

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



Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.



Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. Please find the information using the link above.



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



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

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

June 15, 2021

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

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and Vote on Chapter 59A Housing: Equal Opportunity:
 - Section 59A-1.
 - Section 59A-2.
 - Discuss and Vote on Chapter 60 Human Relations Commission:
 - Section 60-1.

- Section 60-2.
- Section 60-5.

3. PUBLIC HEARING DISCUSSION:

4. PUBLIC COMMENT:

5. ACCEPTANCE OF MINUTES:

- May 18, 2021 – regular meeting of the ordinance committee

6. OLD BUSINESS:

- Discuss and Vote on Chapter 38, Article II, (Fireworks and Firecrackers) Sections 38-7 through 38-13.
- Discuss and vote on Chapter 30 (Capital Projects Program) and Chapter 79 (Planning and Zoning Commissions as well as the possible merger of the Planning & Zoning Commissions.

7. NEW BUSINESS:

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

8. DISCUSSION ITEM:

9. ADJOURNMENT:

Chapter 59A Housing: Equal Opportunity:
Sections 59A-1 and Section 59A-2

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 15, 2021 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 59A, Sections 59A-1 and 59A-2. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by June 11, 2021.

Chapter 59A - Housing: Equal Opportunity

§ 59A-1

Declaration of policy.

[Amended 12-28-1999]

It is the policy of the City of Norwalk:

A.

To safeguard all individuals within the city from discrimination because of race, color, religious creed, sex, age, national origin, marital status, ancestry, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, ~~or present or past history of mental or disability,~~ intellectual disability, learning disability, physical disability, including but not limited to blindness or deafness, or status as a veteran, in connection with housing, thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the city their full productive capacities, to secure the city against strife and unrest which would menace its democratic institutions and to preserve the public safety and general welfare; and

Formatted: Strikethrough

Formatted: Strikethrough

B.

To supplement through official local action the implementation in Norwalk of Section 46a-64c, and 46a-81e of the General Statutes of the State of Connecticut (prohibiting denials of full and equal accommodations in housing), the provisions whereof are incorporated herein by reference. References in this article to such sections of the General Statutes shall include such amendments thereof as may be made from time to time.

§ 59A-2

Definitions.

[Amended 12-28-1999]

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

COMMISSION

{00088288.DOCX 1}

The Human Relations Commission of the City of Norwalk as defined in Chapter 60 of the Code of the City of Norwalk.

COMMISSIONER

A member of the Human Relations Commission.

DISCRIMINATE

To cause any difference in treatment based on race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, ~~or present or past history of mental disorder~~, present or past history of mental retardation or disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran, and includes segregation, based upon any of the foregoing categories.

Formatted: Strikethrough

FAMILIAL STATUS

One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody with the written permission of such parent or other person; or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY

Includes a single individual.

HOUSING ACCOMMODATION

Any dwelling, housing unit, structure or portion thereof used or to be used for legal residential purposes.

OWNER

Any person having or exercising the right to sell, rent or lease any housing accommodation.

Dated at Norwalk, Connecticut this _____ day of May 2021.

ATTEST: _____

Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, June 4, 2021

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 15, 2021 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 59A, Sections 59A-1 and 59A-2. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by June 11, 2021.

Chapter 59A - Housing: Equal Opportunity § 59A-1

Declaration of policy: [Amended 12-28-1999]

It is the policy of the City of Norwalk:

A.

To safeguard all individuals within the city from discrimination because of race, color, religious creed, sex, age, national origin, marital status, ancestry, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, or present or past history of mental disability, intellectual disability, learning disability, physical disability, including but not limited to blindness or deafness, or status as a veteran, in connection with housing, thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the city their full productive capacities, to secure the city against strife and unrest which would menace its democratic institutions and to preserve the public safety and general welfare; and

B.

To supplement through official local action the implementation in Norwalk of Section 46a-64c, and 46a-81e of the General Statutes of the State of Connecticut (prohibiting denials of full and equal accommodations in housing), the provisions whereof are incorporated herein by reference. References in this article to such sections of the General Statutes shall include such amendments thereof as may be made from time to time.

§ 59A-2

Definitions.

[Amended 12-28-1999]

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

COMMISSION

The Human Relations Commission of the City of Norwalk as defined in Chapter 60 of the Code of the City of Norwalk.

COMMISSIONER

A member of the Human Relations Commission.

DISCRIMINATE

To cause any difference in treatment based on race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, or present or past history of mental disorder, present or past history of mental retardation or disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran, and includes segregation, based upon any of the foregoing categories.

FAMILIAL STATUS

One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody with the written permission of such parent or other person; or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY

Includes a single individual.

HOUSING ACCOMMODATION

Any dwelling, housing unit, structure or portion thereof used or to be used for legal residential purposes.

OWNER

Any person having or exercising the right to sell, rent or lease any housing accommodation.

Dated at Norwalk, Connecticut this _____ day of May 2021.

ATTEST:

Donna I. King, City Clerk

Chapter 60 Human Relations Commission:
Sections 60-1, 60-2 and 60-5

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 15, 2021 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 60, Sections 60-1, 60-2 and 60-5. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by June 11, 2021.

Chapter 60 - Human Relations Commission § 60-1-

Purposes and functions.

A.

A City agency is hereby created through which the City of Norwalk officially may encourage and bring about mutual understanding and respect among all groups in the City, eliminate prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby and give effect to the guaranty of equal rights for all assured by the Constitution and the laws at the State of Connecticut and of the United States of America.

B.

To promote mutual understanding and respect among, and encourage and assure equality of opportunity for, all the people of Norwalk without regard for their race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, or past or present history of mental disorder, present or past history of mental retardation or disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, and/or status as a veteran; to conduct such programs of education, study, research, investigation and action as will contribute to carrying out the purposes and provisions of this chapter; and to cooperate with governmental and nongovernmental agencies and organizations in the field of intergroup relations and equal opportunities; and

Formatted: Strikethrough

C.

To supplement through official local action the implementation in Norwalk of Section 46a-60, and 46a-81c of the General Statutes of the State of Connecticut (prohibiting unfair employment practice) and of Sections 46a-64, and 46a-64c, 46a-81d, and 46a-81e of the General Statutes of the State of Connecticut (prohibiting denials of full and equal accommodations, including housing) the provisions whereof are incorporated herein by reference. References in this chapter to such sections of the General Statutes shall include such amendments thereof as may be made from time to time.

§ 60-2-

Definitions.

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

DISCRIMINATION

Any unlawful difference in treatment based on race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, present or past history of mental disorder, past or present history of mental retardation or disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran, and includes segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities exclusively or primarily to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained. Exceptions under Sections 46a-60, 46a-64, and 46a-64c, and 46a-81a through 46a-81aa of the Connecticut General Statutes shall be exceptions under this chapter.

PERSON

Includes an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy and receiver.

RELIGIOUS OR DENOMINATIONAL INSTITUTION

Any institution which is operated for religious purposes or is operated, supervised or controlled by a religious or denominational organization.

UNFAIR PRACTICE

An unfair employment practice in violation of Section 46a-60 or 46a-81c of the Connecticut General Statutes or a denial of full and equal accommodations, including discrimination, segregation or separation, in housing or in any other place of public accommodation, resort or amusement, hereinafter referred to as "housing or other accommodation," in violation of Sections 46a-64, and 46a-64c, 46a-81d, and 46a-81e of the Connecticut General Statutes.

§ 60-5

Duties and powers.

The Commission shall have the power and duty:

A.

To work with federal, state and City agencies as well as private, civic, religious, business, industrial, labor and other organizations, groups and persons to achieve harmonious intergroup relations in the community as well as to develop and establish positive programs which will help all members of the community enjoy equality of opportunity in all phases of community life.

B.

To study and investigate and seek to resolve individual or community problems of limited opportunities, prejudice, discrimination, segregation and disorder and tension occasioned thereby.

C.

To issue reports and publications on its study, research and investigations designed to promote greater understanding of the problems, needs and progress in the field of intergroup relations and equal opportunities.

D.

To enter into cooperative working arrangements with the Connecticut Commission on Human Rights and Opportunities and other state and federal agencies having related responsibilities when such arrangements will aid in carrying out the purposes and provisions of this chapter and in maximizing the effectiveness of and avoiding duplication of effort by the Commission and such agencies.

E.

Through cooperation with the Connecticut Commission on Human Rights and Opportunities, the United States Commission on Civil Rights, and all state, federal and municipal agencies and officers, to assist and afford appropriate relief to any person in the City of Norwalk who has been denied full and equal accommodations (including housing) in violation of Sections 46a-64, ~~and 46a-64c, 46a-81d, and 46a-81e~~ of the General Statutes of the State of Connecticut, or against whom there has been committed an unfair employment practice in violation of Section 46a-60 ~~or 46a-81c~~ of the General Statutes, inclusive of sexual orientation discrimination as defined in Norwalk Code § 60-2.

F.

To, upon the approval of the Mayor and the Common Council, accept outside funds, gifts or bequests, public or private. The Commission may also seek reimbursement for costs incurred in providing requested services to businesses, organizations and other parties.

G.

To conduct investigations and assemble data for the purpose of preparing proposed ordinances, rules and regulations in keeping with the purposes of this chapter only, shall have the power from time to time to prepare and submit such ordinances, rules and regulations for the consideration of the Common Council within the areas set forth in the purposes for this chapter only; shall have the power to make written recommendations to other subdivisions, commissions and agencies of the City of Norwalk concerning matters within the purposes of this chapter only. In the course of conducting investigations, holding hearings, both public and private, and assembling data for the purposes aforementioned, the Commission may request, but shall not have the power to compel, the presence of persons and private records.

Formatted: Font: 11 pt

H.

To investigate, hold hearings and resolve claims of discrimination. Pursuant to Connecticut General Statutes § 7-148j, these powers include the power to issue subpoenas and subpoenas duces tecum, the power to issue written interrogatories and require written answers under oath, the power to hold hearings relating to any allegation of discriminatory practice which it has reasonable cause to believe has occurred, the power to issue any appropriate orders including those authorized by § 46a-86 and the power to petition the Superior Court for enforcement of any of the above. The Commission may also petition the Superior Court for temporary injunctive relief upon a finding that irreparable harm to the complainant will otherwise occur.

I.

The Commission or its designated agent shall have the right to apply to the Superior Court or other court of competent jurisdiction for an order compelling any individual whose presence, testimony or records are deemed necessary to effectively carry out the provisions of this chapter to appear before the Commission and testify or submit records in the manner and according to the rules governing the same in courts of justice. The courts shall have the power to issue subpoenas and to enforce the presence and testimony of such individuals (or records) in the same way and to the same extent as they now have the power to enforce and compel the presence or testimony of witnesses and availability of records in each of said courts.

J.

For the fiscal year September 1, 1966, through August 31, 1967, the Commission shall prepare an operating budget for submission to the Common Council. Said budget may be approved by a majority vote of the Council or may be modified or amended by a two-thirds vote of the entire membership of the Common Council. Said budget shall, thereupon, be given to the Comptroller for presentation to the Board of Estimate and Taxation as a request for funds from the Fifth District contingency and shall be processed in accord with the provisions of the Charter of the City of Norwalk regarding special appropriations out of contingency funds. Thereafter, the Commission shall prepare an annual operating budget for submission to the Common Council on or before the Common Council's first meeting in May of each year. Said budget may be approved by a majority vote of the Council or may be modified or amended by two-thirds vote of the entire membership of said Council. Said budget shall thereupon be given to the Comptroller for presentation to the Board of Estimate and Taxation.

K.

The Commission (subject to the qualifications as hereinafter set forth in § 60-8) shall have the power to employ a Director of Human Relations who is properly qualified in and experience and education in community relations work. All personnel shall work in cooperation with and under the guidance of the Commission. The salaries of personnel shall be recommended by the Commission and approved by the Common Council.

L.

The Commission shall have the right to call upon any other department of the City government for assistance in performing its duties; and it shall be the duty of such other departments to comply with a

proper request of the said Commission. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.

M.

The Commission may, within the limits of its annual or special appropriation, enter into all contracts necessary to carry out the proper administration of the affairs of the Commission.

N.

The Commission may, by its own regulations, prescribe the procedures for the processing of complaints as it may deem necessary to carry out the purposes of this chapter.

Dated at Norwalk, Connecticut this _____ day of May 2021.

ATTEST: _____
Donna I. King, City Clerk

THE HOUR: Please publish once on Friday, June 4, 2021

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, June 15, 2021 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 60, Sections 60-1, 60-2 and 60-5. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by June 11, 2021.

Chapter 60 - Human Relations Commission § 60-1.

Purposes and functions.

A. A City agency is hereby created through which the City of Norwalk officially may encourage and bring about mutual understanding and respect among all groups in the City, eliminate prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby and give effect to the guaranty of equal rights for all assured by the Constitution and the laws at the State of Connecticut and of the United States of America.

B. To promote mutual understanding and respect among, and encourage and assure equality of opportunity for, all the people of Norwalk without regard for their race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, or past or present history of mental disorder; present or past history of mental retardation or disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, and/or status as a veteran; to conduct such programs of education, study, research, investigation and action as will contribute to carrying out the purposes and provisions of this chapter; and to cooperate with governmental and nongovernmental agencies and organizations in the field of intergroup relations and equal opportunities; and

C. To supplement through official local action the implementation in Norwalk of Section 46a-60, and 46a-81c of the General Statutes of the State of Connecticut (prohibiting unfair employment practice) and of Sections 46a-64, and 46a-64c, 46a-81d, and 46a-81e of the General Statutes of the State of Connecticut (prohibiting denials of full and equal accommodations, including housing) the provisions whereof are incorporated herein by reference. References in this chapter to such sections of the General Statutes shall include such amendments thereof as may be made from time to time.

§ 60-2.

Definitions.

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

DISCRIMINATION

Any unlawful difference in treatment based on race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, present or past history of mental disorder, past or present history of mental retardation or disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran, and includes segregation, except that it shall not be discrimination for any religious or denominational institution to devote its facilities exclusively or primarily to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained. Exceptions under Sections 46a-60, 46a-64, and 46a-64c, and 46a-81a through 46a-81aa of the Connecticut General Statutes shall be exceptions under this chapter.

PERSON

Includes an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy and receiver

RELIGIOUS OR DENOMINATIONAL INSTITUTION

Any institution which is operated for religious purposes or is operated, supervised or controlled by a religious or denominational organization.

UNFAIR PRACTICE

An unfair employment practice in violation of Section 46a-60 or 46a-81c of the Connecticut General Statutes or a denial of full and equal accommodations, including discrimination, segregation or separation, in housing or in any other place of public accommodation, resort or amusement, hereinafter referred to as "housing or other accommodation," in violation of Sections 46a-64, and 46a-64c, 46a-81d, and 46a-81e of the Connecticut General Statutes.

§ 60-5

Duties and powers.

The Commission shall have the power and duty.

A. To work with federal, state and City agencies as well as private, civic, religious, business, industrial, labor and other organizations, groups and persons to achieve harmonious intergroup relations in the community as well as to develop and establish positive programs which will help all members of the community enjoy equality of opportunity in all phases of community life.

B. To study and investigate and seek to resolve individual or community problems of limited opportunities, prejudice, discrimination, segregation and disorder and tension occasioned thereby.

C. To issue reports and publications on its study, research and investigations designed to promote greater understanding of the problems, needs and progress in the field of intergroup relations and equal opportunities.

D. To enter into cooperative working arrangements with the Connecticut Commission on Human Rights and Opportunities and other state and federal agencies having related responsibilities when such arrangements will aid in carrying out the purposes and provisions of this chapter and in maximizing the effectiveness of and avoiding duplication of effort by the Commission and such agencies.

E. Through cooperation with the Connecticut Commission on Human Rights and Opportunities, the United States Commission on Civil Rights, and all state, federal and municipal agencies and officers, to assist and afford appropriate relief to any person in the City of Norwalk who has been denied full and equal accommodations (including housing) in violation of Sections 46a-64, and 46a-64c, 46a-81d, and 46a-81e of the General Statutes of the State of Connecticut, or against whom there has been committed an unfair employment practice in violation of Section 46a-60 or 46a-81c of the General Statutes, inclusive of sexual orientation discrimination as defined in Norwalk Code § 60-2.

F. To, upon the approval of the Mayor and the Common Council, accept outside funds, gifts or bequests, public or private. The Commission may also seek reimbursement for costs incurred in providing requested services to businesses, organizations and other parties.

G. To conduct investigations and assemble data for the purpose of preparing proposed ordinances, rules and regulations in keeping with the purposes of this chapter only, shall have the power from time to time to prepare and submit such ordinances, rules and regulations for the consideration of the Common Council within the areas set forth in the purposes for this chapter only; shall have the power to make written recommendations to other subdivisions, commissions and agencies of the City of Norwalk concerning matters within the purposes of this chapter only. In the course of conducting investigations, holding hearings, both public and private, and assembling data for the purposes aforementioned, the Commission may request, but shall not have the power to compel, the presence of persons and private records.

H. To investigate, hold hearings and resolve claims of discrimination. Pursuant to Connecticut General Statutes § 7-148j, these powers include the power to issue subpoenas and subpoenas duces tecum, the power to issue written interrogatories and require written answers under oath, the power to hold hearings relating to any allegation of discriminatory practice which it has reasonable cause to believe has occurred, the power to issue any appropriate orders including those authorized by § 46a-86 and the power to petition the Superior Court for enforcement of any of the above. The Commission may also petition the Superior Court for temporary injunctive relief upon a finding that irreparable harm to the complainant will otherwise occur.

I. The Commission or its designated agent shall have the right to apply to the Superior Court or other court of competent jurisdiction for an order compelling any individual whose presence, testimony or records are deemed necessary to effectively carry out the provisions of this chapter to appear before the Commission and testify or submit records in the manner and according to the rules governing the same in courts of justice. The courts shall have the power to issue subpoenas and to enforce the presence and testimony of such individuals (or records) in the same way and to the same extent as they now have the power to enforce and compel the presence or testimony of witnesses and availability of records in each of said courts.

J. For the fiscal year September 1, 1966, through August 31, 1967, the Commission shall prepare an operating budget for submission to the Common Council. Said budget may be approved by a majority vote of the Council or may be modified or amended by a two-thirds vote of the entire membership of the Common Council. Said budget shall, thereupon, be given to the Comptroller for presentation to the Board of Estimate and Taxation as a request for funds from the Fifth District contingency and shall be processed in accord with the provisions of the Charter of the City of Norwalk regarding special appropriations out of contingency funds. Thereafter, the Commission shall prepare an annual operating budget for submission to the Common Council on or before the Common Council's first meeting in May of each year. Said budget may be approved by a majority vote of the Council or may be modified or amended by two-thirds vote of the entire membership of said Council. Said budget shall thereupon be given to the Comptroller for presentation to the Board of Estimate and Taxation.

K. The Commission (subject to the qualifications as hereinafter set forth in § 60-8) shall have the power to employ a Director of Human Relations who is properly qualified in and experience and education in community relations work. All personnel shall work in cooperation with and under the guidance of the Commission. The salaries of personnel shall be recommended by the Commission and approved by the Common Council.

L. The Commission shall have the right to call upon any other department of the City government for assistance in performing its duties; and it shall be the duty of such other departments to comply with a proper request of the said Commission. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.

M. The Commission may, within the limits of its annual or special appropriation, enter into all contracts necessary to carry out the proper administration of the affairs of the Commission.

N. The Commission may, by its own regulations, prescribe the procedures for the processing of complaints as it may deem necessary to carry out the purposes of this chapter.

Dated at Norwalk, Connecticut this ____ day of May 2021.

ATTEST:

5-18-21 Draft Minutes

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

Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.

Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. Please find the information using the link above.

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

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

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

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

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

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

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

ROLL CALL

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

PUBLIC HEARING (possible action on):

A public hearing was not held this evening.

PUBLIC COMMENT

No members of the public wished to comment this evening.

ACCEPTANCE OF MINUTES

April 20, 2021 – regular meeting of the Ordinance Committee

Mr. Candela made corrections to the minutes.

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

OLD BUSINESS

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

Section 59A-a
Section 59A-2

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

The Committee members reviewed Chapter 59A. Ms. Johnson explained that the Code reflects the relevant State Statutes. Mr. Livingston said there still needs to be some conforming language because they are not identical. He said he can help with the language to be sure it is identical. Ms. Johnson noted that Ms. Suib checked the language.

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

Discuss and Vote on Chapter 60 Human Relations Commission:

Section 60-1

Section 60-2

Section 60-5

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

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

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

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

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

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

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

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

NEW BUSINESS

No new business discussed this evening.

DISCUSSION ITEM

Discuss the possible merger of the Planning and Zoning Commissions

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

City of Norwalk

Ordinance Committee

May 18, 2021

Page 3

Via Videoconference and Teleconference

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

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

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

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

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

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

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

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

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

Ms. DiMeglio said she supports separating the Planning and Zoning Commission. She would propose increasing then number of members because they will need to create sub

City of Norwalk

Ordinance Committee

May 18, 2021

Page 4

Via Videoconferene and Teleconference

committees. She also asked the Committee to think about the membership of the Commission and be sure there is representation from the entire City to create and create a balanced membership.

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

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

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

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

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

Mr. Heuvelman asked if they have to do a Charter Revision to separate the Commissions. Mr. Livingston said they did not have to do a Charter Revision. Mr. Heuvelman said it would be a good idea to start exploring separating the Commissions. It makes a lot of sense, but he wants to be cognizant of the workload.

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

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

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

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

ADJOURNMENT

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

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

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

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

Chapter 38, Article II – Fireworks

§ 38-7 Unlawful sale of fireworks.

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

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

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

Formatted: Not Highlight

Formatted: Font: 12 pt

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Font: 12 pt

Formatted: Not Highlight

Formatted: Font: Not Bold

- (1) An owner, designee or legal occupant that fails to complete an inspection in a timely manner, as prescribed in the Connecticut General Statutes, ~~as amended from time to time~~, and the Fire Safety Code, ~~as amended from time to time~~, shall be subject to an initial fine of \$200 [CGS 29-295];
- (2) Each day that the violation exists shall constitute a separate violation; and
- (3) **Following the initial violation, each subsequent day that the violation exists shall be subject to a fine of \$200.**

Formatted: Indent: Left: 0", Hanging: 0.33", Space Before: 2 pt, After: 12 pt

Formatted: Font: 11 pt

§ 38-8 License for exhibitions.

The provisions of the preceding section shall not apply to the use of such Fireworks by a person who has obtained from the Chief of the Fire Department a license for that purpose. Each such license shall (a) issue for exhibition purposes only; and only to one skilled in the discharging of fireworks, ~~shall (b) expire not later than 30 days from the date of issue, shall (c) bear the date of expiration on the face thereof, shall (d) designate the location for which it is granted, shall (e) not be transferable and shall (f) only be issued after inspection of the premises by the licensing authority and after the applicant has given satisfactory evidence of financial responsibility, by way of a certificate of insurance, to satisfy any claim for public liability arising from the use of Fireworks or from the use of pyrotechnics for special effects in the minimum amount of one million dollars per accident for bodily injury and property damage, and shall not limit coverage within the applicable statutory period of covered liability, damages by reason of personal injury to, or the death of, any one person or by reason of personal injury to, or the death of, more than one person arising from such exhibition of at least \$1,000,000 and for damage to property of at least \$1,000,000 [CGS 29-359(a)]. Such certificate of insurance shall cover any and all public liability arising out of the operation of the fireworks display or from the use of pyrotechnics for special effects.~~

Formatted: Font: 12 pt, Pattern: Clear

§ 38-9 License fee.

The license fee to be paid to the city shall be established by the Office of the Fire Marshal's schedule of fees for permits and licenses for each exhibition. [CGS 29-365]

§ 38-10 Hazardous locations for exhibitions.

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

§ 38-11 Hour of conclusion for fireworks display.

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

§ 38-12 Exemptions.

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

§ 38-13 Cap pistols and caps.

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

**Discuss the Possible Merger of the
Planning & Zoning Commissions**

Chapter 30 Capital Projects Program

§ 30-1. Definition of "capital budget."

The capital budget referred to in this chapter is defined as the specific portion of the capital projects program for which it is proposed to make expenditures during any fiscal year.

§ 30-2. Purpose.

In adopting this chapter, it is the intent of the Common Council to establish rules of procedure for orderly planning for the expenditure of funds for long-term capital improvement projects and procedures for implementation and oversight of capital projects, the cost of which is to be defrayed from the sale of bonds, notes or other certificates of indebtedness, until such time as some other procedure is incorporated into the Charter of the City.

§ 30-3. Program of capital expenditures.

The proposed five-year program of capital expenditures to which consideration shall be given by the agencies in whom that responsibility is vested, and in the manner prescribed by this chapter, shall constitute and be known as the "capital projects program."

§ 30-4. Capital budget items.

All monies, other than for ordinary operating expenses, which shall be requested or expended for the acquisition of land or buildings and for the improvement, purchase, enlargement and development of properties of the City, including the construction or remodeling of schools, public buildings and structures of whatever nature, for highways, parks, sanitary sewers, sewage and garbage-disposal plants, drainage systems, rehabilitation of blighted areas and for machinery and other facilities having a usable expectancy of at least 10 years, for which the credit of the City shall be pledged by the issuance of bonds, notes or other certificates of indebtedness, shall be deemed to be capital budget items.

§ 30-5. Estimates.

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

§ 30-6. Comptroller's report.

Following the receipt of estimates for capital projects and not later than February 1 in each year, the Comptroller shall report to the Board of Estimate and Taxation, the Common Council and the Planning and Zoning Commission the amount of the expenditures requested and his, her or their

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

estimate of the effect of such expenditures upon the current budget, and the bonded indebtedness for the succeeding years, together with his, her or their recommendations relative thereto.

§ 30-7. ~~Hearings: preparation of budget~~Review by Planning and Zoning Commission.

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

§ 30-8. Review by Mayor.

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

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

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

§ 30-10. Adoption of budget.

Upon receipt of the recommendations of the Board of Estimate and Taxation, the Common Council may approve, reject or reduce any item in the capital budget by a vote of the majority of its members, present and voting, or may, by a vote of a majority of its members present and voting, reinstate therein any item which may have been previously disapproved. The Common Council shall thereupon approve the same as amended on or before the 15th day of April in each year,

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

when it shall be certified to the Comptroller. Any item not rejected or reduced by the Common Council shall be deemed approved by it.

§ 30-10.1. Schedules, progress and completion reports and recommendations for termination or abandonment of capital budget items. [TO BE REVIEWED BY FINANCE]

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

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

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

§ 30-11. Restrictions.

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

§ 30-11.1. Financing additional obligations.

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

§ 30-12. Financing recommendations.

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

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

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

§ 30-14. Repealer.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

§ 30-15. Implementation and Oversight of City Capital Building Projects.

The Land Use and Building Management Committee of the Common Council, or any successor thereto (the "Land Use Committee") shall have responsibility for the implementation and oversight of City capital building projects, as provided herein.

§ 30-15.1. Powers and duties.

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

The Land Use Committee shall provide project management and oversight of all City capital building projects in excess of \$400,000 or as designated by the Common Council, including oversight of project planning and design, recommending selection of architect and construction manager or general contractor, project execution planning, status tracking for schedule and budget, reporting, project completion and closeout. City capital building projects do not include public infrastructure improvements such as roads, bridges and drainage, which shall continue to be the responsibility of the Department of Public Works.

§ 30-15.2. Building Advisory Committees.

The Land Use Committee may, in its sole discretion, establish and appoint a Building Advisory Committee for any City capital building project and shall designate the membership and chair of each such committee. Each Building Advisory Committee so established shall advise the Land Use Committee on the function, design, construction, or any other matter related to the project, as determined by the Land Use Committee. Each Building Advisory Committee shall remain in existence until the completion of the applicable construction project.

§ 30-16. Designation of School Building Committee.

A. The Land Use Committee is hereby designated and shall serve as the Norwalk School Building Committee and shall have all such power and authority as may be necessary to properly perform and discharge its responsibilities and obligations pursuant to the Connecticut General Statutes.

B. The Land Use Committee shall commence service as the Norwalk School Building Committee as of the effective date of this amendment. All actions taken by the Norwalk Facilities Construction Commission in its capacity as the Norwalk School Building Committee prior to such date are hereby ratified and confirmed.

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Chapter 79. Planning and Zoning Commissions

Article I. Planning Commission

§79-1. Creation.

Pursuant to the authority granted to the Common Council by § 1-368.2 of the Charter of the City of Norwalk (1970 Edition) and § 8-4b4a of the Connecticut General Statutes, at the Planning Commission shall be appointed of the City of Norwalk is hereby designated as the Planning and Zoning Commission for Norwalk (hereinafter, the Commission).

§79-2. Terms of office.

The terms of the regular members shall be as follows: Three of said members shall be appointed for terms ending July 1, 1988, three of said members shall be appointed for terms ending July 1, 1989, Powers and two of said members shall be appointed for terms ending July 1, 1990. Thereafter, upon the expiration of the term of any member, his or her successor shall be appointed for a term of four years duties.

Article II. Zoning Commission

§79-3. Creation, composition and powers.

Pursuant to The Commission shall have all of the powers and be subject to all of the duties granted to and imposed upon planning and zoning commissions under the Connecticut General Statutes § 8-1 and the authority granted to the Common Council by § 1-368.2 of the, together with all of the powers and duties specifically granted to and imposed upon the Planning Commission under the Charter of the City of Norwalk (1970 Edition), a Zoning Commission shall be appointed, which Commission shall have and exercise all of the powers set forth in Chapter 124 of, to the extent that such powers and duties are not inconsistent with the powers and duties provided under the Connecticut General Statutes.

§3. Composition and appointment.

The Zoning Commission shall consist of seven members who shall be electors appointed by the Mayor with the approval of the Common Council, except [7] regular members, provided that no more than [five] such members may be registered members of any one political party, and provided further, that there shall be not more than two regular members from any one Council District. All of such members shall be electors of the City of Norwalk.

Members of the Commission shall be appointed by the Mayor with the approval of the Common Council. If the Mayor shall fail to submit a nomination within 60 days after a vacancy, either by reason of expiration of term or for any other reason, such vacancy shall thereafter be filled

Formatted: Left: 1.1", Right: 1.1"

Formatted: Font: Bold, No underline

Formatted: Font: Bold, No underline

Formatted: Font color: Gray-80%

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: Left, Level 4, Space Before: 12 pt, After: Auto, Line spacing: single

Formatted: Underline, Font color: Gray-80%

Formatted: Font color: Gray-80%

Formatted: Font: Bold

Formatted: Normal

by nomination and approval of the Common Council. If the Mayor shall have submitted a nomination to fill a vacancy within the sixty-day period and the Common Council shall have rejected or failed to act upon such nomination, the seat shall be vacated. The Mayor may submit the same or different nominations thereafter until the same shall have been approved by the Common Council. ~~No~~In no instance shall a member ~~shall~~ serve more than ~~two~~five consecutive terms ~~unless as a regular member.~~ No member of the third term Commission shall be approved by an affirmative vote of 2/3 of the membership of the Common Council. In no instance shall an appointed member serve more than three consecutive terms. Such members shall be electors and shall not be members a regular or alternate member of the Zoning Board of Appeals or the Planning Commission. This section shall apply to all appointments made after the effective date of this section.

§79-4. Alternate members.

~~Pursuant to § 8-1b of the Connecticut General Statutes, there~~There shall be appointed, in the manner provided in ~~§ 79-3, Section 3 above.~~ [three] alternate members to the Zoning Commission, no more than [two] of whom shall be registered members of any one political party. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth ~~in § 79-3 above~~ for such regular members of the Commission and its members. Such alternate members shall be electors and shall not be regular or alternate members of the Zoning Board of Appeals ~~or the Planning Commission.~~ If a regular member of the Zoning Commission is absent, ~~he or she~~they may designate, in writing, an alternate member of ~~such~~the Commission to ~~take his or her~~act in their place. If ~~he fails~~they fail to make such designation or the person so designated is disqualified, the ~~Chairman~~Chair of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

Formatted: No underline

Formatted: No underline

Formatted: No underline

§79-5. Terms of office.

- A. Regular members. The terms of the regular members shall be as follows: ~~Two~~[XX] of said members shall be appointed for terms ending ~~July 1, 1988; three~~[XXX, 2022]; [XX] of said members for terms ending ~~July 1, 1989; two~~[XXX, 2023]; [XX] of said members shall be appointed for terms ending ~~July 1, 1990; [XXX, 2024].~~ Thereafter, upon the expiration of the term of any such member, ~~his or her~~their successor shall be appointed for a term of [three] years.
- B. Alternate members. [One] alternate shall be appointed for a term ending ~~July 1, 1988; [XXX, 2022].~~ [one] alternate for a term ending ~~July 1, 1989; [XXX, 2023].~~ and [one] alternate for a term ending ~~July 1, 1990; [XXX, 2024].~~ Thereafter, upon the expiration of the term of any such alternate member, ~~his or her~~their successor shall be appointed for a term of [three] years.

Formatted: No underline

Formatted: No underline

Formatted: No underline

Article III. Regulations Applicable to Both Commissions

§79-§6. Organization and administration.

Formatted: No underline

Formatted: No underline

Formatted: Normal

A. ~~Eaeh~~The Commission shall organize and elect officers, maintain records, contract, prepare budgets, and do all other things permitted or directed by the ~~terms of §§ 1-369 through 1-377.1 (Charter of the City of Norwalk) or the provisions of Chapters 124 and 126 of provisions of~~ the Connecticut General Statutes ~~and the Charter of the City of Norwalk,~~ insofar as the latter are not inconsistent with the ~~foregoing sections~~provisions of the ~~Code of the City of Norwalk~~Connecticut General Statutes. All employees of the Planning and Zoning Commission ~~on and the Zoning Commission as of~~ the effective date of this chapter shall be employees of the Zoning Commission. ~~Said Zoning Commission shall provide such staff support as necessary to the Planning Commission.~~

Formatted: List Paragraph, Indent: Left: 0.25"

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

Formatted: List Paragraph, Indent: Left: 0", Line spacing: single

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

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.5"

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

Formatted: Indent: Left: 0"

~~§79-7. Effect on prior regulations.~~

Formatted: No underline

Formatted: No underline

Formatted: No underline

All regulations adopted by the Planning ~~and~~Commission or the Zoning Commission which were in effect prior to the effective date of this chapter shall continue in full force and effect until modified, repealed, or superseded in accordance with the provisions ~~of Chapter 124 and Chapter 126~~ of the Connecticut General Statutes.

~~§79-8. Effective date.~~

Formatted: No underline

Formatted: No underline

Formatted: No underline

This chapter shall take effect on ~~April 4, 1988~~:[____].

Formatted: Normal

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

Chapter 37 – Environmental Hazards

§ 37-9 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.

§ 37-10 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, that places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

POLYSTYRENE

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

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

POLYSTYRENE LOOSE FILL PACKAGING

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

PREPARED FOOD

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.

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.

§ 37-11 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.

§ 37-12 Exceptions.

- A. The prohibition set forth in § 37-11 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 § 37-11 of this article shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.

§ 37-13 Enforcement; penalties for offenses.

- 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 \$150; and
 - (3) For the third and each subsequent violation, a penalty of \$250.
- C. No more than one penalty shall be imposed upon a single food packager or retail establishment in one twenty-four-hour period.

§ 37-14 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.

§ 37-15 Effective date.

This article shall become effective on April 22, 2020.