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ac**AN ACT****Concerning the Construction of Sewers and  
Sewage Disposal Plant by the Borough  
of Southington.**

*Be it enacted by the <sup>Connecticut</sup> Senate and House of Representatives in  
General Assembly convened:*

SECTION 1. The borough of Southington is hereby authorized to lay out, construct, repair, maintain, and operate a system or systems of sewers and drains in said borough, and to construct, repair, maintain, and operate a sewage disposal plant in connection therewith, which plant may be located either within or beyond the limits of said borough, or at such suitable place within the limits of the town of Southington as may be designated on a plan or plans prepared by the board of sewer commissioners of the borough, and said borough may extend said sewer system and outlet or outlets thereof to such disposal plant, may construct, repair, maintain, and operate said sewers, drains, and sewer system or systems in, through, over, upon, 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 gas or water pipes or mains, in said town and borough, and for the purpose of utilizing land or estate acquired or to be acquired for any of said purposes, said borough of Southington may take, by purchase or otherwise, any land in fee and rights to or easements in lands, water courses, or ways within the limits of said town of Southington.

SEC. 2. There shall be a board of sewer commissioners for said borough composed of three electors, none of whom shall hold the office of warden or burgess of said borough while serv-

ing as such commissioner. At a special meeting of said borough, warned and held for that purpose on or before the second Monday of July, 1913, there shall be elected, by ballot, three sewer commissioners, one for the term ending on the first Monday of May, 1914, one for the term ending on the first Monday of May, 1915, and one for the term ending on the first Monday of May, 1916, and at each succeeding annual meeting of said borough there shall be elected by ballot, one sewer commissioner for the term of three years. Any vacancy occurring in the membership of said board may be filled by the warden and burgesses until the next annual meeting of said borough. Said sewer commissioners shall have power to appoint a clerk of said board, and may appoint a superintendent of sewers. The salary or compensation of said sewer commissioners, and of such clerk and superintendent, if appointed, shall be fixed by vote of said borough at its annual meeting or at a special meeting warned and held for that purpose.

SEC. 3. Said board of sewer commissioners shall have, subject to the restrictions and limitations provided for in this act and the by-laws, rules, and regulations hereinafter provided for, authority over and supervision of the layout, construction, repair, maintenance, and operation of all drains, sewers, sewer system or systems, and sewage disposal plant contracted for by said borough under the provisions of this act, and authority over all connections made with any such drain, sewer, or sewer system, and shall have authority over the uses made of said sewers, drains, sewer system or systems, and connections therewith, and said sewage disposal plant. Said commissioners may, by themselves and their agents, enter into or upon any property or estate connected in any way with public sewers or lands, to investigate and examine such connections and the use thereof, and shall have authority to order the discontinuance of any improper use of such sewer, drain, or sewer connections, or any use not conforming to the regulations governing the same; and said board shall have any additional powers, which may be conferred upon it by the warden and burgesses of said borough, or which may be incident to the performance of its

duties. Said board shall keep a record of its proceedings and shall make a report of its doings to said warden and burgesses, annually, or oftener if requested by said warden and burgesses, and shall report such special matters or information pertaining to its official duties as may be requested, from time to time, by the warden and burgesses. The warden and burgesses and the treasurer of said borough shall keep separate accounts of all matters connected with said system or systems, and shall submit a detailed report of the same, including all expenses incurred by the sewer commissioners, and such additional matters as may be of public interest, at the annual borough meeting. Said board of sewer commissioners shall not have authority to incur an expense exceeding five hundred dollars in any year until the same shall have been authorized by the voters of the borough.

SEC. 4. Said sewer commissioners shall prepare and recommend to the warden and burgesses suitable by-laws, rules, and regulations governing the construction and use of all branches and connections with such drains, sewers, and sewer system or systems; and said warden and burgesses shall have power to adopt such by-laws, rules, and regulations in the same manner as other by-laws of said borough, and may also adopt by-laws to regulate and prevent the location, construction, and use of sink drains, cesspools, and privies, and to regulate or prohibit the accumulation in or about any dwelling or place of business of any filth, garbage, or decaying animal or vegetable matter, or the dumping or disposal of the same on public or private property, and may provide, by contract or otherwise, for the collection and disposal of garbage within said borough.

SEC. 5. Said board of sewer commissioners is hereby authorized to prepare a feasible plan or plans for the sewerage of said borough by the construction of drains and sewers and a sewage disposal plant, to employ engineers and surveyors with reference thereto, and to estimate the probable cost thereof, and to report such plan and estimate to the voters of the borough who may approve or reject the same; and whenever any such plan shall be approved by said voters, said board of sewer commissioners shall be empowered to carry into effect and

execute the same, or such parts thereof as may be from time to time authorized or ordered by said voters, and for that purpose to purchase and hold, for and on behalf of said borough, any lands, water courses, estate, right, easement, privilege, or franchise, necessary or desirable for the construction of said drains, sewers, or sewage disposal plant; and said board is hereby empowered to enter upon any land for the purpose of making surveys, and to negotiate and agree with the owner or owners of any estate, property, right, easement, privilege, or franchise which may be required for the purpose of this act, as to the amount of compensation to be paid to such owner or owners for the same or for damages thereto, on account of such work, and any such agreement, having been ratified by said warden and burgesses, and the sums agreed upon as damages having been paid to the parties entitled thereto or deposited to their credit in the borough treasury, said borough may proceed to the completion of said improvement and do such acts as are necessary for that purpose; but if said board of sewer commissioners shall be unable to agree with the parties interested as to the damages aforesaid, or if such agreement fails to be ratified by the warden and burgesses, any judge of the superior court may, on application of said borough or any party in interest, after causing such notice to be given of the pendency of such application as he shall deem reasonable, appoint three judicious and disinterested freeholders 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 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 the damages sustained by any person or corporation whose land, water course, estate, right, easement, privilege, or franchise has been taken by said borough pursuant to the provisions of this act; 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 such 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 appointed by such judge, shall proceed as before; and said report, having been finally accepted by such 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; and said damages being paid or deposited as hereinbefore provided, said borough may proceed to complete said work, and do all acts necessary for that purpose without further liability in the premises.

SEC. 6. The total expenses incurred under the provisions of this act in connection with the construction of such drains, sewers, sewer system or systems, and disposal plants, including land damages, shall be, in the first instance, paid by said borough from the proceeds of bonds, notes, or certificates of debt issued as hereinafter provided, and one-half of said total expenses shall be paid, from time to time, by said borough from the proceeds of general taxation. The remaining one-half of such expense shall be assessed and collected by such method as may be determined by vote of said borough, which method may include any one or a combination of any two or of all the following: By an assessment on the lands and estate situated within the territory benefited thereby, upon a rate proportionate to the benefits derived, based upon the area of the lots or upon the valuation of property; or by an assessment of all property except property used exclusively for railroad tracks or property covered by water, abutting upon all streets and highways through which a sewer is constructed capable of receiving the sewage drainage from such property, based upon a uniform assessment per lineal front foot, provided in case of a corner lot or a lot belonging to the same owner and abutting upon more than one sewered street the same area shall not be assessed more than once and shall not be assessed 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 sixty feet, and provided in case of property located on an angle or curve in any such 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, or by a fixed charge for connection

with said sewer system and an annual sewer rental for all connections made with the sewer system, based upon a standard rate or charge approved by the warden and burgesses. All assessments under the provisions of this section shall be made by the board of sewer commissioners, and the sum so assessed shall constitute a lien upon the property upon or on account of which the assessment is made, until fully paid in accordance with the provisions hereof, and such assessments shall be due and payable within three months from the date of receipt of written notice by the person by whom the same is payable, provided said board of sewer commissioners shall, on the written request of any such person, made within said period of three months, apportion such assessment or charge into such number of equal annual parts or instalments, not exceeding ten, as such person shall designate in such request. Interest from the date of such apportionment, at the rate of five per centum per annum, shall be added to each of such assessments or charges, until it is paid. Nothin herein contained shall be so construed as to prevent the payment in full, at any time, in one payment, notwithstanding its prior apportionment of any balance of any assessment or charge then remaining unpaid, but interest on such balance, at the rate of five per centum per annum, shall be paid to the date of such payment.

SEC. 7. The lien provided for in section six shall not continue longer than ninety days after such assessment shall become finally due and payable unless, within that period, a certificate, signed by said board of sewer commissioners, or a majority of them, describing the property and stating the amount claimed by said borough as a lien thereon, shall be lodged with the town clerk of said town of Southington, which lien may be discharged by a certificate signed, lodged, and recorded in like manner.

SEC. 8. Any person aggrieved by any assessment or charge for connection made under the provisions of section six, may within thirty days after notice of such assessment or charge, apply by petition to any judge of the superior court for proper relief, giving reasonable notice, by leaving a true and attested copy of such petition with the warden or clerk of said

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borough, of the time when and place where and the judge to whom such application will be made. Said judge shall thereupon appoint three judicious and disinterested freeholders to reassess or readjust the amount assessed against such person, and said freeholders shall make such reassessment or readjustment and make report of their doings to such judge, and such judge shall have authority, in his discretion, to set aside said report or correct the same, or to order another assessment or adjustment to be made. Such judge shall, for the purpose of disposing of such appeal, have all the powers of the superior court, and may render judgment thereon, and may tax costs in favor of either party and issue execution for such costs, to be taxed as upon civil process in the superior court. Such judge shall, when the proceedings in any case arising under this section are closed, return all papers connected therewith to the clerk of said borough, who shall record the judgment therein and keep all such papers on file.

SEC. 9. Said board of sewer commissioners may, with the approval of the warden and burgesses, connect any existing sewer or drain heretofore constructed in any street or highway, within said borough or in or through private property, with any sewer, drain, or sewer system constructed or maintained under the provisions of this act, or permit the same to be so connected by the owner or owners of such sewer or drain, on such terms as to the compensation to be paid to said borough for such connection, or subject to such assessment of benefits accruing from such connection to the owner or owners of such drain or sewer or the lands or buildings connected therewith or benefited thereby, as may be agreed upon with said owner or owners or prescribed by said board, subject to the approval of the warden and burgesses; and any assessment or charge so prescribed shall be subject to the right of appeal provided for in section eight. Said board shall make or permit such connection only with such sewers or drains as are so laid out, constructed, and used as, in the judgment of said board, to conform to the requirements of the public health and the efficient operation of said sewer system and sewage disposal plant, and any such sewer or drain laid

in any public street or highway shall, after such connections, be subject to all the by-laws, rules, and regulations governing said system or systems of sewers and, for such purposes, shall be considered a part of such sewer system.

SEC. 10. The warden and burgesses of said borough, whenever, in their opinion, public necessity or health requires, shall have power to condemn and order discontinued any such sewer or drain heretofore laid and constructed as, in their judgment, because of the manner of construction or the condition or use thereof, shall constitute a menace to the public health, or to order any owner of property abutting on any street or highway wherein a public sewer has been laid to make suitable connection therewith within a specified time, and on failure to comply with such order, may cause the same to be done, and the expenses thereof shall become a lien upon such property, until paid.

SEC. 11. No person shall so construct any drain or sewer upon or from any premises in said borough, or permit any such drain to be so used, as to flow sewage water or other offensive matter on the surface of any street or highway, or into any stream, within the limits of said borough, or so use, or permit to be used, on his land, any drain now existing within said limits, without, in each of said cases, the permission of said board of sewer commissioners, and every person who shall construct, or use or cause to be used any drain or sewer contrary to the provisions of this act shall forfeit to said borough and pay to the treasurer thereof, the sum of twenty-five dollars for each such violation, and may also be prosecuted criminally for such violation and fined not more than seven dollars for each offense; and every person who shall, on premises under his control, permit any such drain or sewer to be used contrary to the provisions of this act, shall forfeit to said borough and pay to the treasurer thereof the sum of two dollars for each day that such drain or sewer is used or permitted to be used as aforesaid, and may also be prosecuted criminally for such violation and fined not more than seven dollars for each day of such violation. It shall be the duty of the borough attorney to prosecute to final



judgment civil actions, in the name of said borough, for the recovery of said forfeitures. It shall be the duty of the prosecuting attorney of the town court of Southington to prosecute in said town court all violations of the provisions of this section.

SEC. 12. For the purpose of defraying the expenses of every kind incurred under the provisions of this act, the borough of Southington is hereby authorized to issue bonds, notes, or certificates of debt, to be denominated on the face thereof The Sewer Fund of the Borough of Southington, to an amount not exceeding, in the aggregate, the sum of one hundred and fifteen thousand dollars. Said bonds shall be of such denomination, and shall bear interest at such rate, not exceeding five per centum per annum, and the principal thereof shall be payable at such certain time or times, within thirty years from the date thereof, as shall be determined by the electors of said borough. Said notes, bonds, or certificates of debt shall be signed by the warden and countersigned by the treasurer of said borough, and the form thereof, and the time and place of paying said interest and principal shall be subject to the foregoing limitations as prescribed by said electors. Said borough may, from time to time, sell such securities, or any part thereof, at public or private sale, provided they shall not be sold at less than par, and said notes, bonds, or certificates of debt, when signed, countersigned, and issued as aforesaid, shall be obligatory upon said borough and upon the inhabitants thereof according to the tenor and purport of the same. The proceeds thereof shall be used only for the purposes designated in this act.

SEC. 13. All other provisions of the charter of said borough inconsistent herewith are hereby repealed.

SEC. 14. This act shall take effect upon its approval by a plurality of the electors of the borough of Southington voting at a borough meeting to be held on the fourth Monday after the approval of this act by the governor, except so much of this act as relates to said borough meeting, which shall take effect from its passage. It shall be the duty of the warden to warn a borough meeting to be held on said day for the purpose of vot-

ing upon the approval of this act and for no other purpose. Such vote shall be taken by ballot and check list at the usual voting place in said borough, and the polls shall be opened at eleven o'clock in the forenoon, and shall remain open until three o'clock in the afternoon. The warden shall prepare, for the use of the voters, a sufficient number of printed ballots for and against the approval of this act. Those electors who favor the adoption of this act shall cast a ballot bearing the words "For the act concerning sewage and sewage disposal." Those who oppose the adoption of this act shall cast a ballot bearing the words "Against the act concerning sewage and sewage disposal." The warden shall appoint a moderator, checkers, and counters, but no voting booths or official ballots shall be required. The moderator shall declare the result of said vote, and within one week file in the office of the secretary a certificate signed by him showing the result of said vote.

*Approved June 6, 1913.*



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