

ORDINANCE # 133

Chapter 19, Utilities, Article II. Water, Section 19-17 Water Main Extension and Assessment of the Code of Ordinances of the Borough of Naugatuck, Connecticut is hereby to read as follows:

Sec. 19-17. Water Main Extension and Assessment

WHEREAS, by the Connecticut General Statutes Section 7-137c of the General Statutes the Borough of Naugatuck is empowered to extend, or cause to be extended, water mains for residential, commercial, industrial or mixed uses, and

WHEREAS, the Board of Mayor and Burgesses has determined that it is or may be necessary or desirable from time to time to extend water mains in one or more areas of the Borough, and

WHEREAS, the Connecticut General Statutes Section 7-137c provides that each owner of property abutting any such water main shall reimburse the municipality for his proportionate share of the cost of said main at such time and by such rules as the municipality may by ordinance determine.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF MAYOR AND BURGESSES OF THE BOROUGH OF NAUGATUCK:

Before the Board of Mayor and Burgesses shall make an appropriation for the extension of any water main as permitted by the Connecticut General Statutes Section 7-137c, it shall hold Public Hearing with regard to such proposed extension at which time any resident of the Borough of Naugatuck may be heard with regard thereto. Notice of such hearing, which notice shall identify the approximate area of the proposed extension, shall be published in a newspaper having a circulation in the Borough of Naugatuck not later than seven (7) days prior to the hearing. At such hearing the Board of Mayor and Burgesses shall have available such cost estimates as it may then have with regard to the proposed cost of said extension. Within sixty (60) days after the conclusion of the Public Hearing the Board shall determine whether it intends to proceed with said extension and if it intends to proceed with said extension, it shall appropriate such funds in such manner as is permitted by the Charter of the Borough of Naugatuck.

Whenever the Board of Mayor and Burgesses shall appropriate funds for the extension of water mains as permitted by the Connecticut General Statutes Section 7-137c, the owner of each property abutting such main shall reimburse the Borough of Naugatuck for his proportionate share of the cost of said extension according to the following formula.

The total cost of any extension shall be calculated and determined by the Board of Mayor and Burgesses within 120 days after the extension has been completed. The total cost shall include the cost of water mains, including materials, installation, pumping stations, service connections, curb, sidewalks and highway repairs, and the cost of the installation of gate valves and shut offs, land acquisition and incidental expenses.

The Board of Mayor and Burgesses shall determine the proposed share of each property owner proportioned in such a way that the municipality shall be ultimately be free from any costs of the extension and expenses incidental thereto except where any portion of the water main or service is to be used for a municipal purpose, in which instance the municipality shall contribute a fair proportion of the expense representing such proportional municipal share.

In a residential zone, the proportionate share of each property owner abutting the main shall be determined by dividing the total cost of the extension as calculated by the Board of Mayor and Burgesses, by the number of residential lots capable of being served by the water main and abutting the water main. The sum thus derived shall be the proportionate share.

Such proportionate share shall be the proposed assessment for each property owner. The Board of Mayor and Burgesses shall direct such proper Borough officials as it determines to prepare a list of the proposed assessments which list shall identify the property to be affected by the proposed assessment, and shall contain the name and address of the owners thereof as on file with the Assessor of the Borough of Naugatuck as of the date that the list is prepared. The list shall be filed with the Town Clerk. The Board of Mayor and Burgesses shall establish a date for a Public Hearing which shall not be later than sixty (60) days following the determination of the proposed assessment and shall cause a notice of Public Hearing to be published in the newspaper having a circulation in the Borough of Naugatuck at least once and not less than seven (7) days prior to the hearing date. A notice of the proposed assessment shall be mailed to each landowner of record abutting the water main and such notice shall indicate the date, place and time of the Public Hearing and advise that any person desiring may appear and be heard. The notice shall be mailed to the address on file with the Assessor as of the date of mailing and shall be mailed United States mail, postage prepaid, not later than fourteen (14) days prior to the hearing.

At said hearing the Board of Mayor and Burgesses shall cause to be placed on the record the basis of the cost calculation that it has made and the method selected in determining the fair share of each property owner.

Within thirty (30) days after the hearing the Board of Mayor and Burgesses shall make such assessments as it finds it equal the fair proportionate share of each property owner in accordance with the Connecticut General Statutes Section 7-137c and shall cause a notice of said assessment containing the names and addresses of the property owners and the amount of said assessment and identifying the property in a newspaper having a substantial circulation in the Borough of Naugatuck.

The Board of Mayor and Burgesses may permit the assessment to be amortized over a term of twenty (20) years, payable annually with interest at a rate as may be established from time to time by the Board of Mayor and Burgesses, with no pre-payment penalty. Notice of said assessment shall be recorded in the land records of the Borough of Naugatuck. Payment not made within thirty days of the payment date shall accrue interest at the rate at the rate of eighteen percent (18%) per annum.

In the case of any land zoned residential or classified pursuant to Sections 12-107a to 12-107e of the General Statutes inclusive, as farm land, forest land or open spaced land on the

last completed Grand List of the Borough, which exceeds by more than 100% the size of the smallest lot permitted in the lowest density residential zone allowed under the zoning regulations, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time the assessment shall be made. In the event that such assessment is deferred, the Borough of Naugatuck Clerk of the Board of Mayor and Burgesses shall cause a caveat to be placed on the Land Records in form satisfactory to the Board of Mayor and Burgesses.

In an industrial and commercial zone, the proportionate share of each property owner abutting the main shall be determined in each case on a case by case basis on a front foot or other equitable basis provided that if residential or agricultural property or property zoned for residential or agricultural use abuts lines of construction of water mains to be used for industrial or commercial purposes, or partly for commercial purposes, or partly for commercial or industrial purposes, and such property is not being used for such purposes, the proportionate share of the owners of such property shall be computed on a front foot or other equitable basis for a standard or minimum size main.

In any case where need for a particular extension is in response to a community pollution problem as defined by the Connecticut General Statutes Section 22a-423 and a grant is received from the Commissioner of Energy and Environmental Protection, the Borough may waive such reimbursement to the extent of any grant actually received.

If the Board of Mayor and Burgesses causes a water main extension to be made by a public utility regulated under the laws of the State of Connecticut and if under the provisions of any tariff agreement with said public utility, funds are reimbursed to the Borough of Naugatuck as a result of tie-ins by property owners along the extension all said reimbursement payments shall become the property of the Borough provided that if when all of the assessments have been paid and all of the reimbursements have been received, the total amount received exceeds the cost of the project including all incidentals, to the Borough, any excess funds shall be proportionately reimbursed to the property owners affected provided that there shall be no reimbursement if the reimbursement to any single property owner will be less than \$25.00.

Within sixty (60) days of an assessment made pursuant to this ordinance and the Connecticut General Statutes Section 7-137c, the owner of any property assessed may appeal to the Superior Court pursuant to the provision of the Connecticut General Statutes Section 7-137c as the same may be amended from time to time.