

CITY OF NORWALK
ORDINANCE COMMITTEE
DECEMBER 15, 2009

ATTENDANCE: Kelly Straniti, Chair; Richard Bonenfant; Andrew Conroy;
John Tobin; Nora King (7:08 p.m.)

STAFF: Robert Maslan, City Attorney

ROLL CALL

Ms. Straniti called the meeting to order at 7:00 p.m. and called the Roll. She welcomed the new members of the Committee and noted that a quorum was present.

ACCEPTANCE OF MINUTES – September 15, 2009

** MR. BONENFANT MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MOTION PASSED WITH THREE (3) ABSTENTIONS (MR. CONROY, MR. BONENFANT AND MR. TOBIN)

OLD BUSINESS

Mr. Maslan explained that often a City department will come to the Committee for an Ordinance change.

NEW BUSINESS

A. 2010 MEETING SCHEDULE

Ms. Straniti said that the meetings will be held on the third Tuesday of the month, except for February, because she will be away. The Committee members discussed changing the February date. They agreed to change the date to February 16th.

Ms. King joined the meeting at 7:08 p.m.

** MR. TOBIN MOVED TO APPROVE THE 2010 MEETING SCHEDULE AS REVISED

** MOTION PASSED UNANIMOUSLY

B. GENERAL DISCUSSION OF 2010-2011 BUSINESS

Ms. Straniti explained that this is open for discussion, but that there are two things that need to be cleaned up. She said that there have been several suggested revisions to the demolition delay ordinance, but nothing has been passed. The ethics ordinance needs to be re-done, now that the Ethics Commission is in place. She said that there are a lot of inconsistencies and there is nothing in writing from them.

Mr. Maslan said that the Ethics Commission has set up a citizen's guide and created a complaint form. He said that all approved codes have to be in compliance with state statutes. He said that there may be ordinances that are superseded by statute or obsolete. He said that he will bring the list to this Committee once it has been compiled. Ms. Straniti noted that there is a lot of work in that process and it will be brought back to the Committee. Mr. Maslan said that they need to be sure that what should be in an ordinance is in the ordinance.

Mr. Maslan reviewed the history of the City Charter and noted that it is very complex.

Mr. Maslan said that he would make recommendations to the Committee if he feels that an ordinance is not well written or is inconsistent.

Ms. Straniti explained that if there are increases in fines or charges, that they will be consistent with State law. Mr. Maslan said that a lot of fines have been removed from ordinance and put into a fee schedule. Ms. King asked if there is a list of all ordinance fines. Mr. Maslan said that there is not. Ms. King asked how much is generated from fines. Mr. Maslan said that not a lot is generated from fines. He said that typically fines are mostly under the jurisdiction of the DPW. The mindset of the City is for residents to be compliant.

Mr. Bonenfant asked when an action that has been approved by the Common Council takes effect. Mr. Maslan said that he needed to confirm. He said that the Mayor could veto the Common Council's vote or by referendum in 7-10 days. Mr. Maslan said that if there is an action that is voted on at a Council meeting on a Tuesday, they would know by

the next Council meeting if there is a referendum. If the referendum fails, then the action can move forward. Mr. Maslan said that he would look up the referendum and veto deadline.

Mr. Maslan said that he will provide the history of the demolition delay ordinance to anyone who is interested. Ms. Straniti said that she will look for her copy of the demolition delay ordinance that includes her handwritten notes.

Mr. Maslan reviewed the history of the demolition delay ordinance. He said that Norwalk does not have historic districts. He explained that in Norwalk the current demolition delay ordinance was adopted in 1984 and amended in 2003 and applies to buildings that are at least 50 years old. He said that the problem with this is that in the beginning there was a 90 day demolition delay within an historic district, but Norwalk does not have one.

In an historic district statute there is a provision that allows taxes to be abated during the waiting period, but the building code does not have a provision to abate taxes.

Ms. Straniti said that there was a suggestion of a tier approach, but that is confusing. Ms. King said that people should be fined for not re-building.

Mr. Maslan said that the statute and ordinance is intended to provide a period of time where people who object to the demolition can approach property owners to maintain or preserve the historical building. The purpose of the delay is an educational process; it is not to be used to prohibit the demolition of a building.

Ms. King said that she is worried about the rights of taxpayers in the re-build. She said that 95/7 is a total debacle and lessons can be learned from that. Mr. Maslan explained that people can build and demolish what they want, subject to certain regulations.

Ms. Maslan said Connecticut passed a statute that if a property is on the National Registry, anyone could start an injunction to stop a demolition.

Mr. Maslan said that he did not see a reason to extend the demolition delay ordinance from 90 to 180 days. He said that they could educate the property owner in 90 days which is the purpose of the delay.

Mr. Conroy asked Mr. Maslan about the continued insistence by one or two people that Norwalk have a blight ordinance. Ms. Straniti said that was killed during the last term. Mr. Conroy said that in the last discussion, the department heads said that they have the tools they need to prevent blight. Mr. Maslan said that when one of these issues comes to a head, they meet with the departments that are most involved in the enforcement action.

Ms. King said that they could ask the Finance Director to suggest ordinance fees. Mr. Maslan said that he did not think there are enough opportunities to impose fines that would stay in the City of Norwalk. There are some provisions in the statutes that provide for municipal fines, such as Zoning, but they would have to set up an appeal structure.

Mr. Conroy asked if there is a mechanism to impose and collect fines. Ms. King said that it is better to charge fines than increase fees.

Ms. Straniti asked Mr. Maslan to find old notes on the demolition delay ordinance.

Mr. Maslan told the Committee to keep in mind that for a municipality to pass an ordinance, it has to be under a state statute. There has to be an enabling statute. Ms. King suggested that they may want the local legislators to talk to the Committee.

Mr. Maslan said that Mr. Alvord mentioned a storm water ordinance. He said that Darien has one and it has to do with imposing requirements on new development. Mr. Maslan said that they are in the process of getting storm water ordinance samples from other municipalities.

The Committee discussed issues with the Tokeneke Bridge. Mr. Maslan said that in 2001, Darien's First Selectman refused to take responsibility for bridge repairs.

ADJOURNMENT

** MR. CONROY MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY

There was no further business and the meeting was unanimously adjourned at 8:40 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

