

Sec. 5. The chairman may call a special meeting of said board at any time, on reasonable personal notice to the members thereof, or on written or printed notice sent to the residence of each member, or mailed to each member by the clerk of said board at least twenty-four hours before the time of such meeting.

Sec. 6. (Superseded by Charter, Sec. 208.)

Sec. 7. (Superseded by Charter, Chap. VII.)

Sec. 8. (Superseded by Charter, Chap. VII.)

AN ACT CONCERNING THE SEWERAGE SYSTEM OF THE TOWN OF SOUTHWINGTON

Special Act. No. 579, 1959, Pages 569-582

Sec. 1. Repeal of Acts Inconsistent Herewith. Any provisions of special act number 310 of the special acts of 1913, as amended, any provisions of special act number 332 of the special acts of 1947 and any provisions of special act number 181 of the special acts of 1949 and any provisions of any other special acts and parts thereof inconsistent herewith are repealed.

Sec. 2. Membership, Meetings, By-Laws, Employees. There shall continue to be a board of sewer commissioners,* hereinafter referred to as the commission, to consist of three members. The members in office of said commission on the effective date of this act shall continue to serve out their terms. Any vacancy occurring in said commission shall be filled by a majority vote of the board of selectmen. No more than two members of said commission shall belong to the same political party. The commissioners shall continue to be elected in the same manner as said offices are filled on the effective date of this act. The presence of two members shall be necessary to constitute a quorum for the transaction of business. In addition to regular meetings of the commission, such special meetings as the commission deems advisable may be called from time to time by giving reasonable notice to each member before the time of any such meeting, provided if all of the said commissioners consent or are present at any special meeting, such notice may be waived. Said commission shall have the power to make rules, regulations and by-laws for the transaction of its business. The commission may employ a clerk, an attorney, a superintendent, engineers, plant operators and such other technical, professional, administrative advisors and such other employees as may be necessary and they may fix the compensation of each. The clerk of said commission shall keep a record of all votes and other proceedings at meetings of said commission.

*Superseded by Charter, Sec. 604.

Sec. 3. Powers and Duties. Said commission shall, subject to the limitations of this act and of the general statutes, have the entire control, management and supervision of the affairs of said town relative to sewerage systems, or portions or appurtenances thereof, now or hereafter owned or operated by said town of Southington. All matters relating to bonds and bond issues in connection with said system shall be dealt with in accordance with the provisions of the general statutes regarding the same, subject to any alterations, modifications or revisions made therein by the provisions of this special act.

Sec. 4. Construction and Maintenance of Sewers. Said commission is authorized to acquire, lay out, construct, reconstruct, extend, repair, equip, alter, maintain and operate drains, sewers and sewerage systems and the necessary appurtenances thereof, in, through, over, under and along the streets and highways, rivers, water courses and public and private lands, and under the right of way or rights of way of any steam, electric or other railroad or railway and under or over any pipes, conduits, wires, cables or similar apparatus of any telephone, water, gas, electric light or telegraph company, or water pipes, storm sewers or drains of the water department or town of Southington, and to acquire, construct, reconstruct, repair, alter, maintain and operate sewage disposal or purification plants, filtration beds, pumping apparatus, flush tanks and necessary appurtenances thereof in connection with any such system, which disposal or purification plants, filtration beds or pumping apparatus, may be located within or beyond the limits of the town of Southington and the commission may extend any such system or outlet or outlets thereof, to such plants or filtration beds. The commission shall have jurisdiction over all connections made with any sewer or sewerage system and may, themselves or by their agents, enter into or upon any property or estate connected in any way with public or private sewers on the land, to investigate and examine such connection and the use thereof, and shall have authority to order the discontinuance of any sewer drain or sewer connection and to do any other acts in connection with such sewerage systems necessary in the course of construction of the same, or the maintenance or the operation thereof, or the treatment and disposal and sewage therefrom, and shall have any additional powers concerning the layout, construction, repair, maintenance and operation of sewers and sewerage systems within said town, or the treatment and disposal of sewage therefrom, not inconsistent with the provisions of this act or of the general statutes, which may be incident to the performance of its duties under the provisions of this act. Unless otherwise required by the context herein, the words "sewer", "sewerage systems" and "sewage" shall have the same definitions as are given thereto in section 7-245 of the general statutes.

Sec. 5. Authority to take land. Said commission is authorized in the name of the town to enter and to take and hold, by purchase, condemnation, easement, right of way or otherwise, any land in said town, or interest therein, necessary or desirable for use in connection with such sewers or sewerage system or systems; and to negotiate and agree with the owner or owners of, or any person or corporation having an interest in, any such property which may be required for the purpose of this act, as to the amount of compensation to be paid such owner, owners or person for the same, or for damages thereon; and said commission may also negotiate and agree with any persons or corporations for the right and privilege of connecting the sewers to be constructed in said town with any sewers or streams and for obtaining any necessary lands, waters, easements or rights of way, outside of said town, and may purchase such lands, waters, interests, rights and privileges; or may proceed to condemn such land or to take immediate possession of such land in accordance with chapter 103 of the general statutes.

Sec. 6. Assessment of damages. Appeal. Whenever said commission shall be unable to agree with the owner or owners of, or any persons having an interest in, any such property, as to the purchase price or damages to be paid for such land or interest, it shall, after giving such owner or owners or persons interested, such notice and opportunity to be heard as said commission deems reasonable, appraise such property and the damages caused by the taking thereof, and shall give written notice to such owner or owners thereof, or person having an interest therein, of the compensation or damages allowed them therefor, respectively. Duplicate copies of each notice shall be made, one of which shall be delivered to each person to be so notified, or left at his place of residence by a proper official or indifferent person. If any such owner thereof or person having an interest therein shall not be a resident or shall be located outside of said town, or outside of the state or shall be temporarily absent from said town, the notice may be given by registered or certified mail. If any such person's residence outside of said town shall not be known, notice to the occupant or person having the care of the property shall be sufficient and, if no person shall occupy or have the care of the property, the notice may be given by publishing the same at least twice in any newspaper having a substantial circulation in said town. If any such owner thereof or person having an interest therein shall be dissatisfied with the appraisal or allowance so made, he may, within twenty days after such notice shall have been given, appeal to the court of common pleas for Hartford county or any judge thereof in vacation, for the appointment of a committee to reappraise such property and the damages caused by the taking thereof. Said court or such judge may, after causing such notice to be given to said commission of the pendency of such appeal as he deems reasonable, appoint three disinterested freeholders, residents of Hartford county outside the limits of said town, to review such appraisal and assessment of damages and such committee, having been sworn and having given notice of the time and place of its meeting for the purpose aforesaid, in the manner prescribed by said court or such judge, shall meet at the time and place designated and, having heard all parties in interest

who shall appear before it, shall determine the amount of compensation which any such owner or owners or person or persons having an interest therein shall receive. Thereupon such committee shall report in writing to said court or such judge, who, after hearing any necessary additional evidence offered, may confirm, correct or set aside such report as he deems just, in which latter case such committee or a new one to be appointed by said court or such judge shall proceed as before; and such report having been finally accepted by said court or such judge, shall be recorded by the clerk of the court of common pleas for Hartford county at Hartford, and the award for compensation or damages therein contained shall be entered as a final judgment between the parties ten days after the amount of said award is determined or accepted by said court or such judge, unless within said ten days the commission files with said court or such judge written notice of its intention to withdraw condemnation proceedings, in which event the award shall be vacated and no judgment shall enter thereon. The award of compensation or damages having been paid to the parties entitled thereto, or deposited to their credit with the treasurer of the town of Southington, said commission shall take possession of said property, appropriate the same for the uses and purposes for which the same has been taken, and may proceed to the completion of any public work thereon. The town of Southington shall take the title to, own and hold any land or interest therein or other rights and privileges acquired by purchase or otherwise under this act.

Sect. 7. Authority to contract. Said commission is authorized to operate or to take over and make part of any sewerage system of said town the whole or part of any existing private sewer system and to contract with the owner or owners thereof for proper compensation or allowance therefor in money or otherwise.

Sec. 8. Authority to assess benefits. Said commission is authorized to apportion and assess the whole or such proportion of the cost or expense of laying out, constructing, altering, reconstructing and repairing any sewers, sewerage systems or portions thereof upon the lands and buildings in said town which shall, in its judgment, be specially benefited thereby, whether they abut on such work or not, and upon the owners of such land and buildings, subject to the right of appeals as hereinafter set forth, provided all assessments shall be made on the basis of particular or collective benefits to those directly or indirectly benefited. In determining that portion of the cost or expense which is commensurate with the benefits conferred on all benefited properties for the purpose of making assessments on such properties, the commission may consider the cost of any main, trunk or connecting sewer into or through which any lateral, connecting or other sewer is to be discharged; the cost of any disposal works, purification plant, filtration beds, pumping apparatus and flush tanks and necessary appurtenances thereof; any compensation, fees, charges and expenses of any attorney, engineers, surveyors, superintendent or inspectors employed by said commission; the cost of any property purchased or acquired as provided in this act; interest on bonds or notes issued therefor;

the cost of preparing maps, plans and specifications; and the cost of printing, publishing or serving advertisements or notices. All notices, judgments and schedules of rates and charges and all certificates other than certificates of title, which may be left with the town clerk under the provisions of this act, shall be recorded by said town clerk in a book furnished by the town and shall be open to the public inspector. In making assessments against any property wherever larger than eight-inch pipe is installed in streets, the extra cost of installing a pipe larger than eight inches shall not be assessed against the owner of abutting property but the cost of installation in excess of the cost of installing an eight-inch pipe shall be a general tax obligation of all the property owners in the town. The commission is also authorized to defray the cost of installing lateral extensions by assessing all property abutting on streets and highways in the area served by the extensions on the basis of a uniform front foot rate which will be as nearly as possible equal to the average cost for such extensions throughout the town of Southington. Properties exempt from extension of sewerage systems shall be properties used exclusively for railroad tracks, property covered by water and cemeteries. It shall be the intent of this act that a uniform front foot rate for sewer construction shall be established so that in areas where higher costs are encountered or where conditions would result in higher than average costs, such abutting property would pay only the average established cost per front foot. A corner lot or a lot belonging to the same owner and abutting upon more than one sewer street shall not be assessed on the same portion of such lot upon its total frontage on both of such streets but shall be exempt therefrom upon its frontage on one of such streets to an amount not exceeding the greater dimension provided for in the zoning classification adopted for the area in which the property is located, if the property owner owns that number of feet. In the case of property located on an angle or curve in any street the total front foot measurement shall be estimated proportionately to the area of such property for a depth of sixty feet from the street.

Notwithstanding any of the other methods of assessment enumerated in this act, in assessing a particular lot or lots or parcels of land the sewer authority, in order to do equity, may give consideration to the area, frontage, grand list valuation and to permitted use or classification of benefited properties and to any other relevant factors and shall not be limited or bound by the front footage or any particular lot or lots in computing the amount to be assessed against said property in order that benefits are fairly assessed, but no assessment shall be made against any property in excess of the special benefit to accrue to such property. (Amended 1972.)

Sec. 9. Payment of Assessments. After completion of any sewer or other work for which benefits have been assessed hereunder, said commission shall give notice that the benefits assessed are due and payable, by publication at least twice in a newspaper having substantial circulation in said town of Southington, and all benefits assessed shall be due and payable within ninety days after the first publication of such notice and in the event of default in such payment interest at the rate of six per cent per annum shall be assessed from the date of such assessment. All assessments made under the provision of this act may be apportioned by the commission into such number of equal annual installments, not exceeding ten, as any person or corporation responsible for any such payment may request in writing, provided written request for such installment payment is made on or before the date of such payment is due and payable, and provided the first installment is paid on or before such due date. If installment payments are made, interest on the unpaid balance of such assessment shall be added to each of such installments at the rate of five per cent per annum and, if any such installment or interest remains unpaid for more than thirty days after the same has become due and payable, then the entire balance remaining unpaid, at the option of the commission, shall become due and payable, and interest at the rate of six per cent per annum shall be charged upon the entire unpaid balance of assessment from the time when such installment or interest became due until the same is paid. The interest rate shall revert to five per cent per annum when and if payments cease to be in arrears. Nothing herein contained shall be construed to prevent the payment in full, notwithstanding its prior apportionment, of any balance of any assessment or interest.

Sec. 10. Before making any assessment as herein provided, a public hearing shall be given to all parties in interest. Notice of such hearing, and of the time and place of holding the same, shall be given by said commission by causing a certificate, signed by the commissions or a majority of them, setting forth the proposed assessment, to be deposited in the office of the town clerk of said town and by causing a copy thereof to be published at least twice in a newspaper having a substantial circulation in said town of Southington and by sending a copy thereof by certified mail, postage prepaid, to all persons and corporations against whose lands and buildings benefits are assessed. Such notice shall be addressed to such person or corporation at the address on file in the office of the assessors of the town of Southington and, if the assessors have no address on file for such person or corporation, notice to the occupant or person having care of the property shall be sufficient notice, and if no person occupies or has care of the property, notice may be given by publishing the same at least twice in any newspaper having a substantial circulation in said town. Such certificate shall be deposited and such notices shall be mailed before the date of the first publication of such notice and such public hearing shall be held not less than three nor more than ten days after the second publication. At the time set for such hearing, the parties in interest may appear and be heard thereon. Said commission shall thereafter make the assessment and, after causing the same to be published as a final assessment at least twice in a newspaper having a substantial circulation in said town, shall file a certificate thereof in the office of the town clerk of the town of Southington.

Sec. 11. Supplementary assessment. If any assessments are not valid or enforceable for any reason or fail to conform to the provisions of section 8 of this act, a new assessment may be made and the same shall be valid and enforceable, and such new assessment may be made subsequent to the commencement of construction of any sewer in the manner herein provided for the making of an original assessment. A supplementary assessment may also be made against those properties previously assessed, to the end that, together with other revenues available for such purposes, a sum sufficient to pay the cost of such work and all other costs as hereinbefore provided may be obtained.

Sec. 12. Any person claiming to be aggrieved by such final assessment of benefits may, within ten days after the second publication provided for in section 10 of this act, appeal from such assessment to the court of common pleas for Hartford county, or any judge thereof in vacation, and said court or such judge shall determine such appeal. As many persons interested as may choose to do so may join in such appeal and, when separate appeals are taken by different parties from such assessment, all such appeals may, in the discretion of said court or such judge, be tried as one cause. Such appeal shall be by petition in writing, setting forth the whole of such assessment appealed from, and asking for a reassessment, with a citation attached thereto, signed by an authority authorized to sign writs, and returnable before said court or such judge on the day four weeks subsequent to the day on which such certificate was filed in said town clerk's office, and such citation shall be served upon the clerk of said commission or upon the chairman thereof at least six days before the return day thereof. Such appeal may be heard by said court or such judge, or may, upon motion of any party thereof, or at the discretion of said court or such judge, be referred to a committee of three disinterested persons who shall hear the same and report the facts and its conclusions to said court or such judge who may, after hearing any necessary, additional evidence offered, confirm, correct or set aside such report. If, upon the hearing of any appeal, the court or judge or committee finds cause to alter such assessment, the court or judge or committee shall proceed to reassess the benefits. If the court or judge or committee hearing such appeal is of the opinion that persons other than those who appear upon the record are interested in the subject-matter of such appeal, the court, judge or committee shall cause the appellants to give notice of the pendency of the proceedings to such other persons in such manner as the court, judge or committee directs. Such court or judge may render judgment upon such appeal and may apportion the costs of the appeal and all the proceedings thereunder among the parties thereto, and may tax the same and issue execution therefor. The court or judge shall, when the proceedings in any such appeal shall have been closed, return all the papers connected therewith and the commission shall record a copy of such judgment in the office of the town clerk in the town of Southington. Such judgment shall be final, and the amount of the assessment or assessments determined thereby shall be final and conclusive upon all parties in interest and shall be the amount or amounts payable thereunder.

Sec. 13. Assessment liens. All assessments for benefits provided for under the provisions of this act, together with the interest thereon, shall be a first lien and have priority over any other lien or encumbrance, except for taxes and water, upon the land and buildings on account of which such assessment has been made, until the same has been fully paid; and the payment thereof may be enforced by said commission in a civil action in the name of the town, or by foreclosure in the same manner as a mortgage is foreclosed, or by levy and sale in the case of a tax lien, or by any other appropriate remedy, and such liens shall attach to such lands and buildings from the time of depositing the first certificate by said commission with the town clerk of the town of Southington under the provisions of section 10 of this act, provided the same shall not remain a lien thereon for more than one year after such assessment shall be due and payable, unless said commission shall, within that time, lodge with the town clerk of the town of Southington, for record, a certificate of lien signed by a majority of said commission or by its designated agent, describing the premises assessed, the amount of the assessment and the improvement for which it has been assessed and provided that such lien may be discharged by a certificate signed, lodged and recorded in like manner. All such assessments, benefits and liens shall be paid to, and shall be collected by said commission or by its designated agent and all funds so collected shall be turned over to the town treasurer. The proceeds from the payment of assessments shall be deposited in a special fund and kept separate from other town funds. Any surplus of receipts over the cost of the work to which the assessments apply shall be used as the sewer commission may direct, pursuant to the general statutes.

Sec. 14. Change in Elevation. Permission to connect. Penalty. If any land abutting on any sewer constructed under the authority of this act shall be so situated, by reason of grade, elevation or otherwise, as to be incapable of being drained by such sewer and therefore not benefited thereby, or if on account of electric power, gas or oil lines installed over, under and across land fronting on streets or highways so that sewage-producing buildings cannot be built or placed on the same, and for that reason such properties are not assessed, at the time of the original construction, or in case relief is allowed by court or otherwise for some reason other than grade, elevation, or such utilities but shall thereafter become capable of being drained or the condition is corrected, changed or eliminated, said commission may then permit such land and the buildings thereon to be connected with such sewer upon the payment of such charges as were assessed against other property owners in said area at the time of the original construction. The owner, lessee or occupant of such land structures shall not make any connection with any such sewer, or lay any sewer to be connected therewith without obtaining permission in writing from said commission or its designated agent, and paying the charge made therefor. No person shall connect with any public sewer of the town of Southington without having first obtained a permit therefor from said commission, or its designated agent, and having paid a fee for such permit to cover the expense of inspection of such connection by the sewer commissioners or their agent and any other expense incurred by such commission in connection with such connection. Any person connecting with any such sewer without first obtaining such permit shall be

fined not more than one hundred dollars or be imprisoned not more than thirty days or both

Sec. 15. Order to connect. Appeal. The commission, when the comfort and health of the residents of the town, or any portion thereof, requires, and after reasonable notice to the owners or persons involved, may compel the owners of property abutting on any street or highway in which a public sewer is laid, to connect any building on such property to such sewer. Duplicate copies shall be made of the order requiring the owner of any buildings to connect the same with such sewer, one of which shall be delivered to each person to be so notified or left at his place of residence by a proper officer or in different person. If any such owner shall not be a resident, or shall be located outside of said town, or shall be temporarily absent from said town, the notice may be given by certified mail. If any such person's residence outside of said town shall not be known, notice to the occupant or person having care of the property shall be sufficient and, if no person occupies or has the care of the property, notice may be given by publishing the same at least twice in any newspaper having a substantial circulation in said town. If such owner fails to connect such building with such sewer within the time limited by such order, he shall be fined not more than two hundred fifty dollars. If the owner of any such building is aggrieved by such order, he may, within ten days after such notice is given, appeal to the court of common pleas for Hartford county for a review of such order. Any such appeal shall be accompanied by a citation directed to the members of said commission, which citation shall be served on the chairman or clerk of said board at least six days before the return day thereof. The judgment of said court, either confirming or altering such order shall be final. Should such owner fail, within a reasonable time, to make the connection with such sewer as ordered by said commission or court of common pleas, the commission shall cause such connection to be made and the cost thereof to be charged against such owner, and if such owner fails to pay such charge within thirty days, or within the time limitations specified in section 9 of this act, after such connection has been completed and notice thereof has been given to such owner in the same manner as the original order hereunder, the cost thereof shall become a lien upon the premises concerned, and may be collected, extended and enforced in the manner provided by the provisions of this act, which relate to the enforcement and collection of sewer assessments. The taking of an appeal under the provisions of this section shall operate to extend, for the period of the pendency of such appeal, the time for making any such connection as limited in the order appealed from.

Sec. 16. Rates and charges. Said commission shall be empowered to determine from time to time the method of sewer usage or rental charge -

- (a) by a uniform charge for each piece of property served,
- (b) by classification of the types of property served,
- (c) by the number and types of plumbing fixtures on the property served,
- (d) by the number of sewer connections by the property served,
- (e) by the metered water consumption of the property served,
- (f) by the value of the property served or
- (g) by any one of the foregoing methods or combinations of them. Said commission may differentiate between commercial, industrial, farm and residential properties in the application of the method of type of charge to each such kind of property, and in the case of commercial or industrial properties it may also base the method of charge wholly or in part upon the average number of employees located on the property or upon the quality and character of the volume or flow or any combination of such factors. Said commission in establishing an equitable method or type of sewer rental charge shall particularly consider a reasonable estimate of the probable quantity and quality of sewage discharged from property served by the sewerage system and sewage treatment works.

Sec. 17. Establishment of rate; payments; liens. Said commission shall establish just and equitable rates or charges for the connection with and for the use of the sewerage system owned or operated by the town of Southington to be paid to the person, place or agency designated by the commission by the owner of each lot or building which is connected with or which uses such system, and said commission may change such rates or charges from time to time. Such rates or charges shall be established as will produce, together with other revenues available for such purposes, a sum sufficient in each year to pay the expense of operation, repair and maintenance of such systems, and for replacements made therein unless an assessment of benefits is made to cover the same. No such rate or charge shall be established until after a public hearing at which all the users of the sewerage system and the owners of all property served or to be served, and all others interested, have an opportunity to be heard concerning such proposed rate or charge. Notice of such hearing shall be given at least ten days before the date set therefor, in a newspaper having a substantial circulation in said town. Such notice shall set forth the proposed schedule of rates or charges, and a copy of the schedule of rates or charges established shall, within ten days after such hearing, be filed in the office of the commission and in the office of the town clerk and shall be open to inspection by the public. The rates or charges so established for any class of users or property served may be extended to cover any additional premises thereafter served which are within the same class without the necessity of a hearing thereon. Any changes in rates and charges may be made in the manner provided for the establishment of the same, after due notice and hearing as required in connection with such establishment, provided, if any change is made

substantially pro rate on all classes or services, no hearing shall be required. All such rates or charges shall become due ninety days after the date of the bill and, if not paid when due, interest at the rate of six per cent per annum shall accrue from the date of such charge and shall constitute a lien upon the premises served and a charge against the owner thereof, which lien and charge shall bear interest at the same rate as would unpaid property taxes. Such liens shall take precedence over all other liens and encumbrances, except taxes and water, and the payment thereof may be enforced by said commission by sale or by foreclosure in the same manner as a lien for taxes. Such liens shall commence to attach to the lands and buildings served from the time when such rates or charges shall become due, provided no such rates or charges shall remain on a lien on such lands or buildings longer than one year after the same shall become due, unless said commission, or its designated agent shall, within that time, lodge with the town clerk of the town of Southington for record a certificate of lien signed by the clerk of the board of sewer commissioners or the designated agent of the board of sewer commissioners describing the premises in question and stating the amount of the unpaid rates or charges and the date when the same became due. When so continued, such liens shall remain in effect for the same period of time as would liens for taxes and shall be subject to the same fees as are in effect on sewer assessment liens. Such liens shall be discharge by operation of law in the same manner as tax liens. When such liens have been paid or satisfied they shall be discharged of record by a certificate signed by a majority of said commission or by its designated agent. The amount of any such rate or charge which remains due and unpaid for thirty days after the date of the filing of the lien, together with interest and reasonable attorney's fees, may be recovered by said commission in a civil action in the name of the town against the owner of the premises served. All individuals, firms and corporations shall pay to said commission the rates or charges established by it for the connection with and the use of the sewerage system. All funds so collected shall be turned over to the town treasurer. The proceeds from the payment of sewer usage or rental charge bills shall be deposited in a special fund and kept separate from other town funds. Any surplus of receipts over operating costs shall be used as the sewer commission may direct, pursuant to the general statutes.

Sec. 18. Authority to open public grounds. Said commission may open the ground to excavate in any streets, highways and public grounds, for the purpose of building, laying down, sinking and repairing such pipes, conduits, drains or sewers as may be required in connection with said sewerage system within said town, provided such streets, highways and public grounds shall be put in as good condition as before such laying, constructing or repairing.

Sec. 19. Authority to enter property served. The commission or its agents may, at all reasonable times, enter all premises connected with such sewerage system, to examine the pipes, drains and fixtures thereon and repair the same and prevent waste.

Sec. 20. Regulations for use. Said commission may make reasonable regulations regarding the connection with and the use of the sewerage system in said town. Any person, firm, association or corporation within the limits of the territory served by such sewerage system, and within a reasonable distance of the mains of said system, shall be entitled to make connections with and to use the mains of said system upon complying with the regulations of said commission relating thereto, and paying the rates established by said commission for the connection with or use thereof. If any person shall, without the consent of said commission, use said system, a civil action may be maintained by said commission or town against such person for the recovery of the value of the services use.

Sec. 21. Any person who wilfully, wantonly or maliciously destroys or injures any pipe, conduit, machinery, embankment, masonry, aqueduct, building or structure, or other property held, owned or used by the authority or for the purposes of this act in connection with such sewerage system, or shall commit any nuisance therein, shall be liable to the town of Southington in treble damages.

Sec. 22. Any person who wilfully, wantonly or maliciously destroys or injures any pipe, conduit, machinery, embankment, masonry, aqueduct, buildings or structure, or other property held, owned or used by the authority or for the purposes of this act in connection with such sewerage system or shall commit any nuisance therein shall be find not more than one hundred dollars or imprisoned not more than thirty days or both.

Sec. 23. In all proceedings under this act, said commission shall be deemed to be the agent of the town of Southington.

Sec. 24. The commission may enter into any agreement with the water department of the town of Southington or any other municipal agency to act as collector of the sewerage system connection and use charges may collect such charges in accordance with the provisions of this special act.

Sec. 25. It is the intent and purpose of this act to impose the cost of construction of the sewage treatment plant, main pipe lines from present system to new plant, interceptor and trunk lines, main interceptor lines and pumping stations not privately owned, to be installed in the future upon all of the taxpayers of the Town of Southington as of the effective date of this act, and to impose the burden of the cost of maintenance and operation of said sewerage system upon the taxpayers of the second taxing district until the end of the fiscal year on June 30, 1960. Whenever larger than eight-inch pipe is installed in streets in such a manner that adjoining property can be served by the same, assessments shall be made against property owners at the uniform front foot rate for pipe not exceeding eight-inch as provided in Section 8. On and after July 1, 1960, the cost of operation and maintenance of the sewerage

system of the Town of Southington shall be paid for by imposing a sewer connection and use charge upon all of the users of the sewer system in the manner provided in this special act. No language herein shall be construed to prevent a sewer connection and use charge being imposed upon the installation of a new connection to the sewer system on and after the effective date of this act.

The provisions herein contained providing that the cost of pumping stations be an obligation upon all taxpayers of the Town of Southington shall not be applicable to pumping stations constructed in accordance with any of the zoning regulations or any conditions for the approval of any subdivision by the Planning and Zoning Commission of the Town of Southington or any pumping stations constructed in accordance with any agreement made with the Town Council as the Sewer Authority. (a)

Section 26 (b)

The Town Council of the Town of Southington shall have the power and authority to grant the extension of sanitary sewers to a property or properties without assessing benefits against those properties between the existing sewer main or lateral and such property, when sanitary sewers are requested, installed and paid for by the installing property owner.

Section 27

When the sanitary main or lateral is extended to such property the extension in the public street or across private property will be subject to the subdivision regulations of the Town of Southington as to design, review, inspection and performance bond as if such extension was entirely within a subdivision.

Section 28

In the event the Town Engineer of the Town of Southington determines that future sanitary sewer service to the whole area of which the installing property is a part necessitates the installation of pipe larger than eight inches, the extra cost of installing a pipe larger than eight inches will be reimbursed to the installing property owner by the Town of Southington, the extra cost of installing such larger pipe to be determined by the Town Engineer. Such determination shall be reviewed and approved by the Town Manager and then by the Town Council.

- (a) Amended by addition of this paragraph, November, 1970.
- (b) Sections 26 through 36 ("Sewer Equity" provisions) added by Charter Revision, 1970.

Section 29

In the event the Town Engineer of the Town of Southington determines that future sanitary sewer services to the whole area of which the installing property is a part necessitates its lowering the pipe beyond the point needed to serve such installing property only, the extra cost of lowering the pipe beyond the depth needed to service the installing property only will be reimbursed to the installing property owner by the Town of Southington, the extra cost of construction to be determined by the Town Engineer. Such determination shall be reviewed and approved by the Town Manager and then by the Town Council.

Section 30

Fees for the inspection of the extension of the sanitary sewer main or lateral in the public streets or across private land not assessed shall be paid by the installing property owner.

Section 31

Excavation or disturbance of pavement, lawns, shrubs, earth and utilities must be repaired and replaced to the satisfaction of the Town Engineer of the Town of Southington, and the estimated cost of such restoration will be included in the performance bond required.

Section 32

In the event a sanitary sewer main or lateral is extended to a property without assessing the intervening properties as provided in Section 26, an intervening property owner may connect to the sewer by paying a connection charge in lieu of assessment. The connection charge shall be the front-foot rate as established for the year the connection is made to the main or lateral. Residential users connecting to such sewer lines shall be charged in accordance with Section 8 of the Sewer Act, taking into account such factors as the width of the lot and minimum width of a non-conforming lot the zone in which it is located .

Section 33

The connection charge in lieu of assessment shall be paid to the Town of Southington. Any connection charge in lieu of assessment paid to the Town of Southington during a twenty (20) year period, dating from the date of the completion of the extension of the sanitary sewer main or lateral, shall be paid to the installing property owner, his heirs and assigns if an individual and if a corporation to said corporation, its successors and assigns. The date of the completion of the extension of the main or lateral will be determined by the Town Engineer and his decision will be final.

Section 34

In the event there is any dispute as to the ownership of the connection charge in lieu of assessment to be paid to any installing property owner, his heirs and assigns, or to any corporation, its successors and assigns, the Town Attorney of the Town of Southington will determine the rightful owner and the decision as to ownership so made shall be final.

Section 35

Any connection charge in lieu of assessment payable to an installing property owner as provided in Section 33 not claimed within twenty (20) years from the completion of the lateral or main as determined in Section 33 will revert to the Town of Southington as its property.

Section 36

Any connection charge in lieu of assessment collected after twenty (20) years from completion of the main or lateral as determined in Section 33 shall be the property of the Town of Southington.

AN ACT AUTHORIZING THE TOWN OF SOUTHINGTON
TO REGULATE THE SALE AND USE OF FIREWORKS

Special Act, No. 91, 1943, Page 57

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The Town of Southington shall have the power by ordinance or by-law to regulate or prohibit the keeping, storing, selling or use of fireworks and firecrackers within its corporate limits.

AN ACT AUTHORIZING THE TOWN OF SOUTHINGTON TO OWN
A MOTOR VEHICLE AMBULANCE AND TO OPERATE SUCH AM-
BULANCE FOR HIRE

Special Act, No. 43, 1945, Pages 510-511

The Town of Southington is authorized to take, hold and own, by gift or by purchase, a motor vehicle ambulance, and to operate such ambulance for hire, for the conveyance of sick and injured persons within said town to and from hospitals, sanatoria, nursing homes and other similar institutions for the care of the sick and injured, located within this state.