COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING

September 17, 2019
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue, Norwalk, CT

AGENDA

1. **ROLL CALL:**

2. **PUBLIC HEARING (possible action on):**

- Discuss and vote on Code of Ethics Section 32-9 – Specific violations;
- Discuss and vote on Code of Ethics Section 32-11 – Subsequent employment;
- Discuss and vote on Code of Ethics Section 32-13 – Effect of violation;
- Discuss and vote on Code of Ethics Section 32-14 – Time limits on complaints;
- Discuss and vote on Code of Ethics Section 32-15 – Proposed revisions;
- Discuss and vote on Use of Single-Use Plastic Straws and Stirrers by Food or Beverage Establishments
- Discuss and vote on Chapter 103, Article III, Section 103-6 (Tax Relief for the Elderly and Disabled Homeowners – Eligibility);
- Discuss and vote on Chapter 103, Article III, Section 103-7 (Tax Relief for the Elderly and Disabled Homeowners – Filing of application); and
- Discuss and vote on Chapter 103, Article III, Section 103-12 (Tax Relief for the Elderly and Disabled Homeowners – Amount of benefits; annual adjustment).

3. **PUBLIC HEARING DISCUSSION:**

4. **PUBLIC COMMENT:**

5. **ACCEPTANCE OF MINUTES:**

- August 20, 2019 - ordinance committee meeting

6. **OLD BUSINESS:**

- Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article II, Sections 103-3 and 103-4; and

7. **NEW BUSINESS:**

- Discuss and vote on Code of Ethics Section 32-16 – Incurring costs by Board of Ethics; staff;

- Discuss and vote on Code of Ethics Section 32-17 – Representation of Respondent by City;
- Discuss and vote on Bike Walk Advisory Commission Section 20-1(B) – Composition; appointment; terms; vacancies; compensation;
- Discuss and vote on Chapter 58A – Blight Prevention Sections 58A-1 – Definitions;
- Discuss and vote on new provision of Chapter 26 – Building Code – Fees assessed;
- Discuss and vote on Chapter 21, Section 21-2 – Permit obtained from Building Inspector;
- Discuss and vote on Chapter 95A, Section 95A-3 – Littering and illegal dumping prohibited;
- Discuss and vote on Chapter 94, Section 94-6 – Unlawful deposit; and
- Discuss and vote on the following sections in Chapter 95:
    - Section 95-1– Definitions;
    - Section 95-5 – Littering prohibited;
    - Section 95-7– Grass and weeds; and
    - Section 95-10 – Snow and ice removal from sidewalks and driveways.

8. DISCUSSION ITEM:

- Discuss and vote on Chapter 68 – Noise Ordinance as well as an update on Noise Ordinance concerning the following:
    - DEEP's initial review of Norwalk's proposed noise ordinance;
    - Mr. Zwerling's comments in response to DEEP's initial review of Norwalk's proposed noise ordinance;
    - DEEP's response to Mr. Zwerling's comments concerning DEEP's initial review of Norwalk's proposed noise ordinance.

9. ADJOURNMENT:

Code of Ethics

Section 32-9: Specific violations

Section 32-11: Subsequent Employment

Section 32-13: Effect of violation

Section 32-14: Time limits on complaints

Section 32-15: Proposed revisions

Chapter 32. Code of Ethics

§ 32-9. Specific violations.

~~A.~~

A. Ordinances. It shall be a violation of the Code of Ethics for any ~~officer~~Officer or ~~employee~~Employee to willfully violate any provisions of the Code of the City of Norwalk concerning the purchasing of supplies, materials, equipment and services.

~~B.~~

B. Removal of original records. It shall be a violation of the Code of Ethics for any ~~officer~~Officer or ~~employee~~Employee or former ~~officer~~Officer or ~~employee~~Employee to take for personal or other non-City use any original records, files or documents belonging to the City. With appropriate authorization, ~~officer~~Officers and ~~employee~~Employees may take copies of nonconfidential documents to the same extent such documents would be available to the public.

~~C.~~

C. Access to information by Board of Ethics. It shall be a violation of the Code of Ethics for any ~~officer~~Officer or ~~employee~~Employee to intentionally deny access to information requested by the Board of Ethics or a duly appointed ~~investigating panel~~Investigating Panel in the course of an investigation or a public hearing, except to the extent that such information is exempt from disclosure or otherwise privileged under relevant federal, state or local law.

~~D.~~

D. Whistle blower protection. It shall be a violation of the Code of Ethics for any ~~officer~~Officer, ~~employee~~Employee, or ~~a~~Agency to threaten or retaliate or take any actions against an ~~i~~Individual, including in areas of ~~in~~ employment, career advancement opportunities, benefits or contracting, as result of that ~~i~~Individual making an ethics complaint or providing truthful information as part of any investigation of or hearing on an ethics complaint.

~~E.~~

E. Violation of confidentiality. It shall be a violation of the Ethics Code for any ~~officer~~Officer, ~~employee~~Employee or ~~a~~Agency to intentionally violate any confidentiality ~~confidentially~~ requirement provided for under the Ethics Code.

~~F.~~

F. Additional specific violations. The Common Council may, from time to time, pass ordinances with the specific intent that said ordinances are to be incorporated into and enforced through the ethics process.

~~G.~~

G. Examples only. Violations of the Code of Ethics are not limited to the specific examples listed herein and may include other circumstances and actions that contravene the purpose and Intent of the Code.

§ 32-11. Subsequent employment.

~~A.~~

A. An ~~i~~Individual who has served as an ~~officer~~Officer or ~~employee~~Employee shall not within one year after termination of his or her service, assist any ~~p~~Person, other than the City, for monetary or other valuable compensation, before the ~~a~~Agency for which the ~~officer~~Officer or ~~employee~~Employee served or was employed, in any matter in which said ~~officer~~Officer or ~~employee~~Employee participated personally and substantially during his or her service with the City; or appear before the Agency in which he or she was a member or employed~~.~~ For example, an Officer or Employee of the Zoning Commission could not appear before the Zoning Commission within one year after termination, but could appear before any other City agency immediately after terminating his or her service from the Zoning Commission.

~~B.~~

B. No ~~a~~Agency shall employ any ~~i~~Individual who has served as an ~~officer~~Officer of the ~~a~~Agency during the preceding 18 months or any ~~immediate family~~Immediate Family member of an ~~i~~Individual who has served as an ~~officer~~Officer of the ~~a~~Agency during the preceding 18 months. No ~~officer~~Officer of an ~~a~~Agency or any ~~immediate family~~Immediate Family member of an ~~officer~~Officer of an ~~a~~Agency shall apply for or accept employment by that ~~a~~Agency during the time that said ~~officer~~Officer is serving for the ~~a~~Agency and for a period of 18 months after said ~~officer~~Officer ceases to serve in the ~~a~~Agency.

§ 32-13. Effect of violation.

~~A.~~

A. A violation of this Code of Ethics:

~~(1)~~

(1) By an elected ~~officer~~Officer may ~~shall~~ be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.

~~(2)~~

(2) By an ~~officer~~Officer of an appointed board or commission may ~~shall~~ be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.

~~(3)~~

(3) By an ~~employee~~Employee of an ~~a~~Agency may ~~shall~~ be considered misconduct and therefore a ground for censure or discipline, including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.

~~B.~~

B. Any ~~i~~Individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said ~~i~~Individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.

~~C.~~

C. Any ~~officer~~Officer or ~~employee~~Employee who is determined to have violated the provisions of this chapter shall have a copy of said decision placed in his or her official personnel file.

~~D.~~

D. The effect of a violation of this Code of Ethics on the validity of a decision or action in connection with which the violation occurred shall be determined by general principles of law.[KM1]

~~E.~~

E. Any ~~officer~~Officer or ~~employee~~Employee who is determined to have violated the provisions of this chapter may be subject to a fine in an amount up to $250 per violation, and such fine may be in addition to any other discipline imposed under this chapter.[KM2]

F. Where there has been a violation of the Norwalk Code of Ethics, the City may void any municipal purchase, contract or ruling which the Board of Ethics has found to have been influenced by that violation, pursuant to Section 7-479 of the Connecticut General Statutes.

§ 32-14. Time limits on complaints.

~~A.~~

A. Except as provided in Subsection B of this section, no allegation in a complaint of a violation of the Code of Ethics shall be ruled upon by the Board of Ethics if six months or more has passed between the time of the alleged violation and the filing of the complaint. In the event that multiple violations have been alleged, only those violations alleged in the complaint which have occurred within six months of the filing of the complaint to the Board of Ethics may be the subject of a hearing.

~~B.~~

B. In the event that a violation or evidence of a violation of this Code of Ethics has been actively concealed, such action shall have the effect of tolling the period of limitation during said period of concealment until such alleged violation is discovered.

~~C.~~

C. If an ~~officer~~Officer or ~~employee~~Employee under investigation leaves office or employment, the Board of Ethics, by a majority vote, shall have the power to continue the investigation.

§ 32-15. Proposed revisions.

A. The Board of Ethics may propose revisions to the Code of Ethics to the Common Council to ensure ~~assure~~ its continuing effectiveness, and to hold public hearings, in its discretion, on matters pertaining to the administration of the Code of Ethics.

Use of Single-Use Plastic Straws and Stirrers by Food or Beverage Establishments Ordinance

USE OF SINGLE-USE PLASTIC STRAWS AND STIRRERS BY FOOD OR BEVERAGE ESTABLISHMENTS

§_____-1. – **Purpose.**

The purpose of this article is to preserve and protect the environment in the City of Norwalk by prohibiting the sale, provision, or distribution of Single-Use Plastic Stirrers and reducing the use of Single-Use Plastic Straws by Food or Beverage Establishments.

§_____-2. – **Definitions.**

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

FOOD OR BEVERAGE ESTABLISHMENT

Any establishment ~~place where Any establishment where~~ where ~~such~~ food or beverages of any kind are ~~of any kind are~~ provided directly to a consumer, whether such food ~~or beverages~~ is ~~is are~~ provided free of charge or sold ~~for~~ and whether consumption occurs on or off the premises. The term includes, by way of example and not limitation, any restaurant, bar, liquor store, delicatessen, coffee shop, movie theater, convenience store, food truck, take-out restaurant, delivery service, or caterer. The term shall not include hospitals, nursing homes, long-term care facilities, or other medical or dental facilities.

SINGLE-USE

A product that is intended to be only used one time in its same form.

SINGLE-USE PLASTIC STRAW

A Single-Use tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. "Single-Use Plastic Straw" does not include a straw made from non-plastic materials, including, but not limited to, paper, metal, pasta, sugar cane, wood, or bamboo.

SINGLE-USE PLASTIC STIRRER

A Single-Use device, implement, or utensil made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, designed solely for the purpose of mixing liquids intended for internal human consumption. "Single-Use Plastic Stirrer" does not include a stirrer made from non-plastic materials, including, but not limited to, paper, metal, pasta, sugar cane, wood, or bamboo.

§_____-3. – **Prohibition on Straws and Stirrers.**

A. No Food or Beverage Establishment in the City of Norwalk shall sell, provide, or distribute a Single-Use Plastic Stirrer.

B. No Food or Beverage Establishment in the City of Norwalk shall sell, provide, or distribute a Single-Use Plastic Straw unless requested by the consumer.

§ _____-4. – **Accommodation for Persons with Disabilities or Medical Conditions.**

Notwithstanding any other provision of this Article, and in recognition that a straw is an adaptive utensil that may provide basic accommodation for persons with disabilities or medical conditions to eat or drink, Food or Beverage Establishments in the City of Norwalk must provide a Single-Use Plastic Straw upon request to any consumer who requires the use of same due to a disability or medical condition.

§ _____-5. – **Exceptions.**

A. The prohibitions set forth in Section 3 of this article shall not apply to:

1. The sale, provision, or distribution of beverages packaged and sealed prior to receipt by the Food or Beverage Establishment; and
2. The sale of Single-Use Plastic Straws or Single-Use Plastic Stirrers in multi-straw or multi-stirrer packages, as the case may be, that are sealed prior to receipt by the Food or Beverage Establishment.

B. The prohibition set forth in Section 3 of this article shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.

§ _____-6. – **Enforcement and penalties for violation.**

A. This article shall be enforced by the Code Enforcement Office or its designee.

B. Upon determination that a violation has occurred, the Food or Beverage Establishment shall be liable for the following:

1. Upon the initial violation, written warning notice that a violation has occurred shall be issued to the Food or Beverage Establishment. No penalty shall be imposed for the initial violation;
2. For the second violation, a penalty of one hundred fifty dollars ($150.00); and
3. For the third and each subsequent violation, a penalty of two hundred fifty dollars ($250.00).

C. No more than one penalty shall be imposed upon a Food or Beverage Establishment in one 24 hour period.

§_____-7. – **Severability**.

If any section, clause, sentence or provision of this article shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity or enforceability of any other provision hereof, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ _____-8. – **Effective date.**

This article shall become effective six months following its adoption by the Common Council.

Candela, Brian

From:	Tom Livingston <tomlivingston1@gmail.com>
Sent:	Wednesday, September 04, 2019 10:56 AM
To:	Candela, Brian; Melendez, EloisaM
Subject:	Fwd: Straw ban language to accommodate persons living w/disability
Follow Up Flag:	Copied to Worldox (Worldox\50470\0046\00058501.MSG)

Brian,

I just received the attached email from Surfrider on the proposed straw ordinance. Could you please forward this to Anna and anyone else you think appropriate to get their comments? Thanks.

Tom

---------- Forwarded message ---------
From: **Melissa Gates** <mgates@surfrider.org>
Date: Wed, Sep 4, 2019 at 10:22 AM
Subject: Straw ban language to accommodate persons living w/disability
To: Tom Livingston <tomlivingston1@gmail.com>

Hi Tom,

Pursuant to our phone conversation about straws, I've copied below a couple policy mechanisms to consider for accommodate persons living with disability in a straw ban scenario:

> **Approach one**: Advancing a ban on s/u plastic straws and an ask-first policy for reusable straws or single-use natural-made (non-plastic/non-bioplastic/non-compostable plastic) straws, with an exception clause requiring food service establishments to have a small quantity of plastic straws on hand (50-200) for persons expressing explicit preference for plastic straws.
>
> In this approach, any person generally requesting a straw would be given a s/u straw made of natural content, and any person expressing an explicit preference for a plastic straw would be able to obtain one; this makes the default for all to need to ask, and the ability to explicitly request plastic to be available to all but without the automatic default being plastic, and so would serve to incentivise natural-made single-use straws over plastic, resulting in fewer plastic straws littered in the environment + consumer paradigm shift without persons identifying as living with disability or otherwise requiring a plastic straw to drink needing to identify themselves or their needs in a way that is different than any other consumer establishing preferences.

Approach two: Advancing a ban on s/u plastic straws and an ask-first policy for reusable straws or single-use natural-made (non-plastic/non-bioplastic/non-compostable plastic) straws while explicitly noting within the regulation that nothing within the ordinance/law shall prohibit customers from bringing with them a straw of their own choosing for their personal use.

To note, reusable straws made of silicone are generally deemed appropriate for small children and many persons living with disability; this is another possible solution to offer food service establishments but is difficult to mandate to that level of specificity.

Also, this October 2018 study on the effectiveness of straws on demand regulations may be interesting if you haven't yet seen it; the study shows that straws on demand policies do get results but that bans are by far more effective. The study also recommends in any straw ordinance/law the prohibition of self-serving straw dispensers and not excluding take-out customers in order to further decrease the number of straws consumed.

Thanks again,
Melissa

Melissa Gates | Northeast Regional Manager | Surfrider Foundation | 207.706.6378 | mgates@surfrider.org

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CITY OF NORWALK
Human Relations Commission

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humanrelations@norwalkct.org

125 East Avenue, PO BOX 5125
Norwalk, CT 06856-5125

September 11, 2019

Via Hand Delivery

Ordinance Committee
C/O Brian Candela, Corporation Counsel
125 East Avenue, Room 237
Norwalk, CT 06856

RE: Plastic Straw Ordinance

Good Evening, Members of the Ordinance Committee

I am writing to you regarding the Surfrider Foundation's suggestions for the proposed plastic straw ordinance. While their suggestions might be effective at the narrow goal of reducing plastic straw waste, they do a poor job of considering and balancing the needs of people with disabilities in Norwalk. The current proposed ordinance strikes that balance thoughtfully by requiring straws for people with disabilities, and allowing them to be provided upon request to any customer, a method that will reduce plastic straw waste without requiring people with disabilities to go through unnecessary steps or identify themselves as such to get vital eating tools. I would ask that this committee not modify that language in a way that would add additional barriers to people with disabilities.

Plastic straws have a fairly minimal impact on overall pollution levels. According to the study cited by the Surfrider Foundation, "plastic straws are not a significant source, by weight or by volume, of the global plastic waste problem." They represent, in total 6% of the items found in the Ocean Conservancy's Coastal Cleanup Reports, however, considering the smallness of straws, they probably represent less than that if viewed by weight or volume. The reason plastic straws tend to be targeted is because they are visible and easy for most people to give up, and the hope is that this will lead to reduction in other more significant areas of plastic use, but this should not be done in a way that harms people with disabilities.

Adding additional steps as Ms. Gates proposes will have costs for people with disabilities. If people ask for a straw and are handed a paper one, they are likely to believe that is the only straw available and ask no further. As I have said before, plastic straw alternatives are inadequate for the needs of many people with disabilities, and some can be actively harmful. Going this route with the ordinance would add barriers for people with disabilities, where they may be denied necessary straws by untrained front-line staff, and increases the risks of people trying to make do with unsuitable and potentially harmful alternatives.

As to Ms. Gates's second proposed solution, it is one which is unequivocally opposed by myself and every single disability advocate I know of, as burdensome and harmful to people with disabilities. It removes an element of universal design that makes eating out accessible to people with disabilities, and places the burden on individuals with disabilities to do even more work to compensate.

The study cited by Ms. Gates shows that the ordinance as currently written will be effective in reducing waste from plastic straws. The difference between the waste reduction from the current ordinance and what would be achieved with the harsher bans proposed by the Surfrider Foundation is environmentally negligible, but would create a real difference in the damage done to people with disabilities. In balancing the scales, it seems much more important to build a city in which people with disabilities can freely travel and eat than to take that away from them in return for such a small additional amount of waste reduction.

Best,

Anna T. Keegan, Esq.
ADA Coordinator

Taxation (Chapter 103)

Section 103-6: Eligibility

Section 103-7: Filing of application

Section 103-12: Amount of benefits; annual adjustment

Chapter 103. Taxation

Article III. Tax Relief for the Elderly and Disabled Homeowners

§ 103-6. Eligibility.

F. All permanent residents in the domicile who are aged 25 years and older and who occupy such domicile for more than 200 days of each year shall have combined annual aggregate adjusted gross income, as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest per Section 103 of the Internal Revenue Code of 1954, as amended, social security benefits, railroad retirement benefits and income from other tax-exempt sources of an amount less than ~~150.70~~155.76% of the maximum qualifying income defined in Connecticut General Statutes, Section 12-170aa. For~~, for~~ the Grand List of October 1, 1999, this amount shall be $33,500. The amount shall be adjusted annually as provided by Section 12-170aa(2) for the calendar year immediately preceding the year for which tax relief is sought and shall be posted in the office of the Assessor.

§ 103-7. Filing of application.

A. In order to be entitled to the benefits provided herein, an application must be filed with the Assessor not earlier than February 1 nor later than May 15 of each odd-numbered year so that these benefits shall be available to the taxpayer in the next following two fiscal years. This application for such tax relief must be acted on in accordance with the eligibility standards hereinabove set forth. The Assessor is empowered to require all necessary documents to determine eligibility, and the withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax relief. **[Amended 5-28-2002; 10-28-2014]**

~~B. For tax relief on the Grand List of 1999, applications must be filed no later than October 27, 2000, and for tax relief on the Grand List of 2000, applications must be filed no later than April 15, 2001. Application for tax relief filed prior to the passage of this amendment shall automatically be eligible for the increased tax relief provided herein for the Grand List of 1999 and the increased relief provided herein shall be applied retroactively by the Assessor on such applications.~~

§ 103-12. Amount of benefits; annual adjustment.

[Amended 3-27-2001; 4-27-2004; 2-26-2008; 3-22-2011; 10-28-2014; 4-12-2016; 2-28-2017]

Any individual or married couple eligible for tax relief as provided by this article, having income as provided in § **103-6F** of this article, shall be entitled to tax relief as follows:

A. For the ~~2017~~ 2019 grand list and all subsequent tax years:

1. Tier 1: ~~117.44~~126.42% of maximum qualifying state income: $1,500~~1,450~~.
2. Tier 2: ~~117.44~~126.44% to ~~150.70~~155.76%; $900~~800~~, except that, if the maximum credits granted under the provisions of this program shall exceed an amount equal to ½% of the total property tax assessed in Norwalk in the preceding fiscal year, then the amount of benefits for Tier 2 shall be adjusted by subtracting the total amount of benefits for Tier 1 from the maximum tax relief allowed under the program pursuant to § 103-9, leaving a balance of tax relief available to Tier 2. The amount of benefits for each Tier 2 recipient shall be calculated by dividing the remaining funding for tax relief available to Tier 2 by the total number of eligible persons in Tier 2.

CITY OF NORWALK
OFFICE OF THE ASSESSOR
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NORWALK
The Sound of Connecticut

MEMORANDUM

Date: July 8, 2019

TO: Greg Burnett, Chairman,
Finance/Claims Committee

FROM: Michael Stewart, Assessor MS

RE: Local Elderly Tax Relief Program

The goals of the City of Norwalk's Elderly Homeowners Program and the below recommended changes to Norwalk Code - Chapter 103-12, Elderly Homeowners program, are to provide meaningful tax relief to the most financially vulnerable seniors in Norwalk.

Attached for the consideration of the Finance/Claims Committee, is an impact summary and recommended changes to Chapter 103-12, Elderly Homeowners program. The Finance/Claims Committee has expressed an interest in proposing EHO program changes for Ordinance Committee, and Common Council approval. The below proposed ordinance amendments would alter the Local EHO program in following ways:

- The maximum qualifying income for **Tier 1** would increase to $ 56,000 (up $4,450), and set the income maximum at 126.42% of the State EHO Program maximum income, estimated at $44,300 for FY 2020-21.
- The maximum tax relief provided to **Tier 1** recipient would increase by $50 to $1,500 from $1,450.
- The Tier 2 income maximum would increase to $ 69,000 (up $2,850), and to 155.76% of the estimated State EHO Program maximum income from the current ordinance maximum of 150.70%.
- The maximum tax credit for Tier 2 recipients would increase to $900, (up $100) from the current $800.

Impact of proposed ordinance changes:

- Tier 1 recipient count is projected to increase to 1,036 in FY 2020-21, from 986 in FY 2019-20.
- Sixty (60) current Tier 2 recipients would qualify for Tier 1 benefits, and credit increases of up to $700 over the FY 2019-20 Tier 2 maximum. Attrition for persons currently in Tier 1 is estimated at 10.
- New participants in Tier 2 is projected at 64 for FY 2020-21, and the total count at 122, up from 118 in FY 2019-20.
- Total Local EHO participants is estimated at 1,157 for FY 2020-21, up 53 from 1,104 in FY 2019-20.
- Tier 1 maximum credits is projected at $1,500 for FY 2020–21, up from $1,450 in FY 2019-20.
- Tier 2 maximum benefit will increase to $900 for FY 2020–21, up from $800 in FY 2019-20.
- Total tax relief projected for elderly homeowners with incomes of $56,000 or less (Tier 1) will increase by $118,236 to $1,477,237 from $1,359,001, and total credits for elderly homeowners with incomes between $56,001 and $69,000 (Tier 2) will increase by $14,325 to $103,332 from the previous amount of $89,007.
- Total Local EHO Tax Credit will increase by $132,561 to $1,580,569 for FY 2020–21, up from $1,448,008.
- Also, the estimated total expenditure for Norwalk's Local EHO program in FY 2020-21 of $1,580,569 is up $468,170 from $1,112,397 in FY 2013-14.
- Average tax credits is projected to increase to $1,366 for FY 2020–21, from $1,312 in FY 2019-20, and $967 in FY 2013-14.
- The recommended changes to Norwalk's Elderly Homeowners Program will add approximately 65 new households to the programs, and produce additional tax savings of $50 to $700 per recipient to 1,157 program participants at the estimated additional cost to other taxpayers of $132,600.

CC: Finance/Claims Committee
Brian Candela, Associate Corporation Counsel
Henry M. Dachowitz, Chief Financial Officer
Chitsamay Lam, Comptroller

NORWALK LOCAL ELDERLY HOMEOWNERS PROGRAM ACTUAL / ESTIMATED/PROPOSED

		GL 2015 FY 2016-17		GL 2016 FY 2017-18		GL 2017 FY 2018-19		GL 2018 FY 2019-20		Year-over-Year Variance		GL 2019 FY 2020-21		Year-over-Year Variance	
		State Max $42,900		State Max $42,900		State Max $43,000		State Max $43,900		2.09% $900		State Max $44,300		0.91% $400	
		Norwalk % of Max	Max	Norwalk % of Max	Max	Norwalk % of Max	Max	Norwalk % of Max	Max	Norwalk % of Max	Max	Norwalk % of Max	Max	Norwalk % of Max	Max
ORDINANCE § 103-12	TIER #1														
	Min Income		$ -		$ -		$ -		$ -				$ -		
	Max Income	100.01%	$ 42,900	108.50%	$ 46,500	117.44%	$ 50,500	117.44%	$ 51,550	10.9%	$ 5,050	126.42%	$ 56,000	8.6%	$ 4,450
	Max Benefit		$ 1,390		$ 1,400		$ 1,450		$ 1,450		$ -		$ 1,500	3.4%	$ 50
§ 103-12	TIER #2														
	Min Income		$ 42,901		$ 46,501		$ 50,501		$ 51,551		$ 5,050		$ 56,001		$ 4,450
	Max Income	121.45%	$ 52,100	127.77%	$ 54,800	150.70%	$ 64,800	150.70%	$ 66,150	20.7%	$ 11,350	155.76%	$ 69,000	4.3%	$ 2,850
	Max Benefit		$ 750		$ 750		$ 800		$ 800		$ -		$ 900	12.5%	$ 100
§ 103-22	Tax Relief Maximum	Tax Levy	Max Relief	Tax Levy	Max Relief	Tax Levy	Max Relief	Tax Levy	Max Relief	Tax Levy	Max Relief	Tax Levy	Max Relief	Tax Levy	Max Relief
	0.5% of Property Tax Levy	$ 296,608,814	$ 1,483,044	$ 302,151,858	$ 1,510,759	$ 303,329,078	$ 1,516,645	$ 309,333,000	$ 1,546,665	$ 7,181,142	$ 35,906	$ 316,178,704	$ 1,580,894	$ 6,845,704	$ 34,229
ACTUAL	TIER #1														
	Taxpayer Count	86.77%	971	92.08%	977	93.36%	984	89.31%	986	0.2%	2	89.48%	1,036	5.0%	50
	Tax Relief		$ 1,284,411		$ 1,293,251		$ 1,347,038		$ 1,359,001	0.9%	$ 11,963		$ 1,477,237	8.7%	$ 118,236
	Average / Taxpayer		$ 1,323		$ 1,324		$ 1,369		$ 1,378	0.7%	$ 9		$ 1,427	3.5%	$ 48
	TIER #2														
	Taxpayer Count	13.23%	148	7.92%	84	6.64%	70	10.69%	118	68.6%	48	10.52%	122	3.2%	4
	Tax Relief		$108,494		$61,744		$52,467		$89,007	69.6%	$36,540		$103,332	16.1%	$14,325
	Average / Taxpayer		$ 733		$ 735		$ 750		$ 754	0.6%	$4.77		$ 849	12.5%	$ 94
	TOTAL														
	Taxpayer Count	100.00%	1,119	100.00%	1,061	100.00%	1,054	100.00%	1,104	4.7%	50	100.00%	1,157	4.8%	53
	Tax Relief		1,392,905		1,354,995		1,399,505		1,448,008	3.5%	48,503		1,580,569	9.2%	132,561
	Average / Taxpayer		$ 1,245		$ 1,277		$ 1,328		$ 1,312	-1.2%	$ (16)		$ 1,366	4.1%	$ 54
VARIANCE	Tax Relief Balance		$ 90,139		$ 155,764		$ 117,140		$ 98,657				$ 325		
STATE EHO CREDITS															
	Taxpayer Count						782	100.00%	751	-4.0%	(31)		762	1.5%	11
	Tax Relief						$456,774		$446,259	-2.3%	(10,515)		$513,198	15.0%	66,939
	Average / Taxpayer						$ 584		$ 594	1.7%	$ 10		$ 673	13.3%	$ 79
TOTAL EHO CREDITS:							$ 1,856,279		$ 1,894,267	2.0%	$ 37,988		$ 2,093,767	10.5%	$ 199,500

- State Maximum Income level is estimated to increase 0.91% or $400 to $44,300
- The yellow shaded cells show the percent of State Maximum Income level and benefit amount for prior fiscal years, and for the next fiscal year.
- The pink shaded cells show the estimated income ranges for next fiscal year, FY 2020-21:
  - Tier #1 $0.00 to $56,000, and
  - Tier #2 $56,001 to $69,100
- The green cells show the Maximum Relief for FY 2016-17 to FY 2019-20 and FY 2012-21 Estimated tax relief.
  - In FY 2016-17 the Max Available was $1,483,044, Actual used $1,392,905, and Variance or unspent available $ 90,139
  - In FY 2017-18 the Max Available was $1,510,759; Actual used $1,354,995; and Variance or unspent available $ 155,764
  - In FY 2018-19 the Max Available was $1,516,645; Actual used $1,354,995; and Variance or unspent available $ 117,140
  - In FY 2019-20 the Max Available was $1,546,665; Actual used $1,448,00; and Variance or unspent available $ 98,657
  - FY 2020-21 estimated Max Available $1,580,894; proposed unspent available $325

I:\EXEMPTION\Elderly\2019 Grand List\Elderly Tax Credit - FY20 - 21 Summary-7-8-2019

Draft Meeting Minutes from the 8/20/2019 Ordinance Committee Meeting

CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
AUGUST 20, 2019

ATTENDANCE: Thomas Livingston, Acting Chair; Michael Corsello; Beth Siegelbaum; Chris Yerinides; Eloisa Melendez (via phone)

STAFF: Atty. Brian Candela, Corporation Counsel's Office

OTHERS: Atty. Kara Murphy, Board of Ethics; Thomas Hamilton, Board of Education CFO; Beatrix Winter, Norwalk Senior Center; Jack Egan, Surfrider Foundation Connecticut Chapter chairman; Michael Stewart, Tax Assessor; Greg Burnett, Finance Committee Chair

CALL TO ORDER

Ms. Melendez, the Committee Chair, called in and explained that she was out of state. She said that while she would participate in the meeting, she would not be voting on any of the matters and that Council President Livingston would be the Acting Chair.

Council President Livingston called the meeting to order at 7:00 p.m.

ROLL CALL

Council President Livingston called the roll. A quorum was present.

PUBLIC HEARING
(possible action on)

- **Discuss and vote on ordinance concerning Polystyrene (Styrofoam)**

A member of Skip the Plastic Norwalk came forward and read a statement into the record. (See attached).

Mr. Thomas Hamilton, the Board of Education CFO, came forward and said that the Superintendent of Schools was not able to attend due to a conflict in scheduling. However, Superintendent Adamowski is very interested in moving the District forward and having less of an impact on the environment. He said that it would have a financial impact on the District. The food service provider has compiled the cost analysis of replacing the Styrofoam with either a molded hard tray, paper boat trays or compostable trays. (See attached)

The District is interested in moving into a more sustainable mode and dishwashers have been installed in two schools with two more schools in the process of having dishwashers installed.

In a broader view, the School District is currently in the final year of the bus transportation contract and the District is looking toward to moving into more green measures such as propane fueled buses. He encouraged the Committee to consider having the City consider a joint propane filling station for propane driven vehicles. The BOE and the District support moving toward green solutions.

The fully compostable trays will incur a cost of $219,508.35, which the BOE would have to discuss the funding for this with the City.

Mr. Corsello asked if the fiber trays were reusable. Mr. Hamilton said that there were two issues, both of which have to do with storage. One issue is washing and drying them and the second is storage space. The fiber trays would be compostable.

Mr. Yerinides asked Mr. Hamilton asked if the trays would be composed. Mr. Hamilton said that he believed that the food service provider would know how do to this.

Mr. Yerinides asked how many years it would take to have the school's all using compostable trays. Mr. Hamilton said that he thought it would be a while before this was fully implemented in all the schools due to the storage for reusable. He estimated that it could take about 10 years. As schools and cafeterias are renovated, the changes would be made for reusable trays.

Ms. Beatrix Winter of Newtown Avenue came forward and said that she was present to support the Styrofoam ban but added that as the director of the Senior Center, she appreciated the exception of food trays for Meals on Wheels which are delivered to those residents who are elderly or poor. The meals are pre-packaged and are delivered from Bridgeport. At the Center, they use china and flatware. She said that she was present to support the reduction of plastic, particularly the plastic water bottles that are thrown out of vehicle windows.

Mr. Jack Egan, of Stamford, chairman of the Connecticut Chapter of the Surfrider Foundation, thanked the committee for voting on reducing plastics. The problem is massive. There have been studies that have revealed plastics in the snow in the Pyrenees and also in rain water in Colorado. Mr. Egan said that he had spoken in Hartford and the State lobby had shown up. They claimed that the polystyrene was biodegradable and harmless. Mr. Egan said that this was not true because the foam is carcinogenic and not biodegradable. He thanked the Committee for their time.

Mr. Livingston asked if there was anyone else present who wished to address the Committee on the issue of Styrofoam. No one else came forward. He then closed the public hearing at 7:22 p.m.

Mr. Corsello said that he was surprised that there was no one present from the business community. Ms. Siegelbaum said that she had noticed that packages were coming packed with brown paper. Atty. Candela said that the Chamber of Commerce was notified. Mr. Livingston said that he felt that the six month lead time worked well with the plastic bags.

Discussion followed about how the schools would implement this type of ordinance.

**** MR. LIVINGSTON MOVED TO SEND THIS TO THE FULL COMMON COUNCIL FOR THE SEPTEMBER 10, 2019 MEETING.**
**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT

Ms. Anna Keegan, the ADA Coordinator, came forward to speak about the plastic straws. She said that she supports the plastic straw ban ordinance and thanked the Committee for recognizing that those with disabilities may need to use straws.

Mr. Livingston asked if there was anyone else present who wished to comment on anything on the agenda. Hearing none, Mr. Livingston closed the Public Comment portion of the meeting.

ACCEPTANCE OF MINUTES

- **July 15, 2019**

The following corrections were noted:

Page 3, paragraph 7, line 1: please change the following from: "point out there said will be" to "point out that there will be"

Page 3, paragraph 10, line 3: please change the following from: " then you do that." to " then you should do that."

**** MR. CORSELLO MOVED TO APPROVE THE MINUTES OF JULY 15, 2019 AS CORRECTED.**

**** THE MOTION TO APPROVE THE MINUTES OF JULY 15, 2019 AS CORRECTED PASSED UNANIMOUSLY.**

OLD BUSINESS

- **Discuss and vote on Code of Ethics 32-2 -- Definitions**

Ms. Kara Murphy came forward to speak about the definition of Financial Benefit. The Ethics Committee went back and reviewed a number of towns including Bristol and Bethel. The Committee reviewed §32-3 and revised the language regarding Financial Benefit. Atty. Candela noted the changes.

**** MR. YERINIDES MOVED TO SEND THIS ITEM TO THE FULL COUNCIL AS AMENDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

- **Discuss and vote on Code of Ethics 32-11 -- Subsequent employment**

Ms. Murphy said that the Commission could not find a reason why there would be an 18 month prohibition participation regarding former Commissioners. She added that there was a lengthy discussion about the enforcement portion of the Code. Ms. Murphy gave a summary of the concerns. Discussion followed.

**** MR. CORSELLO MOVED TO SCHEDULE THE CODE OF ETHICS 32-11 FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING.**
**** THE MOTION PASSED UNANIMOUSLY.**

- **Update on Chapter 37 Environmental Hazards -- compliance with ordinance and food order apps.**

Atty. Candela said that Greenwich, Chicago and Coral Gables have not dealt with this issue. Honolulu has made an exception for plastic bags for transporting food. He suggested that they take no action at this time;

No action was taken at this time.

- **Discuss and vote on Use of Single-Use Plastic Straws and Stirrers by Food or Beverage Establishments**

Mr. Livingston then summarized the changes that he had made to proposed ordinance. Discussion followed about the proposed changes. Mr. Livingston said that he felt that this would have a three months roll out, but now felt that it would be better to have it take six months to implement the changes. Atty. Candela noted the changes to the text.

**** MR. LIVINGSTON MOVED TO HAVE THIS SCHEDULED FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING.**
**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

- **Discuss and vote on Chapter 103, Article III, Section 103-6 (Tax Relief for the Elderly and Disabled Homeowners -- Eligibility.)**

- **Discuss and vote on Chapter 103, Article III, Section 103-7 (Tax Relief for the Elderly and Disabled Homeowners -- Eligibility.)**

- **Discuss and vote on Chapter 103, Article III, Section 103-12 (Tax Relief for the Elderly and Disabled Homeowners -- Eligibility.)**

Mr. Michael Stewart, the Tax Assessor came forward and said that periodically the Finance and Claims Committee had requested an overview of the Tax Relief for Seniors. He then reviewed the Tier 1 and Tier 2 Incomes ranges and benefits. Mr. Stewart then gave an overview of the maximum tax levy and how the benefits were determined. He reminded everyone that the ordinance was tied to the State maximum income determination.

Mr. Burnett said that he felt that anything that the City could do to assist the elderly residents to remain in Norwalk was a benefit. The Committee is looking to increasing the amount of the benefits and also expand the Tier income ranges.

Mr. Livingston asked how they would let people know about this. Mr. Burnett said that the application time would be in February of 2020 through May. Flyers and hand outs will be used to get the word out to the elderly residents. There will be a cap on the amount an applicant will receive. Mr. Stewart said that there was a fail safe

**** MS. SIEGELBAUM MOVED TO SCHEDULE THE FOLLOWING THREE ITEMS FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING:**

CHAPTER 103, ARTICLE III, SECTION 103-6 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS -- ELIGIBILITY.)

CHAPTER 103, ARTICLE III, SECTION 103-7 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS -- ELIGIBILITY.)

CHAPTER 103, ARTICLE III, SECTION 103-12 (TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS -- ELIGIBILITY.)

**** THE MOTION PASSED UNANIMOUSLY.**

- **Discuss and Vote on Code of Ethics Section 32-9 -- Specific Violations**

- **Discuss and Vote on Code of Ethics Section 32-13 -- Effect of violation**

- **Discuss and Vote on Code of Ethics Section 32-14 -- Time limits on complaints**

- **Discuss and Vote on Code of Ethics Section 32-15 -- Proposed revisions**

Atty. Candela summarized the various changes, many of which were found in 32-9; 32-13; 32-14; and 32-15.

**** MR. CORSELLO MOVED TO SCHEDULE THE FOLLOWING ITEMS FOR A PUBLIC HEARING AT THE NEXT ORDINANCE MEETING:**

- **CODE OF ETHICS SECTION 32-9 -- SPECIFIC VIOLATIONS**

- **CODE OF ETHICS SECTION 32-13 -- EFFECT OF VIOLATION**

- **DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-14 -- TIME LIMITS ON COMPLAINTS**

- **DISCUSS AND VOTE ON CODE OF ETHICS SECTION 32-15 – PROPOSED REVISIONS**

**** THE MOTION PASSED UNANIMOUSLY.**

<u>OLD BUSINESS CONT'D</u>

- **Update on DEEP's response to Chapter 68 -- Noise Ordinance. Discussion and Vote on Chapter 68 -- Noise Ordinance and Mr. Zwerling's response to DEEP.**

Atty. Candela said that in early May, the City had submitted a proposed noise ordinance to the DEEP. The first two pages of the information are issues that Mr. Kritzier of the DEEP brought up. Atty. Candela contacted Mr. Eric Zwerling, of The Noise Consultancy, and Mr. Zwerling had pointed out several aspects of site work in residential zones. Discussion followed.

Atty. Candela suggested that he would contact the DEEP and send the proposed changes to the DEEP so they could respond back to the City. After the response arrives, Atty. Candela said he would set up a telephone conference to discuss any other issues the DEEP had.

Mr. Corsello said that he was pleased that Atty. Candela was very good at moving this Ordinance matter forward.

ADJOURNMENT

**** MS. SIEGELBAUM MOVED TO ADJOURN**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Tax Exemption for Solar Energy

Chapter 103, Title II

Sections 103-3 and 103-4

Chapter 103. Taxation

Article II. Tax Exemption for Solar Energy Systems

§ 103-3. Use of solar energy heating or cooling system.

A. The following described property shall be exempt from taxation: any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, and before October 1, 1991, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided that this exemption shall only apply to the first 15 assessment years following the construction of such building or the addition of any such system to a building.

B. As used in this section, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which, absent such solar energy system, would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.

C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time prescribed shall constitute a waiver of the right to such exemption for the assessment year.

§ 103-4. Use of solar energy electricity system.

A. Any solar energy electricity-generating system installed for the generation of electricity for private residential use shall also be subject to tax exemption, provided that such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall only be applicable in the first 15 assessment years following the installation of such system.

B. As used in this section, a "solar energy electricity system" means equipment which is designed, operated and installed as a system at any private residential location, which system utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.

C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

<u>**Memorandum of Law – Solar Power**</u>

A) Update on Solar Power ordinance

Upon conducting additional research, the legislative history displays that many years ago the exemption was optional if the municipality chose to adopt a local ordinance providing for the solar power exemption. For example, Westport adopted such a local ordinance when the statute provided that the exemption was optional for the municipality. However, at some point the statute was amended to make the exemption mandatory regardless of whether there was an underlying local ordinance or not. I have been advised that this mandatory exemption only requires the person to sign up one time.

Senator Bob Duff explained that he was the chair of the Energy and Technology Committee at the time of the amendments from optional to mandatory exemptions for solar power. He stated that solar PV systems are exempt from local property taxation in Connecticut pursuant to General Statutes § 12-81(57)(A). The provision provides that all Class I renewable energy sources installed for the generation of electricity for private residential use at a single or multi-family dwelling on or after October 1, 2007 are exempt from local property taxation. As per General Statutes § 16-1(a)(20), solar power was expressly included in the definition of Class I renewable resources.[1]

During the legislative process, the intent was to clearly preserve the mandatory local tax exemption for private residential use that is set forth in General Statutes § 12-81(57)(A). While this provision does exclude certain grid-side systems from the scope of this exemption, the legislature did not intend to deny an exemption based on participation in net metering or ownership requirements that are not expressed in the statute.

B) Norwalk current ordinances concerning Solar Power §§ 103-3 and 103-4:

Article II
Tax Exemption for Solar Energy Systems

[Adopted 9-20-1977]

§ 103-3 **Use of solar energy heating or cooling system.**

A. The following described property shall be exempt from taxation: any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, and before October 1, 1991, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided that this exemption shall only apply to the first 15 assessment years following the construction of such building or the addition of any such system to a building.

B. As used in this section, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which, absent such solar energy system, would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the

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[1] **Sec. 16-1. Definitions.** "(a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a and 245b shall be construed as follows, unless another meaning is expressed or is clearly apparent from the language or context … (20) "Class I renewable energy source" means (A) electricity derived from (i) solar power …"

Commissioner of Planning and Energy Policy.

C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time prescribed shall constitute a waiver of the right to such exemption for the assessment year.

§ 103-4 **Use of solar energy electricity system.**

A. Any solar energy electricity-generating system installed for the generation of electricity for private residential use shall also be subject to tax exemption, provided that such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall only be applicable in the first 15 assessment years following the installation of such system.

B. As used in this section, a "solar energy electricity system" means equipment which is designed, operated and installed as a system at any private residential location, which system utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.

C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Article II
Tax Exemption for Solar Energy Systems

~~**[Adopted 9-20-1977]**~~

§ 103-3 **Use of solar energy heating or cooling system.**

A. Definitions:

(1) Solar Energy Heating or Cooling System means equipment which (1) provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, (2) employs mechanical means such as fans or pumps to transfer energy, and (3) meets standards established by regulation, in accordance with the provisions of chapter 54, by the Secretary of the Office of Policy and Management. See, General Statutes § 12-81(56) and General Statutes § 12-81(57), as amended from time to time.

(2) Owner means the individual, corporation, partnership, Limited Liability Company, unincorporated association, trustee, fiduciary, guardian, conservator, or other legal entity or any combination thereof in whose name(s) the title to a taxable interest in real estate stands on the land records of the City of Norwalk.

(3) Property means real property within the City of Norwalk which is identified in the tax records as a parcel of land and/or building, or which constitutes an individual condominium unit, planned community unit or separately taxable common element as shown on the records of the City of Norwalk's Tax Assessor.

B. Authorized:

Pursuant to General Statutes § 12-81(56) and General Statutes § 12-81(57), as amended from time to time, an Owner of Property located within the City of Norwalk shall be entitled to an exemption from property tax on any building or private residence, which is equipped with a Solar Energy Heating or Cooling System, or any building or private residence.

C. Exemption:

The extent of the exemption provided is the amount by which the assessed valuation of such Property equipped with such Solar Energy Heating or Cooling System exceeds the assessed valuation of such Property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy.

D. Term:

The property tax exemption shall apply as long as the Solar Heating or Cooling System is equipped and operating on any such building or private residence.

~~The following described property shall be exempt from taxation: any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, and before October 1, 1991, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy.~~

~~provided that this exemption shall only apply to the first 15 assessment years following the construction of such building or the addition of any such system to a building.~~

~~B. As used in this section, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which, absent such solar energy system, would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.~~

~~C~~E. Application; time for filing:

Application for the exemption must be filed in ~~Any person who desires to claim the exemption provided in this section~~ accordance with General Statutes § 12-81(56) and General Statutes § 12-81(57), as amended from time to time, within 30 days following the annual assessment date with the Tax Assessor's office. ~~shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner.~~ Failure to file such application in said manner and form within the time prescribed shall constitute a waiver of the right to such exemption for the assessment year.

~~§ 103-4 **Use of solar energy electricity system.**~~

~~A. Any solar energy electricity-generating system installed for the generation of electricity for private residential use shall also be subject to tax exemption, provided that such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall only be applicable in the first 15 assessment years following the installation of such system.~~

~~B. As used in this section, a "solar energy electricity system" means equipment which is designed, operated and installed as a system at any private residential location, which system utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.~~

~~C. Any person who desires to claim the exemption provided in this section shall file with the Assessor of the City of Norwalk, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Tax Commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.~~

Code of Ethics

Section 32-16: Incurring costs by Board of Ethics; staff

Section 32-17: Representation of Respondent by City

Chapter 32. Code of Ethics

A. § 32-16. Incurring of costs by Board of Ethics; staff.

~~A.~~

A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation(s) and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics [KM1]shall seek an annual appropriation to be used to cover its costs during the ~~y~~Year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.

~~B.~~

B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any ~~hearing board~~Hearing Board appointed under this Code. The Board of Ethics in appropriate circumstances~~, as it shall determine,~~ may retain independent counsel to represent the Board, any Investigating Panel ~~investigating panel~~or any ~~hearing board~~Hearing Board.

§ 32-17. Representation of Respondent(s) ~~respondents~~ by City.

It is contemplated by this Code, that ~~p~~Persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. ~~In appropriate circumstances when a respondent has not been found in violation of this Code~~If the Hearing Board determines that the complaint was brought in bad faith and a Respondent is not in violation of the Code, the Board of Ethics may recommend to the Common Council that a R~~r~~espondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the R~~r~~espondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

Bike-Walk Advisory Commission

Chapter 20: Bike Walk/Advisory Commission

§ 20-1 **Composition; appointment; terms; vacancies; compensation. (Current language)**

B. The Directors of the Planning and Zoning, Public Works, and Health Departments, the Executive Director of the Redevelopment Agency, and the Police Chief, or their respective designees, shall each serve ex officio without a vote. Staff support shall be provided by the Public Works and Health Departments.

Chapter 20: Bike Walk/Advisory Commission

§ 20-1 **Composition; appointment; terms; vacancies; compensation. (Proposed revision)**

B. The Chief of Economic and Community Development, the Chief of Operations and Public Works, the Director of the ~~Directors of the Planning and Zoning, Public Works, and~~ Health Departments, the Executive Director of the Redevelopment Agency, and the Police Chief [and the Transportation Planner], or their respective designees, shall each serve ex officio without a vote. Staff support shall be provided by the Economic and Community Development Officer. ~~Public Works and Health Departments.~~

Blight Prevention

58A-1: Definitions

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 58A
Blight Prevention

[HISTORY: Adopted by the City of Norwalk Common Council 6-9-2015,[1] effective 1-1-2016. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. **26**.
Department of Code Enforcement — See Ch. **35A**.

Fire prevention — See Ch. **42A**.

Housing Code — See Ch. **59**.

Landlord identification — See Ch. **62A**.

Zoning — See Ch. **118**.

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§ 58A-1 **Definitions.**
As used in this chapter, the following terms shall have the meanings indicated:

BLIGHT

Any building or structure, part of a building or parcel of land in which at least one of the following conditions exists:

A. Any condition which poses a serious or immediate danger to the health or safety of any citizen of the community.~~;~~

B. Lacking adequate maintenance, including but not limited to, missing or boarded windows or doors; rotting or missing portions of walls, roof or floor; missing portions of siding or other exterior covering; fire damage to structure; unauthorized outdoor storage or accumulation of junk on the property, has been vandalized, including graffiti.~~;~~

C. It has been cited for more than two violations of State statutes and/or State regulations, Norwalk's Charter or Code provisions, or zoning regulations, or conditions to permits granted by the Zoning Board, Zoning Board of Appeals, Environmental Protection Agency and Health Department, which violations have not been corrected and are not the subject of a pending appeal.

D~~C~~. ~~More than one inoperative or unregistered vehicle;~~ It has become a place where criminal activity has taken place as documented by Police Department reports.

E. It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.

F. It is a factor that is seriously depreciating property values in the neighborhood.

G. It has been vandalized, or otherwise damaged to the extent that it is seriously depreciating property values in the neighborhood.

H. It contains unauthorized outside storage or accumulation of junk, trash, boxes, paper, plastic or refuse of any kind. For purposes of this ordinance, "authorized shall pertain to local, state or federal laws and/or regulations.

I~~D~~. Structures left unsecured against unauthorized entry.~~;~~

~~E. Property has been cited for more than two code violations in the past which have not been corrected and are not the subject of a pending appeal.~~

BLIGHT PREVENTION OFFICER

The Chief Building Official of the City of Norwalk. He/she shall investigate complaints of blight, issue warning letters and citations when appropriate, and explain his/her findings and actions to the citation hearing officers when necessary.

CODE VIOLATION

A violation of any Zoning Regulations, building codes, public health codes and fire codes.

DISABLED INDIVIDUAL

In the case of an owner-occupied residence, an individual who has a mental or physical disability as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and does not have other household members capable of providing the maintenance necessary to abate blight.

ELDERLY INDIVIDUAL

An individual over the age of 65, who does not have a household member capable of providing the maintenance necessary to abate blight.

LOW-INCOME INDIVIDUAL

An individual or a family unit that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is in the upper limit of Step 5 as set forth in the Connecticut General Statutes Section 12-170aa(c). It is immaterial that a person is or is not elderly for purposes of this definition.

PROPERTY MAINTENANCE VIOLATION

A. Property maintenance violation shall mean the violation of the following standards with respect to lots or parcels:

(1) All premises shall be graded, drained, kept free of persistent standing water and maintained in a clean, safe and sanitary condition. Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.

(2) No shopping baskets, carts or wagons shall be left unattended or standing, and the baskets, carts or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.

(3) All fences shall be maintained. Such maintenance shall include, but not be limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences which may

become in disrepair.

(4) All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but not be limited to, the replacement of trees and shrubs which may die or otherwise be destroyed. Grass, weeds or similar growths shall not reach a height greater than nine (9) inches on any premises. Front yards shall not be allowed to deteriorate into unattended bare, dirt patches.

(5) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent accumulations of trash, garbage, litter, debris and rubbish. The owner of the property shall maintain the premises litter-free, and shall remove discarded or inoperative appliances, furnishings or machinery.

(6) Refuse and recycling receptacles shall be emptied on a regular basis and shall be removed from the street or curb within two (2) days following collection.

B. Property maintenance violations shall also mean the violation of the following standards with respect to buildings and structures:

(1) The exterior of buildings and structures shall be maintained so that it is not dilapidated, deteriorating, or decaying, nor open to the elements. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or the presence of graffiti, or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open cracks or leaks or are structurally faulty; overhang extensions, including but not limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.

(2) The foundation walls of every building shall be maintained in good repair and in a structurally sound condition.

(3) Exterior walls (including doors and windows), roofs, and the areas around doors, windows, chimneys and other parts of a building shall be maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects and materials shall be removed, repaired or replaced.

(4) Buildings and structures shall be maintained free of insect, vermin, bird, rodent, and other wildlife harborage and infestation.

(5) Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety and fire hazards.

(6) All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.

C. Property maintenance violations shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk and/or public or private street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.

D. Property maintenance violations shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by a complaint(s) from adjoining and nearby property owners.

§ 58A-2 **Creation or maintenance of blighted property prohibited.**
No owner of real property within the City of Norwalk shall cause or allow such property or any buildings thereon to become blighted, nor shall an owner allow the continued existence of a blighted property.

§ 58A-3 **Warnings; citations; hearings; fines.**

A. The Blight Prevention Officer shall issue a written warning notifying the property owner of a violation of this chapter. Said warning shall detail each finding of blight and the corrective action necessary, and shall provide a reasonable amount of time for the property owner to correct the blight.

B. If the property owner does not cure the blight within the time period stated in the written warning, the Blight Prevention Officer shall issue a citation to the property owner. Said citation shall be issued not sooner than 15 days after the deadline to cure blight conditions stated in the written warning. The citation shall assess a fine of $100 per day for every day the violation continues. Any unpaid fine pursuant to this chapter shall constitute a lien upon the real estate against which the fine was imposed in accordance with Connecticut General Statutes Section 7-148aa. Such lien shall be continued, recorded, enforced and released in accordance with Connecticut General Statutes Section 7-148aa.

C. The Mayor shall appoint one or more citation hearing officers other than police officers, City employees, or the Blight Officer, to conduct citation appeal hearings. The citation hearing officer shall be a member, in good standing, of the Connecticut Bar Association. Issuance and service of citations, payment of fines, hearings and appeals to the Connecticut Superior Court shall be governed by Section 7-152c of the Connecticut General Statutes, as may be amended for time to time.

D. Fines collected pursuant to this section shall be deposited into a separate fund to be used for expenses related to the enforcement and abatement of blight within the City of Norwalk.

§ 58A-4 **Abatement by City.**
When a property owner is issued a citation pursuant to this chapter, and does not cure the blight within 30 days of the service of the citation, the City of Norwalk may cure the blight conditions. The costs incurred by the City to cure the blight shall constitute a lien against the real property in addition to any fines assessed pursuant to this chapter.

§ 58A-5 **Special considerations.**
Special consideration may be given to property owners who are elderly, disabled or have a low income when the blight warning or citation concerns an owner-occupied residential dwelling. In such cases, the Blight Prevention Officer shall give such individuals adequate time to correct the blight conditions not to exceed 90 days. The Blight Prevention Officer shall provide information on possible opportunities for assistance with each warning letter and citation.

§ 58A-6 **Other enforcement.**
Nothing in this chapter shall be deemed to prohibit or limit in any manner any enforcement action with

respect to any zoning, building, public health, fire, inland wetlands or other statutes, code, regulation or laws relating to the use of real property.

§ 58A-7 **Effective date.**
This chapter shall take effect on January 1, 2016.

Building Code

New section: Fees assessed

Chapter 26: Building Code

§ 26-6 **Fees.**
[Amended 3-14-1989]

Before receiving a building permit for construction, demolition or moving, the owner or his agent shall pay the fees provided for in § **26-8** hereof. Fees for permits are refundable in accordance with the State Building Code Section 114.5. Permit fees include the fees for permits for electrical, oil-burner installation, plumbing and gas-piping work included in the permitted construction, demolition or moving work.

§ 26-__ Fees assessed.

Whenever any work for which a building permit is required has been commenced without first obtaining said building permit, an investigation fee may be assessed in addition to the building permit fee. When assessed, the investigation fee shall be collected whether or not a building permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee required but in no case shall the investigation fee be less than two hundred dollars ($200.00). The Building Official, in his or her sole discretion, may waive the investigation fee due to extenuating circumstances.

Code Enforcement:

- **Discuss and vote on Chapter 21, Section 21-2 – Permit obtained from Building Inspector;**
- **Discuss and vote on Chapter 95A, Section 95A-3 – Littering and illegal dumping prohibited;**
- **Discuss and vote on Chapter 94, Section 94-6 – Unlawful deposit; and**
- **Discuss and vote on the following sections in Chapter 95:**
    - **Section 95-1– Definitions;**
    - **Section 95-5 – Littering prohibited;**
    - **Section 95-7– Grass and weeds; and**
    - **Section 95-10 – Snow and ice removal from sidewalks and driveways.**

Chapter 21: Billboards and Signs

§ 21-2 **Permit obtained from Building Inspector.**

A. No sign of any nature shall be erected or fastened in any way to any building or other structure without first obtaining a permit from the Building Inspector, except that real estate signs may be displayed on properties, when required, provided they do not exceed an area of 24 square feet. The Chief of Economic and Community Development, the Chief Building Official, or their designee shall enforce §21-2.

B. In case of the failure or neglect of the person to correct the actions identified in Subsection A following a fine pursuant to § 90-4, Approval of rates and fees, the Chief of Economic and Community Development, the Chief Building Official, or their designee may cause the same to be done, and the expenses thereof shall be collectible from the responsible person.

Chapter 95A: Littering and Illegal Dumping:

§ 95A-3 **Littering and illegal dumping prohibited.**

A. No person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, thrown or placed, or otherwise dispose of any litter upon any public property in the City or upon private property in this City not owned by him or in the waters of this City except when such property is designated by the City for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose (Connecticut General Statutes § 22a-250, as amended from time to time). The Chief of Economic and Community Development, the Chief Building Official, or their designee shall enforce §95A-3.

B. Pursuant to Connecticut General Statutes § 22a-250, as amended from time to time, the Chief of Economic and Community Development, the Chief Building Official, or their designee may assess a separate administrative penalty of not more than five hundred dollars upon the person following a hearing conducted in accordance with Connecticut General Statutes § 7-152c, as amended from time to time.

Please note that General Statutes Section 22a-250(b)(1) provides the following:

Any person who violates any provision of subsection (a) of this section shall be fined not more than one hundred ninety-nine dollars. One-half of any fine collected pursuant to this subsection shall be payable to the state and one-half of such fine shall be payable to the municipality in which the arrest was made unless the arrest was made by a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Energy and Environmental Protection under authority of section 26-5, in which case one-half of such fine shall be payable to the Department of Energy and Environmental Protection. Any municipality, after conducting a hearing in accordance with an ordinance adopted pursuant to section 7-152c, may assess a separate administrative penalty of not more than five hundred dollars upon the responsible party or property owner, as applicable, if such litter includes any item of furniture or any discarded item listed in subsection (d) of this section (including As used in this subsection "dump" means to discard automobiles or automobile parts, large appliances, tires, bulky waste, hazardous waste, as defined in section 22a-115, or any other similar material).

Please note that this ordinance requires that a hearing is conducted in accordance with an ordinance adopted pursuant to General Statutes Section 7-152c. This hearing process is the same procedure that the Blight Prevention ordinance follows.

Chapter 94: Solid Waste, Collection and Disposal of

§ 94-6 **Unlawful deposit.**

A. Deposit in public places.

(1) No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City except in proper containers or otherwise properly prepared for collection, unless with express approval granted by the Chief of Economic and Community Development, the Chief Building Official, or their designee ~~Director~~. No person shall throw or deposit any solid waste in any stream, sewer or other body of water.

(2) Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste within seven days after written notice by registered mail to remove the same shall be deemed a violation of this chapter.

B. No person shall cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley or other public place or into any occupied premises.

C. It shall be unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances, as determined by the Chief of Economic and Community Development, the Chief Building Official, or their designee ~~Director~~, into any refuse container or to transport any such substance to the solid waste disposal facility.

D. No person shall deposit any solid waste in any City receptacle in a City park which has been brought from any area outside said City ~~park~~Park. This provision shall not prohibit disposal of garbage, rubbish or waste created by activities in said park, such as by the consumption of food.

Chapter 95: Streets and Sidewalks

§ 95-1 **Definitions.**
In addition to the terms defined in Chapter **91** and unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

DIRECTOR

The Chief of Operations and Public Works~~Director of Public Works, City~~ of Norwalk, or his/her designee.

ENCROACH

To obstruct, impede, intrude or use for purposes other than traveling, including but not limited to the placing of any ladder, staging, scaffolding, building or construction materials or equipment or other like obstacle; the depositing of any merchandise, materials or any personal property; the erection, placement, maintenance or display of any sign; the pumping of water from private property, the depositing of snow or ice or the draining of water from private property in any manner which in any way may obstruct, impede or endanger public use or travel or which does or may cause any icy condition which in any way does or may obstruct, impede or endanger public use or travel.

EXCAVATE

Dig up, open, break, cut into, trench, tunnel or undermine in any manner. Such term includes the establishment, construction, resurfacing, repaving or reconstruction of any driveway or the placing of any substructure.

FOOTPATH

As differentiated from sidewalk, an asphalt pathway, usually three to four feet wide, constructed to provide safe pedestrian travel generally near/along roadways without sidewalks cross-country between destinations.

PUBLIC UTILITY

Any public service company incorporated under the provisions of the General Statutes or by special act for the purpose of transmitting or distributing gas, water, electricity, video or for telephone purposes.

SIDEWALK

A walkway built to provide safe pedestrian travel along public thoroughfares that are constructed in accordance with the City's Roadway Standards and Standard Specifications, as amended and supplemented.

STREET

Any portion of the entire width between the boundary lines of any public way maintained by the City of Norwalk, including but not limited to any street, highway, sidewalk, curb, gutter, shoulder, alley, avenue or other public way or any public ground leased by, maintained by or in possession or control of the City of Norwalk.

TRAVELED WAY

The portion of a street or highway ordinarily used for vehicular travel, exclusive of the shoulder.

§ 95-5 **Littering prohibited.**

A. No person shall throw, cast, place or discard any paper, dirt, debris, filth or other foreign matter on the sidewalks, gutters, streets, highways or public places of the City. Violation of this section shall be subject to a fine established in accordance with the provisions of § **90-4**, Approval of rates and fees. The Chief of Economic and Community Development, the Chief Building Official, or their designee shall enforce §95-5.

B. In case of the failure or neglect of the person to correct the actions identified in Subsection A following a fine pursuant to § 90-4, Approval of rates and fees, the Chief of Economic and Community Development, the Chief Building Official, or their designee may cause the same to be done, and the expenses thereof shall be collectible from the person.

§ 95-7 **Grass and weeds.**

A. Whenever a sidewalk has been constructed or shall hereafter be constructed within the limits of the City, it shall be the duty of the owner or occupant of any land or building fronting upon such sidewalk to keep the grass or weeds properly cut or removed from the margin of such sidewalks in front of the premises owned or occupied by him/her, including any and all portions lying within the public right-of-way. The Chief of Economic and Community Development, the Chief Building Official, or their designee shall enforce §95-7.

B. In case of the failure or neglect of the person to correct the actions identified in Subsection A following a fine pursuant to § 90-4, Approval of rates and fees, the Chief of Economic and Community Development, the Chief Building Official, or their designee may cause the same to be done, and the expenses thereof shall be collectible from the owner or occupant.

§ 95-10 **Snow and ice removal from sidewalks and driveways.**
[Amended 2-27-2018]

A. The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in Subsections **B**, **C** and **D** hereof.

B. Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general or special act, the City shall not be liable to any person for injury to person or property due to the presence of ice or snow on a public sidewalk unless the City is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the City shall be liable for its affirmative acts with respect to any such sidewalk under its possession and control.

C. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City had prior to the effective date of this article and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury,

D. No action to recover damages for injury to person or property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

E. It shall be the duty of each owner and/or occupant in possession and control, jointly, of every parcel of real estate abutting a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks free from snow and ice for the full paved width of such sidewalks or, in the case of ice, by covering the same with sand, salt, chemical ice melt or other suitable material, and then renewing such treatment as often as may be necessary to keep such sidewalk safe and convenient.

F. In case of the failure or neglect of the owner or occupant in possession and control of land abutting the public sidewalk to comply with this section, as identified in Subsection **E**, the Chief of Economic and Community Development, the Chief Building Official, or their designee ~~Director~~ may cause the same to be done, and the expense thereof shall be collectible from the person so failing or neglecting, in an action of debt brought in the name of the City under this section. It will be presumed that the owner and/or occupant, as identified in Subsection **E**, has not complied with its obligations under this section if the owner and/or occupant fails to remove snow and/or ice within a reasonable period of time after such accumulation. Any person who fails or neglects to comply with this subsection shall also be liable for a penalty or fine in an amount established in accordance with § **90-4** of the Norwalk City Code, Approval of rates and fees.

G. No person, firm or private corporation shall deposit, throw, place or strew, nor shall any person, firm, or private corporation cause to be deposited, thrown, placed or strewn, any snow or ice upon any streets, avenues, roadways, highways or sidewalks within the City. Any person, firm or private corporation who violates this subsection shall also be liable for a penalty or fine in an amount established in accordance with § **90-4** of the Norwalk City Code, Approval of rates and fees.

DEPARTMENT OF PUBLIC WORKS

FEE SCHEDULE

(As Amended Through February 10, 2015)

ORDINANCE SECTION	DESCRIPTION	FEE	DATE LAST CHANGED
91-6	**SEWER CONNECTION INSPECTION (State Road)**	$200	4/13/10
93-21	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 93 (Stormwater, Illicit Discharges and Connections)**	$250/day plus all costs of remediation, litigation and criminal prosecution	4/8/14
94-3	**SOURCE SEPARATION OF MATERIAL**		
	Batteries – Lithium (Any Size)	$2/battery	4/8/14
	Antifreeze (Residential)	$2/gallon	4/8/14
	Propane Tanks (Any size)	$5/tank	4/8/14
	Tires (Any size)	$5/tire	4/8/14
	Freon-containing appliances	$10/appliance	2/2/15
94-4.9d	**PER-TRIP RESIDENT OR NON-RESIDENT DISPOSAL FEE (NO STICKER)**	$20 minimum	6/9/09
94-10	**LICENSE FEE FOR COLLECTION, REMOVAL AND TRANSPORTATION OF SOLID WASTE REGARDLESS OF WASTE TYPE**		
	<u>VEHICLE TARE WEIGHT</u> Less than 12,000 LBS Greater than 12,000 LBS	$125 $500	
	REGISTRATION FEE FOR VEHICLES AND/OR CONTAINERS ENGAGED IN COLLECTION, REMOVAL AND TRANSPORTATION OF SOLID WASTE REGARDLESS OF WASTE TYPE		

DEPARTMENT OF PUBLIC WORKS

FEE SCHEDULE
(As Amended Through February 10, 2015)

ORDINANCE SECTION	DESCRIPTION	FEE	DATE LAST CHANGED
94-10 Cont'd.	VEHICLE TARE WEIGHT Less than 5,000 LBS Greater than 5,000 LBS Greater than 12,000 LBS Rolloff Containers and Compactors	 $125 $250 $750 $25	
	SOLID WASTE DISPOSAL		
	Acceptable Solid Waste	$85/ton	11/13/12
	YARD WASTE DISPOSAL		
	Leaves/Brush/Logs/Stumps	$55/ton	4/8/14
94-17	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 94 (Solid Waste)**	$ 250/day	9/12/06
95-12	**DRIVEWAY PERMIT AND INSPECTION FEE**		
	Major Minor	$400 $200	2/10/09 2/10/09
95-18	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 95 (Streets and Sidewalks)**	$ 250/day	9/12/06

DEPARTMENT OF PUBLIC WORKS

FEE SCHEDULE

(As Amended Through February 10, 2015)

ORDINANCE SECTION	DESCRIPTION	FEE	DATE LAST CHANGED
95-24	**STREET ACCEPTANCE APPLICATION FEE**	$2,500	11/10/09
95-34	**STREET ABANDONMENT APPLICATION FEE**	$5,000	6/28/05
95A-20A	**FINE FOR UNLAWFUL LITTERING**	$ 199	9/12/06
95A-20B	**FINE FOR ILLEGAL DUMPING (not to exceed)**	$10,000	9/12/06
96-3	**ENCROACHMENT PERMIT FEE**	$ 200	2/10/09
96-6	**RESTORATION OF PAVEMENT FEE**		
96-21	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 96**	$250/DAY	9/12/06

	Pavement Damage Factors (PDF) – Range		
	One (1)	Two (2)	Three (Or Below)
All category of road	1.5	1.25	1.0

Restoration fee shall equal current contract bid unit price multiplied by PDF multiplied by 1.15 (15% administrative and inspection fee.)

DEPARTMENT OF PUBLIC WORKS

FEE SCHEDULE
(As Amended Through February 10, 2015)

ORDINANCE SECTION	DESCRIPTION	FEE	DATE LAST CHANGED
	(Excavation and Encroachment)		
96-21.D.	Corrective Action Permit Application Fee	$1,000	9/9/14
97-12	**EXCAVATION AND FILL PERMIT APPLICATION FEE**		
	Up to and including the first 100 cubic yards (CY)	$250	9/12/06
	Each additional 100 cubic yards (CY), or fraction thereof, beyond first 100 CY	$25	9/12/06
97-15	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 97 (Excavation and Filling of Land)**		
	Lack of Permit Cease & Desist	$250/day $500/day	9/12/06 9/12/06
99-9	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 99 (Snow Emergencies)**	$250	9/12/06
112-4	**TREE REMOVAL PERMIT AND POSTING FEE**	$200	2/10/09
112-4A(3)(c)	**TREE REPLACEMENT FEE**	$750	6/9/09
112-6	**FINE FOR VIOLATION OF ANY PROVISION OF CHAPTER 112**	$250	9/12/06

DEPARTMENT OF PUBLIC WORKS

FEE SCHEDULE
(As Amended Through February 10, 2015)

ORDINANCE SECTION	DESCRIPTION		FEE	DATE LAST CHANGED
	(Trees)			
ENGINEERING	**ENGINEERING DATA PRICING**			
	Blackline Copy		$0.75 per SF (minimum $2)	9/10/02
GIS	**GEOGRAPHIC INFORMATION SYSTEM DATA PRICING**			
	COLOR DIGITAL ORTHOPHOTOS			
	Shapefile (SHP) or CAD file (DWG)		$60/hour ($30 minimum)	4/8/14
	Customized GIS map with one copy		$60/hour ($30 minimum)	4/8/14
	GIS Print (11"X17" or smaller)		$10/copy	4/8/14
	GIS Print (Larger than 11"X17")		$25/copy	4/8/14
	Map legend and disclaimer to be printed on all detailed planimetric maps.			
EVENTS	**SPECIAL EVENT FEES**			
	Barrels/Barricades		$750 refundable deposit	4/8/14
	Missing/Replacement Barrels/Barricades		$75/unit	4/8/14
	Barrel/Barricade Delivery Fee		$200 [except Norwalk headquartered 501c(3)s and any and all Norwalk City entities	4/8/14
	Barrel/Barricade Pick-up Fee		$200 [except Norwalk headquartered 501c(3)s and any and all Norwalk City entities	4/8/14

DEPARTMENT OF PUBLIC WORKS

FEE SCHEDULE
(As Amended Through February 10, 2015)

ORDINANCE SECTION	DESCRIPTION	FEE	DATE LAST CHANGED
MISC	**OTHER MISCELLANEOUS FEES**		
	Fax	$1 per page	10/27/92
	Oversized Fax	$0.75 per SF (minimum $2)	10/27/92

DPW FEE SCHEDULE AMENDMENTS:

Dated:	June 6, 1988	February 26, 1991	February 8, 2000	June 12, 2007	November 13, 2012
Amended:	July 19, 1988	September 24, 1991	May 9, 2000	May 13, 2008	April 8, 2014
	July 20, 1988	October 27, 1992	November 14, 2000	December 9, 2008	September 9, 2014
	Aug. 1, 1988	February 21, 1995	August 13, 2002	February 10, 2009	February 10, 2015
	Aug. 9, 1988	August 15, 1997	September 10, 2002	June 9, 2009	
	March 23, 1988	February 25, 1997	June 28, 2005	October 13, 2009	
	February 27, 1990	May 11, 1999	November 9, 2005	November 10, 2009	
	March 13, 1990	January 11, 2000	September 12, 2006	April 13, 2010	

Noise
Norwalk City Code
Chapter 68

MEMORANDUM TO FILE

Date: September 13, 2019
From: Brian Candela
RE: Noise Ordinance

I reached out to DEEP concerning Mr. Zerling's response to their issues/comments with the proposed noise ordinance. The employee of DEEP advised that they would be able to provide us with a response by Friday, September 13, 2019, so that the ordinance committee could review DEEP's final response to Mr. Zwerling's comments. The goal was to narrow the issues, if any, that this committee would have to deal with in finalizing this ordinance. Unfortunately, DEEP has not responded. I will endeavor to obtain a response for the October 2019 ordinance committee meeting.