

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

September 19, 2017
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on): Norwalk Shorehaven Special Services
Taxing District
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: July 18, 2017
6. OLD BUSINESS (possible action on):
7. NEW BUSINESS: (possible action on): Solicitors
Arts Commission bylaws
8. DISCUSSION ITEM:
9. ADJOURNMENT

Norwalk Shorehaven Special Services Taxing District

MEMORANDUM TO FILE

Date: September 13, 2017

From: Brian Candela

RE: Norwalk Shorehaven Special Services Taxing District for the September 19, 2017 public hearing

1) Proposed name change for the Norwalk Shorehaven Special Services Taxing District

Enclosed please find an April 11, 2017 letter from Colin B. Connor, Esq., counsel for the Norwalk Shorehaven Special Services Taxing District for your file and review. This letter provides a summary of this taxing district and the reason it is seeking a name change. Please note that the tax district is only seeking a name change to The Canfield Island Special Services Taxing District. The taxing district does not want to change anything else in the ordinance, including but not limited to the taxing district's form, function or size.

On December 9, 1986, the Common Council approved an ordinance which established the Norwalk Shorehaven Special Services Taxing District.



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Colin@russoassoc.com
Associate (also admitted in GA)

April 11, 2017

Chairwoman Eloisa Melendez
Norwalk Ordinance Committee
125 East Avenue
Norwalk, CT 06851
BY USPS

Re: The Norwalk Shorehaven Special Services Taxing District – Proposed Name Change

Chairwoman Melendez,

I represent The Norwalk Shorehaven Special Services Taxing District which is located on Canfield Island in Norwalk. Our firm was retained to review, revise and update the operating documents for the entity. In the process, the Members decided to change the name of the taxing district.

Attorney Brian McCann, whom I have been discussing the name change with for several months now, instructed me to prepare this letter to you in order to lay out the relevant details.

1. **Area of Taxing District** – the area composing the taxing district is located on what is commonly known as 'Canfield Island.' The majority of the properties lay in the City of Norwalk, however there are a few properties on the Westport side of the Island which also participate in the taxing district. Those homeowners with properties lying within the Town of Westport's geographical boundaries have consented, in writing, to the inclusion of their properties in the special services taxing district. A specific list of the properties composing the district is enclosed with this letter, including an indication of which are located in Westport.
2. **Purpose of Taxing District** – the purpose of the taxing district is to maintain all of the infrastructure necessary for life on Canfield Island, including the roads, drains, sewers, etc., but most specifically to maintain the bridge which allows access to the Island.
3. **Commonly Owned Property and Shared Services** – the only property commonly owned by the District is the bridge from the mainland onto Canfield Island. The roads and other common property on the Island is owned by a separate Association, rather than the District. The District does not provide any 'shared services' to its Members.
4. **Reason for Name Change** – at present, there is a separate entity known as The Norwalk Shorehaven Association, Inc. The similarity between the names has caused confusion in the past, which has led to some consternation because the membership dues for each entity

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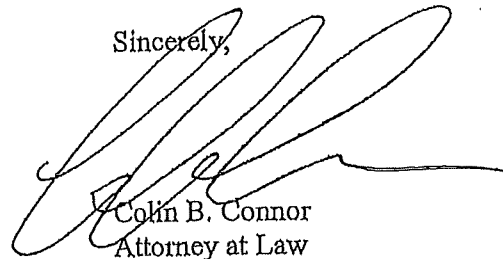
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are wildly different given the District's obligation to maintain the bridge. After engaging our firm to review, revise and update the governing documents for each entity, the Members decided that they would like to address the confusion regarding the names of the entities. The Members of the District proposed that the District's name be changed, and this proposal was approved pursuant to the requirements set forth in its Bylaws.

5. **The Name Change Itself** – the Members have resolved to change the name of the taxing district from The Norwalk Shorehaven Special Services Taxing District to **The Canfield Island Special Services Taxing District**.
6. **Approval of Name Change** – the proposal to change the name of the District was voted on approved by the Members on January 15, 2017 at a Special Meeting of the Members called for the specific purpose of approving the revisions made to the District's Bylaws, including the revision to its name.

Please contact me with any questions you may have and with any further instructions on how to proceed with the official name change, including any requirements which we have not met. Our office number is 203-254-7579, and my email address is colin@russoassoc.com

Sincerely,

A handwritten signature in black ink, appearing to read "Colin B. Connor", is written over the typed name.

Colin B. Connor
Attorney at Law

Encl.

**Owners and Users of Real Property Within
The Norwalk Shorehaven Special Services Taxing District (as of 10/2016)**

Member Name	Member Address
Gordan, John, III	54 Shorehaven Road, Norwalk, CT (located in Westport)
McFadden, Edith Sara and Michael	52 Shorehaven Road, Norwalk, CT (located in Westport)
Schnirring, Luke	50 Shorehaven Road, Norwalk, CT (located in Westport)
Vernhes, Monique and Michel	48 Shorehaven Road, Norwalk, CT (located in Westport)
46 Shorehaven Road, LLC c/o Jonathan Farber, its Managing Member	46 Shorehaven Road, Norwalk, CT (located in Westport)
Farber, Jonathan	43 and 44 Shorehaven Road, Norwalk, CT (located in Westport)
Farber, Jonathan and Swanson, Jolyn	42 Shorehaven Road, Norwalk, CT (located in Westport)
Williams, David	38 and 40 Shorehaven Road, Norwalk, CT (40 Shorehaven located in Westport)
Hapworth, Mada and William	36 Shorehaven Road, Norwalk, CT
Smith, David	34 Shorehaven Road, Norwalk, CT
Greenlee, Adam, Sr.	32 Shorehaven Road, Norwalk, CT
Gray, Joan	30 Shorehaven Road, Norwalk, CT
Brown Shiverick, Margaret	29 Shorehaven Road, Norwalk, CT

**Draft Meeting Minutes from
07/18/2017 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
JULY 18, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Bruce Kimmel; Thomas Livingston, Doug Hempstead; (arrived at 7:10PM.) Shannon O'Toole Giandurco

STAFF: Brian Candela, Corporation Counsel

OTHERS: Bruce Chimento, DPW Director; Chris Torre, DPW Superintendant; Theresa Argondezzi, Acting Health Director; Nancy Rosetti; Bike-Walk Task Force Chair; Barbara Kinn; Peter Franz; Colon Grotheer; Gunnar Waldman; Michael Heslin; Judd Aley

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:02PM and called the roll. A quorum was present.

2. PUBLIC HEARING- BIKE WALK ORDINANCE

Ms. Melendez opened the public hearing at 7:01PM.

Barbara Kinn -399 Main Avenue

Ms. Kinn stated that she would like to remain in Norwalk and be part of the community that is committed to making pedestrian and bicycle safety as important if not more so than finding ways to increase the volume and flow of vehicular traffic. She said having spent part of her working life in municipal governments she has the experience dealing with issues that involve the efforts of more than one department, and the planning and execution of solutions as is the case with safer pedestrian and bicycle access in Norwalk. She said in her experience she has only seen two ways in which this can work with consistency and efficiency, and that one is a committed Mayor and a strong local government which may lead to greater efficiency, and the other is the codifying of the

City of Norwalk
Ordinance Meeting
Regular Meeting
July 18, 2017
Page 1

composition duties and accountability of a coordinating body, as is the case with the proposed ordinance which will provide for both efficiencies and consistency as Norwalk moves into the future. She said in closing that she sincerely hopes that the Ordinance Committee votes to send the ordinance that is before them to the Common Council with a recommendation to approve, and that it will go a long way in assuring that the city is not known as the town where you cannot safely bicycle nor walk.

Peter Franz- Bicycle/Walk Task Force

Mr. Franz stated that Americans do not exercise enough, and are not healthy and do very poorly on daily movements and he provided the statistics. He said that walking and cycling can do a lot to help that and all it takes is 40 minutes per day, three times per week, and they are trying to change the culture in Norwalk to get people out and moving. He said that they are going to try and do what they can through events and policies within the town to work toward getting kids and adults outside more.

Colon Grotheer- 16 West Rocks Road

Mr. Grotheer stated that walking is transportation as is biking and that they are both very healthy, and for a long time we have been investing in a single mode of transportation which is driving. He said that the amount of money that is invested in automotive improvements that solve very few problems that can be used for bicycle infrastructure and pedestrian infrastructure is incredible. He also said that Connecticut is on a three to four year decline in terms of residents moving out of the state, in particular the demographic of young college educated professionals that are looking to start their family and that the reason is they want access to transit. He said by having this ordinance in place and creating a body that is going to bring all of the departments together is going to be a very good thing, because it will at least get the people in the room discussing the big picture and asked that the ordinance be supported.

Gunnar Waldman- 14 Berlington Drive

Mr. Waldman stated that he is in support of the ordinance and that he has been volunteering on the Bike/Walk Task Force for a few years, and he is excited about the work that Bike/Walk Task Force does in conjunction with the DPW. He said attracting the folks of the 18-34 demographic group to fill the new condominiums and to live in Norwalk is important economically, and we are a town of a very exciting size and has the potential to grow and to thrive. He said there will be an ongoing effort through this ordinance if it is passed.

Michael Heslin -24 Ambler Drive

Mr. Heslin stated the tourism benefits of the ordinance and it will be a regulated body that cannot be dismissed is a really good thing. He said through his business he brings approximately 10-15 people per day that do not live in Norwalk that then go do other things, and his biggest problem when they come to him to rent bikes is that there are only two places he can recommend them to go. He said by having a regulated body would help his business which would then bring other business into the town.

Teresa Argondezzi- Health Educator/ Acting Director of Heath

Mr. Argondezzi stated that from the Health Departments perspective they want everyone who is in Norwalk to make healthy choices and to be physically active, and that there is a substantial body of evidence on a national level that specific changes to communities that can actually impact the number of people are active, and how active those people are and it has been shown in research to increase activity and the safety in communities. She said it is hard to encourage people to bike when all they see is dangerous intersections or speeding motorists, and it is hard for her to even convince people to take a walk if they do not feel it is a safe or accessible method. She said that these kind of barriers can prevent even the most motivated people from making healthy choices that she is supposed to be encouraging them to make on a daily basis.

Judd Aley- 21 Splitrock Road

Mr. Aley stated that he would like the committee to think about the most economically viable popular cities in the country today and they are all bicycle and pedestrian friendly, and these types of cities are where young educated knowledge workers are flocking to. He said for Norwalk to compete economically going forward biking and walking needs to be embraced more than we do, and that a lot has been done already but that it needs to continue and he hopes that the ordinance is supported and make the Bike/Walk Task Force a permanent part of the city.

Nancy Rosetti- 399 Main Avenue

Ms. Rosetti stated she chairs the Mayors present Bike/Walk Task Force and she hopes the committee has been persuaded by all the people who have spoken tonight that having a body in Norwalk to promote bicycle and pedestrian activity is a good thing. She discussed the importance of having a commission and thanked that committee for their

consideration and hopes that they recommend the ordinance be adopted by the Common Council.

Ms. Melendez opened the public hearing at 7:30PM.

3. PUBLIC HEARING DISCUSSION

Ms. O'Toole Giandurco said that at the last meeting item number six there were changes discussed and asked if the proposed changes were made and she wants to be sure it is what was agreed to. There was discussion ensued and Mr. Candela stated that the change was missed but that he will make the change. Mr. Livingston also suggested to move section six and make it a new section "D" of its own and move the current section "D" to "E".

Mr. Hempstead asked why the Bike/Walk Task Force would not choose their chairperson. Mr. Kimmel stated that with the ordinance that the Bike/Walk Task Force will have to deal with a variety of department heads, the Mayor and the Common Council and that he likes the idea of the Mayor having some direction. He also said it is also nice to have the Mayor involved because it is a cultural change shift in the city.

**** MS. O'TOOLE- GIANDURCO MOVED TO APPROVE INSERTING A PERIOD AFTER THE WORD YEAR IN ITEM NUMBER SIX AND TO STRIKE THE REST OF THE SENTENCE AS IT CURRENTLY READS, AND TO ALSO CHANGE ITEM 6 TO LETTER "D" AND WHAT IS CURRENTLY LETTER "D" BECOME LETTER "E".**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. LIVINGSTON MOVED TO CHANGE CHAIRMAN TO CHAIR.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. HEMPSTEAD MOVED TO CHANGE MUST LIVE IN THE CITY OF NORWALK TO MUST BE AN ELECTOR OF THE CITY OF NORWALK.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. KIMMEL MOVED TO ADOPT THE ORDINANCE AS AMENDED AND SENT TO THE COMMON COUNCIL FOR APPROVAL.**

**** THE MOTION PASSED UNANIMOUSLY.**

4. PUBLIC COMMENT

No one from the public commented.

5 ACCEPTANCE OF MINUTES

June 20, 2017

The following correction was made to the minutes:
Page 2, to change "\$95,000" to "\$9,500"

**** MS. MELENDEZ MOVED TO APPROVE THE MINUTES AS AMENDED.
** MOTION PASSED WITH (3) THREE IN FAVOR AND (3) THREE ABSTENTIONS.
(MR. KIMMEL, MR. HEMPSTEAD AND MR. CORSELLO)**

Mr. Livingston left at 8:10PM.

6. OLD BUSINESS

There was no old business discussed.

7. NEW BUSINESS

Norwalk Shorehaven Special Services Taxing District

**** MR. HEMPSTEAD MOVED TO APPROVE THE ITEM AND TO SCHEDULE
A PUBLIC HEARING FOR SEPTEMBER 19, 2017 AT 7:00PM.
** THE MOTION PASSED UNANIMOUSLY.**

DPW Snow and Ice Removal

Mr. Chimento stated that they have been looking at the snow and ice removal ordinance for the past year to see how to make it a little better. He discussed the issues with the current ordinance and said that one of the major issues is when contractors are hired to plow driveways they plow the snow back into the road, and also plow through the road and dump snow onto the sidewalks and need to have that controlled by ordinance. He said that they have added some language that allows that.

Mr. Torre discussed some issues during and after snowstorms and said that blown and plowed snow from driveways and sidewalks including plowed snow from driveways can increase the time to plow one of the 26 plow routes by three to four hours, so to expedite plowing, not have as many snow days and not to spend so much in overtime it would help tremendously to have language in the ordinance about shoveling sidewalks. He said the reason they had added with width in the proposed ordinance change is due to ADA accessibility on sidewalks. He also said that there is nothing in the current city ordinance that says it is illegal to plow snow from a driveway or parking lot into the city streets.

Mr. Candela stated that there are numerous cities and towns that have either passed ordinances or have snow removal policies that indicate that it is illegal to move snow into the street. Mr. Kimmel asked if there is any policy regarding footpaths. Mr. Chimento said that DPW generally clears the footpaths. There was further discussion ensued regarding revisions to the ordinance.

**** MR. KIMMEL MOVED TO APPROVE THE PROPOSED CHANGES FOR SECTION 95-10F OF THE ORDINANCE AND TO ADD "DRIVEWAYS" TO THE TITLE OF THE ORDINANCE.**

**** THE MOTION PASSED UNANIMOUSLY.**

Fracking Waste

**** MR. HEMPSTEAD MOVED TO TABLE THE ITEM.**

**** THE MOTION PASSED UNANIMOUSLY.**

8. DISCUSSION ITEM

There was no discussion.

9. ADJOURNMENT

**** MS. O'TOOLE-GIANDURCO MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:40 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

Solicitors
Norwalk City Code Section
Chapter 77

MEMORANDUM TO FILE

Date: September 13, 2017

From: Brian Candela

RE: Chapter 77 of the Norwalk City Code for the September 19, 2017 committee meeting

The Norwalk Police Department and the City Clerk have asked the Law Department to review the ordinance pertaining to solicitors (Chapter 77) and comment on the following topics:

Section 1 details how surrounding municipalities handle what criminal convictions would be a disqualifier to obtaining a solicitor permit. Chapter 77-20(C)(1)(c)&(d).

Section 2 details how surrounding municipalities handle establishes the fees charged for solicitors. The Town of Wilton's ordinance language is provides guidance and proposed language.

Section 3 discusses fingerprinting and criminal history checks. As to national fingerprinting and background checks, Public Law 92-544 only empowers the FBI to exchange criminal history check information for non-criminal justice purposes if it is authorized by a state statute. However, Connecticut General Statutes § 29-16 allows conviction information from the State Police Bureau of Identification to be available at all times to peace officers engaged in the detection of crime. Although this type of background check would not involve a criminal investigation, a municipality may enact regulations to protect the public safety, health, and welfare under a reasonable exercise of its police powers.

Section 4 details how surrounding municipalities handle the duration of a solicitor license. The Town of Orange's ordinance provides guidance and proposed language.

Section 5 provides proposed amendments to the language concerning solicitor license requirements.

1) Chapter 77-20(C)(1)(c)&(d) discusses what criminal convictions would disqualify a person from being able to obtain a solicitor permit in Norwalk.

Chapter 77-20(C)(1)(c) states that Norwalk may refuse to issue such license or revoke said license if the applicant has been convicted of any misdemeanor involving fraud within the last five (5) years. Chapter 77-20(C)(1)(d) states that Norwalk may refuse to issue such license or revoke said license if the applicant has been convicted of a felony crime involving fraud, unless five (5) years has passed since the expiration of the applicant's felony sentence or parole. Chapter 77-20(C)(1)(a)-(d) provides the City Clerk with discretion to deny or revoke a solicitor's license in those circumstances.

Stamford does not provide its Division of Cashiering and Permitting with discretion. Chapter 179-19(B)(3) states that it shall refuse to issue such permit or shall revoke said permit, if already issued, if the applicant has been convicted of any misdemeanor involving fraud within the last five (5) years. Chapter 179-19(B)(4) states that it shall refuse to issue such permit or shall revoke said permit, if already issued, if the applicant has been convicted of a felony of any type, unless five (5) years has passed since the expiration of the applicant's felony sentence or parole.

Chapter 302-149(E) provides the Town of Orange with discretion to deny, suspend or revoke any license if the solicitor is convicted of a crime as defined in Connecticut General Statutes § 53a-24. This statute defines crime as a felony or misdemeanor.

Chapter 19-7(3) provides the Town of Wilton with the discretion to refuse to issue a permit if the applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking controlled substances, or any violent acts against persons or property. Chapter 19-7(4) provides with the discretion to refuse to issue a permit if the applicant has been convicted of fraud, deceit or misrepresentation within the past five (5) years preceding the date of the application. Chapter 19-8(D) provides the Town of Wilton with the discretion to revoke a permit if the applicant has been convicted of any crime involving moral turpitude.

Norwalk's ordinance more narrowly defines the criminal convictions that can preclude a person from obtaining a solicitor license than other towns and/or cities. This provides the City Clerk with less discretion to refuse or revoke a solicitor license based on criminal convictions.

2) Chapter 77-20(A) establishes the fees charged for solicitors. Can the Norwalk Police Department and the City Clerk charge a company for a solicitor permit and then charge each of the individual solicitors a separate fee that the company employs?

Norwalk charges \$100,000 for a solicitor's license. Chapter 77-20(A). Stamford charges \$350 for a permit. Chapter 179-15(A). Hamden charges \$200 for a permit. Chapter 117.03(A). North Haven charges \$250 for a license. Chapter 177-7(A). It should be noted that Connecticut General Statutes § 21-37 authorizes municipalities to impose a fee on vending and hawking not to exceed \$200 a year.

Chapter 19-5 of the Town of Wilton code provides that the "Wilton Police Department is authorized to issue a written permit as required by Chapter 19-3 [Peddling and Soliciting] to any proper person or entity, which permits shall be issued at a rate of \$25 per year and shall be valid for one year. Permits issued to business entities shall authorize said entities to be represented by one named person only. If additional personal representatives are sought, additional written permits will be required for each such additional representative and additional fees shall be collected accordingly."

In response to the question posed by the Norwalk Police Department and the City Clerk, the Town of Wilton's ordinance provides guidance and proposed language. **Attached as Exhibit A is the ordinance and solicitor guidelines.**

3) The Norwalk Police Department and the City Clerk would like the following language inserted: "they shall submit fingerprints for state and national criminal history checks". They would also like to add a line on the solicitor's application to answer if they have ever had a solicitor license revoked or were convicted of any felony or misdemeanor.

Connecticut General Statutes § 21-29, entitled Municipal license, stated that before selling under a state license in any town or city, each vendor had to make an application for a municipal license. However, this statute has recently been repealed. 2017 Conn. Legis. Serv. P.A. 17-75 (S.B. 191). Despite this, some towns have been regulating door-to-door salesman under the hawkers and peddlers statutes. Connecticut General Statutes §§ 21-36 and 21-37.¹ Connecticut General Statutes § 21-37 provides that any town may make reasonable ordinances with reference to vending or hawking upon its public streets or to the vending or peddling of such articles from house to house within its limits, including the imposition of a fee, not exceeding \$200 per year. Any ordinance adopted pursuant to this section which requires a permit may require that no such permit shall be issued to any person who has not obtained a permit to engage in or transact business as a seller within the state in accordance

¹ The Norwalk code has different definitions for peddlers and solicitors (Chapter 77). Courts in New York, Georgia and New Jersey differentiate between peddler (sale and delivery are one transaction) and solicitor (a person who solicits orders and later delivers the articles ordered).

with Connecticut General Statutes § 12-409. Blue Sky Bar, Inc. v. Town of Stratford, 4 Conn. App. 261, 264 (1985) (Connecticut General Statutes § 7-148(c)(7)(H)(iv) is an elaboration of the types of action a municipality may choose when enacting a reasonable ordinance in the exercise of its police powers under Connecticut General Statutes § 21-37. The ordinance was enacted out of concern for the public safety of children due to ice cream vendors in mobile trucks). Registration and licensing of solicitors is recognized as a valid method of guarding against evils and abuses. A municipality may enact regulations to protect the public safety, health, and welfare under a reasonable exercise of its police powers, but this power is constrained by the guarantees of due process and equal protection provided by the federal and state constitutions.

Chapter 19-6 of the Town of Wilton code provides that “a criminal record check shall be completed by the Wilton Police Department.”² Chapter 23A-8 of Ansonia’s code provides that it shall conduct a reasonable investigation. Chapter 43-4 of Avon’s code provides that it shall conduct an investigation of the moral character of the applicant.³ Chapter 17-33 of Bristol’s code provides that it shall conduct an investigation of the moral and business character of the applicant. Chapter 13-32 of Cheshire’s code provides that upon receipt of an application, the chief of police, or his designee, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare. Chapter 46-36 of Darien’s code provides that the applicant, at the time of executing such application blank, will be photographed and fingerprinted. Chapter 16-12 of East Haven’s code provides that it shall conduct an investigation of the moral and business character of the applicant to be made as he deems necessary for the protection of the public good. Chapter 177-5(C)(2) of North Haven’s code provides that the applicant shall submit to fingerprints to be taken by the Chief of Police as necessitated to complete a thorough background investigation of the applicant’s moral character. Chapter 179-17 of Stamford’s code provides that the applicant shall submit a signature, two copies of a recent photograph and conclusive proof of possession of a State of Connecticut sales and use tax permit.

Connecticut maintains fingerprint data in the Criminal Justice Information System-Offender Based Tracking System (hereinafter “CJIS-OBTS”). The process for conducting criminal history records checks was standardized in 2001. This process is codified in Connecticut General Statutes § 29-17a. Many of the statutes that explicitly required submission to a criminal history check were amended by the legislation to refer to this codified procedure. Connecticut General Statutes § 29-17a states that if “a criminal history check *is required* pursuant to any provision of the general statutes, such check shall be requested from the State Police Bureau of Identification and shall be applicable to the individual identified in the request.” (Emphasis Added). This statute establishes a procedure under which the party requesting the check must arrange for fingerprinting the person and for conducting any other method of positive identification (such as a date of birth) the state police and the FBI require, if a national history check is needed. The requestor must forward the fingerprints and other information to the state police for the state check and the state police submit the information to the FBI for the national check.

However, the FBI’s authority to conduct an Identity History Summary check for non-criminal justice purposes is based upon Public Law 92-544. This law was enacted to permit states to enact legislation that designates specific licensing or employment purposes for which state and local government agencies may submit fingerprints to the FBI and the FBI maintain a criminal history record information database.⁴ Pursuant to that

² Attached as Exhibit A please find a copy of Wilton’s solicitor/peddling application.

³ It may be problematic to use good moral character unless it is clearly defined in the ordinance. It appears that Wilton’s “criminal record check” language is less problematic as such an investigation would follow normal Norwalk Police Department procedure.

⁴ The following criteria must be met before access is allowed under a Public Law 92-544 statute: (1) the state statute must exist as a result of legislative enactment; (2) it must require that applicants be fingerprinted; (3) it must expressly or by implication, authorize the use of FBI records for the screening of applicants; (4) it must identify the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth; (5) it must not be against public policy; and (6) it must not identify a private entity as the recipient of the results of the record check.

law, the FBI is empowered to exchange Identity History Summary information with officials of state and local governments for employment, licensing, which includes volunteers, and other similar non-criminal justice purposes, if authorized by state statute which has been approved by the Attorney General of the United States. The U.S. Department of Justice has advised that the state statute establishing guidelines for a category of employment or the issuance of a license must, in itself, require fingerprinting and authorize governmental licensing or employment agency to exchange fingerprint data directly with the FBI. Therefore, Norwalk would need to locate this a state statute that would allow this process to commence.⁵

Connecticut General Statutes § 29-16 states that conviction information contained in the files of the State Police Bureau of Identification relative to criminal records and personal history of persons convicted of crime shall be available at all times to peace officers engaged in the detection of crime. This statute seems to allow the Norwalk Police Department to have access to these records.

- 4) The Norwalk Police Department and the City Clerk would like to amend the end-date for a solicitor license. Specifically, they would like to adjust the end-date to one (1) year from the date of issuance rather than December 31 of the year the license was issued.**

Currently, Chapter 77-21 states that each license issued in accordance with this chapter shall be valid for the calendar year in which it was issued (January 1 through December 31). Stamford's permit shall be valid for a period not to exceed one (1) year. Chapter 179-19(D). Orange's permit shall be valid for a period of one (1) year from the date of issuance. Chapter 302-12. North Haven's license shall expire on December 31 of the year in which it was issued. Chapter 177-5(B). Wilton's permits shall be valid for one year. Chapter 19-5.

In response to the question posed by the Norwalk Police Department and the City Clerk, the Town of Orange's ordinance provides guidance and proposed language. **Attached as Exhibit B is the ordinance.**

5) Proposed amendments to the solicitor license requirements.

Consider adding the following additional requirements:

- a) Applicant's State of Connecticut Taxation Number;
- b) Name and address of applicant's employer or person to whom or through whom orders are to be solicited;
- c) Length of time the applicant has been employed by his/her employer;
- d) Nature of applicant's employment during the last preceding year;
- e) Where applicable, the name and address of manufacturer, publisher, distributor or parent company;
- f) A statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor as defined in Connecticut General Statutes § 53a-24, and if so, the nature of offense and the penalty, if any; and
- g) The applicant shall submit to fingerprinting taken by the Police Department which will remain with said application for a period of not to exceed five (5) years.

Town of Hamden, Chapter 117.05(D), (E), (F), (H), (K) & (M).

Town of Orange, Chapter 302-4(C), (D), (E), (F), (H), (N), & (O).

⁵ The National Crime Prevention and Privacy Compact, as set forth in 42 U.S.C. § 14616, establishes information sharing between various law enforcement agencies. Connecticut has adopted this compact but also requires that the exchanging of criminal history records from noncriminal justice purposes need to be authorized by federal or state law, such as background checks for government licensing and employment. Connecticut General Statutes § 29-164f(a).

Candela, Brian

From: King, Donna
Sent: Thursday, August 24, 2017 3:08 PM
To: Candela, Brian
Cc: Melendez, EloisaM; Zecca, Susan; Weisgerber, Arthur; Dixon, Irene
Subject: Ordinance Committee agenda...

Hi Brian,

Could you please put two items on the agenda of the next Ordinance Committee Meeting? These are ordinances that are written in such a way that they create more questions than answers. Our office and the NPD have had many conversations about enforcement and would greatly appreciate having the Council take a look at them. We would very much appreciate being invited to attend the meeting to express concerns.

Solicitors Permits – especially the area of background checks and i.d.'s And possible limitations on #'s of Food Trucks per year.

Special Events Permits – the parameters as to when, where, how many attendees, sign-offs, etc.

In both cases, we need to look at ways to have a data base accessible to Police, Fire, Parking, Rec. & Parks etc. so they all know about events that events are planned and have been scheduled. This would eliminate overlapping dates and strain resources. (this may not apply to Ordinance but it is also something we have been talking about, one-on-one.)

Thank you,
Donna

Donna I. King
City Clerk



City of Norwalk
125 East Avenue
Norwalk, CT 06856
(203) 854-7703
[Norwalk City Clerk Office](#)
[Like us on Facebook](#)

Candela, Brian

From: Weisgerber, Arthur
Sent: Monday, August 28, 2017 3:37 PM
To: King, Donna; Candela, Brian
Cc: Melendez, EloisaM; Zecca, Susan; Dixon, Irene; Gonzalez, Ashley
Subject: RE: Ordinance Committee agenda...

Is there a new draft to the Solicitor Permit Ordinance under City Code 77-15 through 77-26 that addresses what criminal convictions would be disqualifiers (77-20 C. (1) (c) and (d)) , the fees for a company and individual solicitors. Language that they "shall submit fingerprints for state and national criminal history checks" and a line on the actual application for them to answer if they have ever had a solicitor license revoked or were convicted of any felony or misdemeanor (77-18 A(6)? I would also suggest that the Duration for the License (77-21) be for 1 year from the date of issuance if we adjust prices rather than December 31st of the year issued.

Lieutenant Art Weisgerber
Crime Scene/ID Unit
Norwalk Police Dept.
One Monroe Street
Norwalk, CT 06854
(203) 854-3164 - Desk
(203) 854-3028 - Cold Cases
(203) 854-3170 - Fax
aweisgerber@norwalkct.org

From: King, Donna
Sent: Thursday, August 24, 2017 3:08 PM
To: Candela, Brian
Cc: Melendez, EloisaM; Zecca, Susan; Weisgerber, Arthur; Dixon, Irene
Subject: Ordinance Committee agenda...

Hi Brian,

Could you please put two items on the agenda of the next Ordinance Committee Meeting? These are ordinances that are written in such a way that they create more questions than answers. Our office and the NPD have had many conversations about enforcement and would greatly appreciate having the Council take a look at them. We would very much appreciate being invited to attend the meeting to express concerns.

Solicitors Permits – especially the area of background checks and i.d.'s And possible limitations on #'s of Food Trucks per year.

Special Events Permits – the parameters as to when, where, how many attendees, sign-offs, etc.

In both cases, we need to look at ways to have a data base accessible to Police, Fire, Parking, Rec. & Parks etc. so they all know about events that events are planned and have been scheduled. This would eliminate overlapping dates and strain resources. (this may not apply to Ordinance but it is also something we have been talking about, one-on-one.)

Thank you,
Donna

Donna I. King
City Clerk



City of Norwalk
125 East Avenue
Norwalk, CT 06856
(203) 854-7703
Norwalk City Clerk Office
Like us on Facebook

City of Norwalk, CT
Thursday, September 7, 2017

Chapter 77. Peddlers, Street Vendors and Solicitors

[HISTORY: Adopted City of Norwalk Common Council 3-14-1989.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Auctions — See Ch. 18.

Going-out-of-business sales — See Ch. 53.

Soliciting in parks — See Ch. 74.

[1] *Editor's Note: This ordinance also provided for the repeal of former Ch. 77. Peddlers and Solicitors, adopted 5-14-1957, effective 5-25-1957, as amended.*

Article I. Peddlers and Street Vendors

§ 77-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings set forth below:

PEDDLER or STREET VENDOR

Any person, whether principal or agent, who on any public street or sidewalk or in any public place sells or barter or offers to sell or barter; or carries or exhibits for sale or barter any goods, wares or merchandise, either on foot or from a vehicle, basket, stand, container or similar equipment or device. For the purposes of this chapter, the words "peddler" and "street vendor" shall be interchangeable.

PUBLIC PLACE

Any street, sidewalk, alley or other public way, any public park, square, space or grounds, any publicly owned or leased land or buildings.

PUBLIC SIDEWALK

That part of the public highway set aside for pedestrian traffic.

PUBLIC STREET

That part of the public highway set aside for vehicular traffic.

PUSHCART

Any wheeled vehicle or device, other than a motor vehicle, used by a street vendor in a public place, which may be moved with or without a motor and which does not require registration by the Department of Motor Vehicles.

STAND

Any movable, portable or collapsible structure, framework, table, stand, pushcart, container, basket or other equipment or device, other than a vehicle, used by a street vendor in a public place for the purpose of displaying, keeping or storing any goods or merchandise or any article used in the business of vending.

VEHICLE

Any motor vehicle as defined in the Motor Vehicles Law.

VEND

To peddle, hawk, sell, barter or lease; to offer to sell, barter or lease; or to display for sale, barter or lease any goods, wares, merchandise or services in a public street, sidewalk or place.

§ 77-2. License requirements.

- A. No street vendor, as herein defined, except those exempt under the Connecticut General Statutes or the provisions of this chapter, shall vend goods or merchandise in any public place within the City of Norwalk without first obtaining a license. The City Clerk of the City of Norwalk shall issue a license to any street vendor authorizing such street vendor to vend merchandise in the City of Norwalk, provided that such street vendor shall have fully complied with the provisions of this chapter and shall have made payment of the fee for said license.
- B. Each license issued pursuant to this chapter shall contain the full name of the street vendor, the license number, the year for which the license is valid and a nonremovable full-face photograph of the licensee.
- C. Each license issued pursuant to this chapter shall be visible upon the person of the licensee or otherwise conspicuously displayed at all times that said street vendor is engaged in the business of vending within the City of Norwalk.
- D. Each vehicle or stand used by a street vendor shall plainly display a sign or tag, issued by the City Clerk, bearing the license number issued to the street vendor and the year in which said license is valid.

§ 77-3. Exceptions.

The provisions of this chapter shall not apply to itinerant vendors as defined in Connecticut General Statutes, Section 21-27 (Revision of 1958) nor to sales by farmers and gardeners of the produce of their farms and gardens nor to the sale, distribution and delivery of milk, teas, coffee, spices, groceries, meats and bakery goods or to sales on approval or conditional sales of merchandise or to any organization or vendor which is an authorized participant in a special event approved by the city and for which a special event permit has been issued.

§ 77-4. License application.

- A. Applicants for a license under this chapter must file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:
 - (1) The full name, home address, local address, if applicable, home and business telephone number and valid motor vehicle operator's license number or other approved form of identification of the applicant.
 - (2) The location of the applicant's principal office or place of business, if applicable.
 - (3) A description of the applicant setting forth the applicant's date of birth and social security number.
 - (4) The nature of the goods, wares or merchandise to be vended.

- (5) The make, year, type and registration number of any vehicle to be used for the vending of merchandise.
 - (6) A statement as to whether the applicant has ever been convicted of any criminal or motor vehicle offense.
- B. In addition, the applicant shall submit a signature, two copies of a recent photograph and conclusive proof of possession of a State of Connecticut sales and use of tax permit.

§ 77-5. Insurance required.

- A. Before any license as provided by this chapter shall be issued, the applicant shall file with the City Clerk a certificate of insurance naming the City of Norwalk as an additional named insured. Said certificate of insurance shall be in a minimum amount of \$1,000,000 providing coverage against any and all damage and injury to property or person by reason of, or related to, the licensee's use of public streets, sidewalks or places to vend merchandise. Said insurance shall be maintained throughout the duration of the license period and failure to do so shall be a violation of this Code. All certificates of insurance issued, pursuant to this chapter shall contain a clause that 10 days' prior written notice of cancellation or change shall be given to the City Clerk of the City of Norwalk.
- B. An applicant shall also submit an executed agreement to indemnify and hold harmless the City of Norwalk and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of merchandise by said applicant or the granting of a license to do so.
- C. Failure to comply with the requirements of this section shall be cause for denial or revocation of the license.

§ 77-6. Issuance of license; fees.

- A. The fee for the issuance of a street vendors license shall be set at \$200. Modifications of the fee hereafter shall be made as set forth in the following subsection:
- (1) The Health, Welfare and Public Safety Committee shall, with the concurrence of the Common Council, make and alter fees for the street vendors license. The Committee shall establish the proposed fee and shall hold a public hearing thereon no less than seven and nor more than 14 days from the date of notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the city. Within 90 days of receipt by the City Clerk of notice of the action taken by the Committee subsequent to the public hearing, the Common Council shall act upon the fee schedule. If the Council takes no action within 90 days, the rates and fees shall be deemed approved, and the City Clerk shall issue a notice so stating, which notice shall be maintained with the records of the Common Council. If the Council votes to disapprove the fee, it may itself establish any such fee or may ask the Committee to submit a revised fee to the Common Council.
- B. Refusal to issue.
- (1) Upon completion of a license application and payment of the license fee, the City Clerk shall issue a street vendor's license to the applicant. However, the City Clerk may refuse to issue such license or shall revoke said license forthwith by written notice for any of the following reasons:

- (a) If the applicant has given false or misleading information on the application.
 - (b) If the applicant fails to provide any information as required by this chapter.
 - (c) If the applicant has been convicted of any misdemeanor involving fraud within the last five years.
 - (d) If the applicant has been convicted of a felony crime involving fraud, unless five years has passed since the expiration of the applicant's felony sentence or parole.
- (2) Such issuance or refusal shall not be delayed longer than the requirements of a reasonable investigation may dictate.

§ 77-7. Duration of license.

Each license issued in accordance with this chapter shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December of that year. Licenses shall not be transferable. No license shall be issued for any fractional period of a year nor shall any pro rata payment be permitted.

§ 77-8. Records to be kept by Clerk.

It shall be the duty of the City Clerk to keep a record of all licenses granted under the provisions of this chapter in a file provided for the purpose. Such record shall contain the number and date of each license, the information required under § 77-4 hereof, the amount of license fee paid and the date of any prior license revocations, as provided in this chapter. The City Clerk shall keep a detailed account of all his receipts for such licenses and make a return thereof monthly to the City Treasurer. The records kept under this section shall be open to public inspection.

§ 77-9. Areas of conduct restricted.

- A. No street vendor shall vend within 10 feet of any driveway, bus stop or crosswalk nor within 20 feet of any intersection nor within any metered parking space.
- B. No vehicle or stand or other item related to the operation of a vending business shall touch, lean against or be affixed to any building or structure, including but not limited to lampposts, parking meters, mailboxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.
- C. All goods, wares or merchandise vended by a street vendor shall be contained upon or within the vehicle or stand used by the street vendor or contained upon the person of said vendor. In no case shall any goods, wares or merchandise be placed directly upon a street, sidewalk or public place.
- D. No stand used for the purpose of vending shall be larger than five feet by three feet nor shall any stand be of such height that it obstructs the vision of pedestrian or motor vehicle traffic. All stands shall be of a portable nature.
- E. No vehicle or stand shall be so located or placed as to obstruct pedestrian or motor vehicle traffic or be detrimental or injurious to public safety or interfere with the use of any street, sidewalk or public place by the public at large.

- F. No stand used for vending shall be located upon a public street or highway. Any vehicle used for vending upon a street shall obey all traffic and parking laws, rules and regulations. In no case shall a vehicle used for vending be placed so as to restrict the continued maintenance of a clear passageway for vehicular traffic.

§ 77-10. Vending in parks restricted.

No license issued pursuant to the provisions of this chapter shall be construed so as to permit the vending in any of the public parks of the city without approval pursuant to § 74-12.1 of this Code.

§ 77-11. Violations and penalties.

Each act of vending goods or merchandise in violation of any of the provisions of this chapter shall be deemed a separate offense and shall be subject to a fine not exceeding \$100.

§ 77-12. Revocation of license.

In addition to any other penalty provided by the Code of Ordinances or the Connecticut General Statutes, a violation of this chapter or of the terms of any license issued hereunder shall be grounds for the revocation of an issued license by written order of the City Clerk, without the return of the license fee.

§ 77-13. Applicability of other licensing requirements.

The provisions of this chapter shall not be construed to exempt any person from securing any other license or paying any other license tax which may be authorized and imposed by the Connecticut General Statutes or by any provisions of the Code of Ordinances of the City of Norwalk.

§ 77-14. (Reserved).

Article II. Solicitors

§ 77-15. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

SOLICIT

The conditional sales of merchandise or the taking of orders for merchandise for further delivery when full payment is not required at the time of solicitation, or any sales made on approval.

SOLICITOR

Any person who goes from place to place, house to house or dwelling unit to dwelling unit within a multidwelling building or who stands in any street, sidewalk or public place taking or offering to take orders for goods, wares or merchandise for future delivery or for services to be performed in the future.

§ 77-16. License required.

- A. No solicitor, as herein defined, over 16 years of age, except those exempt under the Connecticut General statutes or this chapter, shall solicit orders of purchase for any goods, wares or merchandise, including magazines and other printed matter, without first obtaining a license. Such license shall be issued by the City Clerk, provided that such solicitor shall have fully complied with the provisions of this chapter and otherwise met its requirements and shall have made payment of the fee for said license.
- B. Each license so issued shall contain the full name and address of the solicitor, the license number, the year for which the license is valid and a nonremovable full-face photograph of the licensee.
- C. Each license so issued shall be prominently displayed upon the person of the solicitor at all times that said solicitor is engaged in the business of soliciting orders within the City of Norwalk.

§ 77-17. Exemptions.

The provisions of this Article shall not apply to:

- A. The sales by farmers and gardeners of the produce from their farms and gardens.
- B. The sale, distribution and delivery of food and beverages.
- C. The sale of newspapers.
- D. The sale of insurance.
- E. Sales made to retail or wholesale stores or to professional or industrial establishments.
- F. Sales by an individual or organization which is an authorized participant in a special permit event approved by the city and for which a special event permit has been issued.

§ 77-18. License application.

- A. Each solicitor who is subject to the provisions of this chapter, shall make application to the City Clerk for a license. All such applications shall be on a form provided by the City Clerk and shall include but not be limited to the following information:
 - (1) The full name, home address, local address, if applicable, home and business telephone number and valid motor vehicle operator's license number or other approved form of identification of the applicant.
 - (2) A physical description of the applicant, setting forth the applicant's date of birth and social security number.
 - (3) The location of the applicant's principal office or place of business, if applicable, and the name and address of the person or organization for whom or through whom orders are to be solicited or cleared.
 - (4) The make, year, type and registration of any motor vehicle to be used for the soliciting of orders for the purchase of merchandise or services, if any.
 - (5) The nature of the goods, wares or merchandise for which orders are to be solicited and the period of time during which the applicant intends to solicit orders.

- (6) A statement as to whether the applicant has ever had a solicitor's license revoked or been convicted of a felony of any type or of a misdemeanor.
- B. In addition, the applicant shall submit a signature, two copies of a recent photograph and conclusive proof of possession of a State of Connecticut sales and use tax permit.

§ 77-19. Insurance required.

- A. Before any license, as provided by this Article, shall be issued, such applicant shall file with the City Clerk a certificate of insurance naming the City of Norwalk as the additional insured party. Said certificate of insurance shall be in a minimum amount of \$1,000,000 providing coverage against any and all damage and injury to property or person by reason of or related to the licensee's use of public streets, sidewalks or places to solicit orders for the purchase of merchandise or services. Said insurance shall be maintained throughout the duration of the license period, and failure to do so shall be a violation of this chapter. All certificates of insurance issued pursuant to this chapter shall contain a clause that 10 days' prior to written notice of cancellation or change shall be given to the City Clerk of the City of Norwalk.
- B. An applicant shall also submit an executed agreement to indemnify and hold harmless the City of Norwalk and its employees, officials and/or agents from any and all claims, actions, injuries or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the soliciting of orders for the purchase of merchandise or services by said applicant or the granting of a license to do so.
- C. Failure to comply with the requirements of this section shall be cause for the denial or revocation of the license.

§ 77-20. Issuance of license; fee.

- A. The fee for the insurance of a solicitor's license shall be \$100. Modification of the fee hereafter shall be made as set forth in the following subsection:
- (1) The Health, Welfare and Public Safety Committee shall, with the concurrence of the Common Council, make and alter fees for the solicitors license. The Committee shall establish the proposed fee and shall hold a public hearing thereon no less than seven and no more than 14 days from the date of notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the city. Within 90 days of receipt by the City Clerk of notice of the action taken by the Committee subsequent to the public hearing, the Common Council shall act upon the fee schedule. If the Council takes no action within 90 days, the rates and fees shall be deemed approved, and the City Clerk shall issue a notice so stating, which notice shall be maintained with the records of the Common Council. If the Council votes to disapproved the fee, it may itself establish any such fee or may ask the Committee to submit a revised fee to the Common Council.
- B. No fee shall be required from any resident of this state who is a veteran as defined by the Connecticut General Statutes, Section 27-103 (Revision of 1958), as amended, provided that suitable evidence is presented of these facts by the applicant. No fees shall be required from any religious, charitable, fraternal or nonprofit organizations nor from representatives of such organizations; provided, however, that the City Clerk and the Chief of Police must both agree that any organization and its representatives fall within this exemption, and such organizations and their representatives shall file with such officials such information as they shall require to make such determination.

C. Refusal to issue.

- (1) Upon completion of a license application and payment of the license fee, the City Clerk shall issue a solicitor's license to the applicant. However, the City Clerk may refuse to issue such license or shall revoke said license forthwith by written notice for any of the following reasons:
 - (a) If the applicant has given false or misleading information on the application.
 - (b) If the applicant fails to provide any information as required by this chapter.
 - (c) If the applicant has been convicted of any misdemeanor involving fraud within the last five years.
 - (d) If the applicant has been convicted of a felony crime involving fraud, unless five years has passed since the expiration of the applicant's felony sentence or parole.
- (2) Such issuance or refusal shall not be delayed longer than the requirements of a reasonable investigation may dictate.

§ 77-21. Duration of license.

Each license issued in accordance with this chapter shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December of that year. Licenses shall not be transferable. No license shall be issued for any fractional period of a year nor shall any pro rata payment be permitted.

§ 77-22. Restricted activities.

- A. A solicitor's license issued under the provisions of this chapter shall not constitute a license to enter any area where restrictions on public access are in effect.
- B. No solicitor shall engage in the soliciting of orders except between the hours of 8:00 a.m. to 8:00 p.m.

§ 77-23. Conduct; receipts required.

Any person soliciting an order of purchase for future delivery of goods, wares and merchandise shall conduct himself or herself at all times in an orderly and lawful manner and shall give a written receipt, signed by the solicitor, of all orders so taken. Such receipt shall set forth a brief description of the goods, wares and merchandise ordered, the total purchase price thereof, the amount of down payment received by the solicitor from the purchaser and the approximate date of delivery.

§ 77-24. Violations and penalties.

Each order solicited in violation of the provisions of this chapter and each false statement or misrepresentation of fact for the purpose of obtaining a solicitor's license shall be deemed a separate offense and shall be subject to a fine not exceeding \$100.

§ 77-25. Suspension or revocation of license.

In addition to any other penalty provided by the Code of the City of Norwalk or the Connecticut General Statutes, a violation of this chapter or of the terms of any license issued hereunder shall be grounds for the revocation of an issued license by written order of the City Clerk, without the return of the license fee.

§ 77-26. Applicability of other licensing requirements.

The provisions of this chapter shall not be construed to exempt any person from securing any other license or paying any other license tax which may be authorized and imposed by the Connecticut General Statutes or by any provisions of the Code of the City of Norwalk.

Exhibit A

Wilton Police Department



240 Danbury Road
Wilton, Connecticut 06897
Tel: (203) 834-6260
Fax: (203) 834 6258

Solicitor/Vendor Guidelines

1. Applicants will obtain from the Wilton Police Department a Solicitor Application.
2. The Wilton Police Department Detective Bureau will handle the application process and will review the form with each applicant and will cause a criminal record check to be conducted.
3. Permit approval or denial will be issued by the Chief of Police.
4. The cost for a permit is \$25.00 per person. A permit is valid for one (1) year.
5. No person shall hawk, peddle, vend, sell, offer for sale or solicit upon any public streets or upon any state highway, or from house to house, within the Town of Wilton any goods, wares, periodical subscriptions or any other merchandise or services without a written permit, except as listed under section 19-4 (Exceptions) of the town Solicitor ordinance.
6. In general, the permit requirements shall not apply to recognized charitable, civic or religious organizations, and farmers and gardeners selling their produce.
7. Permits issued to business entities shall authorize said entities to be represented by one named person only. If additional personal representatives are sought, additional written permits will be required for each such additional representative and additional fees shall be collected accordingly.
8. Permits shall be valid only between 9:00 am and Dusk.
9. Any permit issued pursuant to this ordinance shall be conspicuously displayed on a lanyard supplied by the Wilton Police Department at all times while the permittee is engaged in the activities regulated by this ordinance.
10. The penalty for violating this ordinance shall be \$90.00.

Wilton Police Department



240 Danbury Road
Wilton, Connecticut 06897
Tel: (203) 834-6260
Fax: (203) 834 6258

SOLICITOR/PEDDLING APPLICATION

Date _____

Case Number _____

Applicant Identification

Applicant Name _____

Date of Birth _____ Height _____ Weight _____ Hair _____

Social Security Number _____ Contact Phone Number _____

Home Address _____

Local Address (if Non-Local) _____

List All Criminal Convictions and Dates:

List All Convictions for Fraud, Deceit, or Misrepresentation Within Preceding Five Years:

Business Identification

Business Name _____

Business Address _____

Business Phone Number _____

Supervisor Name (If applicable) and Contact Number _____

Applicant Name _____

Case Number _____

Goods and Services

List goods or services to be peddled, vend, sold, or offered for sale or solicit:

Method of Operation (Check Which Apply):

Walking _____

Vehicle _____

Vehicle Make _____ Vehicle Model _____ Plate Number _____

The Applicant swears to the truth of the matters contained therein. Filing false information or any attempt to mislead will be cause for permit denial or revocation.

Signature of Applicant

Witness

Permit Fee: \$ 25.00

For Official Police Business

Method of Payment (Check Applicable):

Cash _____ Money Order _____ Check # _____ (Payable to Town of Wilton)

Date Fingerprints Obtained _____ Date Photograph Obtained _____

SPRC Record Check Completed _____

Solicitor/Peddler Application Is: Approved _____ Denied _____

Reason for Denial _____

Chief of Police

Date

CHAPTER 19 PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Selectmen of the Town of Wilton 4-17-2006.

Editor's Note: This ordinance also superseded former Ch. 19, Itinerant Vendors, adopted at the 7-25-1995 Town Meeting.

Amendments noted where applicable.]

§ 19-1 Purpose.

The purpose of this chapter is to promote greater public safety and welfare in the Town.

§ 19-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HAWKER or PEDDLER

Any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot or from any vehicle.

SOLICITOR

Any person, whether principal or agent, who goes from town to town or from place to place in the same town for the purpose of taking or attempting to take orders for the sale of goods, wares or merchandise, for future delivery or for services to be performed in the future, either on foot or from any vehicle.

§ 19-3 Permit required.

No person, except as hereinafter stated, shall hawk, peddle, vend, sell, offer for sale or solicit, upon any public streets or upon any state highway, except limited-access highways, or from house to house, within the Town of Wilton or on any land abutting such streets or highways, any goods, wares, periodical subscriptions, or any other merchandise or services without a written permit issued by the Wilton Police Department upon the filing of an application as hereafter provided.

§ 19-4 Exceptions.**A.**

The permit requirement of § 19-3 shall not apply to sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

B.

The permit requirement of § 19-3 shall not apply to individuals or groups who are duly authorized to act for and on behalf of any recognized charitable, civic or religious organization.

§ 19-5 Authority to issue written permit; duration; fee; contents.

The Wilton Police Department is authorized to issue a written permit as required by § 19-3 to any proper person or entity, which permits shall be issued at a rate of \$25 per year and shall be valid for one year. Permits issued to business entities shall authorize said entities to be represented by one named person only. If additional personal representatives are sought, additional written permits will be required for each such additional representative and additional fees shall be collected accordingly. Permits issued shall be signed by the Chief of the Wilton Police Department, shall contain a photo as provided for in § 19-6, shall state the expiration date for such permit and shall contain such other information consistent with the purpose of this chapter as the Wilton Police Department may require. Said permit shall be valid only between 9:00 a.m. and dusk and may specify the area or areas within the Town for which permit shall be valid.

§ 19-6 Application for permit, procedure, requirements.**A.**

Every person or entity seeking a written permit under this chapter shall submit to the Wilton Police Department a written application on such form as may be required by the Wilton Police Department. Said application may require reasonable personal information for identification purposes. Said application shall include two photographs of the applicant or its representative should the applicant be an entity. The Wilton Police Department shall be responsible for taking the photographs. Said application shall also request such other further reasonable information, including information regarding previous felony or misdemeanor convictions involving crimes of moral turpitude, as shall not be prohibited by law. A criminal record check shall be completed by the Wilton Police Department. Said application shall also request a statement as to the goods and services to be covered by the requested permit, and the written permit issued will be limited accordingly. Failure to supply the information requested shall be a sufficient basis for the Wilton Police Department to refuse to issue said permit. In the case of entities, a separate application, permit and fee will be required for each proposed entity representative, and each application shall be signed by both the representative and the entity which he or she represents. A permit may be suspended by the Wilton Police Department, after notice and hearing, if any of the terms and conditions of its issuance are violated or if personal information comes to the attention of the Wilton Police Department, through a police check or otherwise, of such a nature as would have caused the Wilton Police Department to withhold issuance in the first instance. Applications must be acted upon by the Wilton Police Department within a period of 30 days from initial submission thereto.

B.

Applications for permits for operations intended to be substantially permanent and/or stationary shall be accompanied by a written consent from the property owner and any businesses located on or immediately adjacent to the proposed location. Such a location will also require either approval or waiver from the Town Planner stating that the proposed operation is either consistent with or not governed by Wilton zoning. In no event shall a substantially permanent or stationary operation be approved if located in a residential zone. For the purposes of this section, substantially permanent or stationary shall be defined as an operation that is fixed and immobile for periods in excess of two consecutive hours of any given day. Any Town ordinances which may restrict hours of operation for retail sales, deliveries, etc., shall apply without the necessity of being noted on the written permits. The Wilton Health Department may also require that the proposed operation be serviced or adequate provision be made for running water and toilet facilities. The applicant shall also disclose the nature of the operation and all vehicular and business property to the Wilton Tax Assessor for treatment consistent with local taxation.

C.

Any permit issued pursuant to this chapter shall be conspicuously displayed on a lanyard supplied by the Wilton Police Department at all times while the permittee is engaged in the activities regulated by this chapter.

D.

No permit shall be issued to any person who has not obtained a permit to engage in or transact business as a seller within the state in accordance with Connecticut General Statutes § 12-409.

E.

No permit fee shall be required from any resident of Connecticut who has resided within Connecticut for a period of two years next preceding the date of application for such permit, who is:

(1)

A veteran who served in time of war, as defined in Connecticut General Statutes § 27-103;

(2)

A hawker or peddler as defined in Connecticut General Statutes § 21-36; and

(3)

A principal pursuant to Connecticut General Statutes § 21-36.

§ 19-7 Denial of permit.

A.
The Wilton Chief of Police may, upon review of the application, refuse to issue a permit to the applicant for any of the following reasons:

(1)
The location and time of the activities described in the application would endanger the safety and welfare of the applicant or its customers;

(2)
An investigation reveals that the applicant falsified information on the application;

(3)
The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property;

(4)
The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

(5)
There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(6)
The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Wilton Chief of Police that the reasons for such earlier denial no longer exist.

B.
The Wilton Chief of Police's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

§ 19-8 Permit revocation.

Any permit issued under this chapter may be revoked or suspended by the Wilton Chief of Police or his authorized representative, after notice and hearing, for any of the following reasons:

A.
Fraud, misrepresentation or false statement contained in the application for a permit;

B.
Fraud, misrepresentation or false statement made by the permittee in the course of conducting the activities for which the permit was granted;

C.
Conducting activities regulated by this chapter in a manner contrary to the provisions contained in the permit;

D.
Conviction for any crime involving moral turpitude; or

E.
Conducting activities regulated by this chapter in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

§ 19-9 Notice and hearing.

Notice of a hearing for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

§ 19-10 Appeals.

A.

Any person aggrieved by the action or decision of the Wilton Chief of Police to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision to the Town of Wilton hearing officer within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to the person's last known address.

B.

An appeal shall be taken by filing with the Wilton Chief of Police a written statement setting forth the grounds for the appeal.

C.

The Wilton Chief of Police shall transmit the written statement to the Town of Wilton hearing officer within 10 days of its receipt, and the Town of Wilton hearing officer shall set a time and place for a hearing on appeal.

D.

A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.

E.

Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for in the mailing of the notice of action or decision.

F.

The decision of the Town of Wilton hearing officer on the appeal shall be final and binding on all parties concerned.

§ 19-11 Insurance.

As a condition to permit issuance, the Town of Wilton may require proof of insurance, either vehicular, property, casualty, or liability, as may be reasonable and customary for the nature of the proposed operation and in amounts consistent with the intensity and nature of the operation.

§ 19-12 Penalties for offenses.

Any person who engages in the activities set forth by § 19-3 without a valid written permit shall be fined the sum of \$90. An infractions ticket shall be issued as authorized by the State of Connecticut for violation of a municipal ordinance and payment or a plea of not guilty sent to the State of Connecticut Centralized Infractions Bureau.

Exhibit B

Town of Orange, CT
Thursday, September 7, 2017

Chapter 302. Peddling and Soliciting

[HISTORY: Adopted by the Board of Selectmen of the Town of Orange as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Bazaars and raffles — See Ch. 177.

Food-handling establishments — See Ch. 227.

Pawnbrokers — See Ch. 298.

Article I. Vending and Peddling Activities

[Adopted 12-9-1998]

§ 302-1. Legislative findings.

It is found and declared that:

- A. The primary purpose of the public streets and sidewalks in the Town of Orange is for use by vehicular and pedestrian traffic.
- B. Due to the nature of the Town of Orange, commercial and business areas of the town have limited, if any, pedestrian traffic and are not safe for pedestrian traffic.
- C. Vending on the public streets and highways of the Town of Orange is generally inappropriate, however, subject to proper controls, vending of goods, materials and merchandise during special events and in prescribed locations promotes the public interest by enhancing public interest and involvement.
- D. Reasonable regulation of the peddling, vending, selling or offer for sale of goods upon any street, highway, sidewalk or public place within the Town of Orange is necessary to protect the public health, safety and welfare.
- E. The regulations contained in this article are not intended to govern public auction sales, pursuant to Section 21-2 of the Connecticut General Statutes.
- F. The regulations contained in this article do not prohibit pure speech by religious organizations but merely regulate the activities of an organization which are commercial in nature.

§ 302-2. Peddling activities restricted.

It shall be unlawful, without first obtaining a peddler's license from the Orange Chief of Police, for any person:

- A. To peddle, vend, sell or offer for sale any goods, wares, merchandise, food and/or beverage items (hereinafter collectively referred to as "goods") from house to house

within the Town of Orange (hereinafter "peddling" or "to peddle"); or

- B. To solicit, take or attempt to take orders for the sale of such goods, including magazines and other printed matter, for future delivery if full payment, whether by cash, check or credit card, is required at the time of the solicitation of such goods, or for services to be performed at the time without previous arrangement with such person being solicited for such services.

§ 302-3. Vending activities restricted.

It shall be unlawful, without first obtaining a vendor's license from the Orange Chief of Police, for any person:

- A. To peddle, vend, sell or offer for sale any goods at public or private sale upon any Town of Orange street, highway, sidewalk, public place, state highway within the Town of Orange or any land abutting such town and state streets or highways (hereinafter "vending" or "to vend").
- B. To solicit, take or attempt to take orders for the sale of such goods, including magazines and other printed matter, for future delivery if full payment, whether by cash, check or credit card, is required at the time of the solicitation of such goods, or for services to be performed at that time without previous arrangement with such persons being solicited for such services.

§ 302-4. Application for license.

An applicant for a vendor's license or peddler's license shall complete an application form provided by the Police Department, which application shall contain the following information:

- A. The name, permanent home address, local address if any and business address of the applicant.
- B. A physical description of the applicant including age, height, weight, color of hair and eyes.
- C. Applicant's State of Connecticut Taxation Number.
- D. The name and address of the applicant's employer and if applicable the name and address of the person for whom or through whom orders are to be solicited, cleared or approved.
- E. The length of service of the applicant with said employer.
- F. The place of residence and nature of the employment of the applicant during the last preceding year.
- G. A description of the goods to be peddled, vended, sold, offered for sale or for which orders will be solicited, or of the services to be performed by the applicant.
- H. Where applicable, the name and address of the manufacturer, publisher, distributor or parent company of the goods to be peddled or for which orders will be solicited.
- I. If the applicant shall solicit orders for future delivery, the location of such goods at the time that said application is made and the proposed method and estimated time of delivery.
- J. The make, model, color, identification number and state marker number of the vehicle if any to be used by the applicant in the performance of the vending or soliciting activities,

whether said vehicle be owned by said applicant, his or her employer or any other person.

- K. Two prints of a full face photograph taken not more than 30 days prior to the date of application of any person who will be vending or peddling within the Town of Orange.
- L. An Application for a vendor's license shall indicate the special event for which the vendor's license is sought.
- M. Proof of an insurance policy issued by an insurance company licensed to do business in the State of Connecticut, protecting the applicant and the Town of Orange from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license in a single limit amount of not less than \$1,000,000. Such insurance shall name as an additional insured, the Town of Orange, and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance, written notice to the Town of Orange.
- N. A statement as to whether the applicant has been convicted of any offense, as defined in Section 53a-24 of the Connecticut General Statutes, and, if so, the nature of the offense and the penalty imposed, if any.
- O. The applicant's fingerprints to be taken by the Police Department which will remain with said application for a period not to exceed five years.
- P. If the goods to be vended or peddled are food, beverage, or other consumable food products, then a copy of the license received under the Town of Orange Ordinance Requiring Licensing of Places Dispensing Food or Beverages Covered by the State Public Health Code (the "food license").

§ 302-5. Identification; fees; exemption for veterans.

At the time of submitting such application, the applicant shall also show a valid motor vehicle operator's license or other such identification satisfactory to the Police Department and pay the sum of \$25 to the Police Department as the fee for the issuance of said vendor's license and/or the sum of \$125 to the Police Department as the fee for the issuance of a peddler's license. The licensing fee under this section shall be waived for any veteran of any branch of the armed services of the United States of America upon presentation of a copy of the applicant's Honorable Discharge.

§ 302-6. Issuance of license.

Upon compliance by the applicant with the provisions of §§ 302-4 and 302-5 hereof, the Chief of Police shall issue a vendor's license or peddler's license, as the case may be, to the applicant, which license shall set forth the name and address of the applicant and of his employer if any, the date of issuance of the license, the words "Licensed Vendor" or "Licensed Peddler," as the case may be and the nature of the goods to be sold or for which orders will be solicited, or the nature of the services to be performed as the case may be; provided however that the Chief of Police shall not be required to issue such license to any person who has been convicted of any violation of this article or of a crime as defined in Section 53a-24 of the Connecticut General Statutes.

§ 302-7. Vending restrictions.

Vending is prohibited within the Town of Orange with the following exceptions:

- A. During special events or activities held or promoted by the Town of Orange, or any of its boards, commissions, agencies or duly appointed officials or committees, including the Memorial Day Parade and the Annual Independence Day Celebration, but specifically excluding the Orange Volunteer Fireman's Carnival and the Orange Country Fair, or any event or activity where the Board of Selectmen specifically votes to prohibit vending.
- B. Vending shall be authorized only within or adjacent to the location of the special event and shall occur only within a specific location or area which shall be designated by the Chief of Police after consideration of the public health, safety and welfare and specifically delineated on the license issued by the Chief of Police.

§ 302-8. Peddling restrictions.

Peddling is prohibited within the Town of Orange with the following exceptions:

- A. Peddling shall occur only between the hours of 10:00 a.m. and 1/2 hour prior to sunset.

§ 302-9. General restrictions.

No vendor or peddler shall:

- A. Vend or peddle except as authorized under this article.
- B. Leave any stand or motor vehicle from which vending or peddling occurs unattended.
- C. Store, park or leave any stand overnight on any street or sidewalk or park any motor vehicle other than in a lawful parking space.
- D. Sell food or beverages for immediate consumption unless he has available for public use his own, or a public, litter receptacle which is available for his patron's use.
- E. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor or peddler.
- F. Solicit or conduct business with persons in motor vehicles.
- G. Sell anything other than that which is authorized under the license to vend or peddle.
- H. Sound or permit the sounding of any device which produces a loud and raucous noise or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public.

§ 302-10. Obstruction of streets and other ways prohibited.

No vendor or vending motor vehicle or peddler using a motor vehicle to go door to door shall conduct his business in such a way as would:

- A. Restrict or interfere with the ingress or egress of the abutting property by the owner or tenant or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
- B. Stop, stand or park any vehicle upon any street or permit it to remain there except on the roadway at the curb for purpose of vending or peddling therefrom.

§ 302-11. Health and sanitation requirements for food and beverage vending.

- A. The equipment used in vending food and beverages shall be inspected upon application for a license by the Town Sanitarian who shall issue a Food Service Establishment Inspection and Report Form which shall be a condition precedent to the issuance of a license under this article.
- B. Each business vending or peddling food or beverage shall be inspected in accordance with the requirement of the Public Health Code and the Town Ordinance requiring licensing of places serving foods or beverages covered by the State Public Health Code.

§ 302-12. Transferability, duration and display of peddler's license.

A peddler's license issued pursuant to § 302-6 shall be nontransferable and shall entitle the licensee, for the period of one year from the date of issuance, unless revoked or suspended, to peddle, vend, sell or offer for sale or solicit orders for future delivery of the goods or to perform the services specified in the license application; provided that the license together with the food license, if applicable, shall be conspicuously displayed at the place where the activity for which the license was issued is undertaken.

§ 302-13. Transferability, duration and display of vendor's license.

A vendor's license issued pursuant to § 302-6 shall be non-transferable and shall entitle the licensee to vend or offer for sale or solicit orders for future delivery of the goods or to perform the services specified in the license application for the duration of and only during the hours of operation of the special event for which the license is issued provided that the license, together with the food license, if applicable, shall be conspicuously displayed at the place where the activity for which the license was issued is undertaken.

§ 302-14. Denial, revocation and suspension.

Any license may be denied, suspended or revoked for any of the following reasons:

- A. Fraud or misrepresentation contained in the application for the license.
- B. Fraud or misrepresentation made in the course of carrying on the business of vending or peddling.
- C. Conduct of the licensed business in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare or morals.
- D. Conduct which is contrary to or in violation of the provisions of this article.
- E. Conviction of a crime as defined in Section 53a-24 of the Connecticut General Statutes.

§ 302-15. Exceptions.

This article shall not apply to the following:

- A. "Tag sales" conducted by Town of Orange residents on their own premises;
- B. The display of goods by persons having established places of business in the town on the sidewalks or areas adjacent to their places of business if and as permitted by the zoning regulations of the Town of Orange and other applicable laws;
- C. Sales by farmers and gardeners of the produce of their farms and gardens;
- D. The sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods;
- E. Sales on approval, conditional sales of merchandise, or the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation;
- F. Sales by sales persons selling foods to retail or wholesale stores for resale;
- G. Sales of goods in the manner and in the places described in §§ 302-1 and 302-2 hereof on behalf of an organization, society or association for charitable, religious, patriotic, philanthropic or town purposes or if authorized by the Board of Selectmen licensees or contractors of such an organization, society or association for such purposes.
- H. Sales pursuant to auctions under Section 21-2 of the Connecticut General Statutes.

§ 302-16. Penalties for offenses.

It shall be unlawful to make any false statement for the purpose of obtaining a vendor's license. Any person who violates any provision of this article shall be subject to arrest and prosecution by the proper authorities and may be fined \$100 for each offense, with an additional \$100 per day for each day that the violation continues. Upon conviction of a violation of this article, a licensee shall deliver his vendor's license or peddler's license to the Chief of Police who shall revoke said license and such person shall not thereafter be entitled to engage in the activities for which a vendor's license or peddler's license is required by this article without obtaining a new vendor's license or peddler's license pursuant to the applicable provisions of this article.

Arts Commission
Norwalk City Code
Chapter 17A

MEMORANDUM TO FILE

Date: September 13, 2017

From: Brian Candela

RE: Chapter 17A - Draft Arts Commission bylaws for the September 19, 2017 committee meeting

Pursuant to Chapter 17A-3, the Arts Commission has requested that the ordinance committee review and approve the draft bylaws so that it can be forwarded to Common Council for final approval. Attached as **Exhibit A**. These bylaws have already been developed and approved by the Arts Commission. **Attached as Exhibit B.**

Exhibit A

City of Norwalk, CT
Thursday, September 7, 2017

Chapter 17A. Arts Commission

[HISTORY: Adopted by the City of Norwalk Common Council 2-28-2017. Amendments noted where applicable.]

§ 17A-1. Establishment; membership; appointment; terms of office.

- A. There shall be a Commission known as the "Norwalk Arts Commission." The Commission shall consist of 11 members, who shall be appointed by the Mayor, with the consent of the Common Council. The first Commissioners appointed shall be designated to serve staggered terms: three Commissioners shall serve for one year; three for two years; and three for three years. After the initial appointments, each Commissioner shall serve a term of three years. Any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant. No person shall be appointed or reappointed to the Commission unless he or she is an elector of the City.
- B. The Commission shall include two members of the Common Council, but no more than one member from any political party. The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall be filled by the Common Council.

§ 17A-2. Officers; Executive Director.

- A. At its first meeting subsequent to July 1 of each year, the Commission shall elect three officers, a Chairman, Vice Chairman and Secretary.
- B. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

§ 17A-3. Purposes and duties.

- A. The purpose of the Commission shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council.
- B. In no event shall the acts or proposed acts of this Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

Exhibit B

NORWALK ARTS COMMISSION

BYLAWS

ARTICLE I **THE COMMISSION**

Section 1. The Norwalk Arts Commission (hereafter referred to as the NAC) was established by the Common Council on February 28, 2017 pursuant to Chapter 17A Sections 17 A-1 through 17 A-3 of the Code of the City of Norwalk, as amended.

Section 2. The power of the NAC shall be exercised by a Commission consisting of eleven members.

ARTICLE II **PURPOSE and DUTIES**

Section 1. The purpose of the NAC shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations.

Section 2. In no event shall the acts or proposed acts of this Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

ARTICLE III **OFFICES**

Section 1. The principal office of the NAC shall be 125 East Avenue, Norwalk, Connecticut, or at other such location as shall be established from time to time by resolution of the Commission.

ARTICLE IV **MEMBERSHIP**

Section 1. The NAC shall consist of eleven (11) voting members. They shall include nine (9) members appointed by the Mayor with the consent of the Common Council and two members of the Common Council, but no more than one member from any political party. No person shall be appointed or reappointed to the Commission unless they are an elector of the City. Members of the Common Council representatives may appoint a continuous designee (alternate) to represent him/her.

Section 2. Members appointed by the Mayor with the consent of the Common Council after the initial staggered appointments in 2017 shall serve for a term of three years. The first commissioners appointed in 2017 shall serve staggered terms: three commissioners shall

serve for one year, three for two years, and three for three years. Any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Section 3. Common Council representatives or their designees shall serve from the date of his or her appointment until expiration or earlier termination of his or her term. Representatives from city departments, arts organizations and arts-related businesses may serve as ex officio without the right to vote.

Section 4. There shall also be a category of non-voting members and friends who may attend and participate in meetings and serve on standing and ad hoc committees. The commission invites and encourages the involvement of all interested community members and those who contribute to Norwalk's creative economy.

ARTICLE V

OFFICERS AND EMPLOYEES

Section 1. The officers of the NAC shall be a Chairman, Vice Chairman, Secretary and Treasurer who shall be voting members of the Commission.

Section 2. At its first meeting subsequent to July 1 of each year, the Commission shall nominate and elect by ballot a Chairman, Vice Chairman, Secretary and Treasurer to serve for one year or until their successors are elected. Their term of office shall commence on July first. Should the office of Chairman, Vice Chairman, Secretary or Treasurer become vacant, the Commission shall elect a successor at the next regular meeting who shall serve for the remainder of the unfilled term.

Section 3. No member of the Commission shall hold more than one office at a time.

Section 4. The Chairman shall preside at all meetings of the Commission. The Chairman shall sign all contracts and other instruments to be executed on behalf of the NAC, except as authorized by resolution of the Commission to execute such contracts or instruments. At all meetings of the Commission, the Chairman shall submit such recommendations and information as he or she may consider proper concerning the business affairs and policies of the NAC.

Section 5. The Vice Chairman shall perform all duties of the Chairman in the absence or incapacitation of the Chairman.

Section 6. The Secretary shall take or cause to be taken proper minutes of all meetings of the Commission, shall keep a record of all proceedings of the Commission, and shall perform all duties commonly incident to this office. In the absence of the Chairman and Vice Chairman, the Secretary shall call the meeting to order and preside until the immediate election of a Chairman Pro Tem.

Section 7. The Treasurer shall oversee the commission's budget(s) including the timely review and submission of invoices for payment, preparation of monthly financial statements, and development of annual operating and other budgets as needed.

Section 8. The officers shall perform such other duties and functions as may from time to time be prescribed by the Commission.

Section 9. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

Section 10. No member of the Commission or employee of the NAC or any corporation, partnership or firm in which such member or employee has a financial interest, direct or indirect, shall do business with the NAC or have any financial interest, direct or indirect, in any business transacted by the NAC.

ARTICLE VI **MEETINGS**

Section 1. The regular meetings of the Commission shall be held on the second Tuesday of each month at 8:30 AM in City Hall, unless otherwise ordered by the Chairman.

Section 2. Special meetings may be called by the Chairman and shall be called upon the written request of three (3) members of the Commission for the purpose of transacting any business designated in the call. Except for cases of an emergency, at least forty-eight (48) hours notice shall be given by mail or delivery to each member of the Commission. Special meetings held by teleconference are permissible.

Section 3. Six (6) voting members of the Commission shall constitute a quorum for exercising powers of the Commission, but a smaller number may adjourn from time to time until a quorum is obtained. A vote of a majority of the voting members of the Commission present shall be necessary for any action taken by the Commission. An abstention from voting is considered not a vote for these purposes. When an elected/appointed official and his/her designee are both in attendance at a meeting, only the elected/appointed official shall be eligible to vote.

Section 4. At all meetings of the Commission the following order of business shall be observed, as far as consistent with the purpose of the meeting, although at any meeting any all items b) through e) may be dispensed with, or their order changed at the discretion of the Chairman:

- a) Reading and approval of the minutes of the previous meeting
- b) Reports of officers
- c) Reports of committees and staff
- d) Unfinished business

- e) Other Business
- f) Adjournment

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Commission.

ARTICLE VII

PARLIMENTARY AUTHORITY

Section 1. The rules contained in the current edition of Mason's Manual of Legislative Procedure shall govern the Commission in all cases to which they are applicable and in which they are not consistent with the bylaws and any special rules of order the Commission may adopt.

ARTICLE VIII

BYLAWS

Section 1. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations, including any proposed amendments, shall become effective upon approval by the Common Council.