

ORDINANCE 1649
ADOPTED 1/18/2011
PUBLISHED 1/24/2011

AN ORDINANCE AMENDING SECTIONS 17.1.7 AND 17.1.9 OF APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF NORWICH, CONNECTICUT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that Sections 17.1.7 and 17.1.9, of Appendix A, Zoning, of the Code of Ordinances of Norwich, CT be amended as set forth herein to add letters of credit as an acceptable form of security, to revise the time frames specified for commencement and completion of work on any approved site plan, and to make the time frames for expiration upon failure to complete work consistent with those in other municipalities pursuant to state zoning law.

17.1.7. Posting of bond. The applicant shall be required to post a ~~surety bond or~~ passbook bond *or irrevocable letter of credit* with the commission in a form satisfactory to the corporation counsel and in an amount approved by the director of public works. Such amount shall be 50 percent of the total cost of all site improvements including, but not limited to, drainage facilities (and all costs related to the maintenance and repair of such facilities for a minimum of one winter and spring season), sidewalks, recreation areas, parking lots, landscaping, lighting, curbing and buffer strips, and in conformity with the provisions of this ordinance or any amendment thereto enforced at the time of the filing of the application. The required bond *or letter of credit* shall be posted prior to the endorsement of the plans by the chairman. A copy of the approved site plan shall be part of the bond.

Prior to the issuance of a certificate of zoning compliance by the zoning enforcement officer, the applicant may be required to post an additional bond *or letter of credit* in the amount to cover the difference of the total cost of the remaining work and the bond *or letter of credit* posted with the commission previously for the application. The bond *or letter of credit* form shall be approved by the corporation counsel and the amount by the director of public works. No certificate of zoning compliance shall be issued by the zoning enforcement officer if the associated parking, sidewalks or other improvements necessary for public safety and compliance with a submitted erosion, sediment, and stormwater control plan are incomplete.

No bond shall be reduced or released *and no letter of credit shall be modified or revoked* unless approved by the commission. If the bond *or letter of credit* is not renewed, it shall be considered a violation of these regulations and shall be pursued in accordance with the provisions of section 18.4 of these regulations.

17.1.9. Conditions and safeguards. *Any approved site plan shall expire as provided herein.*

(a) *Any approved site plan application which is not put into effect (a zoning and building permit must be issued and site work must be started) within a period of ~~five years~~ two years from the date the plan was approved by the commission shall be null and void, unless an extension of time is applied for by the applicant and granted by the commission.*

(b) *All work in connection with an approved site plan shall be completed within five years after the approval of the plan, except that in the case of any commercial, industrial or retail project the commission at the time of approval of such site plan may for good cause shown set a date for the completion of all work in connection with such site plan not less than five nor more than ten years from the date of approval of such site plan. The certificate of approval of such site plan shall state the date on which such approval expires. Failure to complete all work within such period shall result in automatic expiration of the approval of such site plan unless an extension of time is applied for by the applicant and granted by the commission. "Work" for purposes of this subsection means all physical improvements required by the approved plan.*

(c) *Any applicant interested in obtaining an extension from ~~this~~ the time periods in this section must submit a request in writing to the commission at least 3060 days prior to the expiration of the ~~five year~~ previously approved time period. ~~Accompanied with~~ The request shall ~~be~~ include a revised bond estimate for the ~~subject~~ improvements secured by bond or letter of credit pursuant to section 17.1.7 of this ordinance, including, but not limited to, ~~drainage facilities, parking lots, curbing, sidewalks, recreation areas, buffer strips and other site work~~; such estimate must be reviewed and approved by the director of public works. ~~and as deemed necessary and~~ If a value that is 50 percent of the revised estimate as approved by the director of public works exceeds all bonds or letters of credit previously submitted by five percent, a revised bond, ~~surety or passbook~~, or letter of credit adequate to cover ~~any increase in the costs of site improvements~~, 50 percent of the revised estimate shall be submitted in a form satisfactory to the corporation counsel.*

(d) The Commission may grant any request for extension provided no extension granted by the commission subsequent to initial approval shall exceed more than a one-year period at one time and no approval may extend the date of putting a site plan into effect to a date exceeding three years in the aggregate from the date of the original approval of such site plan and no approval may extend the date of completion of a site plan to a date exceeding ten years in the aggregate from the date of the original approval of such site plan.

ALDERMAN H TUCKER BRADDOCK

AN ORDINANCE AMENDING SECTION 7-26 OF THE NORWICH CODE OF ORDINANCES TO AUTHORIZE THE ENTERING INTO OF INTERLOCAL AGREEMENTS FOR THE PURPOSE OF PROVIDING PROPERTY TAX RELIEF FOR VOLUNTEER FIREFIGHTERS WHO LIVE IN ONE MUNICIPALITY BUT VOLUNTEER THEIR SERVICES IN ANOTHER MUNICIPALITY

WHEREAS, Connecticut General Statutes Section 12-81w permits the legislative body of any municipality to establish, by ordinance, a program to provide property tax relief for certain specified individuals, including individuals who volunteer their services as a firefighter; and

WHEREAS, Connecticut General Statutes Section 12-81w also permits the legislative body of any municipality to authorize interlocal agreements for the purpose of providing property tax relief to such volunteers who live in one municipality but volunteer services in another municipality; and

WHEREAS, on December 4, 2000 the Council of the City of Norwich adopted Ordinance No. 1437, codified as section 7-26 of the Norwich Code of Ordinances providing a tax abatement for volunteer firefighters as further set forth in section 7-26; and

WHEREAS, said ordinance did not include a provision authorizing interlocal agreements between Norwich and another municipality or municipalities; and

WHEREAS, the Council of the City of Norwich finds that the entry into an interlocal agreement with one or more municipalities sharing borders with the City of Norwich will encourage individuals residing in such municipality or municipalities to volunteer services as firefighters in a Norwich volunteer fire department and will encourage residents of Norwich to volunteer their services as volunteer firefighters in such adjoining municipality or municipalities.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that Section 7-26 of the Norwich Code of Ordinances be amended by amending subsection c of section 7-26 of the Norwich Code of Ordinances as hereinafter set forth and by adding a subsection f to section 7-26 of the Norwich Code Ordinances as follows:

(c) The Chief of each individual volunteer fire company shall submit a notarized list of all eligible members, as well as their respective level of tax abatement to the Norwich Tax Collector, *or the Tax Collector of the municipality which has entered into a interlocal agreement with the City of Norwich and in which said eligible member resides*, no later than March 1st of each year, in order to be eligible for a tax abatement *as to taxes due on for the following July 1st ~~grand list~~ on the grand list of October 1st of the preceding year..* This tax abatement shall be applied only to residential property tax or personal property tax, whether such property is owned individually jointly or as tenant in common with one or more other persons.

(f) *The City Manager is authorized to enter into, create, receive and deliver an interlocal agreement on behalf of the City of Norwich with one or more of the towns showing common boundaries with the City of Norwich to provide reciprocal tax abatements as set forth in this section for eligible members of volunteer fire departments who in a municipality subject to said intergovernmental agreement and provide volunteer services in another municipality subject to said agreement.*

The purpose of this ordinance is to permit the City of Norwich to enter into intergovernmental agreements with one or more surrounding towns whereby individuals residing in one town subject to the intergovernmental agreement but providing volunteer services as a firefighter in another town subject to the agreement will receive tax abatement provided within the town of residence for qualifying firefighting service. The amendment also clarifies the Grand List as to which such abatements will be applicable.

MAYOR PETER A NYSTROM