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



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



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



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



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

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

March 21, 2023

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

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and vote Chapter 55 - Demolition Delay ordinance
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - February 21, 2023 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
 - Discuss and vote on the Arts and Cultural District Proposal, Approval Process and ordinance (Chapter 17A – Arts Commission)
 - Discuss and vote on Chapter 73, Article I, Oak Hills Park Authority
- 7. NEW BUSINESS:**
 - Discuss Chapter 66A of the Norwalk Code (Mooring and Anchoring); 2023 Mooring Fee Schedule
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, March 21, 2023 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Demolition Delay Ordinance. 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 March 17, 2023.

Chapter 55. Demolition Delay

§ 55-1. Purpose.

The purpose of this chapter is to promote the educational, cultural, economic, and general welfare of the City of Norwalk, to establish a procedure whereby owners of buildings with significant historic characteristics will be informed of the economic, tax, aesthetic, and other benefits of historic preservation, and to further the preservation, rehabilitation, and reuse of architecturally significant buildings and structures by providing adequate time for all parties to consider and put forth appropriate development alternatives to demolition, including attempts to find a purchaser who will retain or remove such historic or architecturally significant building or structure or who will present some other reasonable alternative to the last resort of demolition.

§ 55-2. Definition.

- A. "Demolition," "Demolish," or "Demolished" means any wrecking activity directed to the disassembling, dismantling, dismembering, and/or razing of the exterior of any building or structure or part thereof. The term shall not be construed to prevent the ordinary maintenance or repair of any building or structure or part thereof that does not involve a change in the design thereof, including, without limitation, the replacement of windows, doors, siding, or roof.
- B. "Part thereof" means fifty percent or more of a building or structure, as measured on ground level and above, as determined by the Chief Building Officer.
- C. "Historic Property" means any individual building, structure, object, or site that is listed on the state or national register of historic places. significant in the history, architecture, archaeology and culture of the State of Connecticut, City of Norwalk, or the nation.

§ 55-3. Permit required.

No person shall Demolish any building, structure, or part thereof without first obtaining a permit from the Chief Building Official. Such permit shall be issued except as otherwise

provided in this chapter and pursuant to Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-4. Permit requirements for certain structures.

If the building, structure, or part thereof to be Demolished is (a) at least 50 years old, (b) listed on the Historic Norwalk Resources Inventory, as amended from time to time, or (c) ~~is a~~ Historic Property, then no permit shall be issued except in compliance with the provisions of this chapter and Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-5. Application procedure.

Any application to the Chief Building Official for a permit to Demolish any building, structure, or part thereof pursuant to the provisions of § 55-4 shall be subject to the following procedure:

A. The application for a Demolition permit shall include the following information:

- (1) Common name, if any, and actual street address of the building, structure, or part thereof to be Demolished;
- (2) The name, address and telephone number of the owner(s) of the building, structure, or part thereof to be Demolished;
- (3) The age of the building, structure, or part thereof to be Demolished;
- (4) The square footage or dimensions of the building, structure, or part thereof to be Demolished;
- (5) One or more current photographs of the building, structure, or part thereof to be Demolished showing the affected area(s);
- (6) The reasons for requesting a Demolition permit;
- (7) A brief description of the proposed reconstruction or replacement for the building, structure, or part thereof to be Demolished; and
- (8) The names and addresses of the owners of all properties that abut or are within a radius of one hundred feet of any portion of the property on which adjoining and [immediately adjacent across the street] from the building, structure, or part thereof to be Demolished is situated, according to an attached copy of the pertinent portion of the current assessor's map.

B. Within 10 days following the initial submission of an application for a Demolition permit, the applicant shall:

- (1) deliver a copy of such application by certified mail and electronic mail to the Norwalk Historical Commission, the Director of Planning and Zoning, and any individual, firm, corporation, organization, or other entity which has requested, in writing, from the Chief Building Official copies of such application(s);
 - (2) deliver copies of a notice of intent to Demolish (the "Notice") to the owners of all properties that abut or are within a radius of one hundred feet of any portion of adjoining and [immediately adjacent across the street] from the property on which the building, structure, or part thereof to be Demolished is situated via registered or certified mail; and
 - (3) Post in a conspicuous location on the property on which the building, structure, or part thereof to be Demolished is situated a sign at least 24 inches by 36 inches in size visible from the nearest street or other accessway adjoining the property. Such sign shall include copy of the Notice and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. The sign required hereunder shall remain posted on the property if the permit is issued until the completion of all Demolition activities authorized by the permit.
- C. Within 14 days following the initial submission of the application for a permit to Demolish, the applicant shall file with the Chief Building Official a statement verified under oath on a form approved by the Chief Building Official certifying that all of the delivery requirements under § **55-5B** have been satisfied and attaching thereto a copy of the Notice, as well as evidence of mailing as required under subsection B(2) above. Upon filing the certification statement, the application is deemed filed. If any delivery requirement is not complied with, the Chief Building Official shall reject the application as incomplete.
- D. In the event that a written acknowledged objection is filed with the Chief Building Official and the Norwalk Historical Commission within 21 days after filing the certification statement as required by § **55-5C**, the Chief Building Official shall not issue the permit until [180/20] days after the application is deemed filed or such earlier date that such objection is withdrawn or deemed to be withdrawn by the party filing same. The sole basis for such objection shall be that the building, structure, or part thereof proposed to be Demolished is ~~not~~ architecturally or historically significant. If no such written objection is filed within 21 days after the filing of the certification statement, the Chief Building Official may issue the Demolition permit, provided that all other applicable requirements have been complied with.
- E. The Norwalk Historical Commission may on its own initiative, and shall at the request of the applicant, hold a public hearing on any application to which an objection has been filed and at such hearing shall make a determination as to whether the building, structure, or part thereof proposed to be Demolished is architecturally or historically significant. In the case of a request by an applicant, such hearing shall be held within 21 30-days after the date of such request. If the Norwalk Historical Commission determines that the building, structure, or part

thereof proposed to be Demolished is not architecturally or historically significant, the objection shall be deemed withdrawn. If the building, structure, or part thereof proposed to be Demolished is determined to be architecturally or historically significant, the Norwalk Historical Commission may issue recommendations on alternatives to Demolition to the ~~applicant~~Chief Building Official.

- F. In no event shall the issuance of a Demolition permit be delayed for more than [120]80 days from the date the application is deemed filed.

§ 55-6. Demolition by Neglect.

Throughout the Demolition delay period imposed under § 55-5, the owner of record of the building, structure, or part thereof proposed to be Demolished shall secure and maintain such building, structure, or part thereof in a manner that minimizes the risk of water penetration, vandalism, fire, or other significant damage and otherwise complies with Section 29-408 of the Connecticut General Statutes, as amended. Partial Demolition, including the removal of windows, doors, roofing, or any other building material, is expressly prohibited during the Demolition delay period, except to extent required by law or permitted by the Chief Building Official.

§ 55-7. Exceptions.

This chapter shall not apply to: (1) any structure determined to be unsafe by the Chief Building Official according to the State of Connecticut Basic Building Code or as defined as a Hazardous Building under § 26-11 of the Norwalk Code; (2) any structure that is less than 400 square feet in size; (3) the lifting of a building, structure, or part thereof to comply with regulations of the Federal Emergency Management Agency (FEMA) or the City of Norwalk governing coastal flooding, provided such lifting does not involve a change in design of such building, structure, or part thereof; or (4) any structure determined to be a threat to public health by the Director of Health; ~~or (5) any structure that is exempt under the provisions of Section 29-402(c) of the Connecticut General Statutes, as amended.~~

§ 55-8. Violation and fines; Lapse of permit.

- A. In addition to any other penalties and remedies provided by law, aAny person who violates any provision of this chapter shall be fined \$250 per day, with each day of such violation constituting a separate violation. -All fines imposed under this chapter shall be collected and made payable to the City of Norwalk. The total amount of all fines imposed on a person under this chapter for a single violation shall not exceed the lesser of [\$30,000 45,000-or, in the case of the unauthorized Demolition of building, structure, or part thereof, 10% of the assessed value of such building, structure or part thereof.]

B. Any unpaid fine pursuant to this chapter shall constitute a lien upon the real estate against which the fine was imposed. Such lien shall be recorded on the Norwalk Land Records and shall only be satisfied upon the execution of the appropriate legal document between the homeowner, the City, and any other necessary parties.

C. The Chief Building Official is authorized to institute any and all actions or proceedings, in law or in equity, as they may deem necessary or appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.

~~B. If~~ If a Demolition is not commenced within six months after issuance of a permit, such permit shall be deemed null and void unless extended by the City, in which case such permit shall not be extended for more than additional six months.

§ 55-9. Appeal.

Any person aggrieved by any order or decision under this chapter may, within ten days of such order or decision, appeal therefrom to the Superior Court for the Stamford/Norwalk judicial district.

§ 55-109. Report of Chief Building Official.

The Chief Building Official shall issue an annual report to the Mayor, the Common Council, and the Norwalk Historical Commission concerning the number of Demolition applications filed, the number of applications subject to this chapter, the number of applications that were objected to, and whether the buildings, structures, or parts thereof subject to such applications were actually Demolished.

Dated at Norwalk, Connecticut this 27th day of February 2023.

ATTEST: _____

Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, March 10, 2023

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, March 21, 2023 at 7:00 p.m. by way of video conference/teleconference for the purpose of discussing and voting on the Demolition Delay Ordinance. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of video conference/teleconference. The Ordinance Committee agenda will be posted on the City website by March 17, 2023.

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- (5) One or more current photographs of the building, structure, or part thereof to be Demolished showing the affected area(s);
- (6) The reasons for requesting a Demolition permit;
- (7) A brief description of the proposed reconstruction or replacement for the building, structure, or part thereof to be Demolished; and
- (8) The names and addresses of the owners of all properties that abut or are within a radius of one hundred feet of any portion of the property on which the building, structure, or part thereof to be Demolished is situated, according to an attached copy of the pertinent portion of the current assessor's map.

B. Within 10 days following the initial submission of an application for a Demolition permit, the applicant shall:

- (1) deliver a copy of such application by certified mail and electronic mail to the Norwalk Historical Commission, the Director of Planning and Zoning, and any individual, firm, corporation, organization, or other entity which has requested, in writing, from the Chief Building Official copies of such applications;
- (2) deliver copies of a notice of intent to Demolish (the "Notice") to the owners of all properties that abut or are within a radius of one hundred feet of any portion of the property on which the building, structure, or part thereof to be Demolished is situated via registered or certified mail; and
- (3) Post in a conspicuous location on the property on which the building, structure, or part thereof to be Demolished is situated a sign at least 24 inches by 36 inches in size visible from the nearest street or other accessway adjoining the property. Such sign shall include copy of the Notice and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. The sign required hereunder shall remain posted on the property if the permit is issued until the completion of all Demolition activities authorized by the permit.

C. Within 14 days following the initial submission of the application for a permit to Demolish, the applicant shall file with the Chief Building Official a statement verified under oath on a form approved by the Chief Building Official certifying that all of the delivery requirements under § 55-5B have been satisfied and attaching thereto a copy of the Notice, as well as evidence of mailing as required under subsection B(2) above. Upon filing the certification statement, the application is deemed filed. If any delivery requirement is not complied with, the Chief Building Official shall reject the application as incomplete.

D. In the event that a written acknowledged objection is filed with the Chief Building Official and the Norwalk Historical Commission within 21 days after filing the certification statement as required by § 55-5C, the Chief Building Official shall not issue the permit until 120 days after the application is deemed filed or such earlier date that such objection is withdrawn or deemed to be withdrawn by the party filing same. The sole basis for such objection shall be that the building, structure, or part thereof proposed to be Demolished is architecturally or historically significant. If no such written objection is filed within 21 days after the filing of the certification statement, the Chief Building Official may issue the Demolition permit, provided that all other applicable requirements have been complied with.

E. The Norwalk Historical Commission may on its own initiative, and shall at the request of the applicant, hold a public hearing on any application to which an objection has been filed and at such hearing shall make a determination as to whether the building, structure, or part thereof proposed to be Demolished is architecturally or historically significant. In the case of a request by an applicant, such hearing shall be held within 21 days after the date of such request. If the Norwalk Historical Commission determines that the building, structure, or part thereof proposed to be Demolished is not architecturally or historically significant, the objection shall be deemed withdrawn. If the building, structure, or part thereof proposed to be Demolished is determined to be architecturally or historically significant, the Norwalk Historical Commission may issue recommendations on alternatives to Demolition to the applicant.

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§ 55-10. Report of Chief Building Official.

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Dated at Norwalk, Connecticut this 27th day of February 2023.

ATTEST: *Irene Dixon*
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, March 10, 2023.

**City of Norwalk
Ordinance Committee
Regular Meeting
February 21, 2023**

Attendance: Lisa Shanahan, Chair; Edwin Camacho (7:10); David Heuvelman; Thomas Livingston; Nora Niedzielski-Eichner; Joshua Goldstein (7:18), Brian Meek

Staff: Brian Candela, Corporation Counsel, Bill Ireland, Chief Building Official, Sabrina Godeski, Director of Business Development and Tourism

Other:

1) CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:06.

2) ROLL CALL

A quorum was present.

3) PUBLIC HEARING

Mr. Candela read an email from Priscilla Pherrel concerning gas powered leaf blowers. She is writing in support of a ban of these blowers for a variety of environmental reasons.

Mr. Jim Schell from Oak Hills Park addressed the issue of gas powered leaf blowers. He explained some of the drawbacks to using electric power leaf blowers including, less power, less run time on a charge, and potential fires caused by old batteries.

Ms. Louise Washer is president of the Norwalk River Watershed Association. She expressed how gas powered blowers negatively affect pollinators, soil quality, air pollution and water collection.

Mr. Joseph Kramer called in regarding his use of garden tools for residential use. While he agrees gas powered leaf blowers can be loud, he doesn't feel banning them is the solution.

City of Norwalk
Ordinance Committee
Regular Meeting
February 21, 2023

Mr. Roberta DiVasegli called in in support of the ordinance banning gas powered leaf blowers.

Ms. Diane Lauricella has had a bad experience with gas powered leaf blowers, particularly with the strong odors they leave behind. She also thinks the ordinance should include some requirements for protective eye gear. She supports the ordinance but would like it to be enacted earlier. She would also like to extend the times blowers can be used on the weekends.

Ms. Jess Parker is a resident and a board member of the Norwalk River Watershed Association. She made the point that the noise problem of leaf blowers not only affects people, it also affects animals and insects.

Mr. Fred Zinzer is opposed to the ban of leaf blowers. For his personal use, the electric blowers don't have enough power. He is in favor of limiting the decibel volume, and times that they can be used.

Mr. Tyson Canavieri is a Norwalk resident and the owner of a landscaping business. He states that electric blowers just aren't powerful enough for commercial use. He is concerned that if there is a ban, people will start cutting down trees as a way to remove leaves.

Ms. Lisa Henderson is also a landscape business owner. She is concerned that there is not enough outreach to smaller landscaping companies that may not be proficient in English and may be unaware that this ordinance is being discussed. She went through the added costs to landscapers. She would like to table this ordinance until electric blower technology is more advanced and affordable.

Mr. Anthony Lima is testifying in support of the ban. He feels gas powered blowers are often used unnecessarily and is a daily noise pollutant.

Mr. Lawrence Kaisma supports environmental issues, but feels that gas powered blowers are necessary. Electric blowers just aren't powerful enough.

Ms. Mary Varell wrote in the comments that she is in support of the leaf blower ban.

Mr. Todd Bryant thanked the committee for considering this ordinance. He suggests that in section 55-4 item c, there should be more definition as to what is considered a historic property.

Ms. Dana Laird asked if there isn't an alternative to any blowers. She would like there to be a 180 day delay.

4) APPROVAL OF THE MINUTES FROM JANUARY 17, 2023

******Mr. Livingston moved to approve the minutes of January 17, 2023.**

******The motion passed with one correction as noted and Mr. Meeks abstaining.**

On page 4, Mr. Jackson is referred to as Mr. Johnson.

5) OLD BUSINESS

• Discuss and vote Chapter 55 - Demolition Delay ordinance

Mr. Livingston outlined the changes that have been made since the last meeting. Additionally, he addressed the definition of historic properties in section 55. No additional wording was added.

Mr. Ireland stressed the importance of safety for all involved. He also stated that if the building is more than 50 years old, it is made clear in the tax sheet. Also decisions regarding siding and asbestos are handled by the state.

Mr. Goldstein asked about section 55 D, about objections. It should read that it is an objection. He also asked if the 50 year restrictions are too short a time. Fifty years is the generally accepted time frame.

Ms. Niedzielski-Eichner feels that the 50 year ban puts a burden on the Building Department in that it designates every old house as significant. She would like only properties that are historic be subject to the 180 day delay.

Mr. Camacho asked about the definition of a historic property. He is not sure the homeowner would be aware if their home is historically significant or not.

******Mr. Livingston made a motion to present the ordinance with the changes made tonight to public hearing.**

******Everyone except Ms. Niedzielski-Eichner voted to move the ordinance to a public hearing.**

Mr. Candela will forward a copy of the ordinance to the committee with all the changes and a legal notice of public hearing.

**• Discuss and vote on the Arts and Cultural District Proposal,
Approval Process and ordinance (Chapter 17A – Arts Commission)**

Ms. Godeski explained that the revamping of the Arts Commission is so that the organization can raise money to achieve more of their goals. Ms. Shanahan raised a question about how the Arts Commission is elected or appointed. Mr. Goldstein asked who was responsible for the grant proposals, and managing the process. Mr. Heuvelman made the point that there are two arms of this process. One is applying for grants, and the other is the management of the funds.

• Discuss Leaf Blower ordinance.

Ms. Shanahan said that the committee hadn't yet had full conversations with all the city organizations involved, but their comments would be included in the next draft of this ordinance. They had spoken to some members of the governing council and some landscapers that would be affected.

The three reasons for this ordinance are one, the pollution to the air, the noise pollution they produce, and lastly is the dispersal of topsoil and desiccation of the soil and local flora and insects and animal life.

Ms. Shanahan went through the details of the ordinance as it stands, knowing there will be some modifications to the text.

Mr. Goldstein raised the point that in three years when the ordinance restrictions go into effect, the electronic options may not be strong enough at that time. He is also concerned with enforcement of the ordinance.

Mr. Camacho mentioned that in Newton, MA they enacted a similar ordinance in 2017. There has been some negative backlash. It has been hard for citizens and companies to comply.

6) NEW BUSINESS

- **Discuss and vote on Chapter 73, Article I, Oak Hills Park Authority**

Mr. Livingston explained that this amendment is to put Oak Hills under the authority of the Parks Commission. There was a question whether this would cause a conflict of interest having an employee on an authority. It was decided to defer a decision until the next meeting.

8) ADJOURNMENT

******Ms. Shanahan moved to adjourn the meeting.**

******The motion passed unanimously.**

Chairman Shanahan adjourned the meeting at 9:40.

Respectfully submitted,

Amy Chaple
Telesco Secretarial Services

Chapter 17A

ARTS AND CULTURE COMMISSION

§ 17A-1. Commission; Purpose.

- A. There shall be a Commission known as the "Norwalk Arts and Culture Commission" (the "Commission"). The purpose of the Commission shall be to serve as stewards for the City of Norwalk's public art collection and cultural assets. The Commission shall also promote the educational, cultural, economic and general welfare of the public through the marketing of arts and cultural attractions, as well as encourage, facilitate and cooperate with artists, artistic and cultural enterprises and organizations for the development of the creative, performing, and visual arts as well as cultural activities in the City of Norwalk. The Commission shall be deemed a "cultural district commission" for purposes of Section 10-401a of the Connecticut General Statutes, as the same may be amended from time to time (the "Act").

§ 17A-2. Definition.

Cultural District shall mean each area within the City of Norwalk designated by the Common Council from time to time as a Cultural District in accordance with the provisions of the Act. A map of each Cultural Districts as so designated shall be available from the Department of Economic and Community Development or its duly appointed successor.

§ 17A-3. Membership.

- A. The Commission shall consist of nine regular members appointed by the Mayor with the consent of the Common Council. All regular members shall be electors of the City of Norwalk, and a majority of the regular members must live or work in a Cultural District.
- B. Not less than seven regular members of the Commission must represent the Norwalk arts and culture community, including at least one representative of [each] of the following categories:
- (1) local cultural or arts council,
 - (2) cultural organizations (i.e., historical society, museum, ethnic heritage organization),
 - (3) artists that live and/or work in the Cultural District,
 - (4) organizations that represent artists (artist cooperative, etc.),
 - (5) for-profit creative businesses (i.e., theatre or gallery), and
 - (6) local business and/or chamber of commerce.

- C. The first members appointed by the Mayor after [the effective date of this Chapter] shall be designated to serve staggered terms: three members shall serve for one year; three for two years; and three for three years. After the initial appointments, each member shall serve a term of three years. Any member may be removed by the Mayor for the failure to attend three or more meetings of the Commission, without reasonable excuse, within a calendar year. Any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.
- D. The Commission may also include up to three ex officio members, appointed by the Mayor with the consent of the Common Council. Each ex officio member shall be a member of Norwalk arts and cultural affiliated organizations, but need not be electors of the City of Norwalk. Ex officio members shall be appointed for two-year terms. Ex officio members may fully participate in meetings of the Commission, but without being counted towards quorum requirements and without the right to vote. [Any vacancy may be, but is not required to be, filled by the Mayor, with the consent of the Common Council, for the unexpired portion of the term of the ex officio member whose place shall become vacant.][NECESSARY?]

§ 17A-4. Officers; Operation.

- A. The Mayor shall appoint a Chair and Vice Chair of the Commission at the first meeting of the Commission in January of each year.
- B. The Chair shall be responsible for running the meetings of the Commission, establishing a meeting schedule, and appointing members to any subcommittee(s) established by the Commission.
- C. [The Vice-Chair shall be responsible for the coordination and communication with the Office of Business Development & Tourism.] The Vice-Chair shall also chair any meeting in the event of absence of the Chair.
- D. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council.
- E. The Business Development and Tourism Department, or other Department designated by the Mayor, shall provide administrative support to the Commission.

Section 17A-5 Powers and Duties.

- A. The Commission shall have such powers and duties as may be necessary or desirable for the purpose of carrying out the provisions of the Act and as may otherwise be designated by the Common Council from time to time. In furtherance of the foregoing, the Commission shall:
 - (1) Assist the Mayor and Common Council in the determination and establishment of Cultural Districts;

- (2) Encourage, sponsor and/or conduct programs to advance awareness of, interest in, and development of fine arts, performing arts and cultural activities. The Commission may perform these acts alone, or in collaboration with public and/or private agencies;
- (3) Broaden awareness that arts and cultural programming can economically benefit the City, and to stimulate and encourage support and participation in art and cultural institutions and programming;
- (4) Make an initial survey of the cultural and artistic resources of the City, including, but not limited to a survey of the arts by each subject deemed to be of significance by the Commission;
- (5) Create and manage an Arts and Cultural Plan as a guiding document for the Commission;
- (6) Create a database of all art work owned by or loaned to the City, or installed on City property, which database shall be updated annually;
- (7) Develop guidelines and provide guidance to the City regarding care, maintenance and preservation of the City's art collection as well as regarding potential purchases by, or gifts to, the City of new art;
- (8) Specific to the Cultural District that is identified and approved by the Common Council, seek out and receive grants for artistic and cultural programs, develop programs for the expenditure of such funds, and assist Norwalk based art and cultural organizations in preparing applications for such funds;
- (9) Stimulate cooperative and coordinated efforts among art and cultural organizations to develop audiences, develop public and private funding sources, and provide economic stimulus;
- (10) Highlight arts and culture to both residents and businesses as a benefit of living and working in the City; and
- (11) Assist the City in securing and sustaining public and private facilities for the display and presentation of the arts.

B. In no event shall the acts or proposed acts of the Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

§ 17A-6. Establishment of the Norwalk Arts and Cultural Account; Investment.

A. There is hereby established an account known as the Norwalk Arts and Cultural Account (the "Account"). Such Account is established under authority of the Connecticut General Statutes for the exclusive purpose of funding activities that implement or promote the purpose of this Chapter. The Account shall consist of the following:

- (1) Grants or gifts from any source, public or private made to the City of Norwalk and designated for the Account;

(2) Any funds from any source designated by the Common Council to be added to the Account; and

(3) All investment income earned by the Account.

- B. All of the monies in the Account shall at all times be subject to withdrawal for use as provided in this Chapter. All or any part of the monies in the Account may be invested in any manner in which public funds may be lawfully invested. No sums contained in the Account, including interest and dividends earned, shall be transferred to any other account within the City budget or used for any purpose not provided for in this Chapter.
- C. Any budget proposed by the Mayor or approved by the Common Council, and any appropriation made for the arts and cultural enrichment of the City, must not be reduced, ratably or otherwise, in consideration of any moneys in the Account. Expenditures from the Account shall add to and not replace budgets and appropriations which also serve the purposes of the Account.
- D. The continuation of the Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Account shall not lapse at the end of the City's fiscal year.

§ 17A-7 Expenditures from Norwalk Arts and Cultural Account; Administration.

- A. Any restricted funds held in the Account shall be expended in accordance with such restrictions.
- B. [EXPENDITURES OF OTHER FUNDS TO BE DISCUSSED]
- C. No expenditure of funds from the Account shall be approved except in accordance with the Guidelines or made except in accordance with the provisions of this Chapter.
- D. No expenditure of funds from the Account shall be in excess of the available balance in the fund.
- E. No officer or employee of the City, or any member of their immediate family, may receive a financial benefit from or have a direct or indirect personal or financial conflict of interest in any Person that receives funds from the Account. Terms used in this subparagraph not otherwise defined in this Chapter shall have the meanings given in § 32-3 of the Norwalk City Code, as the same may be amended.

§ 17A-8 Norwalk Arts and Cultural Account Reporting.

The Chief of Economic and Community Development or their designee shall, on an annual basis or as otherwise requested by the Common Council, prepare and deliver a written report to the

Common Council of the amount in the Norwalk Arts and Cultural Account and deposits and expenditures therefrom.

§ 17A-9. Effective Date.

This Chapter shall be effective _____.

Chapter 73. Park Authorities

Article I. Oak Hills Park Authority

§ 73-1. Creation; purposes.

- A. There is hereby created, in accordance with the provisions of Sections 7-130a through 7-130w of the Connecticut General Statutes, an authority known as the "Oak Hills Park Authority," with a principal office located at Oak Hills Park, for the purpose of acquiring, constructing, operating, maintaining and managing the Oak Hills Park, including the golf course, tennis courts and related recreational facilities currently located therein and any related project or projects as defined in such enabling acts and as further defined herein.
- B. The Oak Hills Park Authority is created for the purposes stated in Section 7-130a(d) as they relate specifically to public golf courses, including restaurants and driving range and the maintenance and protection of the Oak Hills Park. Nothing herein shall preclude the Authority from providing for other forms of public recreation listed in such Subsection (d) on any land which may be acquired for the primary purpose of golf, and the Authority shall seek to maximize the recreation and park use of Oak Hills Park.

§ 73-2. Membership; terms: removal; benefits or compensation.

- A. The powers of the Oak Hills Park Authority shall be exercised by an Authority consisting of nine members. Eight members shall be electors of the City of Norwalk, who shall be appointed by the Mayor and confirmed by the Common Council. The ninth member shall be the Director of Recreation and Parks for the City of Norwalk [or their designee]. Except for the Director of Recreation and Parks original appointments, who shall be a permanent member. members shall be appointed each year on the anniversary date of the enactment of this article to serve for terms of three years or until their successors are appointed and qualified. Any vacancy shall be filled by the Mayor and confirmed by the Common Council for the unexpired portion of the term of the member whose place shall become vacant. At the origination of the Authority, the Mayor shall appoint one member for a two-year term, and one member for a three-year term and the Common council shall appoint three members for one-year terms, two members for a two-year term and two members for three-year terms. No member, other than the Director of Recreation and Parks, shall serve more than two consecutive terms, and, after serving on the Authority for two consecutive terms, no member shall be reappointed to the Authority for at least two years.
- B. The Common Council shall have the power to remove a member of the Authority for inefficiency, neglect of duty or malfeasance in office, after an investigation, notice and public hearing.
- C. No member of the Authority shall receive any preferences, benefits or compensation, including preferences for golf or other recreational activities, from the Authority or any person or entity contracting with the Authority.

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- D. No action of the Authority shall be lawful and binding unless approved by not less than five members of the Authority.
- E. The names, addresses and terms of office of the first members of the Authority shall be as follows:^[1]

[1] *Editor's Note: Said names, addresses and terms of office are on file in the office of the City Clerk.*

§ 73-3. Organization; powers and duties.

- A. The Oak Hills Park Authority shall organize and operate in conformity with the provisions of Section 7-130a of the Connecticut General Statutes.
- B. The Authority shall perform such duties and have such powers and privileges as are or may be imposed by such statutes and shall encompass all powers as set forth in Section 7-130d of the Connecticut General Statutes.

§ 73-4. Required reports; investigation of Authority's activities.

The Oak Hills Park Authority shall file a written report of its doings, its income and expenditures monthly, on or about the 15th of the month, with the Mayor, Board of Estimate and Taxation and the Common Council. The Authority shall provide for an annual independent audit and shall provide a copy of said audit to the Mayor, Board of Estimate and Taxation and the Common Council. The Authority shall be subject to and shall comply with all of the requirements of the Freedom of Information Act.

§ 73-5. Officers and employees.

- A. The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also appoint an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes enumerated in § 73-1.
- B. The Authority or its Executive Director, as authorized by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purposes of the Authority. The selection, appointment, assignment of duties, amount of compensation, termination of service, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.

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§ 73-6. Annual budget.

- A. In its capacity as a tenant of the park on or before the first day of January in each year, the Authority shall submit its proposed annual budget to the Mayor, Board of Estimate and Taxation and the Common Council.
- B. The Authority shall adopt an annual budget on or before the first day of June in each year for the ensuing fiscal year commencing July 1.

§ 73-7. Employment restricted.

- A. No member of the Oak Hills Park Authority or any immediate family member thereof shall apply for or accept employment at the Oak Hills Park or any of the facilities or operations located at the Oak Hills Park, including, but not limited to, the driving range, tennis courts and restaurant. This restriction shall apply during the time that said member is serving on the Authority and for a period of two years after the member ceases to be a member of the Authority.
- B. No immediate family member of the Executive Director shall accept employment or contract with the Oak Hills Park Authority or any facilities or operations located at the park including, but not limited to, any retail (pro) shop, restaurant, the driving range, golf or tennis lessons or golf carts.
- C. For the purposes of this section, the term "immediate family" shall be defined as including spouses, mothers, fathers, sons, daughters, sisters and brothers and in-laws thereof.
- D. The Executive Director may, at the discretion of the Authority, be the golf professional.
- E. The Authority shall have the right to grant to the golf professional such control over any retail (pro) shop as it deems appropriate and may grant the golf professional the right to provide golf lessons at Oak Hills Park on such terms as it deems appropriate. Except for such arrangements with the golf professional for a retail (pro) shop and/or lessons the Authority shall not permit the golf professional to provide any other services or equipment at Oak Hills Park.

§ 73-8. Use restrictions.

- A. The Authority shall create no rules or regulations which will mandate, coerce or require golfers to rent golf carts in order to play golf at the Oak Hills Park. Notwithstanding the foregoing, on or after October 31, 2000, the Authority may mandate the use of golf carts for tournament play.
- B. The golf course shall not be closed for public use because of tournament play for more than 50 days, or any part thereof, per year.
- C. The Authority shall not discriminate among golfers based on their playing ability.

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- D. No free or discounted rounds of golf shall be allowed except for rounds charged at \$2 per round for all Authority employees. The rounds for employees are only allowed on weekdays, excluding holidays. Golf professionals and superintendents who are members of a professional golf organization may be allowed to play at no charge. The Executive Director of the Authority shall be allowed to play free of charge. The members and coaches of the golf program at the Norwalk high schools and their opponents from visiting schools are not covered by this section. They may conduct organized practices and hold their matches at Oak Hills Golf Course free of charge. Everyone playing under the above-referenced exceptions must be registered by name. The information shall be certified by the Authority's Chairman and included in the Authority's Annual Report.

§ 73-9. Rental charge for park.

- A. The Authority is authorized to enter into a lease agreement with the City of Norwalk. The Common Council may charge the Authority such annual rent for the use of the Oak Hills Park as the Council may set in said lease.
- B. Any and all contracts entered into by the Authority shall be subordinate to the lease between the Authority and the city.
- C. The Authority shall take custody of and take control over the Oak Hills Park on the date specified and under the terms provided in the lease.

§ 73-10. Fee hearings.

Before any fee schedule for the use of any facilities at the Oak Hills Park is enacted or modified, the Authority shall hold a public hearing in the City of Norwalk. The Authority shall ~~publish~~ provide legal notice of such public hearing ~~in a city-wide publication~~ not more than 14 and not fewer than seven days prior to the hearing.

§ 73-11. Applicable definitions.

The definitions in Section 7-130a, Connecticut General Statutes, shall, so far as applicable, govern the construction of the provisions of § 73-1 through 73-7 of this article.

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ARTICLE I
Rules and Regulations
[Adopted 11-10-1992]

§ 66A-1. Mooring permits required.

- A. In order to provide for adequate access for recreational and commercial vessels, for the safety of persons and property and for the optimum use of Norwalk Harbor 2, the Norwalk Harbormaster must approve the location of all moorings, including individual-private moorings and commercial moorings, as defined by the United States Army Corps of Engineers and the Connecticut Department of Environmental Protection, within Norwalk Harbor. The Harbormaster shall issue a permit for each approved mooring location or area.
- B. It shall be a violation of the Norwalk Code for any person to place any individual-private or commercial mooring in Norwalk Harbor without a permit from the Harbormaster.
- C. The location of all commercial moorings must be approved by the Department of Environmental Protection and the Corps of Engineers. Permits issued by the Harbormaster for these commercial moorings shall be issued in coordination with commercial mooring permits issued by the Department of Environmental Protection and the United States Army Corps of Engineers.
- D. No provision contained in this Article shall limit the power of the Norwalk Harbormaster to station and remove vessels as provided in Sections 15-8, 15-9 and 22a-113r of the Connecticut General Statutes.

§ 66A-2. Authority.

This Article is prepared and adopted in accordance with § 69-22 of the Norwalk Code and Sections 22a-113k through 22a-113t of the Connecticut General Statutes and in furtherance of the provisions of the Norwalk Harbor Management Plan as adopted by the City of Norwalk and approved by the State of Connecticut. In those instances where there may be conflicts between this Article and the provisions of the Harbor Management Plan, these rules and regulations shall take precedence.

§ 66A-3. Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

NORWALK HARBOR — That part of Norwalk Harbor consisting of the inner and outer harbors subject to the jurisdiction of the Norwalk Harbor Management Commission as defined in the Harbor Management Plan. Excluded from this definition is the Five Mile River Harbor which is under the jurisdiction of the Five Mile River Commission.

§ 66A-4. Mooring records.

- A. The Harbormaster shall keep a detailed record of each mooring, its location and the

owner's name, home address, evening and daytime telephone numbers, the date the mooring was set and the name, length, registration number or documentation and type of vessel to be attached thereto.

- B. The information shall be maintained in such a manner that information can easily be obtained with regard to any individual mooring, vessel or owner and also with regard to all moorings within a particular harbor location.
- C. The Harbormaster shall maintain in the Norwalk City Hall a waiting list for mooring space in Norwalk Harbor, as necessary, and a list of current assignments of mooring spaces, and both lists shall be updated annually.

§ 66A-5. Allocation of moorings.

- A. In allocating mooring locations, the Harbormaster shall give first priority to those persons applying for the renewal of permits granted in the preceding year, second priority to relocation requests in order of application and third priority to new applicants in order of application.
- B. In allocating mooring locations, the Harbormaster shall, to the extent possible, assign priority for mooring allocations to riparian or littoral property owners who apply for moorings offshore of their property. When considering the assignment of mooring locations to riparian or littoral property owners, the Harbormaster may limit the priority granted to owners who have established or are planning to establish docks, piers or other structures providing access to navigable water.
- C. In allocating mooring locations, the Harbormaster shall, to the extent possible, assign priority for mooring locations to licensed commercial fishermen. Up to 10% of the available mooring space in mooring areas not designated as commercial mooring areas in permits issued by the United States Army Corps of Engineers and Connecticut Department of Environmental Protection may be reserved for the use of licensed commercial fishermen.
- D. In allocating mooring locations, the Harbormaster shall give consideration to size, draft, type and use of vessels.
- E. In allocating mooring locations in accordance with this Article, the Harbormaster shall not discriminate on the basis of city residence or any other factor.
- F. Mooring permits shall be issued by the Harbormaster only to those applicants owning a vessel properly registered in accordance with the laws of the State of Connecticut.
- G. Within the limits of size and type of vessels, available mooring locations shall be offered to the senior applicant on the mooring waiting list, subject to the requirements of this Article. If an available mooring location is not suitable to accommodate the senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his place on the waiting list in this case. The Harbormaster shall continue efforts to provide a suitable mooring for the senior applicant. If the senior applicant refuses a mooring

which is suitable for his or her vessel in the opinion of the Harbormaster, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring facilities, lists of applicants shall be maintained to include date of application and type or size of vessel. These lists will be available for public inspection at the Norwalk City Hall.

- H. In the interest of ensuring safe, efficient and equitable use of Norwalk Harbor, the Harbormaster may, at his discretion, limit the number of mooring locations that can be assigned to any one individual, household, corporation or other group. Only one mooring space shall be allocated to any one vessel.

§ 66A-6. Application for mooring permit.

- A. Any person, association, corporation or other group may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application to the Harbormaster at any time.
- B. The Harbormaster shall make use of a mooring permit application form that allows for the collection of information on the vessel and the vessel's owner/operator as requested by the Connecticut Department of Transportation as well as any additional information considered necessary by the Harbormaster and the Harbor Management Commission.
- C. If the mooring permit application is approved, the Harbormaster shall send a copy of the approved permit to the applicant, and one copy shall be retained for the Harbormaster's records.

§ 66A-7. Mooring permits valid for one year only.

In accordance with state regulations, all mooring permits shall be valid for a period not to exceed one year, unless renewed in accordance with the provisions of this Article. All mooring permits shall expire on the 31st day of December following the date of issuance.

§ 66A-8. Renewal of mooring permit.

- A. All mooring permits shall expire on December 31 and should be renewed by January 31 of the following calendar year. A grace period lasting until the last calendar day of February is allowed. After this grace period, applications received for renewal of mooring permits shall be treated in the same manner as new applications. At least 30 days before the January 31 renewal date, notice of such date shall be published in a newspaper having circulation in the city.
- B. The Harbormaster shall be responsible for administration of all mooring permit renewals.
- C. For vessels located in a controlled mooring field of at least 50 vessels subject to valid federal and state commercial mooring permits and/or operated under common management, a preliminary mooring list must be submitted by March 31. This list must be accompanied by a fee equal to 1/2 the amount of the prior year's total fee

for the entire mooring field. The final mooring list with all information necessary to complete an application for each vessel in the field shall be submitted by April 30 with the balance of the fees due. [Added 11-9-1993]

§ 66A-9. Annual mooring permit fee and initial application fee.

- A. Any person, association, corporation or other group receiving a new or renewed permit for a mooring location in Norwalk Harbor shall pay an appropriate annual fee as established by the Norwalk Common Council from time to time as authorized by Section 22a-113s of the Connecticut General Statutes.
- B. When the Harbormaster determines that a suitable mooring location exists for an applicant for a new or renewed mooring permit, the applicant will be notified and must pay the appropriate annual fee, payable to the City of Norwalk before the permit shall be issued. This fee shall be nonrefundable.
- C. All fees collected pursuant to this section shall be deposited into the Norwalk Harbor Management Fund, as authorized by Section 22a-113s of the Connecticut General Statutes, and used exclusively for the maintenance and improvement of Norwalk Harbor for the public and for expenses for personnel and equipment directly related to the function of the Harbor Management Commission and the Harbormaster or Deputy Harbormaster. Any funds expended pursuant to this section shall follow procurement guidelines for the City of Norwalk.

§ 66A-10. Transferal of mooring permits and vessels.

- A. Mooring permits shall not be transferable. Whenever the holder of a mooring permit transfers the title or interest in or otherwise parts with possession of the vessel identified in the mooring permit to another person by any arrangement whatsoever, the new vessel possessor, transferee or owner shall have no vested right to use the mooring space covered by the mooring permit.
- B. The holder of a mooring permit may, upon written application to and approval by the Harbormaster, retain the mooring space assigned under the mooring permit for a replacement vessel, provided that that vessel is owned by the holder of the permit and is moved onto the mooring within 60 days (unless the period is extended by the Harbormaster because of special circumstances). If the replacement vessel is significantly smaller, larger or of different draft or type, the Harbormaster shall have the right to relocate the vessel to another, more suitable mooring.

§ 66A-11. Mooring location and placement.

- A. When a permit is issued for a mooring, the Harbormaster shall assign a specific location for that mooring. No mooring shall be placed or maintained in any part of Norwalk Harbor until the location of that mooring has been approved by the Harbormaster.
- B. Moorings shall under no circumstances be located within navigation channels or fairways or otherwise interfere with the safe and free use of navigation channels

and fairways.

- C. In accordance with Connecticut General Statutes, Section 26-157a(e), no mooring shall be placed on any oyster bed without the permission of the owner or lessee of such bed.
- D. Moorings located within designated anchorages identified in the Harbor Management Plan should be placed in accordance with specific mooring plans designed to provide safe and efficient mooring of vessels.

§ 66A-12. Transient mooring and anchoring.

- A. The Harbor Management Commission may designate transient mooring and anchoring areas for the exclusive, short-term use [not to exceed seven consecutive days] of recreational vessels. This space shall be available on a first-come, first-served basis.
- B. The Harbormaster may require any person anchoring in the harbor to display for inspection the anchors, chains and other equipment used at such anchoring for soundness of condition.

§ 66A-13. Abandonment of moorings and mooring tackle.

- A. Any permitted mooring not used for a period of one year may be considered abandoned and subject to removal or relocation. Any mooring not authorized by a current permit from the Harbormaster may be considered as abandoned and subject to removal at any time. No mooring may be left unused for more than one calendar year without written permission of the Harbor Management Commission.
- B. Any registered owner who owns mooring tackle and is abandoning his or her mooring space may offer to sell the tackle occupying such space to the next person assigned that space. Failure of the registered owner to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbormaster at the expense of such registered owner.

§ 66A-14. Mooring inspection.

- A. The Harbormaster shall require that all new moorings, anchors, chains and other equipment used in connection with moorings in Norwalk Harbor be submitted to the Harbormaster or to an inspector designated by the Harbormaster or Harbor Management Commission for inspection to determine soundness of condition and compliance with minimum guidelines established by the Harbor Management Commission.
- B. It is required that all mooring tackle be inspected for soundness of condition no less than once every two calendar years. The Harbormaster may require any person who holds a mooring permit in Norwalk Harbor to display for inspection the anchor, chains and other mooring equipment for soundness of condition. Each mooring shall be subject to inspection by the Harbormaster, or by an inspection service

acceptable to the Harbormaster, at the discretion of the Harbormaster. A list of mooring inspection services shall be made available to the mooring permit holder by the Harbormaster. An official inspection form provided by the Harbormaster shall be filed by the mooring owner with the Harbormaster once every two years.

- C. The Harbormaster shall maintain a record of each inspection for a period of three years. If, as the result of such inspection, it shall be determined that any chain, shackle, swivel or other piece of mooring tackle has become unsafe or otherwise inadequate, such chain, shackle, swivel or other piece of mooring tackle shall be replaced accordingly. Failure to make such replacement shall be grounds for revocation of the mooring permit by the Harbormaster.

§ 66A-15. Secure mooring and anchoring of vessels.

- A. The owner of any vessel moored or anchored within Norwalk Harbor shall be responsible for causing such vessel to be tied, secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage and shall thereafter provide for periodic inspection of mooring or anchoring equipment as the Harbormaster deems necessary.
- B. All mooring tackle shall comply with minimum standards established by the Harbor Management Commission and adjusted, as necessary, by the Harbormaster. The holders of all mooring permits shall recognize that requirements for mooring tackle will vary in different locations and that some locations and conditions may require mooring tackle that exceeds the minimum standards.
- C. The minimum standards for mooring tackle shall be provided by the Harbormaster to each person, corporation, organization or group applying for a mooring permit.

§ 66A-16. Identification of approved mooring locations.

The Harbormaster may, from time to time, establish and amend reasonable standards for the marking of mooring buoys and provide marking tags to be attached to all approved moorings in Norwalk Harbor. Notice of standards and requirements for marking approved moorings shall be provided in writing to all approved mooring permit holders.

§ 66A-17. Removal of moorings.

- A. The Harbormaster may require any mooring or vessel to be removed to a new location whenever, in his judgment, the safety of any other vessel or optimum use of the mooring area so requires.
- B. If directions given by the Harbormaster with respect to removing unauthorized moorings, changing the location of existing moorings for the purpose of ensuring safety and optimum use of the mooring area or replacing mooring tackle determined to be inadequate are not taken by the owner, if known, within 14 days after notification, or, if not known, after notice has been posted for that period on the vessel or mooring, the Harbormaster may cause such moorings to be removed or changed or may drop the same to the bottom of the Harbor. The expense of such

mooring removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the mooring permit holder.

- C. Nothing above shall prevent the Harbormaster or his designee from taking measures with or without notice if, in the judgment of the Harbormaster, it is necessary in order to provide for the safety of persons or property.

§ 66A-18. Designation of channels or fairways to be kept free of moorings.

In order to provide safe navigation in all parts of Norwalk Harbor, the Harbor Management Commission, with the advice of the Harbormaster, is empowered to designate the location of channels or fairways within which approved moorings shall not be located and to make changes in such designation when conditions or needs require.

§ 66A-19. Suspension of requirements; imposition of emergency requirements.

- A. The requirements of this Article pertaining to a specific mooring area and/or vessel may be modified by the Harbormaster if, in the judgment of the Harbormaster, such modification is necessary to provide for the safety of persons or property or if the imposition of the requirements would result in an unreasonable hardship on the person or persons so affected.
- B. In order to most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made conditions, the Harbormaster is empowered to suspend the requirements of this Article and/or impose additional requirements in the interest of public safety.

§ 66A-20. Violations and penalties; disposition of funds.

- A. This Article has been adopted and approved in accordance with Section 22a-113r of the Connecticut General Statutes and § 69-22 of the Norwalk Code. In accordance with § 69-22D of the Norwalk Code, any person who shall violate any provision of this Article shall be fined not more than \$90. Each day such violation continues after the time for correction of the violation has been given in any written order shall constitute a continuing violation and shall be subject to a fine of \$90 per day for each day said violation continues.
- B. Fines levied for violations of this Article, as authorized by the Norwalk Code, shall be collected by the City of Norwalk and deposited into the Norwalk Harbor Management Fund.

§ 66A-21. Revocation of mooring permits.

The Harbormaster shall have the authority to revoke a mooring permit if the permit holder fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit condition or provision of this Article.

§ 66A-22. Review of decisions.

- A. Any party aggrieved by any decision pertaining to the application of this Article may request the Harbor Management Commission to review that decision with respect to this Article and with respect to the goals, objectives, policies and guidelines established in the Norwalk Harbor Management Plan. The Harbor Management Commission must respond with decision or action within 60 days of receipt of request for review.
- B. While state law requires the state-appointed Norwalk Harbormaster to act in a manner consistent with the Norwalk Harbor Management Plan, city ordinances, rules and regulations cannot alter the Harbormaster's duties and powers which include primary authority regarding mooring assignments. As a result, the Harbor Management Commission may not override the Harbormaster's mooring assignments, as long as such assignments are consistent with the Harbor Management Plan and this Article. (Note: This Subsection B was included as a footnote in the December 18, 1991, draft of this Article).

§ 66A-23. Minimum standards for mooring tackle.

- A. Use of proper mooring tackle is necessary to safely secure moored vessels in Norwalk Harbor. Each person mooring a vessel in the harbor may be responsible for any damage (to their own vessel or to any other vessel or property) caused by the failure of their mooring tackle. Water depth and bottom conditions, as well as storms, wind drag, current drag, wave action, tidal height and surge, seabed conditions and the principles of good seamanship, must be considered when selecting proper tackle.
- B. To help mooring permit holders choose the proper tackle, the Harbor Management Commission has adopted minimum standards for single-point and fore-and-aft moorings. These standards may be adjusted by the Harbormaster as necessary, but unless there are any compelling reasons to relax the standards as they would apply to a particular vessel or location, all mooring tackle placed in Norwalk Harbor must meet these minimum requirements. The standards will be periodically reviewed by the Harbor Management Commission and updated as necessary.
- C. Requirements for mooring tackle will vary in different parts of the harbor depending on bottom conditions, exposure to Long Island Sound and other factors. In some instances, it may be necessary to exceed the minimum standards to ensure safety. Please consult with the Harbormaster before choosing your tackle. All mooring tackle is subject to inspection by the Harbormaster before it is placed in the water, and all tackle must thereafter be inspected at least once every two years to check the soundness of its condition.
- D. No standards or inspection requirements, however, can ensure vessel security under all possible conditions, particularly severe storm conditions with associated wind and wave hazards. As a result, the City of Norwalk, the Harbor Management Commission and the Harbormaster assume no responsibility for personal injury or property damage that may result from the use of any mooring tackle that either meets or exceeds the minimum standards.

- E. Remember that a permit from the Harbormaster is required for the placement of all moorings in the harbor. Those applying for new permits or desiring to renew permits must do so in accordance with the Harbor Management Commission's Rules and Regulations for Mooring and Anchoring Vessels in Norwalk Harbor.

§ 66A-24. Minimum standards for single-point moorings.

- A. Mooring tackle should meet the following minimum standards:

Boat Length	Mushroom Anchor	Bottom Chain	Top or Chain	Nylon Pennant	Nylon Bridal
(feet)	(pounds) ¹	(inches)	(inches)	(inches)	(inches)
Under 16	75	3/8	3/8	3/4	1/2
16 to 19	150	3/8	3/8	3/4	1/2
20 to 22	200	1/2	1/2	3/4	1/2
23 to 25	250	1/2	1/2	7/8	1/2
26 to 30	300	5/8	1/2	1/2	5/8
31 to 35	400	5/8	1/2	1	5/8
36 to 40	500	3/4	5/8 to 3/4	1 1/4 — 1 1/2	3/4
41 to 50	600	3/4	5/8 to 3/4	1 1/4 — 1 1/2	3/4
51 to 65	750	1 5/8 to 3/4	1 1/2	7/8	

NOTES:

¹ Mushroom anchor weight must be doubled for hard-bottom areas.

- B. The maximum length of the bridle should be 2 1/2 times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
- C. All bridle lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
- D. The total scope of the chain should be 2 1/2 times the depth of the water at high tide. The bottom and top chain should each consist of approximately 50% of the scope.
- E. All shackles, swivels and other hardware used in the mooring hookup should be proportional in size to the chain used.
- F. It is recommended that two bridles be used or shackled into the bitter end of the nylon pennant or top chain below the buoy so the strain is not carried by the buoy. A second pennant and anchor should be used in heavy weather.
- G. Only mushroom anchors should be used for permanent moorings.
- H. The pickup buoy shall be of a type and size to be determined by the Harbor Management Commission. The pickup buoy shall be lettered with the mooring registration number, or a marking tag provided by the Harbormaster shall be attached.
- I. Sacrificial metals are recommended for attachment to both ends of chain.

§ 66A-25. Minimum standards for fore-and-aft moorings.

A. Mooring tackle should meet the following minimum requirements:

Boat Length (feet)	Each Bottom Paired Anchor (pounds) ¹	Bottom Chain (inches)	Top Chain (inches)	Nylon Bridle (inches)
Under 16	75	3/8	3/8	1/2
16 to 19	100	3/8	3/8	1/2
20 to 22	150	1/2	1/2	1/2
23 to 25	200	1/2	1/2	5/8
26 to 30	300	5/8	1/2	3/4
31 to 35	350	5/8	1/2	3/4
36 to 40	400	3/4	5/8	1
41 to 50	500	3/4	5/8 to 3/4	1

NOTES:

¹ The stern anchor may be down-sized at the discretion of the Harbormaster.

- B. The maximum length of the bridle should be two times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.
- C. All bridle lines running through a chock or any other object where chafing may occur should have adequate chafe guards.
- D. The total length of the chain should be 2 1/2 times the depth of the water at high tide.
- E. All shackles, swivels and other hardware used in the mooring hookup should be proportionate in size to the chain used.
- F. It is recommended that two bridles be used or shackled into the bitter end of the nylon pennant or top chain below the buoy so the strain is not carried by the buoy. A second pennant and anchor should be used in heavy weather.
- G. Only mushroom anchors should be used for permanent moorings.
- H. The pickup buoy shall be of a type and size to be determined by the Harbor Management Commission. The pickup buoy shall be lettered with the mooring registration number, or a marking tag provided by the Harbormaster shall be attached.
- I. Sacrificial metals are recommended for attachment to both ends of chain.

ARTICLE II
Permit Fees
[Adopted 11-24-1992]

§ 66A-26. Annual mooring permit fees.

- A. The following fees shall be required for all mooring permits issued by the Norwalk Harbor Master:

Boat Length

(feet)	Annual Mooring Permit Fee
20.0 or less	\$20
20.1 or longer, up to and including 30.0	\$35
30.1 or longer	\$50

- B. The length used to determine the fee shall be the length stated on the State of Connecticut certificate of number or certificate of decal for the vessel assigned to the mooring. Fees are nonrefundable.
- C. Nonprofit organizations shall be charged only an administrative fee of \$5 each, for up to six moorings, which must be for vessels registered with the state for the reduced fee available to nonprofit organizations (as authorized under Chapter 268, § 15-144b, of the Connecticut General Statutes. **[Added 11-9-1993]**

§ 66A-27. Initial permit fee.

- A. Any applicant for a mooring permit who does not hold a current mooring permit for the vessel listed on the application shall pay an initial permit fee of \$20 in addition to the annual mooring permit fee specified above. This fee is also nonrefundable.
- B. The initial permit fee is not required for a new vessel which replaces an old one listed on a previous mooring permit held by the applicant if the Harbormaster determines that the new vessel may be moored in approximately the same location.
- C. The initial permit fee shall be waived for applicants whose vessels will be located in a controlled mooring field of at least 50 vessels subject to valid federal and state commercial mooring permits and/or operated under common management.

§ 66A-28. Effective dates and procedures.

- A. The above listed fees shall be effective for 1993 and all subsequent years until modified or repealed.
- B. See § 66A-9 of Article I of this chapter for mooring and anchoring vessels as adopted by the Norwalk Harbor Management Commission and approved by the Norwalk Common Council for procedures and additional information.