

**RULES AND ORDINANCES COMMITTEE
BRANFORD RTM
Tuesday, April 17, 2018@ 7:00 PM**

MEETING AGENDA

The Rules & Ordinances Committee of the Branford Representative Town Meeting will hold a regular meeting on Tuesday, April 17, 2018, at 11 Cherry Hill Road, Branford, CT at 7:00 PM

1. To hear and vote on the following Department Budgets as recommended by the Board of Finance to the Branford RTM:

		page #
Inland Wetlands and Natural Resources	Diana Ross/ Peter Basserman	25
Building Inspection and Enforcement	Anthony Cinicola	35
Conservation & Environment	Karen Hannon	50
Economic Development	Perry Maresca/Tery Elton	24
Planning and Zoning	Harry Smith/ Chuck Andres	22
Zoning Board of Appeals	James Sette	23
Water Pollution Control Authority	Dan Gregory/Mark Winik	38, 66-67

2. To consider and, if appropriate, create an ordinance enabling tax exemptions for Gold Star Parents and Spouses.

3. To consider and, if appropriate, create an ordinance enabling tax exemptions for handicap equipped vehicles.

5. R&O's next regularly scheduled meeting: Tuesday, May 15, 2018

6. Adjournment.

Dated this 12th of April, 2018.

Respectfully Submitted,

John F. Leonard
Chairman, R&O Committee

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City of West Haven

Chapter 211. Taxation

§ 211-8. Vehicle exemption for disabled persons.

[Added 3-26-1990 by Ord. No. 288]

A.

There is hereby created, pursuant to Section 12-81c of the Connecticut General Statutes, an exemption from personal property taxation for any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual and/or any specially rigged privately owned vehicle operated by a physically disabled individual, except any such vehicle used to transport any such person for payment.

B.

For the purposes of this section, the following terms are defined as follows:

AMBULANCE-TYPE VEHICLE

Any motor vehicle specially equipped or modified in a significant way for the purpose of transporting medically incapacitated individuals, including but not limited to the inclusion of lifts or handbrakes, the equipping with stretchers, beds or other special seating and equipment such as oxygen.

SPECIALLY RIGGED VEHICLE

Any motor vehicle specially equipped for the physically disabled, including but not limited to lifts for wheelchairs, computer-type dash boards, braking and accelerating mechanisms for manual operation and other such devices designed to permit physically disabled persons to use and operate motor vehicles.

USED EXCLUSIVELY

The vehicle is used and devoted to the transporting of medically incapacitated and physically disabled individuals.

C.

Procedure; applicability.

(1)

Applications for the exemption provided for in this section shall be filed annually with the Assessor of the City of West Haven, in such manner and requiring such information as required by the Assessor, not later than the November 1 following the assessment with respect to which such exemption is claimed or, for vehicles purchased on or after September 1 and on or before

July 31 of the assessment year for which such exemption is requested, not later than 60 days after such purpose.

(2)

This section shall be applicable with respect to the assessment year which commenced on October 1, 1989. Applications for exemptions relative to the assessment year which commenced on October 1, 1989, shall be made not later than 60 days following the effective date of this section. In subsequent years, application shall be made prior to the November 1 following the assessment date with respect to which such exemption is claimed. For vehicles purchased after said effective date but on or before July 31, 1990, application shall be made not later than 60 days after such purchase.

(3)

The Assessor may require medical documentation verifying that the modifications to the vehicle are directly related to the medical incapacity or the physical disability of the individual seeking such exemption. Exemptions shall expire when the vehicle is sold.

Exemption for Gold Star parents and spouses.

[Added]

(a)

Effective October 1, 2017, and applicable to assessment years commencing on or after October 1, 2017, and pursuant to Public Act 17-16, upon application, as set forth in Subsection **(e)** of this section, to the Assessor, any parent whose child was killed in action or the surviving spouse of a person who was killed in action while performing active military duty with the armed forces, as defined in Subsection **(a)** of Section 27-103 of the Connecticut General Statutes, which parent or surviving spouse is a resident of the Town of Branford, shall be entitled to an exemption from property tax in the amount of \$10,000, provided that such parent's or surviving spouse's qualifying income does not exceed the maximum income amount as provided under Connecticut General Statutes § 12-81I plus \$25,000. The exemption shall be applied to the assessed value of any such eligible parent's or surviving spouse's property. The yearly application period shall commence on April 15 with a deadline of September 30 each year. Each application shall include a copy of such parent or surviving spouse's federal income tax return or, in the event such a return is not filed, such evidence related to income as may be required by the Assessor for the tax year ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

(b)

If both parents of any such child killed in action while performing active military duty with the armed forces are domiciled together, only one such parent shall be entitled to an exemption from property tax provided for under this section.

(c)

The exemption provided for under this section shall be in addition to any exemption to which an eligible parent or surviving spouse may be entitled under Section 12-81 of the Connecticut General Statutes. No such eligible parent or surviving spouse entitled to exemption under Section 12-81f or 12-81g of the Connecticut General Statutes and this section shall receive more than one such exemption.

(d)

Any parent whose child was killed in action or the surviving spouse of a person who was killed in action while performing active military duty with the armed forces and who claims an exemption from taxation under this section shall give notice to the Town Clerk that he or she is entitled to such exemption.

(e)

Any such parent or surviving spouse submitting a claim for such exemption shall be required to file an application, on a form prepared for such purpose by the Assessor, not later than the assessment date with respect to which such

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exemption is claimed, which application shall include at least two affidavits of disinterested persons showing that the deceased child or person was performing such active military duty, that such deceased child or person was killed in action while performing such active military duty and the relationship of such deceased child to such parent, or such deceased person to such surviving spouse, provided that the Assessor may further require such parent or surviving spouse to be examined by such Assessor under oath concerning such facts. The Town Clerk shall record each such affidavit in full and shall list the name of such parent or surviving spouse claimant, and such service shall be performed by the Town Clerk without remuneration. The Assessor, Board of Assessment Appeals or other official shall allow any such claim for exemption unless evidence as herein specified has been filed in the office of the Town Clerk. When any such parent or surviving spouse has filed for such exemption and received approval for the first time, such parent or surviving spouse shall be required to file for such exemption biennially thereafter, subject to the provisions of Subsection **(h)** of this section.

(f)
The Assessor shall annually make a certified list of all such parents or surviving spouses who are found to be entitled to exemption under the provisions of this section, which list shall be filed in the Town Clerk's office, and shall be prima facie evidence that such parents or surviving spouses whose names appear thereon are entitled to such exemption as long as they continue to reside in such municipality and as long as the legislative body of such municipality continues to provide for such exemption, subject to the provisions of Subsection **(h)** of this section. The Assessor may, at any time, require any such parent or surviving spouse to appear before such Assessor for the purpose of furnishing additional evidence, provided that any such parent or surviving spouse who by reason of disability is unable to so appear may furnish a statement from such parent's or surviving spouse's attending physician or an advanced practice registered nurse certifying that such parent or surviving spouse is totally disabled and is unable to make a personal appearance and such other evidence of total disability as the Assessor may deem appropriate.

(g)
No such parent or surviving spouse may receive such exemption until such parent or surviving spouse has proven his or her right to such exemption in accordance with the provisions of this section, together with such further proof as may be necessary under said provisions. Exemptions so proven shall take effect on the next succeeding assessment day.

(h)
Any such parent or surviving spouse who has submitted an application and been approved in any year for the exemption provided in this section shall, in

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the year immediately following approval, be presumed to be qualified for such exemption. During the year immediately following such approval, the Assessor shall notify, in writing, each parent or surviving spouse presumed to be qualified pursuant to this subsection. If any such parent or surviving spouse has qualifying income in excess of the maximum allowed under Subsection (a) of this section, such parent or surviving spouse shall notify the Assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such parent or surviving spouse has reapplied and again qualified for such exemption. Any such parent or surviving spouse who fails to notify the Assessor of such disqualification shall make payment to the Town in the amount of property tax loss related to such exemption improperly taken

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