

CITY OF NORWALK

LAW DEPARTMENT

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COMMON COUNCIL ORDINANCE COMMITTEE

PUBLIC HEARING **AND** **REGULAR MEETING**

April 19, 2016
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on): Commercial Parking
Alarm Ordinance
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: March 15, 2016
6. OLD BUSINESS (possible action on): Extra Police Work
7. NEW BUSINESS: (possible action on): Chapter 77 – Peddlers, Street Vendors
and Solicitors
8. ADJOURNMENT

Definitions

COMMERCIAL VEHICLE – Any vehicle used in commerce; whether for hauling goods, equipment, or transporting passengers for a fare.

§98-26 ~~Parking of commercial vehicles~~ Prohibited Vehicles

A. No person shall park, cause to be parked or permit to be parked any ~~commercial vehicle of more than 1 ¼ ton's rated capacity~~ of the following vehicles upon any public street or highway or other public place within the city in excess of the time limit prescribed:

(1) Commercial vehicles with more than 1 ¼ ton rated capacity – four hours maximum.

(2) Commercial trailer – four hours maximum.

(3) Boat trailer- twelve hours maximum.

(4) Camper trailer – twelve hours maximum.

(5) Recreational vehicles – twelve hours maximum.

B. No person shall park, cause to be parked or permit to be parked at one time in any residential district or upon any street adjacent thereto, two or more commercial vehicles or commercial trucks.

~~B. C.~~ Any person who ~~parks a commercial vehicle in excess of four hours in violation~~es of the provisions of this section shall be fined for each violation in an amount established in accordance with the provisions of §90-4, Approval of rates and fees.

Chapter 11A. Alarm Systems

Article I. Burglar and Holdup Alarm Systems

[Adopted 4-8-1986]

§ 11A-1. Title.

This article shall be known and may be cited as the "Ordinance Regulating Burglar and Holdup Alarm Systems and Users."

§ 11A-2. Purpose.

The purpose of this article is to reduce the number of false alarms and promote the responsible use of alarm devices, thereby improving the members of the Police Department who must respond to such alarms.

§ 11A-3. Definitions.

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

ALARM SYSTEM

Any device or assembly of equipment arranged to signal, audibly or visibly, the presence of a hazard requiring urgent attention and to which police and fire personnel are expected to respond. In this article, the term "alarm system" shall include the terms "automatic holdup alarm system," "burglar alarm system," "holdup alarm system" and "manual holdup alarm system." Alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery or a fire or smoke condition at a premises are specifically excluded from the provisions of this article.

ALARM USER

Any person on whose premises an alarm system is maintained within the City of Norwalk, except alarm systems on motor vehicles or proprietary alarms. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such system is an alarm user. Also excluded from this definition and from the coverage of this article are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system" and shall be subject to this article.

AUTOMATIC DIALING DEVICE

An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or a coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

AUTOMATIC HOLDUP ALARM SYSTEM

An alarm system in which the signal is initiated by the action of the robber.

BURGLARY ALARM SYSTEM

An alarm system signaling an entry or attempted entry into the area protected by the system.

CENTRAL STATION

An office to which remote alarm devices are connected where operators monitor those signals and relay information to the Police Department.

CITY

The City of Norwalk, County of Fairfield, Connecticut.

FALSE ALARM

The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other violent conditions. "False alarms" shall not mean alarms transmitted because of a watermain break or similar causes that occur outside of the protected property. "False alarms," as defined in this article, also do not include those alarms that are transmitted with a criminal, malicious or mischievous intent.

HOLDUP ALARM SYSTEM

An alarm system signaling a robbery or attempted robbery.

MANUAL HOLDUP ALARM

An alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.

PERSON

Any individual, firm, partnership, association, corporation, company or organization of any kind.

POLICE or POLICE DEPARTMENT

The publicly supported Police Department of the City of Norwalk.

§ 11A-4. Automatic dial alarm prohibited.

A.

No automatic dial alarms may be installed which transmit a signal directly to the Police Department.

B.

This section does not apply to automatic dial alarms which transmit to a central station.

§ 11A-5. Alarm User Notification.

Central stations are required to call the alarm user before calling the Police Department.

§ 11A-56. Exterior audible devices.

A.

Unless required by law, no alarm device which produces an exterior audible signal shall be permitted unless its operation is automatically restricted to a maximum of 30 minutes.

B.

All existing devices which produce an exterior audible signal shall be modified within 60 days of the effective date of this article to comply with Subsection **A** of this section.

§ 11A-67. Testing of alarm devices.

Permission is not required to test or demonstrate alarm devices not transmitting signals directly to the Police Department. If such signals are to be relayed to the Police Department, permission from the head of the affected department or his designee must first be obtained.

§ 11A-78. through § 11A-9. (Reserved)

[1]

Editor's Note: Former §§ 11A-7, False alarms, 11A-8, Municipal responsibility, and 11A-9, Exceptions, were repealed 1-28-2003.

Article II. Alarm Devices; False Alarms

[Adopted 1-28-2003]

§ 11A-10. Legislative determination.

A.

It is determined that the number of false alarms being made to the Norwalk Police and Fire Departments hinders the efficiency of those Departments, lowers the morale of Department personnel, constitutes a danger to the general public during responses to false alarms, and that the adoption of this article will reduce the number of false alarms and promote the responsible use of alarm devices in Norwalk.

B.

The general welfare and safety of the residents of Norwalk will be best served and protected by the establishment and implementation of an ordinance requiring the registration of alarm devices and establishing a mechanism to reduce the number of false alarms and promote the responsible use of alarm devices in Norwalk.

§ 11A-11. Definitions.

For the purpose of this article, the following definitions shall apply.

ALARM DEVICE

Any device which, when activated by a criminal act, fire or other emergency calling for Police or Fire Department response, transmits a signal to the Police or Fire Department; transmits a signal to a person who relays information to the Police or Fire Department; or produces an audible or visible signal to which the Police or Fire Department is expected to respond.

Excluded from this definition and the scope of this article are devices which are designed to alert or signal only persons within the premises in which the device is installed.

ALARM USER

The owner of any premises in which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to § **11A-14** shall be deemed the "alarm user."

AUTOMATIC DIAL ALARM

A telephone device or attachment that mechanically or electronically selects a telephone line to the Police or Fire Department and reproduces a prerecorded voice message to report a criminal act, fire or other emergency calling for Police or Fire Department response.

CENTRAL STATION

An office to which remote alarm devices transmit signals where operators monitor those signals and relay information to the Police and Fire Departments.

CONTRACTOR

Any person, firm or corporation in the business of supplying and installing alarm devices or servicing the same.

FALSE ALARM

Any activation of an alarm device to which the Police or Fire Department responds and which is not the result of an actual emergency.

§ 11A-12. Administrator.

The Chief of the Norwalk Police Department and the Chief of the Norwalk Fire Department shall jointly designate an Alarm Administrator for alarm devices who shall have the powers and duties granted under this article.

§ 11A-13. Alarm Appeal Board.

A.

There shall be an Alarm Appeal Board, which shall have the powers and duties granted to it under this article.

B.

The Alarm Appeal Board shall consist of five members, at least one of whom shall have experience with installing or servicing alarm devices. Each member shall be nominated by the Mayor and confirmed by the Common Council. The Mayor will designate the Chairman. Each initial member shall serve until January 1, 2005. All members shall be electors of the City of Norwalk and shall serve without compensation. Further appointments, except to fill vacancies, shall be for terms of four years. Appointed members shall serve until their successors shall have been appointed and qualified. Vacancies in the membership shall be filled for the unexpired portion of a term in the same manner as regular appointments.

C.

Three members of such Board shall constitute a quorum. All decisions of the Board shall be made by agreement of a majority of those present and voting.

§ 11A-14. Notice and registration of alarm devices required.

On or after 90 days of the effective date of this article:

A.

No person, firm or corporation shall install an alarm device without first providing the Alarm Administrator with the name, address and phone number of the owner of the premises wherein an alarm device is to be installed. An occupant of such premises, other than the owner, can accept responsibility for an alarm device used on the premises by executing a written acceptance form and filing the name with the Alarm Administrator.

B.

Each alarm user shall register his alarm device or devices with the Alarm Administrator prior to use of the alarm device.

C.

Each user of an existing alarm device or contractor acting on behalf of an alarm user shall register the alarm device with the Alarm Administrator.

§ 11A-15. Alarm device registration procedure.

A.

Alarm device registration shall be accomplished by filling out a form provided by the Alarm Administrator which shall require such information concerning the identity of the proposed alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device, as the Alarm Administrator may require. The Alarm Administrator shall issue the alarm user a written acknowledgment of proper registration.

B.

It shall be the responsibility of each alarm user who has possession of the premises to notify the Alarm Administrator of changes in registration information.

§ 11A-16. Registration of central stations required.

Each central station which plans to transmit signals to the Norwalk Police or Fire Department must register with the Alarm Administrator before doing so.

§ 11A-17. Central station registration procedure.

A.

Central station registration shall be accomplished by filling out a form provided by the Alarm Administrator which shall include such information as the Administrator may require concerning the identity of the applicant, the type of its business organization (individual proprietorship, partnership, corporation), the principal place of business of the entity, the location of the office monitoring alarms and the alarm users in Norwalk served by the station. The Administrator shall issue the central station a written acknowledgment of proper registration.

B.

It shall be the responsibility of each central station to notify the Administrator of any change in the registration information in writing within 30 days, but such notification need not be given more frequently than once a month.

§ 11A-18. Registration of contractors required.

A.

Each contractor that wishes to provide authorized alarm device inspection and repair services shall register with the Alarm Administrator.

B.

Contractor registration shall be accomplished by filling out a form provided by the Alarm Administrator which shall include such information concerning the identity of the applicant, the type of its business organization (individual proprietorship, partnership, corporation), the principal place of business of the entity, the places of business from which Norwalk alarm users will be served, the types and makes of equipment the contractor is qualified to service, as the Administrator may require. The Administrator shall issue the contractor a written acknowledgment of proper registration.

C.

It shall be the responsibility of each contractor to notify in writing the Alarm Administrator of changes in the registration information within 30 days of the change.

§ 11A-19. Registration fees.

There shall be a registration fee of \$10 for each registration under §§ 11A-16, 11A-17 and 11A-18.

~~§ 11A-20. New automatic dial alarms prohibited.~~

~~No automatic dial alarm device may be installed after the effective date of the article.~~

§ 11A-2120. Reporting of false alarms.

A.

The Norwalk Police Department and Norwalk Fire Department shall report false alarms to the Alarm Administrator, based upon the report of the investigating officer.

B.

It shall be the responsibility of the central station to notify the alarm user whenever the central station reports an alarm to the Norwalk Police Department or Fire Department.

§ 11A-2221. Charges for false alarms.

A.

When the Alarm Administrator determines that the Police Department or Fire Department has responded to a false alarm, the Alarm Administrator shall impose a charge on the responsible alarm user according to the following schedule:

(1)

For the first two false alarms within the City's fiscal year: no charge.

(2)

For the third false alarm within the City's fiscal year: \$5075.

(3)

For each subsequent false alarm within the City's fiscal year: \$75100.

B.

Failure to pay any such charge within 30 days of the imposition thereof shall constitute a separate violation of this article. Each month thereafter that a charge remains unpaid shall constitute a separate violation.

C.

Charges may be amended by a fee schedule enacted by the Common Council.

§ 11A-2322. Notification of charges.

A.

The Alarm Administrator shall notify the responsible alarm user of any false alarm charge by mail addressed to the alarm user at the address noted on the registration form on file. Within 30 days after receipt of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm within the meaning of this article. Notice shall be deemed to be received within seven days from date of mailing.

B.

The Administrator shall consider all such information, reaffirm or rescind the false alarm charge based on the use of reasonable judgment and notify the alarm user of its decision by mail. No later than 30 days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal, in writing, to challenge the basis for the Alarm Administrator's decision.

§ 11A-2423. Violations and penalties.

Any person who performs or causes to be performed any of the following acts shall be subject to a penalty not to exceed \$75 for each such act:

A.

Failure to register an alarm device, central station or contractor or give notice of changes in registration information within the required times and as required by this article.

B.

Use of an automatic dial alarm device.

C.

Installation of an alarm device without first providing the Alarm Administrator with the name, address and phone number of the owner of and the alarm user at (if different) the premises wherein the alarm device was installed. Each thirty-day period following the imposition of a penalty that a violation remains uncorrected or that a penalty remains unpaid shall constitute a separate violation.

§ 11A-2524. Appeals procedure.

~~Appeals shall be filed in writing within 30 days. Upon receipt of a timely appeal from a false alarm charge, registration suspension, violation or penalty, the Alarm Appeal Board shall hold a hearing to consider the appeal and shall mail notice of the time and place of said hearing to the alarm user taking the appeal, to the last known address, at least 15 days before the hearing. The address listed on the registration shall be deemed to be valid and current for purposes of this article. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the action or decision of the Alarm Administrator if it finds that such action or decision was properly imposed, or it may rescind the action or decision if it finds the action or decision was improper and without a reasonable basis.~~

Hearings and appeals shall be governed by Section 7-152c of the Connecticut General Statutes, as may be amended from time to time.

§ 11A-2625. Information to be compiled.

The Alarm Administrator, Norwalk Police Department and Norwalk Fire Department shall, with respect to each false alarm, compile information concerning the alarm devices involved, contractors and addresses of false alarms and any other information that may be evaluated to determine relative

reliability of different types of alarm devices, and particular contractors and the frequency of false alarms attributable to different categories, addresses and contractors.

§ 11A-2726. Disclaimer of liability.

Notwithstanding the provisions of this article, the City of Norwalk, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm-monitoring and responding facilities of the Norwalk Police and Fire Departments. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities or for the failure to respond to any alarms or for any other acts or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the City, of Norwalk, its departments, officers, agents and employees from any and all liabilities and responsibilities in connection any alarm device, including the use, installation and or operation of any alarm device, regardless of registration status.

§ 11A-2827. Charges and fees to be paid into general fund.

Charges for contractor registration, charges for false alarms, appeal fees and penalties for violations and late charges shall be collected by the Alarm Administrator and placed in the general fund. The failure to pay any charge, suspension, violation or penalty within 30 days from date of imposition shall cause a late charge of \$25 to be due and payable for each thirty-day period during which an outstanding balance is due.

§ 11A-2928. Enforcement.

The City of Norwalk, upon authorization of the Alarm Administrator, may institute civil proceedings to enforce the provisions of this article.

§ 11A-3029. Applicability.

The provisions of this article shall not apply to alarm devices on premises owned or controlled by the City of Norwalk, including the Norwalk Board of Education, the State of Connecticut or the government of the United States nor to alarm devices installed in a licensed motor vehicle, trailer or boat.

**CITY OF NORWALK
ORDINANCE COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
MARCH 15, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Tom Livingston, Bruce Kimmel,
Shannon O'Toole-Giadurco, Travis Simms (7:10 p.m.);
Douglas Hempstead (7:11 p.m.)

OTHERS: Diane Cece

CALL TO ORDER

Ms. Melendez called the meeting to order at 7:05 p.m. A quorum was present. She added that Atty. McCain was not able to be present and another staff member from Corporation Counsel was in attendance.

PUBLIC HEARINGS
(possible action on)

Don't Block The Box.

Ms. Melendez opened the public hearing regarding the proposed ordinance on Don't Block the Box at 7:06 p.m. She asked if there was anyone who was present that wished to address the Committee regarding the proposed ordinance.

Ms. Diane Cece of Olmstead Place, came forward and said that her street abuts the highway and coming out of Olmstead Place is often dangerous. She noted that the two proposed intersections were at Exit 16 northbound and at France Street and Park Avenue.

Ms. Cece said that the East Avenue and Exit 16 box would be difficult for the police to monitor because it would require two patrol vehicles on site and there is nowhere to pull a vehicle over. She said that the Don't Block the Box initiative includes painted hash marks and signage

Mr. Simms joined the meeting at 7:10 p.m.

Ms. Cece said that the back up was really just a symptom of the fact that the traffic signals are not coordinated and the local people know that the police can't enforce it, so they will just ignore it.

Mr. Hempstead jointed the meeting at 7:11 p.m.

She said that she thought that the same issue was happening at France Street

Ms. Melendez asked a second and third time. Hearing none, Ms. Melendez closed the

public hearing on the proposed ordinance on Don't Block the Box at 7:11 p.m.

City of Norwalk Harbor Management Commission Rules and Regulations For Mooring and Anchoring Vessels.

Ms. Melendez opened the public hearing regarding the City of Norwalk Harbor Management Commission Rules and Regulations For Mooring and Anchoring Vessels at 7:11 p.m. She asked if there was anyone who was present that wished to address the Committee regarding the proposed ordinance. No one came forward. Ms. Melendez asked a second and third time. Hearing none, Ms. Melendez closed the public hearing on City of Norwalk Harbor Management Commission Rules and Regulations For Mooring and Anchoring Vessels at 7:12 p.m.

Taxation - Norwalk City Code Chapter 103, Article III Tax Relief for the Elderly and Disabled Homeowners

Ms. Melendez opened the public hearing regarding the City of Norwalk Taxation - Norwalk City Code Chapter 103, Article III Tax Relief for the Elderly and Disabled Homeowners at 7:12 p.m. She asked if there was anyone who was present that wished to address the Committee regarding the proposed ordinance.

Ms. Cece said that she believed that the City was looking to increase the rates and eligibility and that she supported this change wholeheartedly. She said that she did not think the senior citizen should be forced out of their homes because of taxes.

Ms. Melendez asked a second and third time if there was anyone else who wished to address the Committee on the proposed ordinance. Hearing none, Ms. Melendez closed the public hearing on the Norwalk City Code Chapter 103, Article III Tax Relief for the Elderly and Disabled Homeowners at 7:14 p.m.

Taxation - Norwalk City Code Chapter 103, Article VI Tax Relief for the Elderly and Disabled Homeowners

Ms. Melendez opened the public hearing regarding the City of Norwalk Taxation - Norwalk City Code Chapter 103, Article VI Tax Relief for the Elderly and Disabled Homeowners at 7:14 p.m. She asked if there was anyone who was present that wished to address the Committee regarding the proposed ordinance.

Ms. Cece came forward and said that she would like to express her support for this ordinance also.

Ms. Melendez asked a second and third time if there was anyone else who wished to address the Committee on the proposed ordinance. Hearing none, Ms. Melendez closed the public hearing on the Norwalk City Code Chapter 103, Article VI Tax Relief for the

Elderly and Disabled Homeowners at 7:15 p.m.

Ms. Melendez then closed the Public Hearing Portion of the meeting at 7:15 p.m.

PUBLIC HEARING DISCUSSION

Don't Block the Box - Regarding Don't Block the Box, Mr. Livingston commented that the enforcement might be a problem, but his take away was that the Chief wanted to have the intersection striped.

Mr. Simms said that he thought it might be premature to move on the item. He said that East Avenue was very wide and that the drivers were simply trying to get home. The Committee needs to do their due diligence. He suggested that the Committee check with DPW to see if the light timings could be changed.

Mr. Hempstead said that the fines would be one issue but at least the City could paint the intersection it would be a first step.

Ms. O'Toole-Giadurco said that they had been talking about this since the last session and acknowledged it was not a perfect solution, but it would give the police the tools that they need. Mr. Simms disagreed and said that moving on this now is not right. The Committee needs to do their due diligence and to have an analysis done. He said that he was not opposed to the striping, but felt that it was not good to have the fines done.

Mr. Kimmel pointed out that there was a safety issue in that area and drivers often have sight lines blocked. He said that he felt that this should move forward.

Mr. Livingston said that in the last meeting, they were told that they couldn't paint the lines without the ordinance being approved.

Ms. Melendez said that she agreed with everyone, and said that it was easy to end up in the box if the box had been painted on the street. She said that the police understand this issue and pointed out that the drivers can't figure out where the area is without the lines there. She said that she would like to send this item to the full Council for consideration.

**** MS. O'TOOLE-GIADURCO MOVED TO APPROVE SENDING THE DON'T BLOCK THE BOX ORDINANCE TO THE FULL COUNCIL.**

**** THE MOTION PASSED UNANIMOUSLY.**

Harbor Commission –

**** MR. LIVINGSTON MOVED TO APPROVE SENDING THE CITY OF NORWALK HARBOR MANAGEMENT COMMISSION RULES AND REGULATIONS FOR MOORING AND ANCHORING VESSELS TO THE FULL**

COUNCIL.

**** THE MOTION PASSED UNANIMOUSLY.**

Norwalk City Code Chapter 103, Article III Tax Relief for the Elderly and Disabled Homeowners

Mr. Kimmel said that the Committee would be reviewing this every year. He said that it was important to realize that the value of someone's house should not be a factor.

**** MR. KIMMEL MOVED TO APPROVE SENDING THE NORWALK CITY CODE CHAPTER 103, ARTICLE III TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS TO THE FULL COUNCIL.**

Mr. Hempstead said that he felt it was wonderful that the Committee could offer this to the residents. It's a plus if they can help an elderly person stay in their home.

**** THE MOTION PASSED UNANIMOUSLY.**

Norwalk City Code Chapter 103, Article VI Tax Relief for the Elderly and Disabled Homeowners VI

**** MR. SIMMS MOVED TO APPROVE SENDING THE NORWALK CITY CODE CHAPTER 103, ARTICLE VI TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS TO THE FULL COUNCIL.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Livingston had a question about the outcome of the vote for Harbor so the vote was taken again for the record.

**** MR. LIVINGSTON MOVED TO APPROVE SENDING THE CITY OF NORWALK HARBOR MANAGEMENT COMMISSION RULES AND REGULATIONS FOR MOORING AND ANCHORING VESSELS TO THE FULL COUNCIL.**

**** THE MOTION PASSED UNANIMOUSLY.**

ACCEPTANCE OF THE MINUTES.

**** MR. LIVINGSTON MOVED THE MINUTES OF FEBRUARY 16 2016**

**** THE MOTION PASSED WITH FIVE IN FAVOR (MELENDEZ, SIMMS, KIMMEL, HEMPSTEAD AND LIVINGSTON) IN FAVOR AND ONE ABSTENTION (O'TOOLE-GIANDURCO)**

OLD BUSINESS
(possible action on)

• **Commercial Parking.**

Mr. Livingston pointed out that if there were any problems with the proposed Commercial Parking ordinance, the Committee could always revisit it.

**** MS. O'TOOLE-GIANDURCO MOVED TO SCHEDULE A PUBLIC HEARING FOR THE COMMERCIAL PARKING ORDINANCE.**

**** THE MOTION PASSED UNANIMOUSLY.**

• **Alarm ordinance**

**** MR. HEMPSTEAD MOVED TO SCHEDULE A PUBLIC HEARING FOR THE ALARM ORDINANCE.**

Mr. Kimmel asked if the ordinance had been revised. Ms. Melendez said that it had been revised but the items had not been renumbered. Mr. Kimmel asked what the concern was. Ms. Melendez replied that the concern was about not being able to collect the fines. The staff then gave a brief overview how the fines would be collected and what the process would be for the determination of the fines. The Blight Ordinance has the same procedure.

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS
(possible action on)

Mr. Kimmel said that he had planned to ask for a suspension of the rules to discuss the street vendors. He said that the ordinance was written in 1989 and the amount was \$200.00. He said that he would like to have this included on the next agenda. Mr. Hempstead said that he thought it might be because there were vendors going along the parade routes selling stuff. Discussion followed.

ADJOURNMENT.

**** MS. O'TOOLE-GIANDURCO MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:38 p.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services

CHAPTER 96. EXCAVATIONS AND ENCROACHMENTS IN PUBLIC STREETS AND GROUNDS

SECTION 96-14. PROTECTIVE MEASURES

A.

It shall be the duty of the permittee under this chapter to safeguard the security of the general public, to protect the public from injury or harm, to ensure that their rights are not unreasonably curtailed and to place and maintain adequate and proper barriers, warning devices, traffic cones and signs necessary for the safety of the general public. Additional barriers, warning devices, traffic cones and signs shall be placed and maintained by the permittee at the locations and in the amounts ordered by the Director. Barriers, devices, lights, signs and similar devices shall conform to City and State of Connecticut requirements. From sunset to sunrise an adequate number of amber flashing lights and reflective barricades shall be used, All such barriers, lights, signs and devices shall be supplied by the permittee at his own expense. Pedestrians shall be prevented from walking beneath any ladder, staging, scaffolding or like encroachment unless overhead protection is provided.

B.

The permittee shall advise the Director of its plans regarding excavation prior to performing the initial excavation or any subsequent excavation and will cooperate with the Director to ensure that excavation, construction, filling and paving are performed in the least disruptive manner practicable.

C.

Unless specifically stated by the permit, only 1/2 of the traveled way of a street may be excavated or encroached upon at one time, and the same shall be properly restored for the safe passage of vehicular and pedestrian traffic before the remaining half of the traveled way of said street is excavated or encroached upon.

D.

Where an excavation or encroachment involves or affects a public sidewalk, the adjacent street may not be excavated or encroached upon concurrently. Where a sidewalk is excavated, encroached, blocked or impeded by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for pedestrian travel and convenient for users and which shall be barricaded and otherwise protected from vehicular traffic. Where a portion of any street other than the sidewalk is excavated or encroached, the sidewalk must be made safe and passable.

E.

The permittee shall take appropriate measures to assure that, during the performance of the work, traffic and pedestrian conditions can be maintained as near to normal as possible at all times so as to minimize inconvenience to the occupants of adjoining property and to the general public.

F.

When portions of the traveled way are made hazardous for the movement of vehicles or pedestrians, a sufficient number of traffic control persons shall be employed by the permittee to direct traffic safely through the area. The Director shall approve the traffic control plan and shall determine the appropriate number of traffic control persons or Norwalk Police Officers, where necessary, to ensure the public's safety. If such conditions exist at the close of the working day, a watchman Police Officer(s) and a sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night per the direction of the Director. The work shall be planned to avoid such conditions whenever possible.

G.

The traveled way of any street shall not be closed without prior approval of the Director. The period of time and all other conditions specified in any such approval must be adhered to strictly. The proposed detour route and relevant details must be submitted to and approved by the Director prior to the closing of any street.

H.

Upon failure of the permittee to comply with the requirements of this section or upon failure to immediately make all corrections, changes, alterations or additions ordered by the Director as provided herein for the safety and convenience of the general public, the Director may take such measures as he deems necessary to bring the work or activity into conformance with this section and with his directives, and the cost thereof shall be charged to the permittee.

City of Norwalk, CT
Tuesday, April 12, 2016

Chapter 77. Peddlers, Street Vendors and Solicitors

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

GENERAL REFERENCES

Auctions — See Ch. 18.

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

Soliciting in parks — See Ch. 74.

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

Article I. Peddlers and Street Vendors

§ 77-1. Definitions.

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

PEDDLER or STREET VENDOR

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

PUBLIC PLACE

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

PUBLIC SIDEWALK

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

PUBLIC STREET

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

PUSHCART

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

STAND

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

VEHICLE

Any motor vehicle as defined in the Motor Vehicles Law.

VEND

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

§ 77-2. License requirements.

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

§ 77-3. Exceptions.

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

§ 77-4. License application.

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

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

§ 77-5. Insurance required.

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

§ 77-6. Issuance of license; fees.

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

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

§ 77-7. Duration of license.

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

§ 77-8. Records to be kept by Clerk.

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

§ 77-9. Areas of conduct restricted.

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

vehicle used for vending be placed so as to restrict the continued maintenance of a clear passageway for vehicular traffic.

§ 77-10. Vending in parks restricted.

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

§ 77-11. Violations and penalties.

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

§ 77-12. Revocation of license.

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

§ 77-13. Applicability of other licensing requirements.

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

§ 77-14. (Reserved).

Article II. Solicitors

§ 77-15. Definitions.

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

SOLICIT

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

SOLICITOR

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

§ 77-16. License required.

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

§ 77-17. Exemptions.

The provisions of this Article shall not apply to:

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

§ 77-18. License application.

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

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

§ 77-19. Insurance required.

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

§ 77-20. Issuance of license; fee.

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

C. Refusal to issue.

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

§ 77-21. Duration of license.

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

§ 77-22. Restricted activities.

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

§ 77-23. Conduct; receipts required.

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

§ 77-24. Violations and penalties.

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

§ 77-25. Suspension or revocation of license.

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

§ 77-26. Applicability of other licensing requirements.

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