COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING

July 16, 2019
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue, Norwalk, CT

AMENDED AGENDA

1. **ROLL CALL:**
2. **PUBLIC HEARING (possible action on):**

- Discuss and vote Code of Ethics Section 32-5 – Prohibited representation
- Discuss and vote Code of Ethics Section 32-6 – Prohibited use of City property and facilities
- Discuss and vote Code of Ethics Section 32-7 – Prohibited use of influence and information
- Discuss and vote Code of Ethics Section 32-10 – Negotiation of future employment

3. **PUBLIC HEARING DISCUSSION:**

4. **PUBLIC COMMENT:**

5. **ACCEPTANCE OF MINUTES:**

- June 18, 2019 - ordinance committee meeting

6. **OLD BUSINESS:**

- Discuss and vote on Code of Ethics Section 32-1 – Title; administration
- Discuss and vote on Code of Ethics Section 32-2 – Declaration of policy
- Discuss and vote on Code of Ethics Section 32-3 – Definitions
- Discuss and vote on Code of Ethics Section 32-11 – Subsequent employment
- Discuss and vote on Use of Single-Use Plastic Straws and Stirrers by Food or Beverage Establishments
- Discuss and vote on ordinance concerning Polystyrene (Styrofoam)

7. **NEW BUSINESS:**

- Discuss and vote Chapter 37 Environmental Hazards – compliance with ordinance and food order apps
- Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article II, Sections 103-3 and 103-4

8. **DISCUSSION ITEM:**

9. **ADJOURNMENT**

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8. **DISCUSSION ITEM:**

9. **ADJOURNMENT**

Code of Ethics

Section 32-5 (Prohibited representation)

Section 32-6 (Prohibited use of City property and facilities)

Section 32-7 (Prohibited use of influence and information)

Section 32-10 (Negotiation of future employment)

~~(9)~~

(9) An ~~officer~~Officer or ~~employee~~Employee participating in any program offered by the City to ~~employee~~Employees and ~~officer~~Officers generally, including such programs as discount purchase programs, health and education programs, and recreational events.

§ 32-5. Prohibited representation.

~~A.~~

A. No ~~officer~~Officer or ~~employee~~Employee shall represent a ~~p~~Person or entity, other than the City, before or on behalf of any ~~a~~Agency of which he or she is a member, by which he or she is employed, or which is under his or her supervisory authority. This provision shall not preclude an ~~officer~~Officer or ~~employee~~Employee of the City from representing constituents in the course of his or her responsibilities for the City, provided that the ~~officer~~Officer or ~~employee~~Employee may accept no compensation or gift for such representation.

~~B.~~

B. An ~~officer~~Officer or ~~employee~~Employee who or whose Immediate Family ~~immediate family~~member is employed or under retainer by a ~~p~~Person having a matter pending before the ~~a~~Agency of which the ~~officer~~Officer or ~~employee~~Employee is an ~~officer~~Officer or ~~employee~~Employee shall disclose that fact in writing to the ~~a~~Agency and the City Clerk and shall abstain from participation in any deliberation, discussion, vote or other action relating to the matter.[KM13]

§ 32-6. Prohibited use of City property and facilities.

No ~~officer~~Officer or ~~employee~~Employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

~~A.~~

A. For purposes and on terms generally available to members of the public or other ~~officer~~Officers and ~~employee~~Employees of the City generally;

~~B.~~

B. In accordance with such ~~officer~~Officer's or ~~employee~~Employee's work or employment with the City in which the use of such property by such ~~officer~~Officer or ~~employee~~Employee is an element of his or her compensation, term of employment, or performance for the City;

~~C.~~

C. A minor or incidental use for personal purposes that is without cost to the City or a minor or nonincidental use for personal purposes that is authorized by the City; or

~~D.~~

D. For charitable, professional or volunteer work, provided the use is authorized by the City.

§ 32-7. Prohibited use of influence and information.

~~A.~~

A. An ~~officer~~Officer or ~~employee~~Employee shall not attempt to influence any other ~~officer~~Officer, ~~employee~~Employee or ~~a~~Agency concerning the handling of any matter or transaction of any business in which such ~~officer~~Officer or ~~employee~~Employee, or his or her ~~immediate family~~Immediate Family, has an interest, or from which he or she would be likely to gain or lose any material benefit that is not shared in common with the general public. This subsection does not prohibit an ~~officer~~Officer or ~~employee~~Employee from communicating with other ~~officer~~Officers, ~~employee~~Employees or agencies about a matter in which he or she has a financial or other legally protected interest, if such contact does not have as its goal the exertion of undue influence over the outcome and if the communication conforms to the following:

~~(1)~~

(1) It is limited to communications with an ~~officer~~Officer, ~~employee~~Employee or ~~a~~Agency responsible for the matter on behalf of the City; and

~~(2)~~

(2) It is reasonable and necessary in terms of the customary conduct of the matter and is limited to lawful means and terms available to members of the public generally in similar circumstances.

~~B.~~

B. ~~Unless otherwise required by federal, state or local law, an officerOfficer or employeeEmployee shall not disclose confidential City information, other than in accordance with established City procedure or with appropriate authorization from the City.~~ Unless otherwise required by federal, state or local law, an Officer or Employee shall not disclose confidential City information other than in accordance with established City procedures or with appropriate authorization from the City.

~~C.~~

C. An ~~officer~~Officer or ~~employee~~Employee shall not use to his or her advantage, any confidential City information for the purpose of advancing his or her financial or personal interest, or the interest of their employer (if they are not an Employee of the City), or the interest of a member of his or her- Immediate Family ~~immediate family~~.

~~D.~~

D. No ~~officer~~Officer or ~~employee~~Employee shall be required to participate in political campaigns for candidates, parties, political organizations or public issues. Nothing in this Code of Ethics shall preclude an ~~officer~~Officer or ~~employee~~Employee from seeking elective office and campaigning in connection therewith or in voluntarily participating in any political campaigns, parties, political organizations or public issues.

§ 32-8. Prohibited gifts.

A. An Officer or Employee in the course of his or her work for the City shall not, directly or indirectly, solicit or accept any gift, form of service, compensation or any item of property of a value exceeding $150~~100~~ in aggregate over the period of one ~~y~~Year, from anyone or any institution, including but not limited to an Immediate Family member covered by this code.

B. No Officer or Employee shall knowingly or unknowingly, give, directly or indirectly, any gift in violation of this subsection.

~~A.~~

~~An Officer or Employee officer or employee in the course of his or her work for the City shall not, directly or indirectly, personally solicit or accept any gift, form of service, compensation or any item of property of a value exceeding $50 $100 in aggregate over the period of one year, from anyone or any institution, including but not limited to an Immediate Family member covered by this code.~~

~~B. No Officer or Employee shall knowingly or unknowingly, give, directly or indirectly, any gift in violation of this subsection.~~

C. ~~C.~~ Notwithstanding the foregoing, this subsection does not prohibit the following:

~~(1)~~

§ 32-10. Negotiation of future employment.

An ~~officer~~Officer or ~~employee~~Employee shall not solicit ~~future~~ employment with any ~~p~~Person or company who has a substantial matter pending before the ~~a~~Agency for which the ~~officer~~Officer serves or by whom the ~~employee~~Employee is employed. A matter is "substantial" if it involves a financial value of $1,000 or more or involves a question of significant public policy for the City.

§ 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.

§ 32-12. Board of Ethics.

~~A.~~

A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an ~~employee~~Employee or ~~officer~~Officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this

Draft Meeting Minutes from the 6/18/2019 Ordinance Committee Meeting

CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 18, 2019

ATTENDANCE:	Eloisa Melendez, Chair; Douglas Hempstead; Colin Hosten; Thomas Livingston; Beth Siegelbaum; Chris Yerinides; Michael Corsello (7:04 p.m.)
STAFF:	Brian Candela, Corporation Council; Broderick Sawyer, Fire Marshall
OTHERS:	Haraldo Williams, Ethics Commission

ROLL CALL

Ms. Melendez called the meeting to order at 7:00 p.m. and called the Roll.

PUBLIC HEARING (possible action on):

Ms. Melendez opened the Public Hearing.

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

Discuss and vote on chapter 42A – Inspections by Fire Marshall

Discuss and vote on Chapter 42A – Abatement of Fire Hazards

Ms. Diane Lauricella spoke about the Ordinance related to the Fire Marshall and said she wanted to be sure the budget included adequate funding for training and equipment. Whatever is done should be done with civility and in conjunction with the Health Department.

Mr. Corsello joined the meeting at 7:04 p.m.

Ms. Lauricella suggested using press releases to spotlight egregious violations.

No other members of the public wished to speak and the public hearing was closed at 7:05 p.m.

Ms. Melendez opened the public hearing. No members of the public wished to comment.

Discuss and vote on Code of Ethics Section 32-1 – Title; administration

Discuss and vote on Code of Ethics Section 32-2 – Declaration of policy

Discuss and vote on Code of Ethics Section 32-3 – Definitions

Ms. Melendez closed the public hearing at 7:05 p.m.

PUBLIC HEARING DISCUSSION

Discuss and vote on chapter 42A – Inspections by Fire Marshall

Discuss and vote on Chapter 42A – Abatement of Fire Hazards

Mr. Sawyer said information is posted in several locations. Mr. Hosten asked him if he feels he has the resources he needs. Mr. Sawyer explained they are down to four staff and have over 1,200 occupancies that require inspections, including smaller shops that sell fireworks. He said they need additional staffing.

Mr. Livingston commented that the City has a legal obligation to conduct inspections. Mr. Sawyer said they are getting the inspections done, but it changes the game when staff are out long term. Mr. Corsello said they are now passing an Ordinance that puts additional burdens on the Fire Department. Mr. Sawyer said they will do what they have to do, but it will not be as timely as required.

Mr. Hosten said this additional burden needs to be discussed.

** **MR. LIVINGSTON MOVED THESE ITEMS TO THE FULL COMMON COUNCIL**
** **MOTION PASSED UNANIMOUSLY**

Discuss and vote on Code of Ethics Section 32-1 – Title; administration

Discuss and vote on Code of Ethics Section 32-2 – Declaration of policy

Discuss and vote on Code of Ethics Section 32-3 – Definitions

Mr. Corsello asked for clarification improper financial benefits. He said the language was too broad. Mr. Candela said he would look at how other municipalities define improper benefits, including tangible and intangible benefits.

** MS. SIEGELBAUM MOVED TO TABLE THE ITEMS TO THE NEXT MEETING FOR ADDITIONAL INFORMATION
** MOTION PASSED UNANIMOUSLY

PUBLIC COMMENT

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

A letter in support of proposed ordinance concerning Polystyrene (Styrofoam) was submitted by Surfrider Foundation, Connecticut Chapter.

Ms. Erin Richards spoke about the proposed ban on single use plastic straws. She suggested having a grace period similar to the one for the plastic bags. Ms. Richards said this will open a dialogue to ban other plastic items.

Ms. Diane Lauricella agreed with Ms. Richard's recommendation of having a grace period. She added that all the Ordinances should include educational programs. Ms. Lauricella suggested that the Health Department be the main enforcer; however, they should have enough staff.

ACCEPTANCE OF MINUTES

May 21, 2019

** MR. HOSTEN MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MOTION PASSED WITH ONE (1) ABSTENTION (MR. YERINIDES)

OLD BUSINESS

- Discuss Code of Ethics Section 32-5 – Prohibited representation
- Discuss Code of Ethics Section 32-6 – Prohibited use of City property and facilities
- Discuss Code of Ethics Section 32-7 – Prohibited use of influence and information
- Discuss Code of Ethics Section 32-10 – Negotiation of future employment
- Discuss Code of Ethics Section 32-11 – Subsequent employment

The Committee members discussed Section 32-11.

** **MR. HOSTEN MOVED THE FOLLOWING ITEMS TO A PUBLIC HEARING ON JULY 16TH**

DISCUSS CODE OF ETHICS SECTION 32-5 – PROHIBITED REPRESENTATION

DISCUSS CODE OF ETHICS SECTION 32-6 – PROHIBITED USE OF CITY PROPERTY AND FACILITIES

DISCUSS CODE OF ETHICS SECTION 32-7 – PROHIBITED USE OF INFLUENCE AND INFORMATION

DISCUSS CODE OF ETHICS SECTION 32-10 – NEGOTIATION OF FUTURE EMPLOYMENT

** **MOTION PASSED UNANIMOUSLY**

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

DISCUSS CODE OF ETHICS SECTION 32-11 – SUBSEQUENT EMPLOYMENT

** **MOTION PASSED UNANIMOUSLY**

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

Mr. Livingston explained that it was brought to his attention that the Ordinance as drafted could be considered discriminatory to people with disabilities. He said that Westport requires food establishments to keep plastic straws on hand to accommodate their customers. Mr. Corsello said that having plastic straws available to customers is a reasonable accommodation.

Mr. Livingston and Mr. Candela will review the ADA requirements and provide information at the next meeting.

NEW BUSINESS

Discuss Chapter 37 Environmental Hazards – compliance with ordinance and unwrapped prepared food

Discussed proposed ordinance concerning Polystyrene (Styrofoam)

The Committee members discussed the proposed Ordinance. Mr. Livingston noted that over 1 million Styrofoam trays are thrown out annually in the Norwalk public schools.

The Committee members discussed exceptions such as using Styrofoam for meat packaging. Mr. Candela will discuss this further with the Health Director.

** **MR. LIVINGSTON MOVED TO TABLE THESE ITEMS FOR FURTHER INFORMATION**

** **MOTION PASSED UNANIMOUSLY**

DISCUSSION ITEM

Mr. Candela reviewed questions he received from local businesses asking for an exception to the ban on plastic bags. One establishment purchased plastic bags before being put on notice about the ban. Mr. Livingston suggested that if they can show proof, they would be granted an exception.

Mr. Hempstead commented that if people use reusable bags to purchase open food and do not wash the bags the food could get tainted and the food establishment could be held liable. Following a discussion, it was determined that all food establishments would be exempt.

ADJOURNMENT

** **MR. LIVINGSTON MOVED TO ADJOURN**

** **MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:14 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Code of Ethics

Section 32-1 (Title; administration)

Section 32-2 (Declaration of policy)

Section 32-3 (Definitions)

Section 32-11 (Subsequent employment)

~~Board~~ **Code of Ethics Revisions through 5-24-19** ~~5/2/2017~~

Chapter 32. Code of Ethics

[HISTORY: Adopted by the City of Norwalk Common Council 6-26-2007.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Administration — See Ch. 9.

[1] Editor's Note: This ordinance also superseded former Ch. 32, Code of Ethics, adopted 9-12-1967, effective 9-30-1967.

§ 32-1. Title; administration.

This chapter shall be known and referred to as "the Norwalk Code of Ethics." The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics. Accordingly, there shall be established an independent committee of five members and two alternates to be known as the "Board of Ethics." The Board of Ethics (the Board) shall be appointed by the Common Council and comprised as provided for in § 32-12 of this chapter.

§ 32-2. Declaration of policy.

A. Public service is a public trust, and the proper operation of the City of Norwalk requires that all City Officers ~~officers~~ and- Employees ~~employees~~, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.

B. Officers and Employees ~~employees~~ of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the ~~i~~Individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.

C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City Officers ~~officers~~ and ~~employees~~ Employees.

§ 32-3. Definitions.

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

AGENCY

A board, agency, commission, department or other entity of the City, including but not limited to the Common Council, Board of Education and the Norwalk Public School System.

CLEAR AND CONVINCING EVIDENCE

Sufficient evidence to support the allegation that the Respondent ~~respondent~~ has violated the Code of Ethics, when such evidence is considered fairly and impartially, and induces a reasonable belief in the minds of the ethics- ~~hearing board~~Hearing Board -members that the allegations are true. Such evidence must indicate to the ethics ~~-hearing board~~Hearing Board -members that the probability that the Respondent ~~respondent~~ has committed the alleged violation is substantially greater than the probability he or she has not.

EMPLOYEE

An ~~i~~Individual employed by the City or any of its agencies, whether as a classified ~~employee~~Employee, unclassified, permanent or temporary, full-time or part-time ~~employee~~Employee or ~~i~~Individual employed by contract on a continuing basis, and all ~~employee~~Employees of the Norwalk Public School System.

FINANCIAL BENEFIT

Shall mean the receipt of an improper ~~financial~~ benefit~~compensation~~, which may include ~~including~~ but is not limited to, financial compensation, tangible and intangible ~~Employee~~ benefits, or ~~the award of a municipal contract or grant to a third party or independent contractor, who is an Immediate Family member~~ benefits and/or compensation to an Employee's or Officer's Immediate Family.

HEARING BOARD

Shall be comprised of three members of the Board of Ethics or, in the event of a conflict or vacancy, one or more of the alternates to the Board of Ethics who shall be appointed by a majority vote of the Board of Ethics. In the event the Board of Ethics members have a conflict or an interest in the complaint at issue, the Common Council, by majority vote, may appoint one or more City officials, who are electors of the City of Norwalk, to serve on a ~~hearing board~~Hearing Board -for that particular complaint. Once impaneled, the ~~-hearing board~~Hearing Board -shall continue to serve until it completes the hearing process specified in this Code of Ethics. No more than two members of a ~~-hearing board~~Hearing Board -shall be registered members of the same political party. The ~~-hearing board~~Hearing Board -shall be permitted to hold a public hearing(s) and to determine whether there is ~~c~~Clear ~~a~~And ~~c~~Convincing ~~e~~Evidence that the Respondent ~~respondent~~ has violated the Code of Ethics.

IMMEDIATE FAMILY

~~Includes, but is not limited to,~~ A ~~p~~Person having legal residence or living in an Officer's or Employee's place of residence ("household member") or, in addition to any other definition, any ~~p~~Person who is related to an Officer or Employee, whether by blood, marriage or adoption, including but not limited to, a spouse, child, grandchild, brother, sister, in-law, parent or grandparent, stepparents and stepchildren, or ~~p~~Persons who reside in the same household.[KM1]

INDIVIDUAL

A natural person.

INVESTIGATING PANEL

Shall consist of three ~~i~~Individual electors[KM2], from the City of Norwalk, each of who shall be appointed by the Board of Ethics to investigate an ethics complaint and to determine whether there is ~~p~~Probable ~~c~~Cause to proceed to a public hearing on such a complaint. No two members of an Investigating Panel ~~investigating panel~~ shall be registered members of the same political party, and ~~at least one member of~~ the Investigating Panel ~~investigating panel~~ shall ~~be~~ include an unaffiliated voter.

OFFICER

An ~~i~~Individual elected or appointed to an Agency, including but not limited to ad hoc or advisory committee members. ~~a City office by the Mayor and/or Common Council, including, but not limited to, ad hoc committee members and members of the Board of Education.~~

ORDINANCE LIST EMPLOYEE

~~[Corporation Counsel's office to provide definition]~~[HW3] Non-union Employees, including management and confidential Employees.

PERSON

Includes associations, firms, partnerships and bodies politic and corporate, as well as ~~i~~Individuals.

PROBABLE CAUSE

A state of facts, which constitutes ~~constituting~~ more than a- mere suspicion and establishing that a state of facts is more likely than not to have occurred. To establish ~~p~~Probable ~~c~~Cause there must be facts and circumstances within the ~~investigating panel~~Investigating Panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable ~~p~~Person that a violation of the Code of Ethics has occurred. The Investigating Panel ~~investigating panel~~ shall be guided by established law in the State of Connecticut in making a determination of what constitutes ~~p~~Probable ~~c~~Cause.

YEAR

Year shall mean the municipal fiscal year as established by the Connecticut General Statutes.[KM4]

§ 32-4. Conflicts of interests; interference with duties; prohibited interests; exceptions.

A. ~~A.~~ **Prohibited Actions and Transactions**

§ 32-10. Negotiation of future employment.

An ~~officer~~Officer or ~~employee~~Employee shall not solicit ~~future~~ employment with any ~~p~~Person or company who has a substantial matter pending before the ~~a~~Agency for which the ~~officer~~Officer serves or by whom the ~~employee~~Employee is employed. A matter is "substantial" if it involves a financial value of $1,000 or more or involves a question of significant public policy for the City.

§ 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.

§ 32-12. Board of Ethics.

~~A.~~

A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an ~~employee~~Employee or ~~officer~~Officer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this

Memorandum of Law

Financial Benefit in Norwalk's Code of Ethics:

Currently, there is no definition for Financial Benefit in the Code of Ethics (hereinafter "Code") and the term does not appear in the Code. As you are aware, there is a proposal to create a definition for Financial Benefit and insert it into the Code (Section 32-3). The proposed definition is as follows: Shall mean the receipt of an improper benefit, which may include but is not limited to, financial compensation, tangible and intangible benefits, or benefits and/or compensation to an Employee's or Officer's Immediate Family.

Please note that in the proposed Code, the term Financial Benefit is only located in Section 32-4 of the Code (entitled Conflicts of Interest). In subsection (A) entitled Prohibited Actions and Transactions, it states that a Municipal Employee or Officer shall (2) Not have a role, directly or indirectly, in obtaining Financial Benefit, hiring, promoting, demoting, disciplining, or taking other personnel action involving an Immediate Family member. In subsection (A) entitled Prohibited Actions and Transactions, it states that a Municipal Employee or Officer shall (4) Not provide a Financial Benefit to a third party business or independent contractor, which is owned, operated, and/or controlled by an Immediate Family member.

I have searched Connecticut's Code of Ethics as well as many codes for other municipalities. I have been unable to locate a definition for Financial Benefit in any of these codes.

Here are some examples of language that I found during my search.

Connecticut

Sec. 1-85. (Formerly Sec. 1-68). Interest in conflict with discharge of duties. A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

Ansonia

Sec. 2-165. - Code of ethics.

(b) *Definitions.* As used herein, the following terms shall have the following meanings:

(4) *Personal self-interest* shall be defined as any interest or relationship which conflicts or reasonably might conflict with the proper discharge of one's duties in the public interest or which will impair or reasonably might impair one's independence of judgment or action in the performance of one's official duties or which will violate the declared policy of this section.

(5) *Financial interest* shall be defined as any ownership of stocks, notes, bonds, obligations or other pecuniary interest in any partnership, firm or corporation which is involved in any matter, contract, subcontract, service, transaction, administrative decision or controversy directly or indirectly with the City of Ansonia and which is not in common with the other members of the agency and the citizens of the City of Ansonia. Financial interest shall include the financial interest of any spouse, mother, father, brother or sister or children of any officer or employee or agency of the city.

Bethel

§ 8-2 ***Definitions.***
As used in this code, the following terms shall have the following meanings:

FINANCIAL INTERESTS

Any financial interest, direct or indirect, which is of more value than $50, to the Town official or employee and which is not common to the interest of other citizens of the Town. "Financial interest" shall include the private financial interest of the immediate family of an official or employee of the Town. "Financial interest" shall also include the interest of any subcontractor in any prime contract with the Town and the interest of any person or his immediate family in any corporation, firm or partnership, which has a direct or indirect interest in any transaction with the Town. Transaction shall include the offer, sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the Town for a valuable consideration.

Bridgeport

2.38.020 - Definitions.

For the purposes of this chapter:

"Benefit": advantage; profit; gain; interest; the receiving of this benefit as the exchange for a promise of some performance or forbearance, which the promisee was not, previously entitled to receive.

"Financial interest" means any interest, other than an interest of a de minimis nature, that is not distinct from that of the general public, which shall yield a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee.

Bristol

Sec. 2-132. - Terms and definitions.

The following terms, when used in this code of ethics and in Section 55 of the Charter of the City of Bristol, shall have the following meanings unless the context otherwise requires:

Financial interest means any interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state and city, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined herein, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state and city, if any benefit or detriment accrues to the official, the official's spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group.

Brookfield

§ 21-2 ***Definitions.***
For the purpose of this chapter, the following definitions shall apply:

FINANCIAL INTEREST
Includes a motivation for monetary gain arising primarily from the officer's/employee's interest or that of a close associate/relative.

Derby (Meriden similar language)

§ 18-2 ***Definitions.***
For the purpose of this chapter, the following terms shall have the indicated meanings:

FINANCIAL INTEREST
Any interest with a monetary value of $100 or more or which generates a financial gain or loss of $100 or more in a calendar year and is not common to the other citizens of the City. An individual's financial interest shall include the financial interests of all members of his/her immediate family but shall not include any duly authorized compensation from the City.

Easton

§ 52-2 ***Definitions and word usage.***

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

FINANCIAL INTEREST
Any financial interest, direct or indirect, which is more than nominal and which is not common to the interest of other citizens of the Town.

INDIRECT INTEREST

Includes but is not limited to the interest of any subcontractor in any contract with the Town and the interest of any person or his immediate family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the Town.

Greenwich

Sec. 2-6. - Definitions.

(a) As used in this Article:

(1) *Indirect interest* , without limiting its generality, shall mean and include the interest of any subcontractor in any prime contract with the town and the interest of any person or his immediate family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the town.

(2) *Substantial financial interest* shall mean any financial interest, direct or indirect, which is more than nominal and which is not common to the interest of other citizens of the town.

Hartford

Sec. 2-901. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(I) *Financial interest* means:

(1) Any source of income, direct or indirect, from which a person has received, within the past three (3) years, or is presently receiving, or in the future is entitled to receive, more than five hundred dollars ($500.00) per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity; or

(3) Ownership of any other interest worth more than one thousand dollars ($1,000.00).

Monroe

§ 46-1 ***Definitions and word usage.***

A. As used in this code, the following terms shall have the following meanings:

INTEREST

Private financial benefit and interest other than financial arising from blood or marriage relationships or close business or political association.

§ 46-3 ***Conflicts of interest.***

A. No employee or official shall engage in or participate in any business or transaction or shall have an interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independent judgment or action in the performance of his official duties.

New Canaan

Key Provisions: Section (e)(3) – no Official of Employee shall, in the discharge of his or her duties, grant (i) preferential treatment to any person or Entity beyond that which is available to all other persons or Entities, or (ii) any favor, service or thing of value except when such favors, services or things of value are made available to the general public.

Newington (Newtown is similar)

§ 32-5 ***Conflict of interest.***

B. Preferential treatment. Public officials and employees shall not offer or render preferential treatment to others on the basis of such factors as family ties, financial interests, or other personal interests.

E. Financial interest. A public official or employee who has any financial or other private interest in any official action under consideration shall disqualify himself or herself from participating in the deliberation and decision-making thereupon.

Stamford

Sec. 19-5. - Prohibited interests.

B. An officer or employee shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to other citizens of the city.

Wallingford

§ 20-3 ***Definitions.***

As used in this Code of Ethics, the following words or phrases, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

INTEREST

Any interest, direct or indirect, which is of financial or personal value to the town official or employee and which is not common to the interest of other citizens of the town. Interest shall include the private interest arising from blood or marriage relations or close business association. Interest shall also include the interest of any subcontractor in any prime contract with the town and the interest of any person or his/her immediate family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the town; "transaction" shall include the offer, sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the town for a valuable consideration.

§ 20-5 ***Prohibited actions.***

B. Obligations to citizens. No official or employee shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person similarly situated.

West Haven

§ 16-2 ***Definitions.***

As used in this chapter, the following words or phrases, unless a different meaning is required by the context or is specifically prescribed, shall have the meanings indicated:

PERSONAL INTEREST

As distinguished from private financial interest, includes an interest arising from a blood or marriage relationship or close business association.

PRIVATE FINANCIAL INTEREST

Includes the private financial interest of a spouse or minor child of an officer, official or employee of the Town.

§ 16-6 ***Conflict of interest prohibited.***

[1]No officer, official or employee of the Town shall engage in any business or transaction or shall have a private financial interest or personal interest, direct or indirect, which is incompatible or in conflict with the proper discharge of his or her official duties in the public interest or would tend to impair the independence of judgment or action in the performance of the official duties of the officer, official or employee of the Town.

Memorandum of Law - Subsequent Employment (Section 32-11)

Subsequent Employment in Norwalk's Code of Ethics:

Currently, section 32-11 of the Code of Ethics provides the following language:

§ 32-11 **Subsequent employment.**

A. An individual who has served as an officer or employee shall not within one year after termination of his or her service, assist any person, other than the City, for monetary or other valuable compensation, before the agency for which the officer or employee served or was employed, in any matter in which said officer or employee participated personally and substantially during his or her service with the City.

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

As you are aware, there is a proposal to amend this section of the Code of Ethics (amendments are in red):

§ 32-11 **Subsequent employment.**

A. An Individual who has served as an Officer or Employee shall not within one year after termination of his or her service, assist any Person, other than the City, for monetary or other valuable compensation, before the Agency for which the Officer or Employee served or was employed, in any matter in which said Officer or 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. No Agency shall employ any Individual who has served as an Officer of the Agency during the preceding 18 months or any Immediate Family member of an Individual who has served as an Officer of the Agency during the preceding 18 months. No Officer of an Agency or any Immediate Family member of an Officer of an Agency shall apply for or accept employment by that Agency during the time that said Officer is serving for the Agency and for a period of 18 months after said Officer ceases to serve in the Agency.

I have searched Connecticut's Code of Ethics as well as many codes for other municipalities. Here are some examples of language that I found during my search.

Connecticut

Connecticut's Public Officials and State Employees' Guide to the Code of Ethics, states that you may not represent your new employer for compensation before your former agency for a period of one year after leaving state service. General Statutes § 1-84b(b). Advisory Opinion No. 2003-3 provides a limited exception to this provision if you are providing purely technical expertise to help implement a previously-awarded contract. This exception would apply to extremely limited circumstances.

As you can see, Connecticut's restrictions are different than Norwalk's current code language.

Sec. 1-84b. Certain activities restricted after leaving public office or employment. (a) No former executive branch or quasi-public agency public official or state employee shall represent anyone other than the state, concerning any particular matter (1) in which he participated personally and substantially while in state service, and (2) in which the state has a substantial interest.

(b) No former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest. The provisions of this subsection shall not apply to an attorney who is a former employee of the Division of Criminal Justice, with respect to any representation in a matter under the jurisdiction of a court.

A number of municipalities prevent former employees from representing private interests in dealing with a board or agency with which he or she was associated with.

6 months:	Old Lyme
1 year:	Bolton, Clinton, Colchester, Derby, Mansfield, Meriden, Naugatuck, Stamford
2 years:	Enfield

Please find language from other municipalities below

Bolton:

10. Incompatible Employment and Activities.

B. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency with which the person previously was employed or affiliated for a period of one year after the termination of the person's public service or employment. Such an individual may be relieved of the person's duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.

C. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency in regard to a matter in which the person previously participated in the course of the person's official responsibilities for a period of one year after the termination of the person's public service or employment. Such an individual may be relieved of the person's duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.

D. Subsections B and C of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on the person's own behalf or on behalf of members of the person's family. To avoid the appearance of impropriety, officials are strongly discouraged from appearing before their own agency unless extenuating circumstances exist such as in the case of an official representing or advocating on behalf of a child or student. When in doubt, an official should seek an opinion from the Board of Ethics prior to appearing before the person's own agency.

Enfield

Sec. 2-129. - Code of ethics.

(f) *Appearances.* No public official or municipal employee shall appear on behalf of any private person, other than himself, his spouse, parents or minor children before any town agency, board or commission except, in the case of municipal employees, with the written approval of the town manager when the manager deems such appearance to be in accordance with the employee's employment responsibility and in accordance with established town council policies. However, a member of the town council may appear before town agencies, boards or commissions on behalf of his constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. Neither the town manager nor any municipal employee shall use his position in behalf of any political party.

Hartford

Sec. 2-904. - Appearance and intervention on behalf of others.

(B) Former officers and officials shall be prohibited from representing for compensation any persons in their business with the City for two (2) years after the end of their service if the officer or official participated personally and substantially in the subject matter of the transaction during the officer's or official's term of office or employment; provided that if the officer or official exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

(C) Former employees shall be prohibited from representing for compensation any persons in their business with the City for one (1) year after the end of their service, if the employee participated personally and substantially in the subject matter of the transaction during the employee's employment; provided that, if the employee exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

(D) If members of the council, in the course of their business or profession, currently represent persons with matters before council for determination by that body, then in such cases the council member shall disclose such representation and shall promptly abstain from such consideration, determination and council action. If a matter connected with such representation requires solely administrative action by a department or agency of the City, then no direct personal intervention or representation shall be undertaken by the council member with such department or agency. If a council member does desire to intervene personally in such a matter before a department head or agency, the council member shall formally present the matter under consideration in writing to the Mayor and any action required shall thereafter be undertaken through the office of the Mayor.

Naugatuck

Sec. 2-113. - Conflict of interest prohibited.

(b) No former officer, employee, or official shall appear at any time before any town board or agency in which he was formerly employed, acting or participating on behalf of the town in connection with any matter or case with which he was associated while an officer, employee, or official at any time within a period of one (1) year after termination of his service with the town. Any such former officer, employee or official may, upon a written application to the board of ethics and filing with the town clerk, be released from this obligation after review of the written application and relevant facts of his case by the board of ethics.

New Britain

Sec. 2-451. - Certain activities restricted after leaving public office or employment.

(b) No former city official or employee shall, for one year after leaving city service, represent anyone other than the city, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the city has a substantial interest.

Stamford

Sec. 19-13. - Subsequent employment.

An individual who has served as an officer or employee shall not:

A. Assist any person, other than the city, in any matter in which said individual participated personally and substantially during his or her service with the city.

B. Within one (1) year after termination of his or her service, assist any person, other than the city, in any matter that was pending before the agency in which he or she was employed; or appear before the agency in which he or she was a member or employed, or assist any other person to make such an appearance.

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

§_____-2. – **Definitions.**

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

FOOD OR BEVERAGE ESTABLISHMENT

A place where food or beverages of any kind are provided directly to a consumer, whether such food is provided free of charge or sold 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 shall sell, provide, or distribute a Single-Use Plastic Straw or Single-Use Plastic Stirrer in the City of Norwalk. Non-plastic straws shall only be provided upon request by the customer.

§ _____-4. – **Exceptions.**

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

1. The sale, provision, or distribution of Single-Use Plastic Straws to persons who may require use of same due to a disability or medical condition; and
2. The sale, provision, or distribution of beverages packaged and sealed prior to receipt by the Food or Beverage Establishment.
3. 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.

§ _____-5. – **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.

§_____-6. – **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.

§ _____-7. – **Effective date.**

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

Candela, Brian

From: Candela, Brian
Sent: Friday, July 05, 2019 3:08 PM
To: beth.siegelbaum@gmail.com; chrisyerinides@gmail.com; Melendez, EloisaM; Tom Livingston; Michael Corsello; Doug Hempstead; Colin Hosten
Cc: Candela, Brian
Subject: Plastic Straws and the ADA

Ordinance Committee members,

Tom Livingston asked me to look into the impact of the ADA on plastic straws. Enclosed please find a summary of my research.

A private entity that owns, operates, leases, or leases to, a place of public accommodation includes a wide range of entities, such as restaurants, hotels, theaters, doctor's offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Private membership clubs and religious organizations are exempt from the ADA's Title III requirements for public accommodations.

Issue #1: Is it a violation of the ADA to make a person state they have a disability in order to obtain a plastic straw?
Hypothetical situation: A person comes into a restaurant and sits down to eat. Pursuant to the ordinance, no straw is offered to the person (or a paper straw is offered). When the food/beverage establishment's employee comes up to the person to take the order, the person requests a plastic straw. According to my research, the food/beverage establishment's employee can ask the person why he/she is asking for a plastic straw. In order for the person to obtain the plastic straw, he/she must identify that he/she has a disability or a medical condition which warrants the use of a plastic straw. However, the food/beverage establishment's employee cannot inquire any further (cannot ask that the person identify the type of disability/medical condition or the nature/extent of the disability/medical condition).

As an aside, the ADA's employees advised that the only time that a person with a disability/medical condition can be asked to provide proof of the disability/medical condition is when said disability/medical condition is relevant to a service.

Issue #2: Does the ADA require plastic straws be made available at food/beverage establishments?
According to my research, there is no department of justice decisions concerning plastic straws. Therefore, there is no case law or precedent on this matter.

However, the Americans with Disabilities Act, Title II deals with State and Local Governments. Part 35, Section 35.130 is entitled General prohibitions against discrimination. 28 C.F.R. § 25.130(b)(7)(i) states that a "public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. I have spoken with the ADA's employees and they agree that the exception provided in the plastic straw ordinance (section 4A1) meets this burden.

The subject ordinance also places a burden on businesses. See, Americans with Disabilities Act, Title III. Part 36, Section 36.302 is entitled Modifications in policies, practices, or procedures. 28 C.F.R. § 35.302(a) states that a "public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations." I have spoken with the ADA's employees and they indicated that the business would be responsible for providing a plastic straw to a person with a disability/medical condition as it would not fundamentally alter the goods and services provided (according to the ADA employee this is a minor request).

Miscellaneous Issues:

- One practical issue that could occur if we ban all plastic straws, even with the current exceptions, is that businesses might have a supply problem.
  - Perhaps we should add language in the exception section that all food/beverage establishments shall carry plastic straws for people with disabilities/medical conditions; or
  - Perhaps we should add language indicating that if a food/beverage establishment is carrying paper straws that they should carry plastic straws for people with disabilities/medical conditions.
  - An alternative to the current ordinance would be to change the language and not ban plastic straws. Instead, food/beverage establishments would be banned from offering a plastic straw unless a person specifically asks for it.
- A second practical issue that could occur (a problem for the businesses) is that sometimes questioning by an employee of a disabled person might go too far.
- As we discussed last meeting, there are some health risks concerning reusable straws for people with disabilities/medical conditions. For example, cleanliness, the lack of mobility of those reusable straws and that disabled people can have issues with paper straws.

Anna Keegan has offered to speak to the ordinance committee on July 16, 2019 about some of the issues concerning the ADA and plastic straws. Please call if you have any questions or concerns.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Candela, Brian

From:	Candela, Brian
Sent:	Wednesday, July 10, 2019 8:33 AM
To:	beth.siegelbaum@gmail.com; chrisyerinides@gmail.com; Melendez, EloisaM; Tom Livingston; Michael Corsello; Doug Hempstead; Colin Hosten
Cc:	Candela, Brian
Subject:	Straws and Styrofoam
Follow Up Flag:	Copied to Worldox (Worldox\50470\0049\00055618.MSG)

Ordinance Committee,

Enclosed please find another email (response from the Health Department) concerning questions raised about Plastic Straws and Styrofoam during the most recent ordinance committee meeting:

Email
July 9, 2019 at 6:04 p.m.
Hi Brian,

Tom spoke with our sanitarians to discuss these questions.

Question about the straws: There is nothing in our state regulations that would require the use of plastic straws for health and/or hygiene purposes. From using paper straws, I know that they don't hold up as well as plastic does. But I'm unaware of a sanitary reason for not banning them. People may require the use of them due to a disability, but I know you already have that in the ordinance.

Question about the Styrofoam: We would recommend keeping the exception for the raw meats. I know many of the other communities working on bans have included this exemption (like NYC). Many of the raw meats are getting delivered to grocery stores already packaged, and we have no control over that process. If the Council wants me to research this further, I can do that in the future. But for now, we would feel more comfortable keeping this exemption.

Thanks,
Deanna

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Candela, Brian

From: Candela, Brian
Sent: Tuesday, July 09, 2019 2:33 PM
To: beth.siegelbaum@gmail.com; chrisyerinides@gmail.com; Melendez, EloisaM; Tom Livingston; Michael Corsello; Doug Hempstead; Colin Hosten
Cc: Candela, Brian
Subject: Styrofoam

Ordinance Committee,

Enclosed please find two emails (response from the Health Department) concerning questions raised about Styrofoam during the most recent ordinance committee meeting:

Email #1
July 5, 2019 at 1:54 p.m.
Hi Brian,

I spoke with the Board about these ordinances during our June meeting, and we think the same applies with these two as with the carryout bag ordinance. We think the enforcement should be done by a code enforcement officer, and that we can help with education/questions as they come up with the food establishments.

I've asked Tom Closter, Director of Environmental Services, to take a look at the ordinances as they relate to state food regulations and to answer the question posed by the Committee about that specific section of the Styrofoam ordinance. He has already reviewed this for me, but we haven't had the time yet to go over and discuss it. He was on vacation the last two weeks of June, and we have spent most of this week working on addressing an emerging public health issue. I just emailed him to request he type up his comments so that I can share them with you by Tuesday of next week.

If you don't hear from me on Tuesday, please send me a reminder.

Thanks,
Deanna

Email #2
July 9, 2019 at 11:48 a.m.
Hi Brian,

Thanks for the reminder email.

We are okay with the wording for Section 4(A)(2) of the Styrofoam.

Tom shared this language that is included within the CT food compliance guide:
18/19. Single-service articles: storage, dispensing/no reuse of single service article (2 demerits) Single-service articles: storage, dispensing a. Single-service articles shall be made from nontoxic materials. b. Single-service articles shall be stored in closed cartons or containers, which protect them from contamination. c. Such articles shall be handled and dispensed in such a manner as to prevent contamination of surfaces, which may come into contact with food or with the mouth of the user. Drinking straws or any device, hollow in nature, including hollow stirrers, whereby through its use a

beverage can be drawn into the mouth shall be separately wrapped either individually or in pairs with a sanitary protective covering or dispensed from an approved dispenser.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Polystyrene (Styrofoam)

USE AND SALE OF POLYSTYRENE PRODUCTS

§______-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 Polystyrene products by Food Packagers and Retail Establishments.

§______-2. – **Definitions.**

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

FOOD PACKAGER

Any person, corporation, partnership, business, or other organization or group, however organized, ~~located in the City of Norwalk~~ that places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

PREPARED FOOD

Means any food or beverage served or sold at a Retail Establishment, either for consumption on the premises or for takeout, that has been prepared at the Retail Establishment's location or elsewhere by cooking, chopping, slicing, mixing, brewing, freezing, squeezing, or other food preparation technique. The term includes leftovers from partially consumed Prepared Food.

POLYSTYRENE

Means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

POLYSTYRENE FOOD SERVICE PRODUCT

Means any product made in whole or in part of Polystyrene and used in the restaurant or food service industry for serving or transporting Prepared Food. 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.

POLYSTYRENE LOOSE FILL PACKAGING

Commonly known as packing peanuts, means a void-filling packaging product made of Polystyrene that is used as packaging fill.

RETAIL ESTABLISHMENT

Any person, corporation, partnership, business, or other organization or group, however organized, that transfers merchandise, goods, or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer in exchange for payment. The term includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, clothing store, hardware store, hospital, pharmacy, liquor store, restaurant, delicatessen, convenience store, caterer, food truck, sidewalk vendor, farmers' market, flea market, and any other retail store or vendor. The term shall not include the sale of goods at yard sales, tag sales, or other sales by residents at their home.

§_____-3. – **Prohibitions**

A. No Retail Establishment located in the City of Norwalk shall serve, sell, distribute, or provide Prepared Food in or on a Polystyrene Food Service Product.

B. No Food Packager located in the City of Norwalk shall package meat, eggs, bakery products, or other food in or on a Polystyrene Food Service Product.

C. No Retail Establishment located in the City of Norwalk shall sell, offer for sale, distribute, or provide Polystyrene Food Service Products or Polystyrene Loose Fill Packaging.

D. The City of Norwalk shall not use or provide Polystyrene Food Service Products or Polystyrene Loose Fill Packaging at any City facility or City-sponsored event.

E. No City of Norwalk department or facility shall purchase or acquire Polystyrene Food Service Products or Polystyrene Loose Fill Packaging.

F. All parties who contract with the City of Norwalk shall be prohibited from using Polystyrene Food Service Products or Polystyrene Loose Fill Packaging in City facilities or on City-funded projects within the City.

§ _____-4. – **Exceptions.**

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

1. Polystyrene Food Service Products used for prepackaged food that have been filled and sealed prior to receipt by the Retail Establishment;

2. Polystyrene Food Service Products used to contain or store raw meat or seafood sold from a butcher case or similar retail appliance; or

3. Polystyrene coolers and ice chests, provided that such Polystyrene is fully encased in another material.

B. The prohibitions 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.

§ _____-5. – **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 Packager or Retail Establishment, as the case may be, shall be liable for the following:

1. Upon the initial violation, written warning notice that a violation has occurred shall be issued. 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 single Food Packager or Retail Establishment in one 24 hour period.

§_____-6. – **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.

§ _____-7. – **Effective date.**

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

Candela, Brian

From: Candela, Brian
Sent: Wednesday, July 10, 2019 8:33 AM
To: beth.siegelbaum@gmail.com; chrisyerinides@gmail.com; Melendez, EloisaM; Tom Livingston; Michael Corsello; Doug Hempstead; Colin Hosten
Cc: Candela, Brian
Subject: Straws and Styrofoam

Follow Up Flag: Copied to Worldox (Worldox\50470\0049\00055618.MSG)

Ordinance Committee,

Enclosed please find another email (response from the Health Department) concerning questions raised about Plastic Straws and Styrofoam during the most recent ordinance committee meeting:

Email
July 9, 2019 at 6:04 p.m.
Hi Brian,

Tom spoke with our sanitarians to discuss these questions.

Question about the straws: There is nothing in our state regulations that would require the use of plastic straws for health and/or hygiene purposes. From using paper straws, I know that they don't hold up as well as plastic does. But I'm unaware of a sanitary reason for not banning them. People may require the use of them due to a disability, but I know you already have that in the ordinance.

Question about the Styrofoam: We would recommend keeping the exception for the raw meats. I know many of the other communities working on bans have included this exemption (like NYC). Many of the raw meats are getting delivered to grocery stores already packaged, and we have no control over that process. If the Council wants me to research this further, I can do that in the future. But for now, we would feel more comfortable keeping this exemption.

Thanks,
Deanna

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Candela, Brian

From: Candela, Brian
Sent: Tuesday, July 09, 2019 2:33 PM
To: beth.siegelbaum@gmail.com; chrisyerinides@gmail.com; Melendez, EloisaM; Tom Livingston; Michael Corsello; Doug Hempstead; Colin Hosten
Cc: Candela, Brian
Subject: Styrofoam

Ordinance Committee,

Enclosed please find two emails (response from the Health Department) concerning questions raised about Styrofoam during the most recent ordinance committee meeting:

Email #1
July 5, 2019 at 1:54 p.m.
Hi Brian,

I spoke with the Board about these ordinances during our June meeting, and we think the same applies with these two as with the carryout bag ordinance. We think the enforcement should be done by a code enforcement officer, and that we can help with education/questions as they come up with the food establishments.

I've asked Tom Closter, Director of Environmental Services, to take a look at the ordinances as they relate to state food regulations and to answer the question posed by the Committee about that specific section of the Styrofoam ordinance. He has already reviewed this for me, but we haven't had the time yet to go over and discuss it. He was on vacation the last two weeks of June, and we have spent most of this week working on addressing an emerging public health issue. I just emailed him to request he type up his comments so that I can share them with you by Tuesday of next week.

If you don't hear from me on Tuesday, please send me a reminder.

Thanks,
Deanna

Email #2
July 9, 2019 at 11:48 a.m.
Hi Brian,

Thanks for the reminder email.

We are okay with the wording for Section 4(A)(2) of the Styrofoam.

Tom shared this language that is included within the CT food compliance guide:
18/19. Single-service articles: storage, dispensing/no reuse of single service article (2 demerits) Single-service articles: storage, dispensing a. Single-service articles shall be made from nontoxic materials. b. Single-service articles shall be stored in closed cartons or containers, which protect them from contamination. c. Such articles shall be handled and dispensed in such a manner as to prevent contamination of surfaces, which may come into contact with food or with the mouth of the user. Drinking straws or any device, hollow in nature, including hollow stirrers, whereby through its use a

beverage can be drawn into the mouth shall be separately wrapped either individually or in pairs with a sanitary protective covering or dispensed from an approved dispenser.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Discuss Chapter 37

Environmental Hazards

Compliance with ordinance and food order apps

Candela, Brian

From: Candela, Brian
Sent: Tuesday, July 09, 2019 4:42 PM
To: beth.siegelbaum@gmail.com; chrisyerinides@gmail.com; Melendez, EloisaM; Tom Livingston; Michael Corsello; Doug Hempstead; Colin Hosten
Cc: Candela, Brian
Subject: FW: Uber Eats Apps

Ordinance Committee,

I have spoken at some length with Nataliah of Antojos restaurant (located at 115 New Canaan Avenue – Broad River Plaza) concerning an issue she has raised about the plastic bag ordinance. Since this issue concerns many restaurants in Norwalk, I thought it was appropriate to discuss it with all of you at the July 16, 2019 meeting.

Antojos, along with many other restaurants in Norwalk, have a business relationship with certain food order apps. The apps include Uber Eats App, Door Dash and Grub Hub. These food order apps take the order and are paid directly by the customer. The restaurant makes the meal and an independent contractor for the app picks it up and delivers it. Since the restaurant does not receive money from the customer, it cannot charge for the paper bags used. The restaurant is paid by these apps at the end of each month. Nataliah estimates that these apps charge 20-30% of the total cost of the meal.

One potential issue is how the City enforces the ordinance in this particular situation. Another issue is that each restaurant that utilizes these apps have different meals being offered and will package those meals differently. A third issue is the charge for the ten cent fee for the paper bag. In this situation, who would make the charge? In this situation, can a charge even be made?

As an example, Antojos packages their food in cardboard boxes prior to being picked up. From their experience with these food service apps, they do not control how these independent contractors transport the food. Recently, they have offered paper bags to these independent contractors to deliver their meals.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

From: Blair, Connie
Sent: Tuesday, July 09, 2019 12:18 PM
To: Candela, Brian <bcandela@norwalkct.org>
Subject: Uber Eats Apps

Nathalih (203) 979-5201 since they do not collected the money as the food is paid through an app how are they expected to charge the 10.

Thank you,

Connie Blair
City of Norwalk
Customer Service Center
125 East Ave.
Norwalk, CT 06856-5125
(203) 854-3200
Hours: Mon. - Fri. 8:00 AM to 4:30 PM
customerservice@norwalkct.org
www.norwalkct.org

Filing your own report is easy! Please follow the link provided to complete your online request or download the **Click & Request** app.

http://www.norwalkct.org/index.aspx?NID=1526

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NORWALK
The Sound of Connecticut

Tax Exemption for Solar Energy

Chapter 103, Title II

Sections 103-3 and 103-4

City of Norwalk, CT
Friday, July 5, 2019

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.

Memorandum of Law – Solar Power

Solar Power in Norwalk's Code of Ethics:

Currently, section 32-11 of the Code of Ethics provides the following language:

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. **Yellow highlight displays difference from CGS 12-81(56)(a).**

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. **Almost identical to CGS 12-81(56)(b).**

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.

I have searched the other municipal ordinances and found the following examples of language:

Connecticut (General Statutes § 12-81 – entitled Exemptions)

The following-described property shall be exempt from taxation:

(56) **Active solar energy heating or cooling systems.** (a) Subject to authorization of the exemption by ordinance in any municipality, any building, the construction of which is commenced on or after October 1, 1976, which is equipped with an active 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, 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 this exemption shall only apply to the first fifteen assessment years following construction of such building or addition of any such system to a building;

(b) As used in this subdivision, "active 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,[5] by the Secretary of the Office of Policy and Management;

(c) Any person claiming the exemption provided in this subdivision for any assessment year shall, on or before the first day of November in such assessment year, file with the assessor or board of assessors in the town in which such real property is located written application claiming such exemption. Failure to file such application in the manner and form as provided by such assessor or board within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such solar energy heating or cooling system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially;

(57) **Class I renewable energy sources, hydropower facilities, solar water or space heating systems, geothermal energy resources and solar thermal or geothermal renewable energy sources.** (A) (i) Any Class I renewable energy source, as defined in section 16-1, or hydropower facility described in subdivision (21) of subsection (a) of section 16-1, installed for the generation of electricity for private residential use or on a farm, as defined in subsection (q) of section 1-1, provided such installation occurs on or after October 1, 2007, and further provided such installation is for a single family dwelling, a multifamily dwelling consisting of two to four units or a farm, (ii) any passive or active solar water or space heating system, or (iii) any geothermal energy resource. In the case of clause (ii) or (iii) of this subparagraph, such exemption shall apply only to the amount by which the assessed valuation of the real property equipped with such system or resource exceeds the assessed valuation of such real property equipped with the conventional portion of the system or resource;

(B) For assessment years commencing on and after October 1, 2013, any Class I renewable energy source, as defined in section 16-1, hydropower facility described in subdivision (21) of subsection (a) of section 16-1, or solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided (i) such installation occurs on or after January 1, 2010, (ii) such installation is for commercial or industrial purposes, (iii) the nameplate capacity of such source or facility does not exceed the load for the location where such generation or displacement is located, and (iv) such source or facility is located in a distressed municipality, as defined in section 32-9p, with a population between one hundred twenty-five thousand and one hundred thirty-five thousand;

(C) For assessment years commencing on and after October 1, 2013, any municipality may, upon approval by its legislative body or in any town in which the legislative body is a town meeting, by the board of selectmen, abate up to one hundred per cent of property tax for any Class I renewable energy source, as defined in section 16-1, hydropower facility described in subdivision (21) of subsection (a) of section 16-1, or solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided (i) such installation occurs between January 1, 2010, and December 31, 2013, (ii) such installation is for commercial or industrial purposes, (iii) the nameplate capacity of such source or facility does not exceed the load for the location where such generation or displacement is located, and (iv) such source or facility is not located in a municipality described in subparagraph (B) of this subdivision;

(D) For assessment years commencing on and after October 1, 2014, any (i) Class I renewable energy source, as defined in section 16-1, (ii) hydropower facility described in subdivision (21) of subsection (a) of section 16-1, or (iii) solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided (I) such installation occurs on or after January 1, 2014, (II) is for commercial or industrial purposes, (III) the nameplate capacity of such source or facility does not exceed the load for the location where such generation or displacement is located or the aggregated load of the beneficial accounts for any Class I renewable energy source participating in virtual net metering pursuant to section 16-244u, and (IV) in the case of clause (iii) of this subparagraph, such exemption shall apply only to the amount by which the assessed valuation of the real property equipped with such source exceeds the assessed valuation of such real property equipped with the conventional portion of the source;

(E) Any person claiming the exemption provided in this subdivision for any assessment year shall, on or before the first day of November in such assessment year, file with the assessor or board of assessors in the town in which such hydropower facility, Class I renewable energy source, solar thermal or geothermal renewable energy source or passive or active solar water or space heating system or geothermal energy resource is located, a written application claiming such exemption. Failure to file such application in the manner and form as provided by such assessor or board within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such hydropower facility, Class I renewable energy source, solar thermal or geothermal renewable energy source or passive or active solar water or space heating system or geothermal energy resource is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered source, is filed and the right to such exemption is established as required initially;

(F) For assessment years commencing on and after October 1, 2015, any municipality may, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, abate up to one hundred per cent of the property taxes due for any tax year, for not longer than the term of the power purchase agreement, with respect to any Class I renewable energy source, as defined in section 16-1, that is the subject of such power purchase agreement approved by the Public Utilities Regulatory Authority pursuant to section 16a-3f;

(62) **Passive solar energy heating or cooling systems and hybrid systems.** (a) Subject to authorization of the exemption by ordinance in any municipality, any building, the construction of which is commenced on or after April 20, 1977, which is equipped with a passive or hybrid solar energy heating or cooling system, or any building to which such a system is added on or after April 20, 1977, to the extent of any amount by which the assessed valuation of such real property equipped with such a system exceeds the valuation at which such real property would be assessed if built using conventional construction techniques in lieu of construction related to such a system, as determined by the assessing officer of the municipality, provided this exemption shall only apply to the first fifteen assessment years following construction of such building or addition of any such system to a

building. Any portion of a hybrid solar energy heating or cooling system which is allowed an exemption under subdivision (56) of this section shall not be eligible for exemption under this subdivision;

(b) As used in this subdivision, (A) "passive solar energy heating or cooling system" means a system which utilizes the structural elements of a building for the collection of incident solar energy and its storage and distribution for use in water heating or space heating or cooling, which building absent such system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which system meets standards established by regulation, in accordance with the provisions of chapter 54, by the Secretary of the Office of Policy and Management, and (B) "hybrid system" means a solar energy heating or cooling system which consists of both active and passive elements and which meets the standards established for both;

(c) Any person claiming the exemption provided in this subdivision for any assessment year shall, on or before the first day of November in such assessment year, file with the assessor or board of assessors in the town in which such real property is located written application claiming such exemption. Failure to file such application in the manner and form as provided by such assessor or board within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such passive or hybrid solar energy heating or cooling system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially;

Please find an example below of the typical language that a municipality uses to offer a property tax exemption for solar energy heating or cooling.

In accordance with and subject to the provisions of Section 12-81(56)(a), (b) and (c) of the General Statutes,[1] the town council is authorized to exempt solar energy heating and cooling systems from property taxes.[2]

Here is a list of the towns that use this language: Avon, Bethel, Bloomfield, Burlington, Canton, Clinton, Coventry, Danbury, Durham, East Hampton, Ellington, Greenwich, Griswold, Guilford, Haddam, Hebron, Killingworth, Madison, Manchester, Marlborough, Meriden, Milford, Monroe, New Canaan, New Fairfield, New London, Newington, Newtown, North Haven, Norwich, Old Lyme, Old Saybrook, Orange, Portland, Simsbury, Southbury, South Windsor, Southington, Stratford, Tolland, Wallingford, Westbrook, West Hartford, Wethersfield, Willington, Windsor Locks and Woodbridge.

Please find language from other municipalities below[3]

Bridgeport

3.16.040 - Tax exemption—Solar energy systems.

A. Pursuant to subsection (56) (a) (b) (c) of Section 12-81 of the General Statutes (Public Acts No. 74-409) of the state of Connecticut to wit:

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[1] In some of ordinances, the language is expanded to include General Statutes §§ 12-81(57) and 12-81(62).
[2] In some of ordinances, the following additional language can be found: any person who desires to claim this exemption must file the written application required by the State Tax Commissioner with the Town Assessor within 30 days following the annual assessment date in order to claim such an exemption for each assessment year.
[3] Additional municipalities with more detailed language include the following: Bethany, Branford, Colchester, Cromwell, Derby, Easton, Fairfield, Mansfield, Middletown, Montville, North Branford, Rocky Hill, Weston and Windham.

1. Subject to authorization of the exemption by ordinance in any municipality, any building or addition to a 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, 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 this exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition.
2. As used in this section, "solar energy heating or cooling system" means equipment, including windmills and waterwheels, which provides for the collection, transfer, storage and use of 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.
3. Any person who desires to claim the exemption provided in this section shall file with the assessor or board of assessors in the city in which such real property is located, within thirty (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.

B. A property tax exemption for solar energy heating or cooling systems is authorized.

Cheshire

Sec. 17-2. - Property tax exemptions for solar energy systems.

Be it enacted that the council of the Town of Cheshire, pursuant to Public Act 76-409, hereby authorizes the property tax exemption for solar energy heating or cooling systems set forth in Section 12-81(56)(a), (b) and (c) of the Connecticut General Statutes.

Note: Applications currently filed with the assessor for which an exemption was previously granted and authorized by Ordinance [sections] 17-2, 17-3, 17-4, or 17-5 shall continue to be valid for the balance of the fifteen years following construction of such building or addition of any such system to a building.

Sec. 17-3. - Property tax exemption for solar energy generating systems.

Be it ordained, pursuant to Section 12-81 of the General Statutes of the State of Connecticut, that the Town of Cheshire hereby adopts and authorizes the property tax exemption for solar energy generating systems as set forth in Section 12-81(57)(a), (b) and (c) of the Connecticut General Statutes.

Sec. 17-4. - Property tax exemption for passive solar energy systems.

Be it ordained, pursuant to Section 12-81 of the General Statutes of the State of Connecticut, that the Town of Cheshire hereby adopts and authorizes the property tax exemption for passive solar energy systems as set forth in Section 12-81(62)(a), (b) and (c) of the Connecticut General Statutes.

Sec. 17-5. - Property tax exemption for solar energy electricity generating systems.

Be it ordained, pursuant to Section 12-81 of the General Statutes of the State of Connecticut, that the Town of Cheshire hereby adopts and authorizes the property tax exemption for solar energy electricity generating systems as set forth in section 12-81(63)(a)—(d) of the Connecticut General Statutes.

Darien

Sec. 70-36. - Authorized.

Pursuant to G.S. § 12-81(56), an exemption from property tax is authorized for a building or addition to a 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 as defined in G.S. § 12-81(56).

Sec. 70-37. - Exemption.

The extent of the exemption provided by the provisions of this division is the amount by which the assessed valuation of such real property equipped with such a 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.

Sec. 70-38. - Term.

The exemption provided by the provisions of this division shall only apply to the first 15 assessment years following the construction of such building or addition.

Sec. 70-39. - Application; time for filing.

Application for the exemption provided by the provisions of this division must be filed in accordance with G.S. § 12-81(56) within 30 days following the annual assessment date.

East Haven

Sec. 18-1. - Tax exemption for solar energy systems.

(a) As used in this section:

Solar energy electricity generating system means equipment which is designed, operated and installed as a system at any private residential location, which 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.

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.

(b) If any building, the construction of which is commenced after October 1, 1976, and before October 1, 1991, 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, there shall be an exemption 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. Such exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition of any such system to a building.

(c) Any solar energy electricity generating system installed for the generation of electricity for private residential use shall be afforded the same exemption set forth in paragraph (b) of this section, provided such installation occurs on or after October 1, 1977 and before October 1, 1991. This exemption shall only be applicable in the first fifteen (15) assessment years following the installation of such system.

(d) Any person who desires to claim the exemption provided herein shall file with the assessor in the town in which such real property is located, within thirty (30) days following the annual assessment date, written application claiming such exemption on a form as prescribed by the state tax commissioner, or assessor. Failure to file such application in such manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Naugatuck

Sec. 17-1. - Tax exemption for solar energy systems.

(a) The state legislature has provided for partial relief from municipal real estate taxes for new construction using alternate energy systems as particularly set forth in section 12-81(56)(a)—(c) of the general statutes, subject to authorization by the individual municipality.

(b) The tax exemption for buildings using solar energy heating and cooling systems as that term is defined in the statute is hereby authorized, subject to the limitations, terms and conditions specified in the statute.

Sec. 17-2. - Tax exemption for passive or hybrid solar energy systems.

(a) There is hereby authorized a tax exemption on any building, the construction of which is commenced on or after October 1, 1980 and before October 1, 1991, which is equipped with a passive or hybrid solar energy heating or cooling system, or any building to which such a system is added on or after October 1, 1980 and before October 1, 1991, to the extent of any amount by which the assessed valuation of such real property equipped with such a system exceeds the valuation at which such real property would be assessed if built using conventional construction techniques in lieu of construction related to such a system, as determined by the assessing officer of the borough. This exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition of any such system to a building. Any portion of a hybrid solar energy heating or cooling system which is allowed an exemption under section 17-1 shall not be eligible for exemption under this section.

(b) On or before October 1, 1980, the secretary of the office of policy and management shall adopt regulations in accordance with chapter 54 of the general statutes to define and set standards for passive and hybrid solar energy heating or cooling systems. Any such passive system shall include a solar energy heating or cooling system which utilizes the structural elements of a building to provide for the collection, storage or distribution of energy for water heating or space heating or cooling. Any such hybrid system shall include a solar energy heating or cooling system which consists of both active and passive elements.

(c) Any person who desires to claim the exemption provided in this section shall file with the assessor or board of assessors in the borough in which such real property is located, within thirty (30) days following the annual assessment date, written application claiming such exemption on a form as prescribed by the commissioner of revenue services. Failure to file such application in such manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

New Haven

Sec. 28-8. - Limited exemption from real property taxation of certain solar energy heating or cooling systems, solar energy electricity generating systems and passive solar energy systems.

(a) *Authority to provide.* In accordance with subsections (56), (57) and (61) of section 12-81 of the Connecticut General Statutes, as amended, the City of New Haven, hereby authorizes, commencing with the October 1, 1981, grand list, the exemption from real property taxation of eligible solar energy heating or cooling systems, solar energy electricity generating systems for private residential uses only and passive solar energy systems as set forth within this section.

(b) *Eligibility, extent and duration.* Solar energy heating or cooling systems, solar energy electricity generating systems for private residential use only and passive or hybrid solar energy heating or cooling systems, which meet the requirements of subsections (56), (57) or (61) of Section 12-81 of the General Statutes, as amended, and the regulations promulgated thereunder, respectively, shall be eligible for not more than fifteen (15) successive annual limited exemptions from real property taxation as set forth in said subsections and regulations.

(c) *Procedure.* The exemption shall be waived for any assessment year, unless any person who desires to claim said exemption files, with the assessor between October 1st and October 31st each year, a written application claiming such exemption on Form 12-246-28, entitled "Alternative Energy Systems," of the State Department of Revenue Services or such other form as is prescribed by the State Commissioner of Revenue Services.

(d) *Appeals.* Any person aggrieved by the action of the assessors relating to a claim of exemption as provided herein may appeal the doing of the assessor to the New Haven Board of Tax Review and the Superior Court, Judicial District of New Haven

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North Stonington

Sec. 19-20. - Exemption for solar energy generating systems installed for private residential use.

(a) Any exemption from property tax is authorized for any solar energy generating system (as defined in G.S. § 12-81(57)) installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977, and before October 1, 1991.

(b) This exemption shall only apply to the first 15 assessment years following the installation of such system.

(c) Application for such exemption must be filed in accordance with State law within 30 days following the annual assessment date.

Sec. 19-21. - Exemption for solar energy heating or cooling systems.

(a) An exemption from property tax is authorized for a 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 (as defined in G.S. 12-81(56)) 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.

(b) The extent of the exemption is the amount by which the assessment valuation of such real property equipped with such a 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.

(c) This exemption shall only apply to the first 15 assessment years following construction of such building or addition of any such system to a building.

(d) Application for such exemption must be filed in accordance with law within 30 days following the annual assessment date.

Seymour

Sec. 15-6. - Property tax abatement for solar energy systems.

(a) Pursuant to section 12-81 of the general statutes, the board of selectmen shall grant a property tax exemption for any building or addition to a 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, 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 excess valuation of such real property with the conventional portion of the heating or cooling system exclusive of any portion of such system related to solar energy, provided this exemption shall apply to only the first 15 assessment years following construction of such building or addition.

(b) An addition to a building shall mean the solar energy heating or cooling system which is added to a building which was constructed or under construction prior to October 1, 1976. The building inspector shall verify the legitimacy of such systems and the assessor shall, with the advise of the building inspector, determine the exact amount that the system adds to the value of the building.

Stamford

Sec. 220-6. - Tax exemption authorized.

A tax exemption is hereby authorized for solar energy systems in accordance with the provisions of Public Act 76-409 of the State of Connecticut as said Act amends Section 12-81 of the General Statutes by adding a new Subsection (56) providing therefor.

Sec. 220-7. - Filing requirements.

Any person claiming an exemption under this Article shall file with the application required for a solar energy property tax exemption information as to detailed cost of the solar energy system which is the basis of the exemption claimed, such information to be provided in the form and manner prescribed by the Assessor for same, and, in addition, such person shall make available to the Assessor any additional information available to such applicant necessary for the Assessor to carry out the purposes of this Article and the requirements of the state statutes effectuated thereby.

Torrington

§ 187-6. - Exemption granted.

Any building or addition to a 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, to the extent of the amount by which the assessed valuation of such real property equipped with 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, is exempt from assessment. This exemption shall only apply to the first 15 assessment years following construction of such building or addition.

§ 187-7. - Definitions.

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

SOLAR ENERGY HEATING OR COOLING SYSTEM: Equipment, including windmills and waterwheels, 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.

§ 187-8. - Application for exemption.

Any person who desires to claim the exemption provided herein shall file with the Assessor, 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.

Trumbull

Sec. 18-27. - Solar energy and natural energy systems.

(a) Pursuant to the provisions of section 12-81(56) of the General Statutes, as amended by the 1976 session of the General Assembly (Public Act No. 76-409), the Town hereby authorizes the property tax exemption for solar energy heating or cooling systems.

(b) This exemption covers any building the construction of which is commenced on or after November 1, 2006, and before November 1, 2026, which is equipped with:

(1) Solar energy (active and passive),

(2) Photo voltaic systems,

(3) Geothermal heating and cooling systems,

(4) Fuel cell systems,

(5) Wind mills,

(6) Water wheels,

(7) Hydrogen generator systems, heating and/or cooling system

to the extent of the amount by which the assessed valuation of such real property equipped with such heating and/or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating and/or cooling system, exclusive of any portion of such system related to solar energy. This exemption shall only apply to the first twenty (20) assessment years following construction of such building or addition.

(c) As used in this section, "solar energy heating and/or cooling system" means:

(1) Solar energy (active or passive),

(2) Photo voltaic systems,

(3) Geothermal heating and cooling systems,

(4) Fuel cell systems,

(5) Wind mills,

(6) Water wheels,

(7) Hydrogen generator systems

which provides for the collection, transfer, storage and use of energy for water heating, space heating and/or cooling which, when absent such 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.

(d) Any person who desires to claim the exemption provided in this section shall file with the Assessor or Board of Assessors (Director of Finance) of the Town, within sixty (60) 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 such manner and form within the limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Vernon

Sec. 12-5. - Property tax exemption for solar energy systems.

(a) Pursuant to section 12-81(56) of the general statutes, any building or addition to a 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, 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, shall be exempt from property from property taxation, provided this exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition.

(b) As used in this section, "solar energy heating or cooling system" means equipment, including windmills and water wheels, 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 within thirty (30) days following the annual assessment date, written application claiming such exemption on a form as prescribed by the state tax commissioner. Failure to file such application in such manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Waterford

3.12.010 - Buildings with solar energy systems.

A. Pursuant to Section 12-81(56) of the Connecticut General Statutes Annotated, as amended by Public Act 76-409, section 1, an exemption from property tax to the extent set forth in Section 12-81(56) is authorized for a building or addition to a building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar heating or cooling system as defined in C.G.S.A. § 12-81(56).

B. Applications for such exemption must be filed in accordance with C.G.S.A. § 12-81(56) within thirty days following the annual assessment date.

3.12.020 - Private residences with solar electricity-generating systems.

A. Pursuant to Section 12-81(57) of the Connecticut General Statutes Annotated, an exemption from property tax, to the extent set forth in C.G.S.A. § 12-81(57), is authorized for any solar energy electricity-generating system, as defined in said section, installed for the generation of electricity for private residential use if such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall only be applicable in the first fifteen assessment years following the installation of such systems.

B. Applications shall be filed with the town assessor in accordance with Section 12-81(57)(c) and within thirty days following the annual assessment date.

3.12.030 - Buildings with passive solar energy systems.

A. Pursuant to Section 12-81(62) of the Connecticut General Statutes Annotated, an exemption from property tax to the extent set forth in said section is authorized for a building or addition to a building the construction of which is commenced on or after April 20, 1977, and before October 1, 1991, which is equipped with a passive or hybrid solar energy heating or cooling system. The standards and definition of such systems shall be those promulgated by the office of policy and management. Any portion of a hybrid solar energy system which is allowed an exemption under Section 3.12.020 of this chapter shall not be eligible for exemption under this section. This exemption shall only be applicable in the first fifteen assessment years following installation of such system.

B. Applications for such exemption must be filed in accordance with general statutes Section 12-81(62) with the assessor within thirty days following the annual assessment date.

Westport

Sec. 54-129. - Tax exemptions authorized.

The Town hereby authorizes property tax exemptions for solar energy heating or cooling systems, as described in C.G.S. § 12-81(56)(a), (b) and (c), and for solar energy electricity generating systems, as described in C.G.S. § 12-81(57)(a), (b) and (c), to the extent and under the conditions prescribed in those sections, as they may be amended from time to time.

Sec. 54-130. - Time limit for filing application to claim exemption.

Any person who desires to claim either of these exemptions must file the written application required by the State Tax Commissioner with the Town Assessor within 30 days following the annual assessment date in order to claim such an exemption for each assessment year.