful  
166 adjournment of that meeting, and no proxy is valid for a period longer  
167 than ninety days after the date of the first meeting for which it was  
168 given. Every proxy is revocable at the pleasure of the person executing  
169 it. To be valid, a proxy must be in writing, dated, signed by a person  
170 authorized to cast the vote for the property, and specify the date, time  
171 and place of the meeting for which it is given. The signed and dated  
172 original must be delivered to the clerk at or before the time of the  
173 meeting or continuance thereof. Holders of proxies need not be  
174 members. No proxy is valid if it names more than one person as the  
175 proxy holder. Any member may designate in writing any person to act  
176 as his or her proxy at any meeting of said association, such proxy to be  
177 entitled to all privileges of such member.

178 Members of the association are entitled to only one vote for each  
179 parcel within the limits of the association, as identified on the last  
180 completed grand list of the Town of Old Lyme. The total number of

181 votes will equal the total number of parcels. If a parcel is owned by  
182 multiple individuals, such as a husband and wife, any record owner  
183 may vote on behalf of the parcel. If a parcel is owned by a corporation,  
184 any officer may vote on behalf of said corporation. If a parcel is owned  
185 by a partnership, any general partner may vote on behalf of the  
186 partnership. If a parcel is owned in trust, any trustee of a trust shall be  
187 entitled to vote. If a parcel is owned by limited liability corporation  
188 (LLC), any member or manager may vote on behalf of the LLC.

189 Sec. 509. Section 13 of number 289 of the special acts of 1935 is  
190 amended to read as follows (*Effective from passage*):

191 [Notice in writing of each meeting of the association] Notification of  
192 meetings, stating the purpose of the meeting, [shall be given by the  
193 clerk by letter, postage paid, addressed to each member of the  
194 association and mailed at least five days before such meeting] will be  
195 delivered by an approved method of communications as outlined in  
196 the association by-laws. Notification will be issued at least ten days  
197 before such meeting.

198 Sec. 510. Section 16 of number 289 of the special acts of 1935, as  
199 amended by section 5 of number 303 of the special acts of 1947 is  
200 amended to read as follows (*Effective from passage*):

201 By-laws or rules of said association shall be enacted at a regular  
202 annual meeting or at a special meeting called for such purpose. By-  
203 laws or rules of said association may be enacted by the board of  
204 governors and any such by-law or rule so enacted shall become  
205 effective ten days [after publication thereof in some newspaper having  
206 a circulation within the association,] thereafter. Notification will be  
207 delivered by an approved method of communications as outlined in  
208 the association by-laws, provided, upon a petition of not less than  
209 twenty members of said association within ten days after publication  
210 of such by-law or rule, asking that the same be submitted to the  
211 members of said association at its next regular or special meeting, it  
212 shall be so submitted and in such event shall not become effective

213 unless a majority of the members of said association voting at such  
214 meeting shall vote in favor thereof.

215 Sec. 511. Section 19 of number 289 of the special acts of 1935, as  
216 amended by section 7 of number 303 of the special acts of 1947 is  
217 amended to read as follows (*Effective from passage*):

218 This act shall become effective upon its adoption by the majority  
219 vote of the members of said association who shall be present at a  
220 meeting called for that purpose by the board of governors, which  
221 meeting shall be warned as provided in section 13 of said act and held  
222 on the [fourth Saturday of June, 1947] first Saturday after Labor Day,  
223 2015."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 2
Sec. 502	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 3
Sec. 503	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 5
Sec. 504	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 7
Sec. 505	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 8
Sec. 506	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 9
Sec. 507	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 10



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Sec. 508	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 12
Sec. 509	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 13
Sec. 510	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 16
Sec. 511	<i>from passage</i>	Number 289 of the special acts of 1935, Sec. 19