

Council's Amending Ordinance

AN ORDINANCE AMENDING AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 21 OF THE NORWICH CODE OF ORDINANCES BY ADDING SECTIONS 21-135, 21-136, AND 21-137 RELATIVE TO THE EXTENSION OF A WATER MAIN AND OTHER IMPROVEMENTS TO SERVICE PROPERTIES IN THE CITY OF NORWICH, INCLUDING, BUT NOT LIMITED TO, PROPERTIES WITHIN THE COUNTRYSIDE DRIVE ASSOCIATION, AND PROVISIONS FOR THE LAYING OF ASSESSMENTS, ENTERING INTO WRITTEN AGREEMENTS REGARDING SUCH IMPROVEMENTS AND THE PAYMENT, COLLECTION, AND ASSESSMENT LIENS REGARDING THE SAME

WHEREAS, on March 16, 2020, the City Council adopted an ordinance entitled “AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 21 OF THE NORWICH CODE OF ORDINANCES BY ADDING SECTIONS 21-135, 21-136, AND 21-137 RELATIVE TO THE EXTENSION OF A WATER MAIN AND OTHER IMPROVEMENTS TO SERVICE PROPERTIES IN THE CITY OF NORWICH, INCLUDING, BUT NOT LIMITED TO, PROPERTIES WITHIN THE COUNTRYSIDE DRIVE ASSOCIATION, AND PROVISIONS FOR THE LAYING OF ASSESSMENTS, ENTERING INTO WRITTEN AGREEMENTS REGARDING SUCH IMPROVEMENTS AND THE PAYMENT, COLLECTION, AND ASSESSMENT LIENS REGARDING THE SAME” (“Ordinance No. 1784”); and

WHEREAS, certain amendments are required to Ordinance No. 1784 to renumber Articles and Sections of Chapter 21 of the Norwich Code of Ordinances, to delete reference to the number of properties within the Countryside Drive Association, to include a maximum assessment amount per property within the Countryside Drive Association and to make certain amendments to the collection and lien language in the Ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that Ordinance No. 1784 is amended and restated to read as follow:

ARTICLE VIII - ASSESSMENTS FOR WATER MAINS AND SYSTEMS

Sec. 21-157. – Countryside Drive Association community well system.

- (a) Notwithstanding Sections 21-131 to 21-134 of the City of Norwich Code of Ordinances, the purpose of Sections 21-157 to 21-159, inclusive, is to provide for (i) the levying of assessments upon properties in the City of Norwich (including, but not limited to, the properties within the Countryside Drive Association) which are benefitted by the extension of a water main beginning on Lawler Lane from the existing Norwich Public Utilities water main on Canterbury Turnpike and Lawler Lane, which water main will continue on Sunrise Street and Evergreen Street and loop back onto Canterbury Turnpike (together with lateral extensions to individual curb valves), (ii) the levying of assessments upon properties in the Countryside Drive Association which are benefitted by the extension of service lines from the new water main to the premises currently served by the failing and to be abandoned Countryside Drive Association community well system, and (iii) the methods of payment and other terms and conditions of such assessments, all in accordance with and subject to the limitations set forth in Section 7-137c of the Connecticut General Statutes.

- (b) The cost of the construction and installation of the new water main which will be assessed to the properties able to be served by said system in the following manner:
- i. The final cost of the new water main extension and expenses incidental thereto, including engineering, inspection and other professional fees and interest, less any federal or state grants received by the City of Norwich or Norwich Public Utilities in connection with the construction and installation of the new water main extension, shall be divided equally among the properties within the Countryside Drive Association to initially be served by the system.
 - ii. Said assessments shall be paid by the property owners in one of two following ways: (1) payment in full within 30 days of the first billing; or (2) payment over a period of twenty (20) years in two hundred and forty (240) equal monthly installments plus interest of 2.00%.
 - iii. If additional properties connect to the new water main extension during the assessment payment period, such additional properties may be assessed by the board of public utilities commissioners based on the special benefits accruing to the properties and any additional costs incurred by the department of public utilities relating to such connection. The board of public utilities commissioners shall determine the amount of any assessment, the methods of payment (including any installment payments), and the due dates for such assessments. The department of public utilities shall send written notice to the owner of such properties, which notice shall describe any proposed improvements, set forth the preliminary cost estimate of the improvements and be accompanied by a form prepared by the department of public utilities on which the owner shall indicate whether the owner is willing to share in bearing the cost of such improvements and which the owner shall return to the department of public utilities within 10 days of said notice.
- (c) The cost of the construction and installation of the service lines beginning at the curb valves and extending to the outside of the foundation wall of the properties currently served by the failing and to be abandoned Countryside Drive Association community well system will be assessed to such properties in the following manner:
- i. The final cost of the service lines and expenses incidental thereto, including engineering, inspection and other professional fees and interest, less any federal or state grants received by the City of Norwich or Norwich Public Utilities in connection with the construction and installation of the service lines, shall be divided equally among the properties within the Countryside Drive Association to initially be served by the system.
 - ii. Said assessments shall be paid by the property owners in one of two following ways: (1) payment in full within 30 days of the first billing; or (2) payment over a period of twenty (20) years in two hundred and forty (240) equal monthly installments plus interest of 2.00%.
- (d) Notwithstanding (b) and (c) above, the maximum assessment amount against any property within the Countryside Drive Association to initially be served by the water main and service lines described in (b) and (c) above, shall be Two Thousand Eight Hundred Dollars (\$2,800.00). Said maximum assessment amount shall include the property owner's net cost for both the installation of the water main described in (b) above and the installation of the service line described in (c) above.

Sec. 21-158. – Countryside Water System - Notice.

Prior to the commencement of any construction, the Norwich Public Utilities will enter into a written agreement with each of the owners of the properties within the Countryside Drive Association to initially be served by the Countryside water system, which agreement shall describe the proposed improvements, set forth the preliminary cost estimate of the improvements, and provide for the property owner's agreement to share in bearing the cost of such improvements. After all such agreements are signed and returned to Norwich Public Utilities, the department of public utilities shall proceed forthwith with such project and the assessment of same upon completion. In the case of any conflict between the agreement and this Ordinance, the agreement shall control.

Sec. 21-159. - Countryside Water System - Collection and liens.

- (a) All assessments for the Countryside water system which are levied shall become a debt due from the property against which they are assessed, to the board of public utilities commissioners, and may be, in addition to other remedies provided by law, recovered by any proper action in the name of such board.
- (b) In accordance with the Connecticut General Statutes, including Sections 7-137d and 7-140 of the Connecticut General Statutes, whenever assessments for the Countryside water system have been lawfully made and such system has been completed and certificates of lien have been signed by the duly constituted authorities, describing the premises upon which any such lien is claimed and stating the amount claimed as a lien thereon, and have been lodged with the town clerk, such assessments of benefits shall be and remain a lien upon the land upon which the same have been made. and neither the City of Norwich nor Norwich Public Utilities shall be required to lodge for record any further certificate of any such lien. Any assessment or any installment thereof, not paid within thirty days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the Connecticut General Statutes, including Sections 7-254 of the Connecticut General Statutes, for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.
- (c) One certificate of lien as aforesaid may continue more than one lien and said board may include in one certificate any number of assessments for the Countryside water system not previously continued by a certificate and due within the year ending on the date of such filing.
- (d) All assessment liens for the Countryside water system levied by the board of public utilities commissioners may be foreclosed in the name of such board in the same manner as a lien for taxes may be foreclosed.

The fees for all certificates, recordation and releases pertaining to liens for the Countryside water system shall be the same as provided for in the matter of tax liens

Ordinance No. 1784 As Amended

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- (b) The cost of the construction and installation of the new water main which will be assessed to the properties able to be served by said system in the following manner:
 - i. The final cost of the new water main extension and expenses incidental thereto, including engineering, inspection and other professional fees and interest, less any federal or state grants received by the City of Norwich or Norwich Public Utilities in connection with the construction and installation of the new water main extension, shall be divided equally among the properties within the Countryside Drive Association to initially be served by the system.
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- (c) The cost of the construction and installation of the service lines beginning at the curb valves and extending to the outside of the foundation wall of the properties currently served by the failing and to be abandoned Countryside Drive Association community well system will be assessed to such properties in the following manner:
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Alderwoman Stacy Gould