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ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS APPROVING THE AMENDMENT OF THE NEW HAVEN CODE OF ORDINANCES, TITLE III, CHAPTER 27 – STREETS, SIDEWALKS AND PUBLIC WAYS – ADDING SECTION 27-154a ESTABLISHING A PROCEDURE FOR REQUESTING THE BOARD OF ALDERS TO APPROVE IMPROVEMENTS TO AN UNACCEPTED STREET.

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WHEREAS, the Mayor of the City of New Haven desires to amend Title III, Chapter 27 of the city's Code of General Ordinances to include a procedure for requesting the Board of Alders to order improvements to an unaccepted street to ensure that there is a fair and open procedure for approving city expenditures that benefit private property owners of private roads;

WHEREAS, there are numerous unaccepted streets in the City of New Haven;

WHEREAS, some unaccepted streets are or may need improvements but cannot be repaired because of the prohibitive cost of improvements, disagreement, or lack of cooperation by some of the owners of the private road;

WHEREAS, the cost of improvements to those unaccepted streets can impose a significant financial burden to homeowners;

WHEREAS, improving an unaccepted street will promote harmony among homeowners, provide safer streets for all city residents and reduce the financial burden for those required to make the necessary repairs;

WHEREAS, Article IV, Section 5A of the New Haven Charter gives the Board of Alders authority to order the improvement of any unaccepted street, alley, or highway within the city and, in its discretion, to assess owner(s) of the property benefiting from the improvement(s), in the board's judgment; and

WHEREAS, a fair and open procedure for the Board of Alders' consideration to grant a request for an improvement of an unaccepted street(s) is needed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that the proposed amendment to the Code of General Ordinances, Title III, Chapter 27 – Streets, Sidewalks and Public Ways is hereby approved.

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Code of General Ordinances

Article VI

Chapter 27

Section 27-154a. Procedure for requesting the Board of Alders to order improvements of an unaccepted street.

(a) Definitions:

(1) For the purposes of this ordinance, an “unaccepted street” is defined in Sec. 27-151 above, as amended from time to time.

(2) For the purposes of this ordinance, an “interested property owner” shall mean any person or entity that owns any portion of an unaccepted street or any person or entity who owns property that abuts the unaccepted street and has a vested interest in that unaccepted street as determined by the Chief Administrative Officer or designee.

(b) Upon a submitted written request for improvements to an unaccepted street by the alder of the ward, the Board of Alders shall follow the following procedure:

(1) Upon referral by the Board of Alders, the Chief Administrative Officer or designee shall determine the interested property owners of the unaccepted street for whom a simple majority shall be asked for agreement for improvements to the unaccepted street.

(2) The Chief Administrative Officer or designee shall work with the appropriate city departments and the existing administrative subcommittee as referenced in the New Haven Code of Ordinances, Title III, Chapter 2, Article VII, Section 2-405 to estimate the cost of the project and other information as deemed necessary to evaluate the request.

(3) The Chief Administrative Officer or designee shall determine if the simple majority of interested property owners agree to pursue the proposal of improvements to the unaccepted street.

(4) The Chief Administrative Officer shall submit an advisory report to the Board of Alders which shall include:

(i) The extent to which the proposed improvement will render the unaccepted street safe and maintainable;

(ii) The availability of practical alternatives to the requested improvements;

(iii) The effect of a denial on the interested property owner(s), including whether a denial would adversely affect public safety;

(iv) The anticipated duration of the requested improvement; and

(v) Any other factor(s) deemed relevant and appropriate.

(c) The Board of Alders may hold a public hearing before the appropriate aldermanic committee and shall refer the matter to the full Board of Alders for consideration and vote.

(d) If approved, the Board of Alders shall issue an order to the Director of Public Works and the relevant city departments to make the improvement to the unaccepted street.

(e) Pursuant to Article IV, Section 5.A. of the New Haven Charter, the Board of Alders may determine a proportional and reasonable part of the cost of the project to be levied upon each property abutting the unaccepted street to be recommended in a public hearing before the appropriate aldermanic committee and shall refer the matter to the full Board of Alders for consideration and vote.

(f) The City Clerk shall record notice of any assessments incurred in the New Haven Land Records and shall record notice of full payment when there is an assessment on the New Haven Land Records when payment in full is received.