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State:	Connecticut
Jurisdiction Type:	Municipal
Municipality:	Town of Ellington
Year (adopted, written, etc.):	1981-1995
Community Type – applicable to:	Suburban; Rural
Title:	Town of Ellington Hockanum River Watershed Sewerage System Ordinance
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Abstract

This law details the Water Pollution Control Authority's ability to assess commercial and residential pieces of property abutting sewer lines and connected to sewer lines. Definitions for use within this law include deferred assessment, capacity charge, commercial property, industrial property, sewer lateral line, residential unit assessment, and storage space. The law details how assessment of benefits occurs with residential property, commercial and industrial property, developer-constructed sewer extensions, and farmland. While all properties connected to the system benefit from it, the assessment formula takes into account the size and value of the building, the size of the property, and any incidental costs related to the new property being connected to the system.

Resource

Town of Ellington CT Hockanum River Watershed Sewerage System
Code of the Town of Ellington CT
Part III: Water Pollution Control Authority
Chapter 320: Hockanum River Watershed Sewerage System
General Code

[HISTORY: Adopted by the Water Pollution Control Authority of the Town of Ellington 2-9-1981, as amended through 4-18-1995. Subsequent amendments noted where applicable.]

§ 320-1. Findings; statutory authority.

- A. The Water Pollution Control Authority (WPCA) has considered at length the manner of assessment of benefits so as to provide the funds necessary to pay the costs of installing the sanitary sewer facilities which constitute this project. After considering the various alternatives for assessment, the WPCA has concluded that there are four factors which are most significant: first, there is a general benefit to each property regardless of size

or property value; second, there is some greater benefit to larger or more valuable buildings; third, the size of each property has a distinct bearing on the cost of construction; and fourth, there are special costs incidental to a property becoming connected to the sewer system. The WPCA has analyzed and evaluated those factors.

- B. No assessment shall be made against any property in excess of the special benefit to accrue to such property in accord with the General Statutes.
- C. Pursuant to the above, the WPCA herewith adopts pursuant to Chapter 103, §§ 7-245 through 7-273a of the General Statutes of Connecticut, as amended, the following schedule of assessment of benefits, regulations, and standard practices and requirements for the Hockanum River Watershed Sewerage System.

§ 320-2. General rules of assessment.

- A. The WPCA shall determine and adopt rates of sewer benefit assessment for the construction of each sewer project. Such rates shall be based on the total project cost as ordered published by the WPCA or a portion thereof determined by said WPCA. In determining said sewer assessment rates, consideration shall be given to costs, as determined by the provisions below, and the characteristics of the properties and areas expected to be improved.
- B. The total cost of the sewer construction shall include the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, interest charges during construction, legal and other fees, outlet benefits or deferred assessments, or any other expense incidental to the completion of the work, in addition to the cost of construction.

§ 320-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APARTMENT HOUSE or MULTIFAMILY DWELLING — A building used by two or more families living independently of each other.

ASSESSMENT, DEFERRED — Whenever a sewer is laid out and benefits assessed by the WPCA through or adjacent to undeveloped land, the assessment of such land shall be deferred until such time as the land shall be built upon, a building permit issued therefor, approval of a subdivision plan of such undeveloped property or a special permit approved by the Planning and Zoning Commission, whichever event occurs first, at which time the assessment shall be made as provided herein in accordance with this chapter and regulations. The WPCA shall place a caveat on the land records in each instance

where assessment of benefits to anticipated development of land has been deferred.

CAPACITY CHARGE — The cost associated with the purchase of additional capacity from the Town of Vernon through the execution of a second amendment to the Intermunicipal Agreement dated December 6, 1989. The capacity charge shall be levied against all properties connected to the sewer which benefit from new sewer construction or extension occurring after December 6, 1989.

COMMERCIAL PROPERTY — Property located in those areas specifically set aside for retail or wholesale sale of consumer, commercial or industrial goods and equipment or the rendering of either retail or wholesale services, the performance of which is either consumer, commercial or industrial in nature, including but not limited to all those uses permitted or requiring special permits under the Ellington Zoning Regulations. **Editor's Note: See Ch. 230, Zoning.**

COMMERCIAL UNIT ASSESSMENT

- A. A commercial enterprise for purposes of assessment shall be assigned one unit for each commercial unit located thereon.
- B. A single commercial unit shall be defined as a structure with a total area of no more than 2,500 square feet of floor area devoted to a single business enterprise or operation.
 - (1) For a single business which occupies an area greater than 2,500 square feet, then an additional unit will be assessed for each additional 2,500 square feet of area or fraction thereof.
 - (2) Two or more separate business units having less than 2,500 square feet total area cannot be combined to form one unit but each shall be assessed as one unit.
- C. A commercial unit shall also include each separate unit or store within a commercial building. Separate units shall be as determined under a building or zoning permit issued for said property or, in the case of existing buildings, the actual unit arrangement as determined by actual use or fire walls.
- D. Both occupied and vacant commercial units shall be included in this assessment method.
- E. A restaurant unit shall be defined as each block of 12 persons the restaurant is

permitted to seat as defined by the permit issued by the Ellington Fire Marshal.

F. Storage space shall be included into the total area in this assessment method.

DEVELOPER — Any person who, or any firm, corporation or other legal entity which, shall subdivide or develop land.

FARMLAND — An area devoted to farm uses, with a minimum area of three acres, for gain or expectation of gain, in the raising of agricultural products, livestock and/or poultry and/or the production of dairy products.

HOTEL — A building designed as a temporary abiding place for more than 10 persons or having six or more sleeping rooms in which lodging with or without meals is provided.

INDUSTRIAL PROPERTY — Property located in those areas specifically set aside for manufacturing, fabricating, assembling, warehousing, finishing, packaging, processing or research and development, including but not limited to all those uses permitted or requiring special permits under the Ellington Zoning Regulations. **Editor's Note: See Ch. 230, Zoning.**

INDUSTRIAL UNIT ASSESSMENT

- A. An industrial enterprise for purposes of assessment shall be assigned one unit for each industrial unit located thereon.
- B. A single industrial unit shall be defined as a structure with a total area of no more than 2,500 square feet of floor area devoted to a single business enterprise or operation.
 - (1) For a single business which occupies an area greater than 2,500 square feet, then an additional unit will be assessed for each additional 2,500 square feet of area or fraction thereof.
 - (2) Two or more separate business units having less than 2,500 square feet total area cannot be combined to form one unit but each shall be assessed as one unit.
- C. An industrial unit shall also include each separate unit or store within an industrial building. Separate units shall be as determined under any building or zoning permit issued for said property or, in the case of existing buildings, the actual unit arrangement as determined by actual use or fire walls.

- D. Both occupied and vacant industrial units shall be included in this assessment method.
- E. Storage space shall be included into the total area in this assessment.

IN-LAW APARTMENT — Living space within a single-family dwelling for related family members as defined by the Ellington Zoning Regulations. **Editor's Note: See Ch. 230, Zoning.**

LATERAL LINE (SEWER LATERAL) — A line that connects the main or local community sanitary sewer line or trunk line and runs lateral or perpendicular thereto and extends to the individual property line providing a connection with the sanitary sewer building connection.

LOT — A parcel of land occupied or intended to be occupied by a building or buildings and accessory buildings or uses, including open spaces, and such open spaces as are used in connection with the building or buildings.

MOTEL — A building or group of buildings containing one or more guest rooms for transient guests, and including motor court, motor hotel, tourist cabins, and tourist rooms.

RESIDENTIAL PROPERTY — Property located in those areas specifically set aside for development or actually developed for the use of single-family dwellings or residences, including but not limited to all those uses permitted or requiring special permits under the Ellington Zoning Regulations. **Editor's Note: See Ch. 230, Zoning.**

RESIDENTIAL UNIT ASSESSMENT — The unit for purposes of assessment shall be assigned as follows:

- A. In residential zones, property improved for residential use, property which has been approved as a building lot under applicable zoning or subdivision regulations, **Editor's Note: See Ch. 225, Subdivision of Land, and Ch. 230, Zoning.** and property on which a residential unit or units may be constructed under zoning regulations without the need for approval under zoning or subdivision regulations shall be assigned one unit for each residential unit thereon or for each residential unit permitted to be constructed thereon.
- B. In any zone, one unit shall be assigned to each residential unit in a multifamily residential development which has either been approved as a special exception by the zoning authority or approved under zoning regulations governing such

developments.

- C. In any zone, one unit shall be assigned to each three persons permitted to occupy a rooming house, bed-and-breakfast, boardinghouse or group home establishment as defined below.

ROOMING HOUSE, BED-AND-BREAKFAST, BOARDINGHOUSE or GROUP HOME ESTABLISHMENT — A building in which a rooms or rooms and meals are provided for compensation to persons other than members of the family of the proprietor.

STORAGE SPACE — A storehouse, storeroom, or warehouse that provides space or place for storing as part of a commercial enterprise, including but not limited to space rented for storage.

§ 320-4. Assessment of benefits.

A. Residential property.

- (1) Unit charge. Single-family and multifamily residences, including apartments and condominiums, shall be assessed \$1,100 for each residential unit.
 - (a) In-law apartments shall be assessed \$550 for each apartment.
 - (b) Rooming houses, boardinghouses, bed-and-breakfast establishments and group home establishments shall be assessed \$1,100 for the first unit and \$550 for each additional unit.
- (2) Value charge. In addition and in recognition of the greater benefit conferred upon larger or more valuable dwellings, a further assessment is made equal to 0.6% of the gross assessment on the grand list. The assessed value shall be the final value on the Assessor's list of October 1, 1990, or the first tax list upon which the completed structure or use is listed. In the event of any adjustments to value by the Board of Tax Review or any court subsequent to the levy of this sewer benefit assessment, the sewer benefit assessment shall be adjusted to reflect such change.
- (3) Lateral charge. In addition and in recognition of the further benefit conferred upon property where a lateral line has been joined to the sewer line to serve the property, a further assessment of \$1,000 shall be made. Said lateral charge shall be due and payable with the levying of the overall assessment of basic benefits if in fact said lateral line is in place and presently capable of serving said benefited

property.

(4) Frontage charge. In addition, a front footage charge shall be assessed at \$8 per front foot, defined and applied as more specifically set out in Subsection A(4)(a) to (g), inclusive, measured to the nearest whole foot.

(a) Regular lots. Lots which have lot lines which form approximately right angles with the street line shall be measured at the street line and be the linear distance along said street line which abuts the benefited lot.

(b) Diverging and converging lots. The actual front footage of a converging or diverging lot shall not be used, but instead it shall be the total number of feet between the lot side lines as measured at the building setback line as established by the Ellington Zoning Regulations **Editor's Note: See Ch. 230, Zoning.** for lots in that particular zone.

(c) Rear lots. Any property that does not immediately abut the sewer line or street within which the sewer line is located but derives a direct benefit from the sewer line as a result of an owned access, easement or right-of-way, or classified as a rear lot under the Zoning Regulations, shall be assessed a benefit on the basis of the number of feet between the lot side lines as measured at the actual building line.

(d) Corner lots.

[1] All corner lots and lots with sewerage on two sides on which the lot abuts shall be assessed for $1/2$ of the total frontage on both streets.

[2] All corner lots with sewerage on one side only shall be assessed for frontage abutting the street on which the sewer line is laid, provided that the total charge shall not be greater than $1/2$ the total front footage abutting both streets.

(e) Through lots. A through lot shall be a lot with frontage on two streets with the sanitary sewer line in both streets.

[1] If the lot is suitable for only one dwelling it will be handled in the same manner as a corner lot. Average Assessment = Frontage + Frontage Rear Divided by Two.

[2] If the lot can be split into two conforming buildable lots under

applicable zoning, then both frontages will be assessed.

[3] If either frontage qualifies as a converging or diverging lot under Subsection A(4)(b), then the building line may be used for the affected side.

[4] This rule shall not apply to lots which face on a street containing a sewer and also have a sewer crossing through an easement at the rear or the side of the lot. In this instance the frontage at the street would control the assessment.

(f) Lots on radius. A lot located on a circular or semicircular street shall be assessed for front footage on the basis of the number of feet between the lot side lines as measured from the building setback line, as established by the Ellington Zoning Regulations.

(g) Terminal lots. Where a sewer pipeline terminates at or reasonably close to any lot not fronting the sewer, but which may serve the lot, frontage shall be measured on the frontage of the assessed lot closest to the terminal point of the sewer and most closely approximating surrounding assessments.

(5) Capacity charge. Future units connected to sewers constructed or extended after December 6, 1989, shall be assessed an additional capacity charge of \$320 per unit. Said capacity charge will not be subjected to appreciation charges.

B. Commercial and industrial property.

(1) Unit charge. Each commercial and industrial unit or store shall be assessed \$1,100 for the first unit and \$550 for each additional unit.

(a) Hotels and motels connecting to the sewer will be assessed at the rate of \$1,100 for the first rental room and \$400 for each additional room.

(b) Restaurants connecting to the sewer shall be assessed at the rate of \$1,100 for the first unit (12 seats) and \$550 for each additional unit.

(2) Value charge. In addition and in recognition of the greater benefit conferred upon larger or more valuable structures, a further assessment if made equal to 0.6% of the gross assessment on the grand list. The assessed value shall be the final value on the Assessor's list of October 1, 1990, or the first tax list upon which the completed structure(s) or use is listed. In the event of any adjustments to value by

the Board of Tax Review or any court subsequent to the levy of this sewer benefit assessment, the sewer benefit assessment shall be adjusted to reflect such change.

- (3) Lateral charge. In addition and in recognition of the further benefit conferred upon property where a lateral line has been joined to the sewer line to serve the property, a further assessment of \$1,000 shall be made. Said lateral charge shall be due and payable with the levying of the overall assessment of basic benefits if in fact said lateral line is in place and presently capable of serving said benefited property.
- (4) Frontage charge. In addition, a front footage charge shall be assessed at \$8 per front foot, defined and applied as more specifically set out in Subsection A(4)(a) to (g), inclusive, measured to the nearest whole foot.
- (5) Capacity charge. Future units connected to sewers constructed or extended after December 6, 1989, shall be assessed an additional capacity charge of \$320 per unit. Said capacity charge will not be subjected to appreciation charges.

C. Developer-constructed sewer extensions. When a developer constructs sewers which are to service single-family or multifamily residences (including sewers constructed to provide future service to planned or proposed residences) and such sewers are to be connected to existing Town sewer mains and subject to the terms of the WPCA's standard developer's agreement, a capacity charge, the unit charge and the value charge will be assessed. These charges shall be collectable by the WPCA at the following points in time as reflected by the development process:

- (1) Capacity charge. In recognition of the costs associated with the purchase of additional treatment plant capacity from the Town of Vernon, a charge of \$320 per unit shall be payable for each unit at the time of execution of the developer's agreement (applies only to agreements executed after December 6, 1989) between the developer and the WPCA.
- (2) Unit charge. A unit charge of \$1,100 per unit as specified in Subsection A(1) shall be payable for each unit upon the transfer of an undeveloped lot, the acceptance by the WPCA of the sewer main constructed by the developer or the issuance of a building permit, whichever occurs first.
- (3) Value charge. The value charge shall be payable for each unit after completion of a public hearing and all other WPCA levy procedures are completed as specified elsewhere in this chapter.

D. Farmland.

- (1) Farm residences shall be assessed as in Subsection A above with a front footage of 175 feet or minimum frontage permissible in the zone. Such assessments shall be payable in the regular manner hereunder.
- (2) Farmland in excess of a conforming building lot under applicable zoning for each farmhouse shall have its assessment deferred so long as it continues to be used as farmland.

E. Deferred assessments.

- (1) In any case under this chapter where the assessment is to be deferred wholly or partially, a caveat may be placed upon the land records and mailed to the owner of record on the last Assessor's grand list stating the fact that said property has been benefited by installation of the sewer system but the assessment has been deferred by this chapter. Where only a portion of the assessment is required to be deferred, the assessment not deferred may be levied immediately.
- (2) The deferred assessment may be made at any time following the recording of a caveat or following the time when a caveat might have been recorded, upon the issuance of a building permit for construction or reconstruction of any structure or development of any property for which the sewer benefit may be measured under this chapter.
 - (a) After issuance of the building permit, the Building Official shall determine whether the property for which the permit was issued must connect to an existing sewer line or that the property is not on an existing line. The Building Official will notify the WPCA of this permit and determination by use of a form approved by the WPCA.
 - (b) The WPCA will compute the sewer benefit assessment in one of two methods:
 - [1] As a new account not previously assessed on a partial basis. In this method, the entire sewer benefit assessment would be due and payable, in full. Upon written request, the WPCA may allow an extended payment plan.
 - [2] As a new account that has been previously assessed, on a partial basis. In this method, only the additional assessment computed after June 30, 1981, is due and payable, in full. The sewer benefit assessment computed prior to June 30, 1981, may still be paid over a fifteen-year period, at five-percent interest. Two separate bills will be issued by the

WPCA.

(3) WPCA benefit assessment levy procedure.

- (a) The WPCA will notify the owner that he will be heard at the next available meeting of the WPCA at a public hearing on the proposed assessment and give notice of the date and time of said hearing and follow all necessary notice procedures.
- (b) Following the hearing, the WPCA will determine the actual assessment of benefits then to be laid upon said property and give notice to the property owner.
- (c) The Tax Collector will mail a bill for the sewer benefit assessment that is outstanding, with a notice of explanation, to the current property owner and file a copy with the Town Clerk.
- (d) Said bill shall notify the owner of his right to appeal within 21 days after said filing.
- (e) Said assessment shall be due within 30 days following written notice of the assessment to the property owner or actual connection of the premises to the system, whichever shall first occur. In the event no new connection is made to the sewer system, then issuance of a certificate of occupancy by the Building Official shall be deemed the time of connection.
- (f) The property owner may appeal the sewer benefit assessment that has been levied to the court no later than 21 days after the bill is filed with the Town Clerk.

(4) Farmland, forest land, open space land, unclassified land and land rezoned and used for residential, commercial or industrial purposes shall be reassessed under this chapter as its use changes to a use which would have been assessed upon the effective date of this chapter, whether or not a caveat has been recorded.

(5) Elderly exemptions under the provisions of Connecticut General Statutes § 7-253a. Assessments shall be made pursuant to this chapter at regular values. Thereafter, property owners who qualify for elderly exemptions under general municipal tax law or for frozen or deferred taxes shall be entitled to elect under the provisions of Connecticut General Statutes § 7-253a to pay only the accrued interest under a deferred payment plan. After an election has been filed, said owner may pay any

installation of principal without revoking said election. The entire unpaid balance of said assessment, together with accrued interest and any other appropriate charges, shall be due and payable on transfer of title from said eligible owner or upon the death of such eligible owner.

- F. Appreciation charges for deferred assessments. In addition and in recognition of the appreciated value of the availability of sanitary sewer by reason of inflation and property appreciation and the costs of financing the original sewer construction bonds and carrying such loans for the benefit of subsequent users, the assessments computed in accordance with the basic assessment policy for all types of construction and use shall be increased 5% compounded for each year after June 1, 1982, until the date of levy. (See Figure H for examples. **Editor's Note: Figure H is included at the end of this chapter.**)
- G. Other/additional assessments.
- (1) Assessments for users where Subsection A, B, C or D is not applicable shall be established by the WPCA after a hearing at which the owner may present evidence and be heard.
 - (2) The WPCA may, at its discretion, make adjustments in assessments of benefits in cases where, in the judgment of the WPCA, substantial hardships would result through strict application of the provisions of Subsections A, B, C and D.
 - (3) The WPCA reserves the right to review and reassess properties if, or when, improvements thereto result in an increase in the number of assessable units, the use or classification of the property changes, or other reason which, in the opinion of the WPCA, directly results in the increased value of the property due to the special benefit of the availability of public sewers. Reassessments made in response to improvements in residential, commercial or industrial structures are intended to reflect the value added due to new construction initiated by the property owner and not intended to include land values which have been previously assessed. No new assessments shall be made in response to increased property values relating to Town-wide reevaluations. Any reassessment based on increased property value shall reflect the aforementioned increase over the value computed in the most recent grand list and shall not be retroactive to any previous property value.

§ 320-5. Regulations, rules and conditions.

- A. Total charges and assessment of benefits for existing units shall be due and payable June 1, 1981, and may be paid in full at any time prior to July 1, 1981. As of June 1, 1981,

the assessment of benefits will be filed as a charge against the property of the owner, subject to interest at a rate of 5%, payable thereafter in a maximum of 15 equal annual installments, together with accrued interest. Owners may elect the deferred method of payment by paying the first annual installment or principal on or before June 1, 1981. Any unpaid balance, with interest, may be paid in full at any time with no penalty.

- B. Upon the sale or transfer for value of any property against which a lien for deferred payment plan has been filed, the unpaid principal, together with interest, shall be paid in full. The deferred payment plan shall not be assumable.
- C. The installation and cost of connecting each building to main sewer lines or lateral lines shall be the obligation of the property owner.
- D. Costs of collection, including a reasonable attorney's fee, court costs, lien fees, advertising, sales and sheriff's fees, shall be payable to enforce payment of all delinquent assessments and the enforcement of this chapter as provided in the General Statutes.
- E. Default in installment payments.
 - (1) Failure to pay any installment of principal or interest when due or within 30 days thereafter shall constitute a delinquency under the provisions of Connecticut General Statutes § 7-254.
 - (2) Interest upon said delinquent payment shall be at the rate provided in the General Statutes for delinquent property taxes or 5%, whichever is greater.
 - (3) After any payment has become delinquent, the Tax Collector from the Authority may permit the owner to pay the delinquency together with all accrued charges and reinstate the installment method of paying the remaining installments when due. If more than one installment is delinquent, then the installment method of payment shall be reinstated only by the WPCA upon a written petition by the owner accompanied by payment of all past due installments together with accrued interest and charges.

§ 320-6. Effective date.

This chapter shall become effective on April 18, 1995.