

Water Control Commission

Purpose/Authority

Town Charter –

Section 8-7-1. Water Control Commission. Establishment. There shall be a Water Control Commission charged with the responsibility of providing adequate water supplies, and water pollution control, including but not limited to sewerage systems for the town, with the powers authorized by the Connecticut General Statutes, as from time to time amended, except as limited or amended in the following Section.

Section 8-7-2. Water Control Commission. Membership. Said Commission shall consist of five (5) electors, not more than three (3) of whom shall be of the same political party, all to serve for terms of five (5) years each, or until a successor is appointed and qualified. No member shall serve as a paid employee of the town. In the month of January each year, the Council shall appoint an elector to fill each expired term. The Director of Health shall be an ex-officio member of said commission without the right to vote. A majority of the Commission shall constitute a quorum.

Section 8-7-3. Water Control Commission. Alternate Members. There shall be three (3) alternate members of the Water Control Commission, who shall be electors of the town, all said alternate members to be appointed by the Council for a term of three (3) years each. Not more than two (2) alternate members shall be from the same political party, and the minority party shall be represented.

Section 8-7-4. Water Control Commission. Meetings. Absence of Regular Members. If a regular member of the Water Control Commission is absent or disqualified, the Chairman or Acting Chairman of the Commission shall designate an alternate member to act as nearly an equal a number of times as possible. When seated, each alternate shall have all the power and duties as set forth in this chapter.

Section 8-7-5. Water Control Commission. Officers. Said Commission shall annually elect a Chairman, Vice Chairman and Secretary from among its members. Such members shall serve without compensation.

Section 8-7-6. Water Control Commission. Duties. Said Commission shall have charge of and be responsible for the layout, construction and installation, operation and use, maintenance, improvement, extension or discontinuance of, and shall have full authority and jurisdiction over, all water systems and of sewerage system, appurtenances and facilities, including drains and pipes discharging directly or indirectly into said systems, serving the town and the inhabitants thereof, wherever the same may at any time be located, and which are or may become public. The authority of any existing fire district shall not be impaired by the terms of this chapter. Said Commissions shall be authorized to enter into contracts with any municipality, public authority for the purpose of insuring for the town an adequate water supply and adequate sewerage systems. Said Commission

may, from time to time, submit to the Manager recommendations for the appointment and compensation of engineers, and other officers, agents and employees for the approval of the Manager and Council, to contract for such further services as may be required to carry out the powers and duties imposed by law subject to any proper appropriation. Said Commission shall have the power in the name of the town and subject to any appropriate provisions of the Connecticut General Statutes to acquire real property or any interest therein by purchase, lease, gift, devise or condemnation, as to the latter, where free interest in the property is required, as approved by the Council, necessary for or incidental to the carrying out of the powers enumerated in this section of the ordinance; to set rates for the use of water; to set rates for the use of sewerage systems and to assess benefits and damages in the layout of any public improvement included within the scope of the powers herein granted, in such manner as hereinafter set forth.

Section 8-7-7. Water Control Commission. Benefits and Damages. Before any public improvement for which said Commission may assess benefits shall be laid out, constructed or altered, the cost of same, including damages to be paid, and all benefits to be paid by the persons including the town and/or the taxing district served by the said Commission, benefited thereby, shall be ascertained after public hearing in time and manner as now by law provided in the Connecticut General Statutes. In applying the cost of any public improvement to or upon the persons or property specifically benefited thereby, such Commission may in its rules and regulations determine and adopt a flat assessment rate for the construction of all sewers and house connections and shall have the power to change and alter such rates from time to time and shall in addition have the power to waive a portion of the assessment on any corner lot. Upon recommendation of the Manager, after consultation with the Water Control Commission, all benefits accruing to the town shall be approved by the Council and payment therefore authorized from the General Funds of the town. Upon completion of construction of any public improvement, said Commission shall give notice thereof by certified mail to all persons benefited thereby and all benefit assessed shall therefore be immediately due and payable. Said Commission may defer payments of any part or all of any benefit until such time as any parcel of land so assessed is, in the opinion of said Commission, benefited. Said Commission shall have the power to enter into agreement with property owners assessed to extend the payment of such assessment over a period not to exceed fifteen (15) years at an annual interest rate established by said Commission.

Section 8-7-8. Water Control Commission. Liens. The value of benefits shall constitute the lien amount due to the Water Control Commission. Any such lien shall be an inchoate lien and accrue to the land assessed by the Water Control Commission vote ordering the layout, construction or alteration of such public work, provided within thirty (30) days from such passage a caveat briefly describing the public work for which such benefits were assessed and the property on which such assessment is a lien, together with the names of the owners thereof and the amount of benefits assessed against it, shall have been delivered, for record, to the Town Clerk a certificate describing the premises, the amount assessed, and the public work or improvements for which it was assessed. Said lien shall take precedence over all other liens and encumbrances except taxes due the

town and may be enforced in the same manner as is provided in the enforcement of tax liens.

Section 8-7-9. Water Control Commission. Appeals. Any person claiming to be aggrieved by any assessment of said Commission, hereunder, may take an appeal to a judge of the Superior Court in the time and manner now by law provided; but any such appeal shall not delay the laying out, construction or altering of such public works provided that the town shall be liable to pay or may recover, as the case may be, any additional sums found on the final decision of such appeal to be due to or from the owners of property taken, damaged, or benefited, and on any such appeal the benefits assessed shall be a lien upon the land on account of which they were assessed, which such lien shall be attached from the time of the vote ordering the layout, construction or alteration, provided the same shall not remain a lien thereon for a longer period than three (3) months after the determination of such appeal unless the Secretary of said Commission shall, within that time, deliver for record to the Town Clerk a substitute certificate of lien, in the same form as hereinabove set forth.

Section 8-7-10. Water Control Commission. Taxing Districts. (a) For the purpose of assessment of taxable property for water and sewerage system taxes, which shall be levied and collected in accordance with law, all taxable property in the town not within the limits of the established fire districts, shall be so segregated into two (2) taxing districts, one (1) of which shall include all property served by either water or sewerage system lines, or by both, under the jurisdiction of said Commission as set forth herein, and the other of which shall include all properties not so served. Said Commission shall define the limits of the taxing district that shall be so served and said Commission shall, on the first (1st) day of September of each year cause to be prepared and placed on file with the Town Clerk, a map of the taxing district so served as defined or redefined during the previous twelve (12) months. (b) In the event of the elimination or dissolution of any or all of the fire districts, taxable property within the limits of said district shall be segregated in the two (2) taxing districts as provided in subsection (a) hereof.

Section 8-7-11. Water Control Commission. Rules and Regulations. Said Commission shall adopt, and thereafter from time to time may amend, rules and regulations, or it may affirm any rules and regulations in force at the time of passage of this Charter and it shall set rates for the use of water and for the use of sewerage systems and include rates in said rules and regulations. Users of facilities of said Commission shall be deemed to have assented to said rules and regulations. Said rules and regulations, or any revision thereof or amendments thereto shall, prior to adoption or affirmation, be submitted to a public hearing, notice of which shall be given publication in a newspaper having a circulation with said town not less than ten (10) days prior to the date of said hearing. Said rules and regulations shall set forth and shall govern the conduct and operations and the powers and duties of said Commission, and after adoption in the manner above described shall be of binding validity, and said Commission may in such rules and regulations provide for enforcement by suitable penalties and bring in the name of the town appropriate civil actions to recover any such penalty. The Superior Court shall have jurisdiction to enforce any breach of such rules and regulations and may

punish any offender by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment not exceeding thirty (30) days, or both.

Section 8-7-12. Water Control Commission. Financing. Said Commission shall submit its budget pursuant to Chapter 7 of this Charter.