

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at www.norwalkct.org/meetings.



Members of the public can use a telephone to call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981**, the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above.



Upon written request not less than 24 hours prior to the meeting, a member of the public can request a physical location to attend this virtual meeting at City Hall. Such a member of the public will be provided access to a telephone so that they can attend the meeting in real time. The member of the public can call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981**, the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above. A set of instructions will be left with the telephone for the member of the public to use in order to access the meeting.



Members of the public who wish to "view the meeting live" and/or "provide live comments" can use the Zoom meeting platform by going to www.norwalkct.org/meetings and clicking on the "View/Participate Live on Zoom" link that is on the line with the meeting date and time. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section.



Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

July 20, 2021

7:00 p.m. – By videoconference and Teleconference

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and Vote on Chapter 37, Article II, Section 37-10 – Definition of Polystyrene Food Service Product.
 - Discuss and Vote on Chapter 38, Article II, (Fireworks and Firecrackers) Sections 38-7 through 38-13.
 - Discuss and Vote on Chapter 30 (Capital Projects Program) - Possible merger of the Planning & Zoning Commissions.
 - Discuss and Vote on Chapter 79 (Planning and Zoning Commissions) - Possible merger of the Planning & Zoning Commissions.
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - May 18, 2021 – regular meeting of the ordinance committee
 - June 15, 2021 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
- 7. NEW BUSINESS:**
 - Discuss Chapter 45, Article IV - Outdoor Dining.
 - Discuss and Vote on Chapter 7, Article II – City Seal - Sections 7-9 and 7-10
 - Discuss Chapter 112 – Trees.
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

Chapter 37, Article II, Section 10
Definition of
Polystyrene Food Service Product

Chapter 37 – Environmental Hazards

§ 37-10 Definitions.

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

POLYSTYRENE FOOD SERVICE PRODUCT

Any product made in whole or in part of polystyrene and used ~~in the restaurant or food service industry~~ for **storing**, serving or transporting ~~prepared~~ food **or beverages**. The term includes, by way of example and not limitation, cups, bowls, lids, sleeves, utensils, plates, trays, hinged or lidded containers (clamshells), coolers, and egg cartons.

PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, July 20, 2021 at 7:00 p.m. by way of videoconference for the purpose of discussing and voting on revisions to Chapter 37, Sections 37-10. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by July 16, 2021.

Chapter 37 - Environmental Hazards

\$ 37-10 Definitions.

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

POLYSTYRENE FOOD SERVICE PRODUCT

Any product made in whole or in part of polystyrene and used for storing, serving or transporting food or beverages. The term includes, by way of example and not limitation, cups, bowls, lids, sleeves, utensils, plates, trays, hinged or lidded containers (clamshells), coolers, and egg cartons.

Dated at Norwalk, Connecticut this 16th day of June 2021.

ATTEST: Donna I. King

Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, July 9, 2021

Chapter 38, Article II
Sections 38-7 through 38-13

Chapter 38, Article II – Fireworks

§ 38-7 Unlawful sale of fireworks.

Except as provided in this Article or applicable state law, no person, firm or corporation shall offer for sale, expose for sale, sell at retail or use or explode or possess with intent to sell, use or explode any Fireworks, as defined in ~~the Connecticut General Statutes §§ 29-356 and 29-357, as amended from time to time~~, in the ~~Ceity of Norwalk~~. Notwithstanding the foregoing, a person who is sixteen years of age or older may offer for sale, expose for sale, sell at retail, purchase, use or possess with intent to sell or use Sparklers or Fountains, as defined in and to the extent provided in ~~the Connecticut General Statutes §§ 29-356 and 29-357, as amended from time to time~~.

§ 38-7A Inspections by Fire Marshal of mercantile establishments, businesses and/or assemblies selling legal Sparklers and Fountains

- A. Pursuant to the ~~Connecticut~~ General Statutes ~~[29-305(a) & 29-306(a)], as amended from time to time~~, and the Fire Safety Code, ~~as amended from time to time~~, all mercantile establishments, businesses and/or properly permitted events shall undergo periodic inspections by the Fire Marshal. The owner, designee or legal occupant shall provide the Fire Marshal with access to the mercantile establishments, businesses and/or properly permitted events to complete the inspection to ensure that the requirements specified in the ~~Connecticut~~ General Statutes, ~~as amended from time to time~~, and the Fire Safety Code, ~~as amended from time to time~~, have been satisfied. ~~Notwithstanding the foregoing, T~~he Fire Marshal shall ~~also~~ have the right to inspect any mercantile establishments, businesses and/or properly permitted events at any time ~~for the purpose of satisfying themselves that such mercantile establishment, business and/or properly permitted event are in compliance with all pertinent statutes and regulations..~~ ~~[FOR ANY PURPOSE?]~~ ~~—CGS 29-305(a) and 29-306(a)~~
- B. An owner, designee or legal occupant must schedule an inspection with the Fire Marshal within the time period mandated by the ~~Connecticut~~ General Statutes, ~~as amended from time to time~~, and the Fire Safety Code, ~~as amended from time to time~~. If the owner, designee or legal occupant schedules and completes an inspection within such time period, then the Fire Marshal shall not charge the owner, designee or legal occupant a fee. However, if the owner, designee or legal occupant fails to schedule and complete the inspection within such time period, then the Fire Marshal shall send a letter to the owner, designee or legal occupant advising that the inspection is delinquent. The owner, designee or legal occupant shall have 10 days from the date of the ~~initial-such~~ letter to schedule and complete the inspection. If the inspection is not completed within such 10 day period, then the Fire Marshal shall charge the owner, designee or legal occupant an amount as established in the Office of the Fire Marshal's schedule of fees for permits and licenses.
- C. Duration of inspection. The duration ~~and scope~~ of an inspection shall be based upon the ~~Connecticut~~ General Statutes, ~~as amended from time to time~~, and the Fire Safety Code, ~~as amended from time to time~~.
- D. Penalty for offenses. Any person violating this section shall be subject to the following penalties:
- (1) An owner, designee or legal occupant that fails to complete an inspection in a timely manner, as prescribed in the ~~Connecticut~~ General Statutes, ~~as amended from time to time~~, and the Fire Safety

Code, ~~as amended from time to time~~, shall be subject to an initial fine ~~as established in the Office of the Fire Marshal's schedule of fees of \$200~~; as established in the Office of the Fire Marshal's schedule of fees;

- (2) Each day that the violation exists shall constitute a separate violation; and
- (3) Following the initial violation, each subsequent day that the violation exists shall be subject to a fine ~~as established in the Office of the Fire Marshal's schedule of fees~~.

§ 38-8 License for exhibitions.

The provisions of the preceding section shall not apply to the use of such Fireworks by a person who has obtained from the Chief of the Fire Department a license for that purpose. Each such license shall (a) issue for exhibition purposes only; and only to one skilled in the discharging of fireworks-, ~~shall (b)~~ expire not later than 30 days from the date of issue, ~~shall (c)~~ bear the date of expiration on the face thereof, ~~shall (d)~~ designate the location for which it is granted, ~~shall (e)~~ not be transferable and ~~shall (f)~~ only be issued after inspection of the premises by the licensing authority and after the applicant has given satisfactory evidence of financial responsibility, by way of a certificate of insurance, to satisfy any claim for ~~public liability arising from the use of Fireworks or from the use of pyrotechnics for special effects in the minimum amount of one million dollars per accident for bodily injury and property damage, and shall not limit coverage within the applicable statutory period of covered liability. damages by reason of personal injury to, or the death of, any one person or by reason of personal injury to, or the death of, more than one person arising from such exhibition of at least \$1,000,000 and for damage to property of at least \$1,000,000. Such certificate of insurance shall cover any and all public liability arising out of the operation of the Fireworks display or from the use of pyrotechnics for special effects.~~

§ 38-9 License fee.

The license fee to be paid to the city shall be established by the Office of the Fire Marshal's schedule of fees for permits and licenses for each exhibition.

§ 38-10 Hazardous locations for exhibitions.

No such license shall be issued for any location within 200 feet of any combustible building, nor unless provision has been made to keep spectators and all other individuals except the agents and employees of the licensee at least 200 feet distant from the licensed location, nor when the Fire Chief shall determine that any condition exists which makes exhibitions of fireworks at such location unusually hazardous.

§ 38-11 Hour of conclusion for fireworks display.

All fireworks displays shall be concluded promptly by 10:00 p.m.

§ 38-12 Exemptions.

Nothing herein shall be construed as prohibiting the storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor as applying to the military or naval forces of the United States or to the authorized militia of the state or to peace officers.

§ 38-13 Cap pistols and caps.

The provisions hereof shall not apply to the retail sale or use of cap pistols and repeater cap pistols and caps to be used therein.

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, July 20, 2021 at 7:00p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 38, Sections 38-7, 38-7A, 38-8, 38-9, 38-10, 38-11, 38-12 and 38-13. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by July 16, 2021.

Chapter 38, Article II- Fireworks

§ 38-7 Unlawful sale of fireworks.

Except as provided in this Article or applicable state law, no person, firm or corporation shall offer for sale, expose for sale, sell at retail or use or explode or possess with intent to sell, use or explode any Fireworks, as defined in the Connecticut General Statutes, in the City of Norwalk. Notwithstanding the foregoing, a person who is sixteen years of age or older may offer for sale, expose for sale, sell at retail, purchase, use or possess with intent to sell or use Sparklers or Fountains, as defined in and to the extent provided in the Connecticut General Statutes.

§ 38-7 A Inspections by Fire Marshal of mercantile establishments, businesses and/or assemblies selling legal Sparklers and Fountains

- A. Pursuant to the Connecticut General Statutes and the Fire Safety Code, all mercantile establishments, businesses and/or properly permitted events shall undergo periodic inspections by the Fire Marshal. The owner, designee or legal occupant shall provide the Fire Marshal with access to the mercantile establishments, businesses and/or properly permitted events to complete the inspection to ensure that the requirements specified in the Connecticut General Statutes and the Fire Safety Code have been satisfied. The Fire Marshal shall also have the right to inspect any mercantile establishment, business and/or properly permitted event at any time for the purpose of satisfying themselves that such mercantile establishment, business and/or properly permitted event are in compliance with all pertinent statutes and regulations.
- B. An owner, designee or legal occupant must schedule an inspection with the Fire Marshal within the time period mandated by the Connecticut General Statutes and the Fire Safety Code. If the owner, designee or legal occupant schedules and completes an inspection within such time period, then the Fire Marshal shall not charge the owner, designee or legal occupant a fee. However, if the owner, designee or legal occupant fails to schedule and complete the inspection within such time period, then the Fire Marshal shall send a letter to the owner, designee or legal occupant advising that the inspection is delinquent. The owner, designee or legal occupant shall have 10 days from the date of such letter to schedule and complete the inspection. If the inspection is not completed within such 10 day period, then the Fire Marshal shall charge the owner, designee or legal occupant an amount as established in the Office of the Fire Marshal's schedule of fees for permits and licenses.
- C. Duration of inspection. The duration and scope of an inspection shall be based upon the Connecticut General Statutes and the Fire Safety Code.
- D. Penalty for offenses. Any person violating this section shall be subject to the following penalties:
- (1) An owner, designee or legal occupant that fails to complete an inspection in a timely manner, as prescribed in the Connecticut General Statutes and the Fire Safety Code shall be subject to an initial fine as established in the Office of the Fire Marshal's schedule of fees;
 - (2) Each day that the violation exists shall constitute a separate violation; and
 - (3) Following the initial violation, each subsequent day that the violation exists shall be subject to a fine as established in the Office of the Fire Marshal's schedule of fees.

§ 38-8 License for exhibitions.

The provisions of the preceding section shall not apply to the use of such Fireworks by a person who has obtained from the Chief of the Fire Department a license for that purpose. Each such license shall (a) issue for exhibition purposes only and only to one skilled in the discharging of fireworks, (b) expire not later than 30 days from the date of issue, (c) bear the date of expiration on the face thereof, (d) designate the location for which it is granted, (e) not be transferable and (f) only be issued after inspection of the premises by the licensing authority and after the applicant has given satisfactory evidence of financial responsibility, by way of a certificate of insurance, to satisfy any claim for public liability arising from the use of Fireworks or from the use of pyrotechnics for special effects in the minimum amount of one million dollars per accident for bodily injury and property damage, and shall not limit coverage within the applicable statutory period of covered liability.

§ 38-9 License fee.

The license fee to be paid to the city shall be established by the Office of the Fire Marshal's schedule of fees for permits and licenses for each exhibition.

§ 38-10 Hazardous locations for exhibitions.

No such license shall be issued for any location within 200 feet of any combustible building, nor unless provision has been made to keep spectators and all other individuals except the agents and employees of the licensee at least 200 feet distant from the licensed location, nor when the Fire Chief shall determine that any condition exists which makes exhibitions of fireworks at such location unusually hazardous.

§ 38-11 Hour of conclusion for fireworks display.

All fireworks displays shall be concluded promptly by 10:00 p.m.

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Nothing herein shall be construed as prohibiting the storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor as applying to the military or naval forces of the United States or to the authorized militia of the state or to peace officers.

§ 38-13 Cap pistols and caps.

The provisions hereof shall not apply to the retail sale or use of cap pistols and repeater cap pistols and caps to be used therein.

Dated at Norwalk, Connecticut this 16th day of June 2021.

ATTEST: _____

Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, July 9, 2021

Chapter 30

Capital Projects Program

**Possible Merger of Planning &
Zoning Commissions**

Chapter 30 Capital Projects Program

§ 30-5. Estimates.

On or before the first day of January in each year, the Common Council and the head of each department, board and agency shall submit to the Planning and Zoning Commission and the Comptroller a detailed estimate of all capital ~~projects~~**budget items**, as defined in § ~~30-4,30-4~~, which, in the judgment of the Common Council and such head of department, should be undertaken within the five succeeding fiscal years. These estimates shall be known as "estimates for capital projects" and shall be in such form as the Comptroller shall prescribe. These estimates shall be public records and shall be open for inspection at all reasonable time.

§ 30-6. Comptroller's report.

Following the receipt of estimates for capital projects and not later than February 1 in each year, the Comptroller shall report to the Board of Estimate and Taxation, the Common Council and the Planning and Zoning Commission the amount of the expenditures requested and his, her or their estimate of the effect of such expenditures upon the current budget, and the bonded indebtedness for the succeeding years, together with his, her or their recommendations relative thereto.

§ 30-7. Review by Planning and Zoning Commission.

On or before February 15 in each year, the Planning and Zoning Commission shall hold hearings on the proposed capital projects program for the ensuing five years, at which time the Mayor, heads of all departments, boards and agencies or their representatives, the Comptroller, members of the Board of Estimate and Taxation, and members of the Common Council may be heard in respect to estimates for each of these years. The role of the Planning and Zoning Commission shall be to ensure that **each capital budget item** in the proposed capital projects program is consistent with the City's Master Plan for the physical development of the City. The Planning and Zoning Commission may require the production of all pertinent data in respect to such estimates, including preliminary plans, sketches, layouts and surveys. The Comptroller and the Director of Planning and Zoning shall render assistance to the Planning and Zoning Commission in its consideration of the capital projects program ~~and its preparation thereof. The Planning and Zoning Commission shall thereupon recommend the capital project program items which, in its judgment, the City should undertake during the ensuing fiscal year.~~ The Planning and Zoning Commission shall thereupon prepare a report setting forth its determination as to whether each proposed capital budget item for the ensuing fiscal year is or is not consistent with the City's Master Plan for the physical development of the City. Such report may also contain recommendations of the Planning and Zoning Commission with respect to the proposed capital projects program. The Planning and Zoning Commission shall deliver such report to the Mayor as provided in § 30-8 and also to the Common Council, Board of Estimate and Taxation and Comptroller.

§ 30-8. Review by Mayor.

The proposed capital budgets program, **together with the report of the Planning and Zoning Commission as provided in § 30-7**, shall thereupon, on or before March 5 of each year, be transmitted to the Mayor for his, her or their review and recommendations, but he, she or they may

not include therein any new ~~projects~~capital budget items without first submitting them to the Planning and Zoning Commission for its ~~consideration~~determination in accordance with § 30-7. If the Planning and Zoning Commission ~~is opposed to~~determines that any such new ~~projects~~capital budget item is not consistent with the City's Master Plan for the physical development of the City, this fact shall be recorded by the Mayor when submitting his, her or their recommendations to the Board of Estimate and Taxation and the Common Council.

§ 30-9. Action by Board of Estimate and Taxation.

The Mayor shall thereupon, on or before March 15 in each year, transmit the capital budget to the Board of Estimate and Taxation, which shall, after incorporating therein such recommendations as the Mayor, the Planning and Zoning Commission and the Comptroller may make, forward the same to the Common Council, or before April 1 in each year, with an expression in writing of its judgment with respect to the amount of funds it is proposed to expend in such capital budget and the effect such expenditures will, in its opinion, have upon the operating expenses and credit of the City. The Board of Estimate and Taxation may transfer from the capital budget to the operating budget all or such part of such capital items as it believes may feasibly be included in the operating budget for the ensuing year.

§ 30-10. Adoption of budget.

Upon receipt of the recommendations of the Board of Estimate and Taxation, the Common Council may approve, reject or reduce any item in the capital budget by a vote of the majority of its members, present and voting, or may, by a vote of a majority of its members present and voting, reinstate therein any item which may have been previously disapproved. The Common Council shall thereupon approve the same as amended on or before the 15th day of April in each year, when it shall be certified to the Comptroller. Any item not rejected or reduced by the Common Council shall be deemed approved by it. Notwithstanding anything to the contrary in this Chapter, if any proposed capital project item has been determined by the Planning and Zoning Commission to not be consistent with the City's Master Plan for the physical development of the City, such item shall not be included in any capital budget or otherwise funded unless and until it has been approved by a two-thirds vote of the entire Common Council.

§ 30-10.1. Schedules, progress and completion reports and recommendations for termination or abandonment of capital budget items.

A. Upon adoption of the capital budget as set forth in § ~~30-10,30-10~~, the Comptroller shall notify each department or agency of those items under such department's or agency's responsibility, together with the amount thereof which has been approved. Each department or agency shall, within 30 days after notification by the Comptroller, submit to the Comptroller a work program scheduling the expected progress of each capital budget item to completion. On the first of each month, the Comptroller shall submit to the Mayor, Common Council and Planning and Zoning Commission, a report showing ~~monies~~funds expended in the capital budget and the status of each capital budget item.

B. Funds set aside for a capital budget item shall be deemed to have been allotted for that purpose only. No such allotment shall lapse until the purpose for which it was made is accomplished and

completion thereof accepted by the Common Council as herein provided: such allotment is terminated or abandoned, or two fiscal years elapse without any expenditure from or encumbrance of such allotment except where such capital budget item is delayed by litigation or by action of state or federal agencies. The Comptroller shall certify to the Mayor, Common Council and Planning and Zoning Commission in his, her or their monthly report any such automatic abandonment. Any capital budget item may be terminated or abandoned, provided the Mayor shall give written notice to the Planning and Zoning Commission of the reason for termination or abandonment, whereupon the Planning and Zoning Commission shall within 30 days after the receipt of such notice, forward its recommendations to the Common Council which shall hold a public hearing thereon. In the event of approval by the Planning and Zoning Commission of the Mayor's request, a majority of the Council is required for concurrence; in the event of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by recorded vote of not less than ~~2/3~~two-thirds of its entire membership.

C. Any and all unencumbered funds that constitute a surplus of funds allocated for capital budget items that have been completed, terminated or abandoned shall revert to a capital budget surplus account which shall be used to reduce the net capital budget for the succeeding year, except when such surplus funds are used to finance additional obligations as provided for in § ~~30-11.1~~30-11.1.

§ 30-11. Restrictions.

No obligations of the City shall be authorized or expenditures made in any fiscal year for or on account of the capital budget unless such obligations or expenditures shall have been included in the capital budget as finally approved for that fiscal year, except as hereafter provided. Additional obligations may be authorized and expenditures made; provided that such obligations or expenditures shall be recommended in writing by the Mayor to the Planning and Zoning Commission, which shall, within 10 days after receipt thereof, forward the same to the Common Council with its recommendations relative thereto. ~~The~~Except as otherwise provided in § 30-10, the Common Council may thereupon, by a majority of its members present and voting, approve, reduce or reject all or any part thereof.

§ 30-11.1. Financing additional obligations.

Requests for additional obligations to the capital budget shall not be approved unless the request is made necessary by unforeseeable or emergency conditions. Any such request shall be accompanied by a statement from the Comptroller setting forth, first, the necessity for using capital budget funds rather than financing through operating budget and, second, his, her or their recommendations as to the most feasible and economical measures to finance such obligations either from overall surplus from any previous bond issue for capital budgets or from the issuance of notes, each of which shall be designated "bond anticipation notes" and which may be renewed from time to time through utilization of funds from capital budget items that have been terminated, abandoned or lapsed. However, all such notes of any fiscal year and any renewals thereof shall be paid from the proceeds of the next regular capital improvements bond issue.

§ 30-12. Financing recommendations.

On or before the first day of May in each year, the Comptroller shall transmit to the Common Council and the Board of Estimate and Taxation his, her or their recommendations in respect to the most feasible and economical measures to finance the capital budget for the ensuing fiscal year. These bodies, at an appropriate time, shall adopt such resolutions as may give force and effect to the financing of such capital budget in accordance with the provisions of the Charter of the City relating thereto.

§ 30-13. Planning and Zoning Commission and Common Council authorized to hold public hearings.

The Planning and Zoning Commission and the Common Council shall each, in its discretion, hold such public hearings on the capital projects program and the capital budget as either or both of them may deem necessary to ascertain the opinion of the public on the matters under consideration. The Chair of any such hearings shall permit such public participation in such proceedings as may, in his, her or their judgment, be necessary to impart to the Board holding such hearing information of value to it in appraising the opinion of the public in relation thereto. Nothing contained herein, expressed or implied, shall be construed as limiting the free expression of the public in relating to any subject pertinent to such hearing, to restrain such public participation as may unreasonably retard the deliberations thereof, or which may not be germane to the subject under deliberation.

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, July 20, 2021 at 7:00p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 30, Sections 30-5, 30-6, 30-7, 30-8, 30-9, 30-10.1, 30-11.1, 30-12, 30-13. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by July 16, 2021.

Chapter 30 Capital Projects Program

§ 30-5. Estimates.

On or before the first day of January in each year, the Common Council and the head of each department, board and agency shall submit to the Planning and Zoning Commission and the Comptroller a detailed estimate of all capital projects, as defined in § 30-4, which, in the judgment of the Common Council and such head of department, should be undertaken within the five succeeding fiscal years. These estimates shall be known as "estimates for capital projects" and shall be in such form as the Comptroller shall prescribe. These estimates shall be public records and shall be open for inspection at all reasonable time.

§ 30-6. Comptroller's report.

Following the receipt of estimates for capital projects and not later than February 1 in each year, the Comptroller shall report to the Board of Estimate and Taxation, the Common Council and the Planning and Zoning Commission the amount of the expenditures requested and his, her or their estimate of the effect of such expenditures upon the current budget, and the bonded indebtedness for the succeeding years, together with his, her or their recommendations relative thereto.

§ 30-7. Review by Planning and Zoning Commission.

On or before February 15 in each year, the Planning and Zoning Commission shall hold hearings on the proposed capital projects program for the ensuing five years, at which time the Mayor, heads of all departments, boards and agencies or their representatives, the Comptroller, members of the Board of Estimate and Taxation, and members of the Common Council may be heard in respect to estimates for each of these years. The role of the Planning and Zoning Commission shall be to ensure that the proposed capital projects program is consistent with the City's Master Plan for the physical development of the City. The Planning and Zoning Commission may require the production of all pertinent data in respect to such estimates, including preliminary plans, sketches, layouts and surveys. The Comptroller and the Director of Planning and Zoning shall render assistance to the Planning and Zoning Commission in its consideration of the capital projects program and its preparation thereof. The Planning and Zoning Commission shall thereupon recommend the capital project program items which, in its judgment, the City should undertake during the ensuing fiscal year.

§ 30-8. Review by Mayor.

The proposed capital budgets program shall thereupon, on or before March 5 of each year, be transmitted to the Mayor for his, her or their review and recommendations, but he, she or they may not include therein any new projects without first submitting them to the Planning and Zoning Commission for its consideration. If the Planning Commission is opposed to such new projects, this fact shall be recorded by the Mayor when submitting his, her or their recommendations to the Board of Estimate and Taxation and the Common Council.

§ 30-9. Action by Board of Estimate and Taxation.

The Mayor shall thereupon, on or before March 15 in each year, transmit the capital budget to the Board of Estimate and Taxation, which shall, after incorporating therein such recommendations as the Mayor, the Planning and Zoning Commission and the Comptroller may make, forward the same to the Common Council, or before April 1 in each year, with an expression in writing of its judgment with respect to the amount of funds it is proposed to expend in such capital budget and the effect such expenditures will, in its opinion, have upon the operating expenses and credit of the City. The Board of Estimate may transfer from the capital budget to the operating budget all or such part of such capital items as it believes may feasibly be included in the operating budget for the ensuing year.

§ 30-10.1. Schedules, progress and completion reports and recommendations for termination or abandonment of capital budget items.

A. Upon adoption of the capital budget as set forth in § 30-10, the Comptroller shall notify each department or agency of those items under such department's or agency's responsibility, together with the amount thereof which has been approved. Each department or agency shall, within 30 days after notification by the Comptroller, submit to the Comptroller a work program scheduling the expected progress of each capital budget item to completion. On the first of each month, the Comptroller shall submit to the Mayor, Common Council and Planning and Zoning Commission, a report showing monies expended in the capital budget and the status of each capital budget item.

B. Funds set aside for a capital budget item shall be deemed to have been allotted for that purpose only. No such allotment shall lapse until the purpose for which it was made is accomplished and completion thereof accepted by the Common Council as herein provided: such allotment is terminated or abandoned, or two fiscal years elapse without any expenditure from or encumbrance of such allotment except where such capital budget item is delayed by litigation or by action of state or federal agencies. The Comptroller shall certify to the Mayor, Common Council and Planning and Zoning Commission in his, her or their monthly report any such automatic abandonment. Any capital budget item may be terminated or abandoned, provided the Mayor shall give written notice to the Planning and Zoning Commission of the reason for termination or abandonment, whereupon the Planning and Zoning Commission shall within 30 days after the receipt of such notice, forward its recommendations to the Common Council which shall hold a public hearing thereon. In the event of approval by the Planning and Zoning Commission of the Mayor's request, a majority of the Council is required for concurrence; in the event of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by recorded vote of not less than 2/3 of its entire membership.

C. Any and all unencumbered funds that constitute a surplus of funds allocated for capital budget items that have been completed, terminated or abandoned shall revert to a capital budget surplus account which shall be used to reduce the net capital budget for the succeeding year, except when such surplus funds are used to finance additional obligations as provided for in § 30-11.1.

§ 30-11. Restrictions.

No obligations of the City shall be authorized or expenditures made in any fiscal year for or on account of the capital budget unless such obligations or expenditures shall have been included in the capital budget as finally approved for that fiscal year, except as hereafter provided. Additional obligations may be authorized and expenditures made; provided that such obligations or expenditures shall be recommended in writing by the Mayor to the Planning and Zoning Commission, which shall, within 10 days after receipt thereof, forward the same to the Common Council with its recommendations relative thereto. The Common Council may thereupon, by a majority of its members present and voting, approve, reduce or reject all or any part thereof.

§ 30-11.1. Financing additional obligations.

Requests for additional obligations to the capital budget shall not be approved unless the request is made necessary by unforeseeable or emergency conditions. Any such request shall be accompanied by a statement from the Comptroller setting forth, first, the necessity for using capital budget funds rather than financing through operating budget and, second, his, her or their recommendations as to the most feasible and economical measures to finance such obligations either from overall surplus from any previous bond issue for capital budgets or from the issuance of notes, each of which shall be designated "bond anticipation notes" and which may be renewed from time to time through utilization of funds from capital budget items that have been terminated, abandoned or lapsed. However, all such notes of any fiscal year and any renewals thereof shall be paid from the proceeds of the next regular capital improvements bond issue.

§ 30-12. Financing recommendations.

On or before the first day of May in each year, the Comptroller shall transmit to the Common Council and the Board of Estimate and Taxation his, her or their recommendations in respect to the most feasible and economical measures to finance the capital budget for the ensuing fiscal year. These bodies, at an appropriate time, shall adopt such resolutions as may give force and effect to the financing of such capital budget in accordance with the provisions of the Charter of the City relating thereto.

§ 30-13. Planning and Zoning Commission and Common Council authorized to hold public hearings.

The Planning and Zoning Commission and the Common Council shall each, in its discretion, hold such public hearings on the capital projects program and the capital budget as either or both of them may deem necessary to ascertain the opinion of the public on the matters under consideration. The Chair of any such hearings shall permit such public participation in such proceedings as may, in his, her or their judgment, be necessary to impart to the Board holding such hearing information of value to it in appraising the opinion of the public in relation thereto. Nothing contained herein, expressed or implied, shall be construed as limiting the free expression of the public in relating to any subject pertinent to such hearing, to restrain such public participation as may unreasonably retard the deliberations thereof, or which may not be germane to the subject under deliberation.

Dated at Norwalk, Connecticut this 16th day of June 2021.

ATTEST: _____

Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, July 9, 2021

Chapter 79

Planning & Zoning Commissions

Possible Merger of Planning & Zoning Commissions

Chapter 79. Planning and Zoning Commission

§1. Creation.

Pursuant to the authority granted to the Common Council by § 1-368.2 of the Charter of the City of Norwalk and § 8-4a of the Connecticut General Statutes, the Planning Commission of the City of Norwalk is hereby designated as the Planning and Zoning Commission for Norwalk (hereinafter, the Commission).

§2. Powers and duties.

The Commission shall have all of the powers and be subject to all of the duties granted to and imposed upon planning and zoning commissions under the Connecticut General Statutes, together with all of the powers and duties specifically granted to and imposed upon the Planning Commission under the Charter of the City of Norwalk, to the extent that such powers and duties are not inconsistent with the powers and duties provided under the Connecticut General Statutes.

§3. Composition and appointment.

The Commission shall consist of ~~nine~~ ~~7~~ regular members, provided that no more than ~~six~~ such members may be registered members of any one political party, and provided further, that there shall be not more than three regular members from any one Council District. All of such members shall be electors of the City of Norwalk.

Members of the Commission shall be appointed by the Mayor with the approval of the Common Council. If the Mayor shall fail to submit a nomination within 60 days after a vacancy, either by reason of expiration of term or for any other reason, such vacancy shall thereafter be filled by nomination and approval of the Common Council. If the Mayor shall have submitted a nomination to fill a vacancy within the sixty-day period and the Common Council shall have rejected or failed to act upon such nomination, the seat shall be vacated. The Mayor may submit the same or different nominations thereafter until the same shall have been approved by the Common Council. ~~In no instance shall a member serve more than five consecutive terms as a regular member.~~ No member of the Commission shall be a regular or alternate member of the Zoning Board of Appeals.

§4. Alternate members.

There shall be appointed, in the manner provided in Section 3 above, ~~three~~ alternate members to the Commission, no more than ~~two~~ of whom shall be registered members of any one political party. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth above for regular members of the Commission. Such alternate members shall be electors and shall not be regular or alternate members of the Zoning Board of Appeals. If a regular member of the Commission is absent, they may designate, in writing, an alternate member of the Commission to act in their place. If they fail to make such designation

or the person so designated is disqualified, the Chair of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

§5. Terms of office.

- A. Regular members. The terms of the regular members shall be as follows: ~~{three}~~ of said members shall be appointed for terms ending ~~{January 1, 2022}; {2023}~~; ~~three~~ of said members for terms ending ~~{January 1, 2023}; {2024}~~; and ~~three~~ of said members shall be appointed for terms ending ~~{January 1, 2024}~~.2025. Thereafter, upon the expiration of the term of any such member, their successor shall be appointed for a term of ~~{three}~~ years.
- B. Alternate members. ~~{One}~~ alternate shall be appointed for a term ending ~~{January 1, 2022}; {2023}~~, ~~one~~ alternate for a term ending ~~{January 1, 2023}; 2024~~, and ~~{one}~~ alternate for a term ending ~~{January 1, 2024}~~.2025. Thereafter, upon the expiration of the term of any such alternate member, their successor shall be appointed for a term of ~~{three}~~ years.

§6. Organization and administration.

- A. The Commission shall organize and elect officers, maintain records, contract, prepare budgets, and do all other things permitted or directed by the provisions of the Connecticut General Statutes and the Charter of the City of Norwalk, insofar as the latter are not inconsistent with the provisions of the Connecticut General Statutes. All employees of the Planning Commission and the Zoning Commission as of the effective date of this chapter shall be employees of the Commission.
- B. There shall be a Director of Planning and Zoning, who shall be appointed by the Commission based on the recommendation of a search committee. Such committee shall consist of the ~~{Chair and Vice-Chair}~~ of the Commission, the Chief of Economic and Community Development, and the City's Personnel Director or designee. There may be an Assistant Director of Planning and Zoning who shall be appointed in the same manner, except that the Director of Planning and Zoning shall replace the Personnel Director on the search committee.
- C. Nothing contained herein shall be construed to alter the terms and conditions of any collective bargaining agreement applicable hereto.
- D. Staff of the Commission shall be appointed by the Director and employed pursuant to the City's Personnel Rules and Regulations.

§7. Effect on prior regulations.

All regulations adopted by the Planning Commission or the Zoning Commission which were in effect prior to the effective date of this chapter shall continue in full force and effect until

modified, repealed, or superseded in accordance with the provisions of the Connecticut General Statutes.

§8. Effective date.

This chapter shall take effect on ~~January 11, 2022~~.

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, July 20, 2021 at 7:00p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 79, Sections 1, 2, 3, 4, 5, 6, 7 and 8. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by July 16, 2021.

Chapter 79. Planning and Zoning Commission

§ 1. Creation.

Pursuant to the authority granted to the Common Council by ~~§ 1-368.2~~ of the Charter of the City of Norwalk and § 8-4a of the Connecticut General Statutes, the Planning Commission of the City of Norwalk is hereby designated as the Planning and Zoning Commission for Norwalk (hereinafter, the Commission).

§2. Powers and duties.

The Commission shall have all of the powers and be subject to all of the duties granted to and imposed upon planning and zoning commissions under the Connecticut General Statutes, together with all of the powers and duties specifically granted to and imposed upon the Planning Commission under the Charter of the City of Norwalk, to the extent that such powers and duties are not inconsistent with the powers and duties provided under the Connecticut General Statutes.

§3. Composition and appointment.

The Commission shall consist of [nine ~~7~~] regular members, provided that no more than [six] such members may be registered members of any one political party, and provided further, that there shall be not more than three regular members from any one Council District. All of such members shall be electors of the City of Norwalk.

Members of the Commission shall be appointed by the Mayor with the approval of the Common Council. If the Mayor shall fail to submit a nomination within 60 days after a vacancy, either by reason of expiration of term or for any other reason, such vacancy shall thereafter be filled by nomination and approval of the Common Council. If the Mayor shall have submitted a nomination to fill a vacancy within the sixty-day period and the Common Council shall have rejected or failed to act upon such nomination, the seat shall be vacated. The Mayor may submit the same or different nominations thereafter until the same shall have been approved by the Common Council. [In no instance shall a member serve more than five consecutive terms as a regular member.] No member of the Commission shall be a regular or alternate member of the Zoning Board of Appeals.

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There shall be appointed, in the manner provided in Section 3 above, [three] alternate members to the Commission, no more than [two] of whom shall be registered members of any one political party. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth above for regular members of the Commission. Such alternate members shall be electors and shall not be regular or alternate members of the Zoning Board of Appeals. If a regular member of the Commission is absent, they may designate, in writing, an alternate member of the Commission to act in their place. If they fail to make such designation or the person so designated is disqualified, the Chair of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

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B. There shall be a Director of Planning and Zoning, who shall be appointed by the Commission based on the recommendation of a search committee. Such committee shall consist of the [Chair and Vice-Chair] of the Commission, the Chief of Economic and Community Development, and the City's Personnel Director or designee. There may be an Assistant Director of Planning and Zoning who shall be appointed in the same manner, except that the Director of Planning and Zoning shall replace the Personnel Director on the search committee.

C. Nothing contained herein shall be construed to alter the terms and conditions of any collective bargaining agreement applicable hereto.

D. Staff of the Commission shall be appointed by the Director and employed pursuant to the City's Personnel Rules and Regulations.

§7. Effect on prior regulations.

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§8. Effective date.

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D. Staff of the Commission shall be appointed by the Director and employed pursuant to the City's Personnel Rules and Regulations.

§7. Effect on prior regulations.

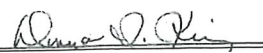
All regulations adopted by the Planning Commission or the Zoning Commission which were in effect prior to the effective date of this chapter shall continue in full force and effect until modified, repealed, or superseded in accordance with the provisions of the Connecticut General Statutes.

§8. Effective date.

This chapter shall take effect on [January 1, 2022].

Dated at Norwalk, Connecticut this 16th day of June 2021.

ATTEST:


Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, July 9, 2021

**Tired of being Underappreciated? Find your next job with
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Draft Meeting Minutes

May 18, 2021

June 15, 2021

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**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
MAY 18, 2021
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson;
Thomas Keegan; Thomas Livingston; Kadeem Roberts (7:16 p.m.)

STAFF: Brian Candela, Corporation Counsel; Steven Kleppin, Director of
Planning and Zoning; Jessica Vonashek, Chief of Economic and
Community Development

OTHERS: Francis DiMeglio; Chair Planning Commission; Louis Schullman,
Chair Zoning Commission; Broderick Sawyer, Fire Marshall

Ms. Shanahan called the meeting to order at 7:01 p.m.

ROLL CALL

Ms. Shanahan called the Roll as indicated above. A Quorum was present.

PUBLIC HEARING (possible action on):

A public hearing was not held this evening.

PUBLIC COMMENT

No members of the public wished to comment this evening.

ACCEPTANCE OF MINUTES

April 20, 2021 – regular meeting of the Ordinance Committee

Mr. Candela made corrections to the minutes.

**** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS AMENDED
** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Discuss and Vote on Chapter 59A Housing: Equal Opportunity:

Section 59A-1a

Section 59A-2

Ms. Shanahan thanked Ms. Johnson and Ms. Johnson thanked the Corporation Counsel.

The Committee members reviewed Chapter 59A. Ms. Johnson explained that the Code reflects the relevant **state statutes regarding sexual orientation nondiscrimination. Ms. Johnson also noted that Margaret Suib was consulted in the revision of this language. State Statutes.** Mr. Livingston said there still needs to be some **grammatical and other revisions for consistency in the document conforming language because they are not identical.** He said he can help with the language to be sure it is **revised accordingly identical. Ms. Johnson noted that Ms. Suib checked the language.**

**** MR. HEUVELMAN MOVED CHAPTER 59A HOUSING: EQUAL
OPPORTUNITY TO A PUBLIC HEARING**

City of Norwalk

Ordinance Committee

May 18, 2021

Page 2

Via Videoconference and Teleconference

**** MOTION PASSED UNANIMOUSLY**

Discuss and Vote on Chapter 60 Human Relations Commission:

Section 60-1
Section 60-2
Section 60-5

Mr. Candela explained that this section has been on the agenda at least twice.

**** MR. LIVINGSTON MOVED CHAPTER 60 HUMAN RELATIONS
COMMISSION TO A PUBLIC HEARING
** MOTION PASSED UNANIMOUSLY**

Discuss Chapter 38, Article II, (Fireworks and Firecrackers) Sections 38-7 through 38-13

Ms. Shanahan thanked Mr. Livingston for taking the lead on this item.

Mr. Sawyer said he was here this evening to answer questions. Ms. Shanahan asked if people should notify Mr. Sawyer if they plan to sell fireworks in their store. Mr. Sawyer said he will be receiving a list from T&T Fireworks of who they sell fireworks to. Mr. Livingston said he did not think that anyone selling illegal fireworks were going to notify Mr. Sawyer.

Mr. Roberts joined the meeting at 7:16 p.m.

Mr. Candela said that part of what they are trying to do is provide the Fire Department with an Ordinance. Ms. Shanahan asked Mr. Sawyer to think about this further.

The Committee members discussed and made revisions to the proposed revision. Ms. Shanahan said that the changes discussed will be included in the Ordinance and will be discussed further at next month's meeting.

NEW BUSINESS

No new business discussed this evening.

DISCUSSION ITEM

Discuss the possible merger of the Planning and Zoning Commissions

City of Norwalk
Ordinance Committee
May 18, 2021
Page 3
Via Videoconference and Teleconference

Ms. Shanahan said that Mr. Livingston discussed this item with her and said he has been thinking about this for a long time.

Mr. Livingston said that now the POCD (Plan of Conservation Development) has been completed, and with the support of the Mayor, the time has come to discuss the merger of the Planning and Zoning Commissions.

Mr. Livingston gave an historical overview of the Planning and Zoning Commissions. Planning and Zoning were one commission; however, Mr. Livingston said it appears that they were separated in 1988 for political reasons.

Mr. Kleppin presented data that laid out the reasons for the merger and a memo outlining the workload. He said it was important to note the significant functions are outlined in the Statute.

The number of subdivision applications have gone down over the past three years. They are averaging a total of four per year. Another major task, the City wide POCD is a 10 year document. The Planning Committee is also tasked with looking at 8-24 referrals. The Ordinance tasks the Planning Committee with looking at the capital budget and those requests.

Ms. Vonashek said this is a timely request to bring the Planning and Zoning Commissions together. She said that by bringing both Commissions together, they will work as one consistent group working for the City.

Ms. DiMeglio said she has been on the Planning Commission for a long time, first being appointed by Mayor Knopp. She said that when she was first appointed, along with the Planning Commission, they had the Sub Division Committee and the Land Use Committee. There were lots of subdivisions and referrals from the Zoning Commission. Currently, subdivisions are few and far between.

Ms. DiMeglio said that capital budget process is intensive. Last year, she streamlined it. In the past, they would hold meetings until midnight or 2:00 a.m. This year, she held the meetings from 5 p.m. – 9:00 p.m. over the course of three nights.

Ms. DiMeglio said that some of the frustration is that one Committee does not know what the other Committee is doing.

Ms. DiMeglio said she heard there was a legal directive to separate the two Commissions. Mr. Livingston said that when he looked for information in *The Hour*, it was not a legal issue.

Ms. DiMeglio said she supports separating the Planning and Zoning Commission. She would propose increasing then number of members because they will need to create sub committees. She also asked the Committee to think about the membership of the Commission and be sure there is representation from the entire City to create and create a balanced membership.

Ms. DiMeglio said this is a positive think and should be looked at as a whole.

Mr. Schullman said that he was a little concerned for the members of the Zoning Commission. He said it operates extremely well and everyone gets along extremely well. He said he would like to be involved in the discussions about how to make this work.

Mr. Schullman said that capital budget puts an enormous stress on the people dealing with that issue.

Mr. Schullman explained that the Zoning Commission meets between 20 – 30 times a year and the meetings run 3 – 4 hours. He said lately the meetings have been limited so they do not run late into the night. He said he welcomes the opportunity to be involved as they work through this issue.

Mr. Livingston proposed working with Ms. Shanahan, Ms. DiMeglio, Mr. Kleppin and Ms. Vonashek and come back with a proposal for consideration at the June meeting. He suggested starting with the pre-1988 Ordinance. He said he wants to do all he can to not make the burden overwhelming.

Mr. Heuvelman asked if ~~this change would require they have to do a~~ Charter Revision to ~~combine these two commissions or if this was an ordinance change onlyseparate the Commissions.~~ Mr. Livingston ~~replied said that they did not have to do a~~ Charter ~~R~~revision ~~was not necessary because of the 1971 changes to the charter.~~ Mr. Heuvelman said it ~~makes sense would be a good idea to explore start exploring combining these commissions as long as we are cognizant of the workloadseparating the Commissions. It makes a lot of sense, but he wants to be cognizant of the workload.~~

Ms. Johnson asked about diversity on the Commissions. Mr. Schullman noted that the Commissions have a political breakdown. People need to be from various areas so the City as a whole is represented. In addition, each Commission has term limits.

Ms. DiMeglio said they have four year terms and the Mayor appoints members to the Commission. She said they are a diverse group and leave their political affiliation at the door to do what is best for the City.

Mr. Candela said that when he reviewed the Ordinance, he saw political affiliation and geographic area.

Mr. Kleppin said that one area that would increase the workload would be the capital budget process.

ADJOURNMENT

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

There was no further business, and the meeting was unanimously adjourned at 8:00 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

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**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 15, 2021
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson; Thomas Keegan; Manny Langella; Thomas Livingston; Kadeem Roberts

STAFF: Brian Candela, Corporation Counsel; Broadrick Sawyer, Fire Marshall; Steven Kleppin, Director of Planning and Zoning; Louis Schulman, Chair, Zoning Commission

ROLL CALL

Ms. Shanahan called the meeting to order at 7:02 p.m. and called the Roll as indicated above.

PUBLIC HEARING (possible action on)

Discuss and vote on Chapter 59A Housing: Equal Opportunity:

Section 59A-1

Section 59A-2

Ms. Shanahan opened the public hearing.

Hearing no one, the public hearing was closed at 7:04 p.m.

Discuss and Vote on chapter 60 Human Relations Commission:

Section 60-1

Section 60-2

Section 60-5

Ms. Shanahan opened the public hearing.

Hearing no one, the public hearing was closed at 7:05 p.m.

PUBLIC HEARING DISCUSSION

**** MR. LIVINGSTON MOVED SEND THE FOLLOWING TO THE
COMMON COUNCIL FOR ADOPTION**

CHAPTER 59A HOUSING: EQUAL OPPORTUNITY:

SECTION 59A-1

SECTION 59A-2

Mr. Livingston added the following suggestions/conforming changes:

59A-1 & 2— in the first parenthetical should read: in each case, whether actual or perceived

59A-2 6th line, deafness and-or

**** MOTION PASSED UNANIMOUSLY AS AMENDED**

June 15, 2021

Ordinance Committee

Regular Meeting

Page 2

Via Teleconference

**** MS. JOHNSON MOVED SEND THE FOLLOWING TO THE COMMON COUNCIL FOR ADOPTION**

CHAPTER 60 HUMAN RELATIONS COMMISSION:

SECTION 60-1

SECTION 60-2

SECTION 60-5

Mr. Livingston added the following suggestions/conforming changes:

60-1 and 60-2 in the first parenthetical should read: in each case, whether actual or perceived

60-2 deafness and-or

**** MOTION PASSED UNANIMOUSLY AS AMENDED**

PUBLIC COMMENT

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Ms. Diane Lauricella spoke about the possibility of merging the Planning and Zoning Commissions. She said that she was leaning against such a combination and asked that before any decision is made that a public hearing be held. She also asked that this group look at what other cities have. She said that most Planning and Zoning Commissioners are elected.

Ms. Lauricella asked if it would make sense for the volunteers on the Planning Commission to take on more work. She said she would like to see them do more as far as planning and look at an holistic, comprehensive plan.

Ms. Lauricella said that in chapter 79B, regarding the Search Committee, she suggested adding a citizen representative to the Planning and Zoning Commissions. She added that she would like to see wording that looks at diversity.

Ms. Lauricella said that a lot feel that the Redevelopment Agency does not always listen to what is needed in the City.

There were no other members of the public who wished to comment.

ACCEPTANCE OF MINUTES

May 18, 2021

- ** MR. LIVINGSTON MOVED TO TABLE THE MINUTES TO THE JULY MEETING TO BETTER REFLECT THE CONVERSATION**
- ** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Discuss and Vote on Chapter 38, Article II, (Fireworks and Firecrackers) Sections 38-7 through 38-13

Ms. Shanahan thanked Mr. Livingston for making important and significant changes. Ms. Shanahan asked Mr. Sawyer about the reference "skilled in the discharge of fireworks". Mr. Sawyer said that wording is directly in the CT General Statute. Mr. Livingston said he did not believe it was defined in the Statute. Ms. Shanahan said she found it vague. Mr. Sawyer said that if it came up, he would make the final determination.

Mr. Candela read the requirement in the Statute. He also read the section related to penalties. Mr. Sawyer said that most of the folks he deals with comply. He added that he was fine with whatever the Committee decides.

Mr. Keegan asked Mr. Sawyer if this is what he was looking for when he first brought this matter to the Committee. Mr. Sawyer said it was much more and is really good. He said that most of the people selling fireworks are going to do the right thing.

- ** MR. LIVINGSTON MOVED TO BRING CHAPTER 38, ARTICLE II, (FIREWORKS AND FIRECRACKERS) SECTIONS 38-7 THROUGH 38-13 TO A PUBLIC HEARING**
- ** MOTION PASSED UNANIMOUSLY**

Discuss and Vote on Chapter 30 (Capital Projects Program and Chapter 79 (Planning and Zoning Commission as well as the possible merger of the Planning and Zoning Commissions

Mr. Livingston reviewed the proposed changes. He said he agrees with Ms. Lauricella and is eager to get public input. He reviewed the creation of the Planning and Zoning Commissions. He said they are waiting for an opinion and review of the document by the Law Department. He said that Section 79 is taken from the Ordinance related to the Zoning Commission language.

June 15, 2021

Ordinance Committee

Regular Meeting

Page 4

Via Teleconference

Mr. Livingston reviewed the duties and powers from the CT General Statute. He said that it was not clear what the composition of the Commission would be in terms of number of members.

Mr. Livingston reviewed the composition and appointments and said would like to have an odd number. Mr. Shulman said he would like to see a small, manageable group. Mr. Livingston said the number would be subject to what the Law Department says. He said that this would be a new commission. He added that he was concerned that Zoning is a specialized area, and it is counter productive to move people out after a certain number of years.

Mr. Shulman said that the requirements for the Planning Commission are different from the requirements for the Zoning Commission. Ms. Shanahan asked how long it would take new Commissioners to get up to speed. Mr. Shulman said it takes a good six months to a year. He noted that Mr. Kleppin is good about offering training to the Commissioners.

Mr. Livingston discussed the terms for alternate members. Terms will be staggered as they have been in the past.

Mr. Livingston said the effective date is important. He said the new Commission would have to be made up. He said he wants to do it outside of the election season with an effective date of January 1, 2022. Mr. Shulman noted that both the Planning Commission and the Zoning Commissions are down in terms of members. He said they need some appointees, which may be problematic. He said the Chair of the Planning Commission has the same concerns. Mr. Livingston said this can't get done before some of the terms expire in July. Mr. Shulman said that if the effective date is January 1, 2022, they will run into election season.

Mr. Heuvelman asked if there was a way to allow some of the duties to overlap as the new Commission is being formed. Mr. Livingston explained it would not be new members; it would be made of existing members of the Planning and Zoning Commissions.

Mr. Livingston said that one of the concerns that has been expressed is the workload. He said this deals with the capital budget and he wants to see a way to streamline this to reduce the workload.

Ms. Shanahan asked if any other committees are tasked with reviewing the capital budget. Mr. Livingston explained that the Board of Estimate and Taxation and the Common Council review the capital budget. Mr. Livingston said he wants more feedback from the public.

**** MR. LIVINGSTON MOVED CHAPTER 30 (CAPITAL PROJECTS PROGRAM AND CHAPTER 79 (PLANNING AND ZONING COMMISSION AS WELL AS THE POSSIBLE MERGER OF THE PLANNING AND ZONING COMMISSIONS TO A PUBLIC HEARING IN JULY**

Mr. Livingston said he hopes to have a legal opinion by the July public hearing.

**** MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

Discuss and Vote on Chapter 38, Article II. Sections 37-9 through 37-15

Mr. Livingston explained that the Styrofoam ordinance was passed two years ago. It had great success, but in at least one instance a store interpreted it differently. He said that the only section being amended is the definition of a polystyrene product.

**** MR. LIVINGSTON MOVED TO TAKE CHAPTER 38, ARTICLE II. SECTIONS 37-9 THROUGH 37-15 TO A PUBLIC HEARING IN JULY**
**** MOTON PASSED UNANIMOUSLY**

DISCUSSION ITEM

A discussion did not take place.

ADJOURNMENT

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

There was no further business, and the meeting was unanimously adjourned at 8:17 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Chapter 45, Article IV
Outdoor Dining

Chapter 7

Article II – City Seal

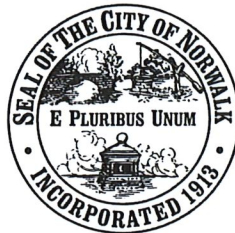
Sections 7-9 and 7-10

ARTICLE II City Seal¹

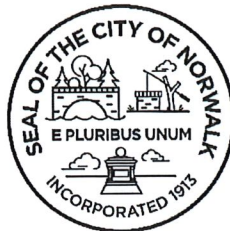
§ 7-9. Description.

The seal of the city shall be as follows: In a straight line across the center are the words "E Pluribus Unum," at the upper left is a bridge with water flowing thereunder, at the upper right is an old well, and underneath is a monument. Encircling the whole are the letters and figures following:

"Seal of the City of Norwalk, Incorporated 1913." Such seal, represented as aforesaid, and substantially as hereinafter shown, is hereby established to be and shall be the common seal of the city **for any official documentation in any color variation.**



For marketing purposes, including but not limited to social media, signage, and other non-official documentation, the modern city seal may be used as hereinafter shown and in any color variation.



§ 7-10. Custody.

¹ . Editor's Note: See Charter, § 1-1, for authorization as to seal.

The City Clerk¹ shall have the custody of the city seal, and the same shall be carefully preserved and kept by ~~them~~ ~~him~~ at all times in ~~his~~ ~~their~~ office.

¹ . Editor's Note: As to duties of City Clerk see Charter and Related Laws, Art. V, Part 3. :1

Chapter 112 - Trees

§ 112-1. Purpose.

The purpose of this chapter is to protect, preserve and ensure the proper maintenance of trees along public streets and rights-of-way and parks in the City of Norwalk and to provide for new public street trees and public park trees to be planted for the benefit of present and future generations. Public street trees and public park trees provide important benefits to the City, including the beautification of City streets and neighborhoods, the provision of shade, an improvement in air quality, the buffering of noise, and the enhancement of property values. The intent of this chapter is to provide clear direction to the designated Tree Warden to implement the City's goals for the maintenance of its public street trees and public park trees.

§ 112-2. Definitions.

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

DIAMETER AT BREAST HEIGHT (D.B.H.) — The diameter of a tree measured at a point 4 1/2 feet above the ground.

PERSON — Any natural person, communities, companies, corporations, public and private, limited liability companies, societies and associations.

PUBLIC STREETS — The area comprising all streets, roads, or rights-of-way, including unimproved portions of such corridors, located within the City boundary and accepted as a public street.

TREES — Woody plants, usually with one main trunk, reaching a height of 15 feet or more when mature, specifically including trees three inches at D.B.H. or greater. Trees are identified as public street trees or public park trees for the purposes of this chapter, unless otherwise identified.

TREE ROOT ZONE — The area beneath the branches of a tree extending to the drip line of the tree's canopy.

TREE WARDEN — The Tree Warden shall have the powers, duties and authorization prescribed in the Connecticut Public Shade Tree Statutes, particularly Connecticut General Statutes Sections 23-58, 23-59, 23-60 and 23-65 as may be amended, and those powers and duties as described in this chapter.

TRIMMING — To cut off or remove dead or living parts or branches of a tree.

§ 112-3. Administration and enforcement; Tree Advisory Committee.

- A. The Tree Warden is hereby authorized to administer and enforce this chapter. The Tree Warden shall prepare all permits, procedures, and documents necessary under this chapter and shall maintain accurate records of all activities conducted. The Tree Warden shall provide a report on such activities to the Public Works Committee of the Norwalk Common Council, on an as-needed basis.
- B. Tree Advisory Committee.
- (1) Composition. The Tree Advisory Committee shall be composed of five members to be nominated by the Mayor and approved by the Common Council. The Mayor shall designate one of the five members as Chairman. Each member of the Tree Committee shall be appointed for a term of three years, and terms shall be staggered. The terms of the initial members shall be as follows: two members with terms to expire July 1, 2003; one member with a term to expire July 1, 2004; and two members with terms to expire July 1, 2005. Thereafter, the terms for all members shall be for three years commencing on July 2nd. If a member shall terminate in advance of his or her term, his or her replacement shall be appointed to complete his or her term. Members shall serve without compensation. The Tree Warden serves as an ex officio nonvoting member.
 - (2) Duties. The Tree Advisory Committee shall recommend a tree management plan; recommend policies concerning selection, planting, maintenance and removal of public street trees and public park trees within the City and suggest community educational programs.

§ 112-4. General regulations and operations.

Any person conducting work relating to the planting, removal or trimming of trees on public streets within the City of Norwalk shall first obtain a permit from the Tree Warden. No person shall remove any tree on City owned property without a permit issued by the Tree Warden prior to removing said tree.

A. Tree removal permits.

- (1) A tree removal permit shall be required prior to the removal or trimming of any tree on any public street, except as noted

in Subsection C and § 112-5, Exemptions. Such tree removal permits shall be obtained from the Tree Warden, who shall conduct a site inspection prior to the issuance of said permit.

- (2) Posting of tree removal permit. Any public street tree greater than eight inches at D.B.H. shall be posted by the Tree Warden, or his designee, at least 10 days prior to such removal. The ten-day period shall commence from the date such tree removal notice(s) is posted on said tree(s). The tree removal notice shall be in the form of a brightly colored sign at least 8 1/2 inches by 11 inches in bold, clearly printed lettering able to be seen from the street which provides the name, address and phone number of the Tree Warden in the event that there is an objection to the tree's removal. The applicant shall submit proof that he/she has notified property owners of land which abuts or is directly across the street that he/she has applied for a tree removal permit by a written notice delivered at the time of the posting or within three business days of said posting.

(3) Tree replacement or repair.

- (a) An unauthorized removal or trimming of any tree shall require replacement or repair of such tree as may be deemed necessary by the Tree Warden at his sole discretion.
- (b) Where any tree has been removed or trimmed without authorization so as to require placement or repair, the person conducting, directing and/or responsible for such unauthorized removal or trimming shall be required to pay to the City the reasonable cost of such replacement or repair. Such costs shall include, but not be limited to, the cost of the removal, replacement or repair of the subject tree as well as the cost of any residual repair of the affected area. Such person shall be responsible to the City for any legal fees and costs that may be incurred in the enforcement of the provisions of this chapter.
- (c) Where any tree greater than eight inches in diameter at D.B.H. has been removed with the permission of the City, a replacement fee in an amount established in accordance with § 90-4, Approval of rates and fees, shall be paid to the City. **[Amended 6-23-2009]**

- B. Tree planting permits. A tree planting permit shall be required prior to the planting of any tree on any public street. Such tree

planting permits shall be issued by the Tree Warden, upon receipt of a complete tree planting application. The application shall include a tree planting plan, specifying the size, species and location of all new trees. Such plantings shall become the property of the City of Norwalk.

C. Supervision of public utility tree crews.

(1) The Tree Warden shall monitor the work of all public utilities to ensure that such work does not adversely affect any tree on any public street. Each public utility company proposing to conduct tree trimming and removal activities along public streets shall present an annual work plan to the Tree Warden that includes the following items:

- (a) City Map showing all area(s) designated for tree trimming and removal work.
- (b) Tree removal list, identifying all trees, greater than eight inches D.B.H., which are proposed for removal.
- (c) Name and phone number of licensed arborist(s) performing such work.
- (d) Name and phone number of utility contact person supervising such work.
- (e) Tree replacement commitment; replacement determined to be at discretion of the Tree Warden. **[Amended 6-23-2009]**

(2) Such public utility work plan shall be submitted to the Tree Warden at least 30 days prior to the start of any activity by said utility. The Tree Warden shall review, modify and approve such plan within 30 days from date of receipt, unless extended by either party. This section shall not apply to emergency and public hazard work specifically exempted under § 112-5, Exemptions.

D. Coordination with other City departments. The Tree Warden shall monitor City project plans directly affecting street trees or within 10 feet of the tree root zone of any street tree. Such plans shall be deemed approved, unless comments such as recommended alterations to protect affected trees are recommended by the Tree Warden within 30 days from date of submission. If alterations to City project plans are recommended, such plans shall be resubmitted to the Tree Warden prior to the start of the project.

§ 112-5. Exemptions. [Amended 6-23-2009]

The activities of City departments or authorities, authorized by the Tree Warden, shall be exempt from the permit and fee requirements of this chapter, including any work required to maintain sight lines, as required by the Department of Public Works. In addition, any tree removal or trimming work conducted in response to an immediate public hazard or in response to any emergency affecting the public health, safety and welfare shall also be exempt from the permit and fee requirements of this chapter.

§ 112-6. Penalties for offenses. [Amended 6-23-2009]

Any person who violates the terms of this chapter shall be subject to a fine in an amount established in accordance with § 90-4, Approval of rates and fees. Each tree removed, injured or defaced shall constitute a separate violation. If the Tree Warden determines that such violation was willful or if such violation results in irreparable harm to said tree, the perpetrator shall be liable for a civil penalty of up to three times the replacement value of said tree.

§ 112-7. Appeals of Tree Warden decisions.

Any person objecting to a decision of the Tree Warden to remove a public street tree shall file a written objection to such decision with the Tree Warden within seven business days of posting. Upon the receipt of said notice, the Tree Warden shall schedule a public hearing and shall post a public hearing notice, including the scheduled time, date and location of such hearing, on the affected tree. Within three business days of such hearing, the Tree Warden shall render a decision granting or denying such removal. Pursuant to Connecticut General Statutes § 23-59, any party aggrieved by the Tree Warden's decision, may appeal within 10 days to the Superior Court for the Stamford/Norwalk Judicial District.