



TOWN OF BROOKFIELD NOTICE OF PUBLIC HEARING

The legal voters and residents of the Town of Brookfield are hereby notified that the Board of Selectmen will conduct a Public Hearing at the Brookfield High School Media Center, 45 Long Meadow Hill Road, Brookfield, CT, on **Monday, June 3, 2013, at 6:30 p.m.**, for the purpose of receiving public comment and opinion concerning a proposed amendment to Chapter 215-3F of the Water Ordinance.

Copies of said Ordinance are on file and available for public inspection in the office of the Town Clerk and the Town's Web Site www.brookfieldct.gov.

Dated at Brookfield, CT, this 6th day of May, 2013.

William R. Davidson, First Selectman
Howard Lasser, Selectman
George Walker, Selectman

PROPOSED AMENDMENT TO THE WATER ORDINANCE:

215-3. Assessments.

F. If assessments, individually and collectively, in the sole discretion of the Board of Selectmen fail to adequately reimburse the full costs to the Town or are inequitable, they may be adjusted by the Board of Selectmen.”

Town of Brookfield, CT
Friday, April 26, 2013

Chapter 215. WATER

[HISTORY: Adopted by the Board of Selectmen of the Town of Brookfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewage disposal systems — See Ch. 182.

Sewers — See Ch. 184.

Article I. Water System

[Adopted 8-13-2010 *Editor's Note: This ordinance superseded former Art. I, Water System, adopted 1-8-2007.* **]**

§ 215-1. Authority.

The Board of Selectmen of the Town of Brookfield is hereby empowered to administer the planning, construction and financing of water systems and mains within the Town and, subject to the provisions of this article, the Board may take all necessary or desirable actions in connection with such extensions of water mains, including the levying and collection of assessments pursuant to § 7-137c of the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the General Statutes).

§ 215-2. Reimbursement required.

- A. Each owner of property shall, pursuant to the provisions of this article, and in accordance with said C.G.S. § 7-137c, reimburse the Town for the proportionate share of the total costs to the Town of the extension of any water main which abuts such property. The amount of such reimbursement shall be computed in such manner as to leave the Town ultimately free of any of the cost of the extension of the water main and expenses incidental thereto, except that where any portion of such water service is to be used for a municipal purpose of the Town, the Town shall contribute a fair proportion of the expense representing such proportionate municipal share. Such expenses shall include, but are not limited to, any costs of materials, installation, pumping stations, service connections, curb, sidewalk and highway repairs, installation of gate valves and shutoffs, right-of-way acquisition, interest and costs of borrowing, whether temporary or permanent, administrative costs for billing and accounting, all engineering and legal fees pertaining to the extension and any other costs associated with the extension. The costs of an extension of a water main shall also

include the cost of improvements, upgrades, replacements or repairs made by the Town in order to preserve or enhance the water system, including but not limited to pump station upgrades, water treatment upgrades and storage tanks.

- B. In the case of land containing no improvements which is zoned for other than commercial or industrial purposes or classified, pursuant to the provisions of the General Statutes as farmland, forest land or open space land on the last completed Grant List of the Town, which exceeds the size of the smallest lot permitted in the lowest density residential zone allowed under the zoning regulations of the Town by more than 100%, the assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property, whichever event occurs first, at which time the assessment shall be made. The Board of Selectmen shall cause a caveat to be placed on the Brookfield land records in each instance where an assessment is deferred.

* § 215-3. Assessments.

- A. The benefit assessment of each owner of property abutting the water main shall be assessed by the Board of Selectmen or such authority as it may designate.
- B. Subject to reasonable allowance by the Board of Selectmen for particular situations, the benefit assessment for each property in a water main extension project shall be based upon the following factors:
- (1) Area: For purposes of this article, the area shall equal the area of land contained within the property lines of a lot. For common interest communities, the area of each property shall equal the total area of land of the common interest community divided by the number of units.
 - (2) Frontage: For purposes of this article, any lot with a front lot line on a street shall be deemed to have a minimum frontage of 50 feet even if the actual frontage is less, and any interior lot benefited by an extension shall be deemed to have frontage equal to the greater of (a) the actual front lot line; (b) the distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line or measurement shall touch but not be in front of the building line; or (c) 50 feet even if the lot has no actual frontage. The frontage of a corner lot which is at the intersection of and abuts two or more streets, when the angle of the intersection is not more than 135°, or where the intersection is rounded by a curve having a radius of less than 100 feet, shall be the sum of the sides (a side being a minimum of 50 feet for these calculations) divided by the number of sides. Each unit in a common interest community shall be deemed to have frontage equal to the frontage of the entire lot, as described above, divided by the number of units or 25 feet, whichever is greater.
 - (3) Number of building units: as to residential property, number of dwelling units permitted under the current zoning classification of the property or the existing number of units thereon, whichever is greater. As to a common interest community or condominium, the number of building units shall be equal to the number of units

created. As to property zoned commercial, industrial or for other nonresidential zones, a unit shall constitute, for assessment purposes, an area of 5,000 square feet even if the actual property is less than 5,000 square feet. Any such property containing more than 5,000 square feet which does not constitute a full unit shall be assessed based on the percentage the excess bears to a full unit of 5,000 square feet. If a property is partially in a residential zone and partially in a commercial, industrial or other zone, the number of units for each portion shall be determined in accordance with the zoning classification applicable to that portion and then added together to yield a total number of units for the property.

- (4) The Grand List: Grand List valuation of the property, including both land and buildings. Each of the above factors shall be given a weight of 25%. The weighted factors shall be used to apportion the expense of the extension among the properties to be assessed. The assessment of an individual parcel thus shall equal the product of the total cost of the extension (as described in § 215-2 above) multiplied by 0.25 of the sum of the following quotients:
- (a) The area of the parcel divided by the area of all of the parcels to be assessed;
 - (b) The frontage of the parcel divided by the total frontage of all of the parcels to be assessed;
 - (c) The number of building units assigned to the parcel divided by the total of all building units to be assessed; plus
 - (d) The Grand List valuation of the parcel divided by the total Grant List valuation of all of the parcels to be assessed.
- C. For purposes of measurements, the Town Assessor's maps shall be deemed accurate unless otherwise shown by a Class A-2 survey certified by a registered land surveyor.
- D. If a property abuts more than one municipal water main, it will be assessed as if it abutted only one water main. The street address listed in the Assessor's Grand List shall determine which water main assessment will apply.
- E. If, given unusual conditions specific to a particular property, the formula above, in the sole discretion of the Board of Selectmen, fails to adequately encompass the full costs to the Town or is otherwise inequitable, the Board of Selectmen shall determine the assessment in an equitable manner. By way of examples: to the extent that soil or groundwater pollution adds to the expense of the extension, those additional expenses may be assessed against the properties that are the source of the pollution; or if a property abutting a water main is already served by a public water system owned and operated by the public water utility assigned to that exclusive service area, then the assessment may be deferred until the property connects to the Town's water main.



§ 215-4. Hearings.

In the case of any assessment to be levied pursuant to this article, pursuant to § 7-141 of the General Statutes, notice of the time and place for a hearing upon such assessment shall be published at least 10 days before the date thereof in a newspaper having circulation in the Town, and a copy of such notice signed by the Town Clerk shall be mailed to the record owner of any property to be affected thereby.

§ 215-5. Notice of assessment of benefits.

When the Board of Selectmen has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the Brookfield Town Clerk. Not later than five days after such filing, it shall cause a copy of such assessment to be published in a newspaper having a general circulation in the Town, and it shall mail a copy of such assessment to the record owner of any property affected thereby.

§ 215-6. Appeals.

The owner of any property so assessed may appeal to the Superior Court from the valuation of such owner's assessment in accordance with and subject to the limitations of § 7-137c of the General Statutes.

§ 215-7. Payment of assessments.

- A. Assessments shall be due and payable to the Brookfield Tax Collector 30 days after billing of the assessment to the property owner. Delinquent assessments shall bear interest at the rate and manner provided for by statute for delinquent property taxes.
- B. The Board of Selectmen may allow assessments to be paid in installments over a period not exceeding 20 years or such lesser time as the Board determines. The Board of Selectmen shall fix the rate of interest to be paid on the outstanding balance of the installments.
- C. Any assessment or installment payment which is not paid when due shall bear interest at the maximum statutory rate permitted by law for delinquent property taxes. Such assessment, together with interest thereon, shall constitute a lien against such property and the Tax Collector shall cause a certificate of lien for each such assessment to be lodged with the Town Clerk as provided in § 7-137d of the Connecticut General Statutes. A lien may be foreclosed in the manner provided by law for foreclosure of tax liens.