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## ARTICLE XV

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### SPECIAL ACT POWERS AND CHARTER PROVISIONS

**§15-1 Provisions Regarding the Acquisition of Park Land: Special Power Relating to the Acquisition of Land in the City and Berlin<sup>130</sup>.**

The City acting through the Common Council shall have power to acquire by purchase, condemnation, or otherwise, land or interests therein within the limits of the City, or land in the Town of Berlin for the purpose of providing public parks or playgrounds, or enlarging existing parks or playgrounds. Whenever the Common Council shall vote to acquire any tract of land for said purposes, and said City is unable to agree with the owners thereof, or persons interested therein, as to the price to be paid therefor, said City may take the same, and the damages or benefits accruing to any person by reason of such taking shall be appraised and assessed, and proceedings thereon shall be had in the same manner as provided in Article XIII of this Charter for the taking of land, and damages therefor being paid or deposited as provided in said Charter, such land and the interests therein shall remain the property of said City for such purposes, and the benefits assessed shall be collected and said City shall have a lien therefor in the same manner as provided in said Charter concerning highways.

**§15-2 Provisions Affecting the Police Benefit Funds<sup>131</sup>.**

**(a) Governed by Collective Bargaining Agreement.** The provisions affecting the police benefit funds are governed exclusively by collective bargaining unit. Any retired members of the police department or the recipients of their death benefits not covered by collective bargaining agreement remain covered by the provisions of the Special Acts which govern the police benefit funds of the City.

**§15-3 Provisions Affecting the Firemen's Pension Fund<sup>132</sup>.**

**(a) Governed by Collective Bargaining Agreement.** The provisions affecting the firemen's pension fund are governed exclusively by collective bargaining unit. Any retired members of the fire department or the recipients of their death benefits not covered by collective bargaining agreement remain covered by the provisions of the Special Acts which govern the firemen's pension fund of the City.

**(b) Contents of fund<sup>133</sup>.** There shall be in the City a fund to be known as the "firemen's pension fund", to which shall belong, in addition to the present fund:

(1) All bequests and donations, from public or private sources, to the department on account of services rendered, or for the purposes for which such fund is established.

(2) All monies or property presented to any member of the department on account of special service, except such as may, by special vote of the Board of Fire Commissioners and with the approval of the Mayor, be retained by such member.

(3) Such monies as shall be appropriated for that purpose by the City and assessments to be made by the trustees of said fund on the compensation of the regular members of the fire department at the rate of

five per cent per annum, and a matching assessment of five per cent per annum upon the City, payable weekly as the trustees of the fund may determine.

(4) Said contributions to the firemen's pension fund of five percent per annum of the compensation of the regular members of the fire department and the matching five per cent per annum of the City shall be considered income and shall be added to the principal of said fund.

**(c) Appointment of bank as agent for fund<sup>134</sup>.** Said Board of Trustees may appoint a bank, as its agent in the performance of its duties in the care, custody and investment of said fund, in securities in which trust funds may be invested by the laws of the State, at such compensation, if any, as may be fixed by said Board of Trustees and such agent maybe required to give bond, with surety, payable to the City, conditioned for the faithful performance of its duties.

**(d) Investment of fund<sup>135</sup>.** The firemen's pension fund of said City shall be kept and invested in the name of said City, as trustee, and the securities shall be in the custody of the Treasurer of said City. Said fund shall be kept, invested and reinvested in such manner and in such securities, permitted by the laws of this State relating to trust funds, as shall be designated by the Board of Trustees, consisting of the Mayor, the City Treasurer, the members of the Board of Fire Commissioners and three active members of the fire department, the latter to be appointed by the Common Council of said City once in two years at its May meeting, upon the nomination of the active members of the fire department of the City, for a term of two years and until their successors shall be appointed and shall have qualified. Said Board of Trustees may regulate the manner of disbursements from said fund. The chairman of the Board of Fire Commissioners shall be the chairman of the Board of Trustees and the clerk of the fire department shall be the clerk of the Board of Trustees. Said Board of Trustees shall meet semiannually or more frequently if necessary.

**(e) Annual reports; deficiencies<sup>136</sup>.** An itemized report of the conditions of said fund and of receipts and disbursements shall be submitted by the trustees thereof to the Mayor on or before the first day of December each year for the preceding fiscal year. If the income of the firemen's pension fund shall be found at such time insufficient to meet the requirements upon it, the City, upon the application of said Board of Trustees to the Common Council, shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of said fund shall be provided for by said City in its annual appropriation for the firemen's pension fund.

**(f) State retirement fund<sup>137</sup>.** Any regular full-time member of the fire department of the City appointed to his office after June 22, 1953, shall be eligible to receive benefits under the provisions of the municipal employees' retirement fund of the State and shall not receive benefits from the firemen's pension fund of said City.

#### §15-4

#### **Provisions Regarding the Board of Water Commissioners and The Water Department<sup>138</sup>.**

**(a) Establishment of Department and Commission.** The Common Council shall establish, by Ordinance, a Water Department and Board of Water Commissioners ("Commission") with the powers conferred by the Charter of the City or the General Statutes<sup>139</sup>.

**(b) Inspection of books<sup>140</sup>.** The books of account and other papers, documents, and books of said water department shall be, at all times, open for the

inspection of the Mayor or his designee, Common Council, or a committee duly appointed for such purpose by said Common Council.

**(b) Powers and duties of the Commission<sup>141</sup>.** The Commission shall have the power, and it shall be its duty, to construct, maintain, operate and manage the water works of said City, and all property, rights and privileges connected therewith and shall exercise all powers heretofore, or which may hereafter be, granted to or vested in the City, by legislative or other authority, relating, directly or indirectly, to the acquisition, maintenance and operation of the water works and a water supply for the City. Said department is authorized and empowered, subject to the necessary approvals required by the Charter, to: (1) purchase and take conveyances for and in the name of the City of all lands, or other estates or privileges, necessary or convenient for the City water supply; (2) make contracts for labor and materials; to dam and hold in sufficient quantities waters of any streams; (3) lay and construct all necessary pipes, aqueducts or reservoirs; (4) make use of the ground or soil under any railroad, street, or private way, for the purpose of laying pipes or aqueducts in such manner as to least obstruct or impede travel thereon, causing all damage thereto to be repaired; (5) make and establish public reservoirs and hydrants under the direction of the Common Council; to regulate the distribution and use of water and establish the prices to be paid therefor and generally to attend to the construction, supervision, care and management of the water works, and (6) exercise any additional powers that may from time to time be conferred upon the department by Ordinance or otherwise by law. The department may enter upon or into any land or buildings of any resident within said City for the purpose of shutting off or for repairing the water supply of said property, and may call upon the police force or any Constable of said City to assist or protect them in the discharge of their duty.

**(1) Director of the Water Department.** The head of the department shall be the Director.

**(d) Budget estimates<sup>142</sup>.** The department shall comply with all provisions of the Charter relating to finances and budgetary procedures.

**(e) Rates<sup>143</sup>.** The estimates of receipts, to be approved as aforesaid, shall include the rates proposed to be charged for the use of water or other water charges to be collected by or for the use of said water department, and said Board of Water Commissioners shall, during such year, charge the water rents or charges for the ensuing year in accordance with the rates or charges so approved by the Common Council, but no such rate or charge shall be less than actual cost.

**(f) Limitation on expenditures<sup>144</sup>.** Said Board of Water Commissioners shall not, during the year for which said estimates are made, either by entering into contracts or obligations, or by payments, or otherwise, except as hereinafter provided, exceed the estimates of expenditures as approved by the Common Council.

**(g) Supplemental estimates<sup>145</sup>.** If at any time during the year for which such estimates of receipts and expenditures are made, it shall be desirable, in the opinion of the Water Commissioners, to change the same, said Board of Water Commissioners shall make a supplemental estimate, which shall be submitted to the Common Council of said City, for approval, in like manner as hereinbefore provided, and when such estimate is so approved, said Board may make the expenditures or collect the receipts or charges so approved.

**(h) Water bills<sup>146</sup>.** Said Board of Water Commissioners shall, on such dates as it may by rule provide, make bills for the use of water and for water rents and

provide when the same shall become due and payable, which bills shall be made due and payable within one month after they are made up, and the receipts from which shall be paid to the City Treasurer by said Board as it collects the same. Said Board may divide the entire territory served by the City into separate districts and may prescribe different due dates in the different districts respectively, all persons liable to pay water rents or charges to be charged for the same semi-annually for each six months' service.

**(i) Shutoff of water<sup>147</sup>.** Upon failure of any person to pay such bills and charges, or any debts owed to the department, said Board may discontinue the supply of water to such person or to the property of such person, or take such other action for the collection of such rents and charges as is by law provided.

**(j) Interest on arrears<sup>148</sup>.** The Board may add to water rents or charges for the use of water ten per cent of the amount of such charges for failure to pay the same for more than thirty days after it shall have become due. The Board may charge interest at the rate proscribed by the Common Council on all money owed the department. In cases where liens on property for securing of water rents shall be filed, such penalties shall be secured by such liens.

**(k) Use of revenue<sup>149</sup>.** The proceeds of all water rents, and all other receipts and income of the Board of Water Commissioners, shall be set apart and applied only to the obligations of said City arising out of the construction, maintenance, and operation of its water system, including the principal and interest of the bonds, scrip, or evidences of indebtedness of said City now outstanding or hereafter issued in connection with or for the benefit of said water works.

**(l) Power to issue bonds and notes<sup>150</sup>.** Said Board of Water Commissioners shall not have power to obligate said City in any manner requiring it to issue bonds or notes, or to contract obligations in excess of its appropriations, without having first obtained the approval of the Common Council of said City.

**(m) Extension of mains; assessments<sup>151</sup>.** When, in the opinion of the Board of Water Commissioners, public convenience and necessity shall require the extension of any main pipe within the City or other localities where the Board of Water Commissioners is empowered to make extensions and it shall vote to make such extension, said Board shall assess the cost of such extension, as hereinafter provided, against the land and the buildings thereon, found by said Board to be especially benefited thereby and abutting upon the road, street or highway in which such main is to be laid, in proportion to the frontage of such land upon such road, street and highway.

**(n) Determination of extension costs.** In determining the cost of any extension of water pipes or mains for the purpose of assessments upon owners of property on account thereof, said department may deduct the cost for the laying of any water main of greater size than would reasonably be necessary for the accommodation of the owners of the property assessed for such extension, and, in determining for assessment purposes the cost of any extension of water service, it may base the same upon the average cost of laying an 8-inch main during the last preceding year, provided such cost shall not exceed the special benefits to the property through which such extension is laid.

**(o) Notice of hearing on extension<sup>152</sup>.** Before said Board shall vote to make any such extension, at least ten days' written notice of the proposed extension shall be given by mail to the known owner or owners of the land and buildings upon which the cost of such water mains may be assessed and of the time and place when objections to such extension will be heard by said Board,

and notice of such hearing shall be published at least once not less than five days prior thereto in a daily newspaper of general circulation in the City.

**(p) Rate of assessment; term<sup>153</sup>.** Upon the completion of the construction of such water main, said Board shall assess upon the owners of record of the land and buildings specially benefited thereby a sum equal to ten per cent of the cost of the improvement, less the actual receipts from water rents for each preceding year from date, in proportion to the frontage of such land upon such road, street or highway. Each year thereafter, for not more than ten years from the completion of such extension, said Board shall assess, in the same manner and on the same basis, the owners of record of such property.

**(q) Notice of assessment<sup>154</sup>.** Notice of assessments shall be given by mailing bills for the same to the persons assessed, and all assessments shall be due and payable on the date prescribed by said Board.

**(r) Lien of assessment<sup>155</sup>.** Each amount so assessed, with interest as hereinafter provided, shall be a lien upon the land and buildings on account of which it was assessed from the date of its assessment, but shall not continue for more than six months from such date unless the Board shall, within such period of six months, lodge, for record, with the Town Clerk of the town within which such land and buildings are situated, a certificate, signed by the secretary or other authorized representative of the Board, describing the premises and the amount assessed thereon.

**(s) Recording of lien<sup>156</sup>.** Whenever the Board of Water Commissioners shall have approved any projected public improvement all or part of the cost of which may, upon completion, become a lien upon the property benefited thereby, such Board shall file in the office of the Town Clerk a notice of such prospective lien listing the names of the record owners of all parcels of land which may be subject to such lien, a description of each parcel sufficient to identify the same and the estimated amount of the prospective lien against each parcel. The Town Clerk shall record such notice of prospective lien upon the land records of the Town of New Britain and shall cause the name of each such record owner to appear in the general indices of said land records as a grantor and the City as grantee. Upon completion of such improvement and assessment of benefits therefor, such Board shall file in the office of the Town Clerk a certificate of lien listing the same information as in the notice of prospective lien but, instead of an estimated amount, shall State the amount assessed by the Common Council or other body having jurisdiction to fix such amount, against each parcel. Such lien shall take effect as of the date of filing the notice of prospective lien, but, if no notice of prospective lien has been filed, it shall take effect as of the date of filing the certificate of lien. No lien for a public improvement shall exist which has not been recorded in conformity with this Charter.

**(t) Interest; foreclosure of liens<sup>157</sup>.** Interest on the amount of such assessments unpaid thirty days after the same shall have been made shall be at the rates proscribed by the Common Council for the first year and thereafter; and such liens may be foreclosed in the same manner as mortgages on real estate. Such liens shall take precedence over all other encumbrances upon such lands except taxes

**(u) Release of lien<sup>158</sup>.** When any projected public improvement for which a notice of lien has been filed has been abandoned or completed and paid for or has otherwise ceased to be a lien against any parcel of land mentioned in such notice of lien, the Board filing such notice of prospective lien shall promptly file with the Town Clerk a release of such lien listing the names of the record owners of all parcels of land affected by such release and a description of each parcel sufficient to identify the same. The Town Clerk shall record such release upon

the land records of the Town of New Britain and shall cause the name of each such record owner to appear in the general indices of such land records as a grantee and the City as grantor.

**(v) Ascertainment of damages; payment<sup>159</sup>.** Whenever disagreement shall be had between said Board and the owner or owners of any property or privileges which may be required for the purposes of this chapter, as to the amount of compensation or damages to be paid to such owner or owners for the same, or whenever such owner shall by law be incapable of contracting or be absent from this state, such compensation or damages may be assessed by three disinterested persons, under oath, appointed by any judge of the superior court, on application made to said judge, by or on behalf of either party, after such notice shall be given of such application as said judge shall see fit to prescribe; which said appraisers shall be sworn, and having given such notice as they shall see fit to prescribe to all parties in interest in regard to the time and place of making such estimate, shall assess such damage and shall report their doings, embracing the amount of their assessment, to the clerk of the superior court for Hartford county, to be by him recorded; and thereupon such assessment shall be taken and held to be a final adjustment of said compensation and damages between said parties, and upon payment thereof, said Commissioners may proceed with the construction of said works, without liability to any further claim for compensation or damages.

**(w) Sale of municipal water<sup>160</sup>.** The City, acting by its Board of Water Commissioners, (subject to approval by the Common Council) is authorized to use or to sell or otherwise dispose of any water from its sources of water supply as now existing or hereafter enlarged or extended, for municipal purposes and for domestic, commercial, manufacturing industrial or other uses. The City may sell or dispose of water from its sources of water supply to owners or occupiers of property near its supply pipes or lines. Nothing herein shall compel said City against its will to furnish water outside the limits of said City.

**(x) Sale or lease of unused lands<sup>161</sup>.** The Board of Water Commissioners is authorized to sell, convey or lease any land acquired at any time by the City for the use or benefit of the City water supply, which it shall deem unnecessary or inadvisable for the City to continue to hold and the sale or leasing of which has been approved by the Common Council, provided any deed for the sale or transfer of such land shall be executed on behalf of the City by the chairman of the Board of Water Commissioners and the Mayor of the City or, in his absence or disability, such other person as the Common Council may designate in his place to Act in the premises.

**(y) Supply of water to other towns<sup>162</sup>.** The City, acting through its Board of Water Commissioners, may supply water and extend its mains into and for the use of the inhabitants of other municipalities for the benefit of the property located therein; or for the use of any fire district or water company within such Towns, in the same manner and subject to the same conditions as provided in this chapter for the supply of water to the inhabitants of the City and upon such terms and other conditions as may be agreed upon by its Board of Water Commissioners, subject to the approval of the Common Council.

**(z) Contracts with Metropolitan District.** The Metropolitan District and New Britain are authorized to enter into contracts with each other for the purchase, sale, exchange or delivery of water and for the conferring of any right or privilege incidental to the use or enjoyment of the same. Such contracts or agreements on behalf of the City shall be made by the Board of Water Commissioners of said City, but shall not become effective until approved by the Common Council and the Mayor of said City; and such contracts or agreements in

behalf of the Metropolitan District shall be made by the Board of Water Commissioners of said district, and Mayor of said City. For the purpose of carrying out any such contract or agreement, said City shall have the right to lay and maintain water mains, and suitable connections to such mains, and, in connection therewith, shall have the same rights and be subject to the same duties and obligations in respect thereto and to the laying and repair thereof as though the same were within the limits of the City.

**(aa) Taking of lands in Plainville and Southington<sup>163</sup>.** The Board of Water Commissioners of the City, for the purpose of improving and increasing the water supply of said City, is hereby authorized and empowered on behalf of said City, to take, hold, and use the water of any spring or springs, stream or streams, or other waters, and any land necessary or convenient for constructing aqueducts and reservoirs within the limits of the Towns of Plainville and Southington, to such extent as may be necessary and expedient in carrying into effect the objects of this chapter; and any land or water right, title, privilege, or franchise which may be required, taken, or impaired for the purpose aforesaid shall be compensated for and the damages therefor ascertained, liquidated, and paid in the manner provided in §15-5(w) of this Charter, provided that this section shall not enable the City to take and appropriate any streams of water whose natural course is westwardly and to or towards the village of Plainville, but only such streams as naturally flow eastwardly and towards New Britain or Shuttle Meadow reservoir.

**(bb) Injury to water; penalty<sup>164</sup>.** If any person shall willfully and maliciously corrupt the water in any reservoir, hydrant, aqueduct pipe or other portion of the City waterworks, or destroy or injure any portion of such works, or any materials or property used or designated to be used in connection therewith, he shall forfeit and pay to said City treble damages and shall be fined not more than Five Hundred Dollars or imprisoned not more than one year or both.

**(cc) Elector to sit with Board.** The Common Council shall select an elector of said City, to sit with the District Board of the Metropolitan District, and who shall have a vote only on matters concerning water. He shall hold office until December thirty-first in the odd-numbered years, at midnight, and until his successor shall be chosen and shall have qualified. Before January first in the even-numbered years, the Common Council shall choose a successor for a term of two years. In case of the death, resignation, refusal to serve or removal from the City of the member so selected, the Common Council shall fill such vacancy for the unexpired portion of the term.

**§15-5  
Disposal.**

**Provisions Regarding Sewers, Drains and Garbage and Rubbish**

**(a) Former Powers of the Disposal Commission and Board of Public Works Transferred to the Common Council<sup>165</sup>.** All of the duties, powers, privileges and rights conferred upon the Disposal Commission, or otherwise transferred and vested in the Board of Public Works are hereby transferred to and vested in the Common Council or its designee in order to facilitate the operation of the sewage treatment plant of the Mattabassett District.

**(b) Transfer of functions<sup>166</sup>.** All duties, powers, privileges and rights heretofore vested in the Disposal Commission and the members thereof, or in any other committee or Board and the Board of Public Works, in the maintenance, supervision, control and general management of the sewage disposal plant, the municipal incinerator, all municipal dumps, collection and disposal of garbage and rubbish shall be and are hereby transferred to and vested in the Common Council or its designee which hereafter shall maintain, supervise, control and manage the sewage disposal plant, the municipal incinerator, all municipal dumps, and the disposal of garbage and rubbish.

**(c) Construction of sewers and drains<sup>167</sup>.** The Common Council shall have power to lay out, build, construct, and repair drains, conduits, and sewers, or a system of sewerage, wherever it may deem the same necessary, through or along any street, highway, or public or private grounds in said City and, if in the judgment of said Common Council it is necessary or expedient, to extend, build, and construct said drains and sewers, or a system of sewerage, and the outlet or outlets of said system, and the connections thereof, beyond the limits of said City, in or through the Towns of New Britain, Newington, and Berlin, or in or through either of said Towns, and in, through, over, and upon the streets, highways, and public and private lands in any of said Towns, and under the right of way of any railroad in any of said Towns, and in said City or Towns, or either or any of them, except as hereinafter provided, for the disposal of sewage and sewerage of said City and of the inhabitants and corporations therein.

The Common Council shall have power to construct, operate, and maintain sewer works and sewer beds for filtration and other purposes connected with the disposal of the sewage and sewerage of said City and of the inhabitants and corporations therein.

**(d) Acquisition of land; power<sup>168</sup>.** For the purpose of improving and utilizing lands and estates acquired or to be acquired for any of the purposes of this Article, the City may take and acquire by purchase or otherwise any lands in fee, and any rights or easements in lands, water courses, or ways, within the limits of said City and the Towns of New Britain, Newington and Berlin, or either or any of them, that the Common Council may deem.

**(e) Separation of sewage<sup>169</sup>.** The Common Council may cause all roof, storm, and ground water and steam, as well as all acids, unless neutralized to its satisfaction and acceptance, to be separated from house or crude sewage, and from the system that may be adopted for the carrying of such sewage.

**(f) Territorial limits and routes<sup>170</sup>.** No such sewer works or sewer beds, other than drains, conduits, sewers, and necessary appurtenances for carrying sewage and sewerage, shall be established outside the limits of said Town of New Britain, except in the section of country in the Town of Berlin bounded north by the Berlin Town line, east by the north and south highway next east of Christian Lane, and the Hartford and New Haven turnpike, south by the Mattabesett River and land now or formerly of Gustave Wahl, and west by Christian Lane. The only routes to be followed in conducting sewage and sewerage from the City and Town of New Britain to the filtration beds and sewer works to be established under this Charter, so far as said routes lie outside of the Town of New Britain, are described as follows, to wit: The route leading from the Piper Brook outfall in the City, after it leaves the New Britain Town line, passes through the lands now or formerly of William Richards, H. Fields, J.G. Petterson, J.W. Holmes, and W.L. Davis, in the Town of Newington, east of the highway known as Christian Lane, and through the lands now or formerly of W.L. Davis, J. Sauter, Frederick Splettstoesz, and August Splettstoesz, passing under the Middletown branch of the New York, New Haven, and Hartford Railroad Company's tracks and crossing the highway known as the Beckley Quarter Road, and through lands now or formerly of Charles Leigey, all in the Town of Berlin. The route leading from the Glen Street outfall in the City, after it leaves the New Britain Town line, passes through lands now or formerly of Joseph Towers, estate of Patrick Devitt, deceased, and under the Berlin branch of the New York, New Haven, and Hartford Railroad Company, and through the farms now or formerly of Theodore A. Stanley and Charles Ellis in the Town of Berlin near the Town line of New Britain; also through lands now or formerly of J. W. Holmes and W. L. Davis in the Town of Newington, and through lands now or formerly of John Sauter, Frederick Splettstoesz, and August Splettstoesz, passing under the



Middleton branch of the New York, New Haven and Hartford Railroad Company, and crossing the highway known as the Beckley Quarter Road, and through lands now or formerly of Charles Leigey, all in the Town of Berlin. As an alternative route from both said outfalls, after said routes come together at Christian Lane near the New Britain Town line, the route may follow in Christian Lane southerly to the northline of John Sauter's farm; thence through Sauter's farm to the routes above described on said Sauter's farm; and thence to the terminus of said route on land now or formerly of Charles Leigey it shall be as first above described. In addition to the route to be followed in conducting sewage from the City to the filtration beds and sewer works established or to be established, a route leading from the collecting system in the north and northeast sections of the City may be laid out through that portion of the Town of Newington bounded northerly by Wells Avenue, so-called, easterly by the main line of the New York, New Haven and Hartford Railroad Company, southerly by Newington Avenue leading to Elm Hill, so-called, and westerly by New Britain-Newington Town line, and the rights to acquire and the method of acquiring such lands shall be the same as provided in section 1301 et seq. of this chapter. It shall be lawful for said City to permit persons owning land within said described portion of the Town of Newington to connect their properties with said trunk sewer on such reasonable conditions and for such uses as the City may determine on payment of such sums as may be assessed and approved by the Common Council of the City.

**(g) Inspection and supervision.** The Common Council shall at all times have the right of inspection and supervision of such sewers as shall connect with its sewer system and may revoke permits therefor whenever the conditions thereof shall be disregarded.

**(h) Private drains<sup>171</sup>.** Said Common Council is authorized and empowered to attend to the supervision over the construction of such portions of private drains or sewers as are within the limits of any public street, and to exercise any powers conferred upon it by the General Assembly of this State and by the Common Council.

**(i) Right of entry; order of discontinuance<sup>172</sup>.** Said Common Council and its agents are authorized and empowered to enter into or upon any and all property or State connected in any way with the public sewers or drains to investigate and examine such connections, and shall have authority to order the discontinuance of any improper use of said sewers, drains, or sewer connections, and of any use not conforming to the regulations adopted by said Council.

**(j) Rules and regulations<sup>173</sup>.** Said Common Council shall have full authority over the use to be made of all connections, and shall prepare a set of rules, regulations, and requirements covering the use and construction of all branches and connections, private or public, that are now made or are to be made to said sewer system, and may exercise any additional powers conferred upon them by said Common Council.

**(k) Records and reports<sup>174</sup>.** In the event the Common Council delegates the deliberative functions to another entity said Board or Commission shall keep a record of their official proceedings, and shall render a report of their doings to said Common Council annually, and oftener if by said Common Council requested, including a general exhibit of the State of the public works, and an account of sums required to be expended therefor, and such other matters or information as may be called for by said Common Council; provided, that said Commissioners shall always be under the direction of the Common Council of said City.

**(l) Assessments for improvements<sup>175</sup>.** (1) Said Common Council shall have power to assess such portions as it may deem reasonable of the cost of the public works and improvements upon the property within the limits of said City not having already paid a regular assessment for sewer benefits, for the carrying off of the stagnant, surface, or other drainage for which said sewer, drain, or improvement may be constructed, or which may be in any way improved or benefited thereby; and the sum so assessed shall be a lien upon the said property, subject to the provisions of this Charter as to the continuance, foreclosure, collection, and release of the same and subject also to all the other provisions relating to liens; and, in assessing such benefits, said Common Council shall not be limited to the property abutting on said improvements, but benefits may be assessed upon any person or corporation whose property is benefited by the construction of such sewer drain or improvement. (2) Upon the execution of any order of the Common Council of said City for the construction of any lateral branch or connecting public sewer, there may be assessed by the Common Council of said City, upon all persons whose property is, in the judgment of said Common Council, especially benefited thereby, a reasonable part of the expense of such lateral branch or connecting public sewer, and of the main or trunk sewer into and through which such lateral branch or connecting sewer is discharged; always provided, that no person shall be assessed for sewer purposes under this Article beyond the amount to which his property is especially benefited, whether the property on account of which such assessments are made is located along the line of a main or trunk sewer, or of a lateral branch, or a connecting sewer.

**(m) Limitation on assessments<sup>176</sup>.** No person owning land fronting on the line of a street in which a sewer is constructed shall be assessed more than \$6 or such other maximum amount as may from time to time be established by Ordinance per front foot of such land, unless, in the opinion of the Common Council, the owner thereof is the owner of land in the rear that will be especially benefited by such sewer. No such assessment of benefits shall be made until the sewer on which assessments are based shall be completed. The date when such sewer assessments are payable shall not be postponed, and such sewer assessments shall be due and payable and shall bear interest at the rate of six per cent per annum from thirty days after the date of the final action of the Common Council thereon.

**(n) Acquisition of land or rights; damages<sup>177</sup>.** Whenever, under the provisions of this article, it shall in the judgment of the Common Council become necessary or expedient for said City to take and acquire any land, or rights or easements in lands, watercourses, or ways within the limits in said City or Town of New Britain or the Town of Berlin and Newington, or either of them, the Common Council of said City shall appoint a committee to prepare a descriptive survey of the work contemplated being done therewith or thereupon and to agree with the parties as to the damages on account of such work; and the agreement made by them, if any, having been ratified by said Common Council and the sums agreed upon as to damages having been paid to the parties entitled thereto, or deposited to their credit in the City treasury, said City may go on to the completion of said improvement and do the acts necessary or convenient for that purpose; but if said Common Council shall be unable to agree with the parties interested as to the damages aforesaid, any judge of the superior court or of the supreme court of errors may, on application of said City or of any party in interest, after causing such notice to be given of the pendency of such application as he shall deem just and reasonable, appoint three judicious and disinterested freeholders of the county of Hartford to estimate such damages; and said committee, having been duly sworn and having given notice of the time and place of its meeting for the purpose aforesaid, in the manner prescribed by said judge, shall meet at the time

and place designated, and having heard all of the parties in interest who shall appear before it, shall determine the amount of the damages sustained by any and all persons or corporations whose lands, watercourses, or ways, or rights or easements therein, shall have been taken by said City pursuant to the provisions of this article, and in determining said damages, said committee may take into account the special benefits received by said parties. Thereupon said committee shall report in writing to said judge who may confirm, correct or set aside said report as he may deem just, in which latter case, said committee or a new one to be then appointed by said judge, shall proceed as before, and said report being finally accepted by said judge shall be recorded by the clerk of the superior court for Hartford county, and the award of damages therein contained shall be final between the parties; all papers connected with case, by whomsoever held, shall then be delivered to the clerk of the City, who shall keep the same on file for public inspection, and said damages being paid or deposited as aforesaid, said City may proceed to complete said public improvement and do all acts necessary or convenient for the purpose.

**(o) Liability for damages.** Nothing contained in this Article shall be construed as absolving the City from any liability to any person or corporation for damages which may be occasioned to the person or property of such person or corporation in addition to the damages agreed upon or ascertained in the manner provided in §15-6(n) of this Charter by reason of the use made by said City of any land or rights or easements in land, watercourses, or ways, acquired by said City under the authority of this Article. If the land, or rights or easements in lands, watercourses, or ways are within the limits of said City, the Common Council may proceed to take the same in the manner provided in §15-6(n) of this Charter.

**(p) Petitions for improvements<sup>178</sup>.** When the majority of the property owners on any street shall bring a petition to the Common Council of said City for the construction or extension of sewers in such street, said Common Council may order the construction or extension of such sewer, and assessments for benefits therefor may be made upon any person or corporation whose property is benefited by the construction or extension of the same, to the same extent and in the same manner as set forth in §15-6(n) of this Charter; and said Common Council may, in addition to such assessments, require the petitioners for such sewer to pay, or give a satisfactory bond, payable to said City, to secure the payment of the expenses to which the City shall be put in making maps, surveys, and assessments for said sewer and the construction and extension of the same, and may require the payment of an additional sum for the privilege of making connections with said sewer.

#### **§15-6 The Lighting Plant<sup>179</sup>.**

If said City determines to operate a plant for the manufacture and distribution of electricity for lighting purposes in accordance with the provisions of 1958 General Statutes §7-213 et seq., and any corporation owning or operating an electric light plant in said City attempts to compel said City to purchase said plant in whole or in part in accordance with said provisions after the valuation and amount of the plant to be purchased has been determined in accordance with said chapter, said City shall have the right within one year after the valuation of such plant has been fixed by the court to recede from its former action to establish and operate such municipal lighting plant, by a vote of

1958 General Statutes section 7-213 et seq. shall be a decree conditional upon said City failing to recede from its former action within 1 year from the date of such decree. If said City establishes a plant or plants for the manufacture and distribution of electricity for lighting purposes said City is hereby authorized to maintain, repair, enlarge, and operate said plant or plants for the manufacture and distribution of electricity for power; and to purchase electricity for lighting or power purposes from any corporation located or operating in the state, and said City is hereby empowered to lease any electric plant owned or operated by it to any person or corporation for such period not exceeding twenty-five years as the Common Council may determine.

**§15-7 Lien for Improvements<sup>180</sup>.**

**(a) Notice and recording of lien<sup>181</sup>.** Whenever the appropriate Boards or Commissions of jurisdiction shall have approved any projected public improvements all or part of the cost of which may, upon completion, become a lien upon the property benefited thereby, such Board shall file in the office of the Town Clerk a notice of such prospective lien listing the names of the record owners of all parcels of land which may be subject to such a lien, a description of each parcel sufficient to identify the same and the estimated amount of the prospective lien against each parcel. The Town Clerk shall record such notice of prospective lien upon the land records of the Town of New Britain and shall cause the name of each such record owner to appear in the general indices of said land records as a grantor and the City as grantee. Upon completion of such improvement and assessment of benefits therefor, such Board shall file in the office of the Town Clerk a certificate of lien listing the same information as in the notice of prospective lien but, instead of an estimated amount, shall State the amount assessed by the board of compensation and assessment or other body having jurisdiction to fix such amount, against each parcel. Such lien shall take effect as of the date of filing the notice of prospective lien, but, if no notice of prospective lien has been filed, it shall take effect as of the date of filing the certificate of lien. No lien for a public improvement shall exist which has not been recorded in conformity with this Article.

**(b) Release of lien<sup>182</sup>.** When any projected public improvement for which a notice of lien has been filed has been abandoned or completed and paid for or has otherwise ceased to be a lien against any parcel of land mentioned in such notice of lien, the board filing such notice of prospective lien or the collector to whom such assessment has been paid with interest, fees and charges as provided by law shall promptly file with the Town Clerk a release of such lien listing the names of the record owners of all parcels of land affected by such release and a description of each parcel sufficient to identify the same. The Town Clerk shall record such release upon the land records of the Town of New Britain and shall cause the names of each such record owner to appear in the general indices of such land records as a grantee and the City as grantor.

**§15-8 The Police Power of Arrest.**

Chapter 19 of number 420 of the Special Acts of 1961 is amended by adding section 1907 as follows: The members of the police department of the City shall have the same authority and power to arrest any person or persons for crimes or misdemeanors committed on the lands, property or estate of the City, situated in any town in this State and owned or used by said City, and within the distance of one hundred rods from said lands, property or estate, as they have to make arrests within the limits of the City. Nothing in this section shall affect the police jurisdiction of any other town in which the City may own or possess property<sup>183</sup>.

**§15-9 Provisions Affecting the Retirement and Pension of Elective Officials<sup>184</sup>.**

Any full-time or part-time elective official of said city who has served as an elective official for a period of twenty years, either continuously or cumulatively, shall be entitled at his request to an annual pension for life of one-half of the compensation attached to the office at the time of his request for said pension, payable in monthly installments. As used in this section, "elective official" means any official elected by the electors of the city or any subdivision thereof. Upon the death of any elective official or of any person who has been an elective official, the surviving spouse of such elective official shall receive a pension for life or until such surviving spouse remarries in an amount equal to one-half of the amount to which such official was entitled, but not less than one thousand dollars per year, payable in monthly installments.

**§15-10 The Fairview Cemetery.**

**(a) Contracts; regulations; fees; superintendent; investments<sup>185</sup>.**

The Fairview Cemetery Commission shall have power to make contracts for the purchase of land and may take lands in the name of said city, for the uses and purposes of said cemetery, in the manner provided by law. The Commission shall make all needful rules and regulations concerning the use, management, and care of said cemetery, and of the lots therein, and establish and fix, and, from time to time, in its discretion, change or alter all fees and charges in connection with said cemetery; shall, in accordance with rules and regulations of the Civil Service Commission, fix the compensation of all persons employed by it; shall have power to sign, on behalf of said city, deeds of lots in said cemetery without being authorized to do so by the common council, and shall cause all deeds or other certificates of title to lots in said cemetery to be recorded in the town clerk's office;. The Fairview Cemetery Commission shall be trustees of all funds heretofore left to the town of New Britain or its Commission, by gift or bequest for the care of cemetery lots, or for any other purpose in connection with said cemetery; may be appointed by the probate court trustee of any fund for cemetery purposes in connection with said cemetery or for the care of private lots; may take such fund either in trust or absolutely and by gift or devise for cemetery purposes, and shall invest the same in accordance with the laws governing the investment of trust funds; may approve all contracts for cemetery purposes; and shall be custodian of all cemetery records, maps, and papers. No investment shall be changed or principal funds withdrawn from deposit without the written order of the full Commission. The income from the funds may be collected by the Commission.

**(b) Trustee; revenue; payment of bills; reports<sup>186</sup>.**

Said Commission may appoint a bank as its agent in the performance of its duties in the care and custody of said trust funds and the investment thereof in securities in which trust funds may be invested by the laws of the state, at such compensation, if any, as may be fixed by said Commission, and such agent may be required to give bond, with surety, payable to the city, conditioned for the faithful performance of its duties. The Commission shall cause to be paid to the city treasurer all moneys received from the sale of lots, from burials and from any and all sources of income other than the principal of trust funds the income of which is to be used for the perpetual care of lots. Said Commission, from time to time, shall report to the director of finance a list of bills and accounts for such expenses as have been incurred by said Commission and approved by it, and the director of finance shall thereupon verify with the city treasurer whether the balance in the city treasury to the credit of the Commission is sufficient to pay such bills or accounts, and, if sufficient, the Commission, by such officer of the department as it may empower, may draw orders upon the treasurer of the city in favor of the person entitled to payment of the bills so approved and the director of finance shall

countersign such orders and shall keep a record of all bills presented. Said Commission shall make an annual report for printing in the municipal record, which report shall contain a statement of all receipts and payments, together with a statement of the principal of the trust funds and the manner in which they are invested.

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