

CITY OF NORWALK

CITY HALL

125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125

LAW DEPARTMENT



TEL: (203) 854-7750

FAX: (203) 854-7911

COMMON COUNCIL ORDINANCE COMMITTEE

PUBLIC HEARING AND REGULAR MEETING

March 15, 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): Don't Block The Box

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

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

Taxation-Norwalk City Code Chapter
103, Article VII Tax Deferral Program
for Elderly and Disabled Homeowners

3. PUBLIC HEARING DISCUSSION

4. PUBLIC COMMENT

5. ACCEPTANCE OF MINUTES: February 16, 2016

6. OLD BUSINESS (possible action on): Commercial Parking
Alarm Ordinance

7. NEW BUSINESS: (possible action on):

8. ADJOURNMENT

Do Not Block the Box

(a) No operator of a motor vehicle, other than a tractor-trailer unit, as defined in Conn. Gen. Stat. Sec. 14-1, shall proceed into an intersection that has been designated, posted and marked by the City in accordance with subsection (b) of this section, except when making a turn, unless there is sufficient space on the opposite side of the intersection to accommodate such motor vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of a traffic control signal that would permit such operator to proceed into the intersection.

(b) The City shall (1) post signs at each such designated intersection indicating that blocking the intersection is prohibited and violators are subject to a fine, and (2) mark, in white paint, the boundary of such intersection with a line not less than one foot in width and the area within such boundary line with parallel diagonal lines not less than one foot in width.

(c) Any person who violates the provisions of subsection (a) of this section shall have committed an infraction and shall be issued a \$100 fine.

(d) This section shall apply to the following intersections within the City: (1) East Avenue and Exit 16 north-bound off ramp of Interstate 95, (2) US Route 1 and France Street.

City of Norwalk

Harbor Management Commission

Norwalk City Hall
125 East Avenue
Post Office Box 5125
Norwalk, Connecticut 06856-5125

November 28, 2014

RULES AND REGULATIONS¹ FOR MOORING AND ANCHORING VESSELS

PROPOSED AMENDMENTS

Proposed additions to the Rules and Regulations approved by the Norwalk Common Council
on June 22, 2004 are shown in **bold type**;
Proposed deletions are shown as "~~struck through~~."

1. Mooring and Harbor Safety Committee:

(a) A Mooring and Harbor Safety Committee shall be appointed by the Chair of the Norwalk Harbor Management Commission (NHMC) and shall consist of four members of the NHMC, one of whom shall serve as an alternate member of the committee, plus the State of Connecticut Harbor Master for Norwalk Harbor who shall serve on the committee as a non-voting ex-officio member. As authorized by the NHMC, the Mooring and Harbor Safety Committee shall have specific responsibilities for implementing these Rules and Regulations and shall direct and advise the Harbor Master with matters pertaining to the mooring and anchoring of vessels² in Norwalk Harbor³ and shall review all other matters affecting boating and

¹ These rules and regulations are prepared and adopted in accordance with Section 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 these rules and regulations and the provisions of the Harbor Management Plan, the rules and regulations shall take precedence.

² For the purpose of these Rules and Regulations, "mooring" is defined as the action to secure a vessel to: a) mooring tackle so designed that when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel; and b) a floating docks (mooring float) no more than 100 square feet in area unattached to land, not associated with any other docking structure, and secured in whole or in part by mooring tackle. "Mooring tackle" is the hardware (e.g., anchor chain, line, buoys, and other equipment) used to secure a vessel or mooring float at a mooring location. Anchoring is defined as the action to secure a vessel temporarily to the bottom of Norwalk Harbor by dropping an anchor or anchors from the vessel so that when the vessel departs from its anchoring location the anchor or anchors depart with the vessel.

³ For the purpose of these Rules and Regulations, Norwalk Harbor is defined as 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.

navigation safety in the harbor and safe and efficient operation of the harbor. The Mooring and Harbor Safety Committee's direction and advice to the Harbor Master shall be for the purpose of ensuring that all actions and decisions by the Harbor Master pertaining to these Rules and Regulations are consistent with the Norwalk Harbor Management Plan (the Plan) as required by Sec. 15-1 of the Connecticut General Statutes.⁴

2+. 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 **and safe and efficient operation** of Norwalk Harbor, the ~~Norwalk~~ Harbor Master must approve **all mooring locations in Norwalk Harbor, including locations used for "individual-private" mooring purposes and locations used for "commercial" mooring purposes** ~~the location of all moorings—including individual-private moorings and commercial moorings~~ as defined by the U.S. Army Corps of Engineers (USACE) and the Connecticut Department of **Energy and Environmental Protection (DEEP)**⁵. ~~—within Norwalk Harbor. A mooring permit issued by the Harbor Master shall be required for the use of The Harbor Master shall issue a permit for each approved mooring location or area.~~

(b) ~~It is shall be~~ a violation of the Norwalk Code for any person to **moor any vessel**⁶ ~~place any individual-private or commercial mooring~~ in Norwalk Harbor without a permit from the Harbor Master approved by the Mooring and Harbor Safety Committee and issued through the online mooring system established by the NHMC.

⁴ Sec. 15-1 of the General Statutes requires that harbor masters and deputy harbor masters shall exercise their powers and duties in a manner consistent with any harbor management plan adopted for the harbor over which they have jurisdiction.

⁵ For the purpose of these Rules and Regulations, an "individual-private" mooring location is a location where the placement of mooring tackle for use by a single vessel is authorized by the January 4, 2008 Office of Long Island Sound Programs "General Permit for Harbor Moorings." As defined in that General Permit, such mooring tackle shall not be rented or used for any commercial purpose; no charge shall be made by the permittee for its use; and placement of the mooring tackle shall not interfere with navigation and shall otherwise be consistent with the Norwalk Harbor Management Plan. A "commercial" mooring location is a location where placement of mooring tackle requires specific authorization by the OLISP and USACE pursuant to the state legislation known as the Structures and Dredging Act and the Department of the Army General Permit for the State of Connecticut. Commercial mooring locations include, but are not limited to, locations where mooring tackle is provided for a fee by any boating facility.

⁶ For the purpose of these Rules and Regulations, "moor any vessel" shall mean to secure a vessel to: a) mooring tackle so designed that when the attachment of such tackle to the vessel is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator; or b) a floating dock (mooring float) no more than 100 square feet in area unattached to land, not associated with any other docking structure, and secured in whole or in part by mooring tackle.

(c) Placement of mooring tackle⁷ to secure any floating dock unattached to land and greater than 100 square feet to which a vessel may be attached for any period of time is subject to these Rules and Regulations and state and federal regulatory requirements administered by the Connecticut DEEP and USACE, and must be reviewed by the NHMC for consistency with the Norwalk Harbor Management Plan.

(d) Placement of mooring tackle to secure any floating dock attached to land and to which a vessel may be attached for any period of time is subject to state and federal regulatory requirements administered by the Connecticut DEEP and USACE and must be reviewed by the NHMC for consistency with the Norwalk Harbor Management Plan.

(e) ~~(e)~~ Use of any mooring locations for commercial purposes ~~The location of all commercial moorings requires approval must be approved by the DEEP Department of Environmental Protection and the USACE Corps of Engineers in addition to approval by the Harbor Master. No permit for use of a commercial mooring location shall be issued by the Harbor Master until such time as the NHMC has determined that the proposed commercial mooring location is consistent with the Plan and the DEEP and USACE have issued commercial mooring permits for that location. Permits issued by the Harbor Master for these commercial moorings shall be issued in coordination with commercial mooring permits issued by the Department of Environmental Protection and the U.S. Army Corps of Engineers.~~

(f) ~~(d)~~ No provision contained in these Rules and Regulations shall limit the power of the Norwalk Harbor Master to station and remove vessels as provided in the Connecticut General Statutes, including Sections 15-8, and 15-9, and Section 22a-113r of the Connecticut General Statutes.

3.2. Mooring Records

(a) The NHMC, acting through the Mooring and Harbor Safety Committee, Harbor Master shall keep a detailed record concerning ~~of each approved mooring location and the vessel permitted to use that location, including: the name, home and business address, email address, and telephone numbers of the owner of the permitted vessel; the name, length, beam, registration number required by the State of Connecticut, and type of the permitted vessel; and any other pertinent information as may be determined by the Mooring and Harbor Safety Committee, including, but not limited to, proof of liability insurance for the permitted vessel. ~~its location, and the owner's name, home address, evening and day-time telephone number, date mooring was set, and name, length, registration number or documentation, and type of vessel to be attached thereto.~~~~ The Harbor Master shall assist the Mooring and Harbor Safety Committee with compilation and maintenance of mooring records. Those records shall be maintained in the online mooring system and include a copy of each mooring permit issued by the Harbor Master.

⁷ For the purpose of these Rules and Regulations, "mooring tackle" is the hardware (e.g., chain, line, anchor, buoys, and other equipment) used to secure a vessel or floating dock at a mooring location.

(b) **Mooring records** The information shall be maintained in such a manner that information can be obtained easily by the NHMC, Mooring and Harbor Safety Committee, and Harbor Master with regard to any individual mooring location, moored vessel, and owner of a moored vessel and also with regard to all mooring locations moorings within a particular harbor area. location.

(c) The Mooring and Harbor Safety Committee Harbor Master shall maintain in the Norwalk City Hall and in the online mooring system any a waiting list for mooring space in Norwalk Harbor that may be necessary, as necessary, and a list of current assignments of mooring locations spaces, and both lists shall be updated annually.

(d) All mooring permittees shall be responsible for promptly notifying the Harbor Master of any changes to the information provided on their mooring permit applications. All persons on any mooring waiting list that may be established by the Mooring and Harbor Safety Committee also shall be responsible for notifying the Harbor Master of any changes to the information provided on their waiting list applications. Mooring permittees and persons on any mooring waiting list shall utilize the online mooring system to provide the required notification of changes.

4. Online Mooring System

(a) For the purpose of processing mooring permit applications and managing mooring records in the most efficient and cost-effective manner, the NHMC shall require use of a computerized system for mooring permit application and administration whereby applicants will apply for new and renewed permits online and all required information will be input directly by the applicant to the online system and stored in the system. The NHMC also shall require that applicable mooring fees be submitted directly by the applicant through the online mooring system unless, in response to a request by a particular applicant, the NHMC should determine that such requirement would create an undue hardship for that applicant.

(b) The Mooring and Harbor Safety Committee shall be responsible for operation and maintenance of the online mooring system. The Harbor Master shall assist the Mooring and Harbor Safety Committee with operation and maintenance of the online mooring system as necessary and at the direction of the Committee.

5.3. Allocation of Moorings Locations

(a) In allocating mooring locations, the Harbor Master 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 Harbor Master shall, to the extent possible, accommodate assign priority for mooring allocations to riparian or littoral property owners who apply for mooring locations moorings offshore of their properties property.⁸ When necessary to achieve

⁸ For the purpose of these Rules and Regulations, "littoral property" means property contiguous to the navigable waters of Norwalk Harbor and which, pursuant to water-rights law, affords its owner with certain rights including the right of reasonable access to navigable water.

the most equitable use of available mooring locations, the Harbor Master may limit ~~When considering the assignment of mooring locations to riparian or littoral property owners, the Harbor Master may limit the priority granted to owners who have established or are planning to establish docks, piers, or other structures providing boating access to navigable water.~~

(c) In allocating mooring locations, the Harbor Master shall, to the extent possible, assign priority for mooring locations to licensed commercial fishermen. Up to 10% of the available mooring locations ~~space~~ in mooring areas not designated as "commercial" mooring areas in permits issued by the ~~USACE U.S. Army Corps of Engineers and Connecticut DEEP Department of Environmental Protection~~ may be reserved for the use of licensed commercial fishermen.

(d) In allocating mooring locations, the Harbor Master shall give consideration to size, draft, type, and use of vessels to be moored.

(e) In allocating mooring locations in accordance with these Rules and Regulations, the Harbor Master shall not discriminate on the basis of the applicant's ~~city town~~ of residence or any other factor.

(f) Mooring permits shall be issued by the Harbor Master only to the owner of the vessel to be moored and all moored vessels must be those applicants owning a vessel properly registered to the permittee in accordance with laws of the State of Connecticut and properly insured in accordance with these Rules and Regulations.

(g) Within the limits of size and type of vessels, available mooring locations shall be offered to the most senior (lowest numbered) applicant on any the mooring waiting list that may be established by the Mooring and Harbor Safety Committee, subject to the requirements of these Rules and Regulations. If an available mooring location is not suitable to accommodate the most senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The most senior applicant shall retain his place on the waiting list in this case. The Harbor Master shall continue efforts to provide a suitable mooring location for the most senior applicant. If the most senior applicant refuses a mooring location which is suitable for his or her vessel in the opinion of the Mooring and Harbor Safety Committee and Harbor Master, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring locations ~~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 and through the online mooring system.

(h) In the interest of ensuring safe, efficient, and equitable use of Norwalk Harbor, the ~~NHMC Harbor Master may, at his discretion,~~ limit the number of mooring locations that can be assigned to any one individual, household, corporation, or other group. In the absence of compelling reasons to the contrary, clearly demonstrated to the satisfaction of the Mooring and Harbor Safety Committee, only ~~Only~~ one mooring location ~~space~~ shall be allocated to any one vessel.

6.4. 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 Harbor Master at any time. The NHMC shall require that all applicants complete and submit mooring permit applications utilizing the online mooring system established by the NHMC. (See no. 4 above.)~~

(b) ~~The online mooring system Harbor Master shall utilize make use of a mooring permit application form, developed by the Mooring and Harbor Safety Committee, 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 Mooring and Harbor Safety Committee and Harbor Master and the Harbor Management Commission.~~

(c) ~~If a the mooring permit application is approved by the Harbor Master and Mooring and Harbor Safety Committee, the Harbor Master shall send a copy of the approved permit shall be is provided to the applicant through the online mooring system and one copy shall be is shall be retained for the records of the NHMC and Harbor Master. Harbor Master's records.~~

(d) The NHMC may, as necessary to avoid possible abuses of the mooring assignment rules and regulations herein established, establish fair and reasonable requirements on a case by case basis to limit the issuance of mooring permits for vessels with joint ownership.

(e) All applicants for a mooring permit shall maintain liability insurance on the vessel identified in any mooring permit that may be issued to them, and shall provide a copy of the insurance certificate when applying for a mooring permit. All applicants shall agree to indemnify and hold harmless the City of Norwalk, its officers, designees, and employees, for any and all claims, damages, or losses of any kind, including legal costs arising out of the use of any mooring location that may be assigned to the applicant. Any permittee in receipt of a commercial mooring field permit issued by the DEEP and USACE also shall hold harmless the City of Norwalk, its officers, designees, and employees, for any and all claims, damages, or losses of any kind, including legal costs arising out of the use of any mooring location within the commercial mooring field.

(f) A complete application for a mooring permit shall include: the application form completed in full; proof of the vessel's current registration in the State of Connecticut; proof of the applicant's vessel liability insurance; the mooring tackle inspection form completed in full; payment through the online mooring system of the appropriate mooring permit fee; and any other pertinent materials as determined by the NHMC.

7.5. Mooring Permits Valid for One Year Only

(a) ~~All 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 these Rules and Regulations. All mooring permits shall expire on the 31st day of December following the date of issuance.~~

(b) No vessels shall be ~~moored stationed on moorings~~ in Norwalk Harbor from January 1 to March 15 of each year. Renewed permits ~~shall will~~ be valid from March 15 to December 31. Limited exceptions to the January 1 to March 15 exclusion may be granted under Section 1947(a) of these Rules and Regulations. ~~files: [Added 12-27-94.]~~

8 6. Renewal of Mooring Permit

- (a) All mooring permits shall expire on December 31st of the year issued. To renew an expired permit an applicant must submit all required information and fees **through the online mooring system** ~~to the Norwalk Harbor Master, postmarked no later than January 31st of the following year.~~ Renewal applications ~~received postmarked after January 31st but before March 1st must pay a an additional Late Permit Fee.~~ At least 30 days before the January 31st renewal date, notice of such date shall be **announced through the online mooring system,** ~~published in a newspaper having circulation in the City.~~ [Amended 6-22-04.]
- (b) Any mooring permit ~~Renewal rights for mooring permits not renewed in accordance with paragraph 8 6(a) above shall expire on March 1st. In such case, the former permittee permit holder must remove the abandoned mooring ground tackle from the water within thirty days following expiration of the permit unless, in response to a written request by the former permittee, the NHMC should determine that such removal would create an undue hardship for that former permittee, and the mooring location may be assigned to the senior person on an existing waiting list or, if a waiting list does not exist, to any new applicant.~~ [Added 6-22-04.]
- (c) ~~After removing mooring ground tackle, a~~ A former permittee permit holder who has not renewed a previously issued mooring permit within the periods of time established herein, may subsequently apply for reinstatement ~~a new mooring permit,~~ subject to all other applicable provisions of these Rules and Regulations, including payment of a reinstatement fee and the applicable mooring permit fee. ~~under the provisions of the City of Norwalk's Mooring Permit Fee Schedule.~~ [Added 6-22-04.]
- (d) ~~A former permit holder who fails to remove ground tackle from the water is not eligible for a new mooring permit but may apply for reinstatement, subject to the provisions of the City of Norwalk's Mooring Permit Fee Schedule.~~ [Added 6-22-04.]
- (d) (e) The Mooring and Harbor Safety Committee with assistance from the Harbor Master shall be responsible for administration of all mooring permit renewals. All mooring permittees shall be notified of renewal requirements by the Mooring and Harbor Safety Committee through the online mooring system established by the NHMC. Renewal applications will be mailed to all current mooring permit holders during December. [Amended 12-27-94.]
- (e) (f) For vessels located in a **managed 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 to the Harbor Master by the mooring field manager by March 31. This list must be accompanied by a fee equal to one-half 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 11-9-93.]

9 7. Annual Mooring Permit Fees

- (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 proposed by the NHMC and adopted established by the Norwalk Common Council from time to time as authorized by Sec.

22a-113s of the Connecticut General Statutes and subject to any other local, state, and federal requirements.

(b) When the Harbor Master determines that a suitable mooring location exists for an applicant for a new or renewed mooring permit, the applicant shall ~~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. All mooring fees shall be submitted directly by the applicant through an online mooring system established by the NHMC unless, in response to a request by a particular applicant, the NHMC should determine that such requirement would create an undue hardship for that applicant.

(c) All fees collected pursuant to this section shall be deposited into the Norwalk Harbor Management Fund, as authorized by Sec. 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 ~~NHMC Harbor Management Commission~~ and the Harbor Master or Deputy Harbor Master.

(d) When proposing a mooring permit fee schedule for adoption by the Norwalk Common Council, the NHMC may differentiate fees for recreational and commercial vessels; consider reduced fees for duly established non-profit organizations⁹; and consider special fees for placement of mooring tackle used to secure floating docks to which vessels may be attached.

(e) No more than four mooring locations permitted at a reduced fee may be assigned to any duly established non-profit organization.

10.8. Transferal of Mooring Permits and Vessels

(a) ~~An individual-private~~ A mooring permit shall ~~authorize~~ ~~authorizes~~ use of a mooring location only for the single, registered vessel indicated on the permit. The use of a mooring location for any other vessel is prohibited and shall ~~will be~~ grounds for revocation of the mooring permit. ~~Individual-private mooring~~ However, mooring permits shall not be transferable with the transfer of vessels. Whenever a mooring permittee 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 location space covered by the mooring permit and must apply for a new permit in order to use that location or another location. ~~[Amended 6-22-04.]~~

(b) A mooring permittee ~~The holder of a mooring permit~~ may, upon written application to and approval by the Harbor Master and Mooring and Harbor Safety Committee, retain the permitted mooring location space ~~assigned under the mooring permit~~ for a replacement vessel provided that vessel is owned and properly registered by the permittee ~~holder of the permit~~ and is moved onto the mooring location within sixty days (unless the period is extended by the Harbor Master and Mooring and Harbor Safety Committee because of special circumstances). If the replacement

⁹ For the purpose of these Rules and Regulations, "non-profit organization" means an incorporated organization which exists for educational or charitable purposes, does not operate for profit, and is granted tax-exempt status by the Internal Revenue Service.

vessel is significantly smaller, larger, or of different draft or type, the Harbor Master shall have the right to relocate the vessel to another, more suitable mooring location if, in the judgment of the Harbor Master, such relocation will advance the safe and efficient operation of the harbor.

(c) Mooring permits shall be nontransferable except that the Mooring and Harbor Safety Committee may approve the transfer of a mooring permit between a deceased and surviving spouse if not doing so would create an unreasonable hardship to the surviving spouse in the judgment of the Mooring and Harbor Safety Committee and Harbor Master.

~~(e) In the event of a permit holder's death, the terms and conditions of a currently valid permit shall be transferable to the surviving spouse, in accordance with these Rules and Regulations, and in coordination with any local mooring field management sanctioned by the Harbor Master. [Added 6-22-04.]~~

11.9. Mooring Location and Placement

(a) When a permit is issued for a mooring location, the Harbor Master shall assign a specific location for that mooring. No mooring tackle shall be placed or maintained in any part of Norwalk Harbor until the location for placement of that mooring tackle has been approved by the Harbor Master.

(b) Moorings under no circumstances shall be located within navigation channels or fairways or otherwise interfere with the safe and efficient operation of the harbor as determined by the Harbor Master. ~~free use of navigation channels and fairways.~~

(c) In accordance with ~~Conn. Gen. Stat.~~ Sec. 26-157a (e) of the Connecticut General Statutes, no mooring tackle shall be placed on any oyster bed without the permission of the owner or lessee of such bed. When considering placement of mooring tackle on designated natural shellfish grounds, the Harbor Master and Mooring and Harbor Safety Committee shall consider the recommendations of the Norwalk Shellfish Commission.

(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.

12.10. Transient Mooring and Anchoring

(a) The ~~NHMC Harbor Management Commission~~ may designate transient mooring and anchoring locations, identified by the Harbor Master, ~~areas~~ for the exclusive, short-term use (not to exceed a total of 14 days in any calendar year) by ~~of~~ recreational vessels visiting Norwalk Harbor. This space shall be available on a first-come, first-served basis. No vessel shall ride on its ship's anchor in Norwalk Harbor unattended for more than 24 hours without the expressed permission of the Harbor Master. ~~[Amended 6-22-04.]~~

(b) No vessel shall anchor in Norwalk Harbor with the use of the vessel's ship's anchoring equipment for a period greater than 14 days in any calendar year, unless expressly approved by the Harbor Master, in accordance with state statutes. ~~[Added 6-22-04.]~~

~~(c) No vessel shall ride on its ship's anchor unattended for more than 24 hours without the expressed permission of the Harbor Master. [Added 6-22-04.]~~

(c) ~~(d)~~ The Harbor Master 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.

(d) ~~(e)~~ The City of Norwalk accepts no responsibility for the safety of transient mooring and anchoring locations moorings during periods of extreme weather including, but not limited to, gale winds, hurricanes, and extreme high water. [Added 6-22-04.]

~~(f) To help promote the City of Norwalk, the Harbor Management Commission may provide visitors' moorings in the Inner Harbor for the use of visiting boaters. With the Harbor Master's permission, a visiting boater may attach a vessel to one of these moorings free of charge for a period of up to 72 hours. After that time, that same vessel may not use a visitors' mooring for a period of 96 hours after which time the owner/operator of that vessel may reapply to the Harbor Master for permission to use a visitors' mooring again. Anyone not complying with these provisions shall be subject to fines in accordance with Section 18 of these Rules and Regulations. [Added 3-10-98.]~~

13 44. Abandonment of Mooring Tackle

(a) Any permitted mooring location not used for a period of one permit season year may be considered abandoned and the mooring tackle shall be subject to removal or relocation by order of the Harbor Master acting at the direction of the NHMC. Any mooring tackle not authorized by a current and valid permit from the Harbor Master may be considered as abandoned and subject to removal at any time. No permitted mooring location may be left unused for more than one calendar year without written permission of the NHMC. Harbor Management Commission.

(b) Any mooring permittee registered owner who owns mooring tackle and is vacating abandoning his or her mooring location space may offer to sell the tackle occupying such location space to another permittee with a current and valid permit and shall notify the Harbor Master of such sale, 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 Harbor Master at the expense of the such registered owner. Sale of mooring tackle shall not transfer any rights for a mooring permit or use of a mooring location, nor absolve the purchaser from compliance with the mooring tackle inspection requirements of these Rules and Regulations.

14 42. Mooring Tackle Inspection

(a) No mooring tackle shall be placed in Norwalk Harbor without inspection and approval of the tackle by the Harbor Master or his authorized designee. All mooring tackle placed in the harbor shall be in compliance with any mooring tackle guidelines that may be established by the NHMC. The Harbor Master shall require that all new moorings, anchors, chains, and other equipment used in connection with moorings in Norwalk Harbor be submitted to the Harbor Master or to an inspector designated by the Harbor Master 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 ~~must~~ be inspected for soundness of condition no less than once every two calendar years. The Harbor Master may require any ~~mooring permittee person~~ who holds a mooring permit in Norwalk Harbor to display for inspection the anchor, chains, and other mooring equipment for soundness of condition. All ~~mooring tackle~~ ~~Each mooring~~ shall be inspected and certified for soundness ~~subject to inspection by the Harbor Master, or by a qualified~~ ~~an inspection contractor service acceptable to the NHMC and Harbor Master, Harbor Master, at the discretion of the Harbor Master.~~ A list of qualified mooring tackle inspection contractors ~~services~~ shall be made available to the mooring permittee ~~permit holder~~ by the Harbor Master. An official mooring tackle inspection form provided by the Mooring and Harbor Safety Committee ~~Harbor Master~~ shall be filed by the mooring owner with the NHMC ~~Harbor Master~~ once every two years utilizing the online mooring system.

(c) The Mooring and Harbor Safety Committee and Harbor Master shall maintain, utilizing an online mooring system established by the NHMC, a record of each inspection for a period of ~~four~~ three years. If, as a ~~the~~ result of such inspection it shall be determined that any chain, shackle, swivel, anchor, or other piece of mooring tackle has become unsafe or otherwise inadequate, such chain, shackle, swivel, anchor, or other piece of mooring tackle shall be replaced by the mooring permittee at the expense of the permittee, ~~accordingly, re-inspected, and a new inspection report shall be submitted through an online mooring system established by the NHMC.~~ Failure to replace unsafe or otherwise inadequate mooring tackle ~~make such replacement~~ shall be grounds for revocation of the mooring permit by the Harbor Master.

(d) Qualified mooring tackle inspection contractors acceptable to the NHMC shall maintain appropriate commercial insurance of an amount and type acceptable to the City of Norwalk Risk Manager.

15.43. 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 the moored or anchored vessel from ~~breaking loose and causing damage to any other vessel, person, or property, breakaway and resulting damage,~~ and shall thereafter provide for periodic inspection of mooring or anchoring equipment as ~~required by these Rules and Regulations. the Harbor Master deems necessary.~~

(b) All mooring tackle shall comply with ~~any guidelines minimum standards~~ established by the NHMC ~~Harbor Management Commission~~ and adjusted, as necessary, by the NHMC in consultation with the Mooring and Harbor Safety Committee and Harbor Master. All mooring permittees ~~The holders of all mooring permits~~ shall recognize that requirements for mooring tackle may vary in different locations in Norwalk Harbor and that some locations and conditions may require mooring tackle that exceeds the ~~guidelines, minimum standards.~~

(c) ~~The minimum standards for mooring tackle~~ guidelines shall be provided by the Mooring and Harbor Safety Committee, utilizing the online mooring system established by the NHMC, ~~Harbor Master to all mooring permit applicants. each person, corporation, organization, or group applying for a mooring permit.~~

(d) Mooring permittees are advised to monitor forecasts of approaching storms and apply additional safety measures to secure their vessels as necessary, including removal of their vessels from mooring locations in the harbor.

16 44. Identification of Approved Mooring Locations

(a) The Mooring and Harbor Safety Committee acting in consultation with the Harbor Master may, from time to time, establish and amend reasonable standards for the marking of all mooring buoys used in Norwalk Harbor. ~~Such standards shall be in compliance with any state or federal requirements for the marking of mooring buoys.~~ Notice of standards and requirements for marking approved mooring locations ~~moorings~~ shall be provided in writing to all ~~approved mooring permittees, permit holders.~~ ~~[Amended 3-10-98.]~~

(b) All mooring buoys (including temporary "winter buoys"¹⁰) must be clearly identified at all times with the assigned mooring permit number. ~~[Added 3-10-98.]~~

(c) In accordance with Section 15-121-A3(a) of the Regulations of Connecticut State Agencies, all anchorage and mooring area buoys shall be white with a clearly visible horizontal blue reflectance band around the circumference of the buoy centered midway between the top of the buoy and the water line. ~~[Added 3-10-98.]~~

(d) ~~Temporary Substitute~~ mooring buoys ("winter buoys") used ~~during the winter months~~ to mark approved mooring locations may be used only during the period of October 15 through March May 15, subject to any additional restrictions imposed by the Harbor Master to maintain safe and efficient use of the harbor. ~~such buoys are not permissible at any other time.~~ Any temporary ~~substitute~~ buoy must be permanently identified with the assigned mooring permit number clearly visible. The Mooring and Harbor Safety Committee acting in consultation with the Harbor Master may, from time to time, establish and amend reasonable requirements for placement of temporary mooring buoys. ~~[Added 3-10-98.]~~

(e) All vessels permitted to use a mooring location in Norwalk Harbor and all mooring buoys and mooring floats secured with mooring tackle shall display a current mooring permit identification decal issued by the Mooring and Harbor Safety Committee. The number on the decals shall correspond to the number of the mooring permit issued by the Harbor Master. The purpose of the decals shall be to help ensure that all vessels moored in the harbor are properly permitted and attached to properly inspected mooring tackle and their owners easily identified in the event of an emergency. Decals shall be affixed, by the mooring permittee, to the transom of the permitted vessel and to the mooring buoy or mooring float by a date specified by the Mooring and Harbor Safety Committee.

¹⁰ For the purpose of these Rules and Regulations, a "winter buoy" is a flotation device, acceptable to the Mooring and Harbor Safety Committee, that may be used to temporarily mark a permitted mooring location during a specific period of the year when that location is not utilized to moor a vessel.

17 45. Relocation and Removal of Mooring Tackle Moorings

(a) The Harbor Master acting in consultation with the Mooring and Harbor Safety Committee may require any mooring tackle or moored vessel to be removed to a new location whenever, in his judgment, such removal is needed to maintain safe and efficient use of the mooring location. ~~the safety of any other vessel or optimum use of the mooring location area so requires.~~

(b) If an order ~~directions~~ given by the Harbor Master with respect to removing unauthorized mooring tackle moorings, removing mooring tackle moorings not properly identified in accordance with Section 16 44 of these Rules and Regulations, changing the location of mooring tackle existing moorings for the purpose of ensuring safe and efficient ~~safety and optimum~~ use of the mooring location area, or replacing mooring tackle determined to be unsafe or otherwise inadequate are not taken by the owner, if known, within fourteen days after the owner's receipt of written notice by certified mail, notification, or, if the owner is not known, after notice has been posted for that period on the vessel or mooring tackle, the Harbor Master may cause such mooring tackle moorings to be removed or relocated, changed, or may drop same to the bottom of the harbor. The expense of such mooring tackle removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the mooring permittee permit holder. [Amended 3-10-98.]

(c) Nothing above shall prevent the Harbor Master or his designee from taking measures with or without notice if, in the judgment of the Harbor Master, such measures are ~~it is~~ necessary in order to provide for the safety of persons or property.

18 46. Designation of Navigation Channels or Fairways to be Kept Free of Moorings

(a) In order to provide safe navigation in all parts of Norwalk Harbor, the NHMC ~~Harbor Management Commission~~, with consideration of the advice of the Mooring and Harbor Safety Committee and Harbor Master and with authority provided by Sec. 22a-113n of the Connecticut General Statutes, shall ~~is empowered to~~ designate, as necessary, the location of navigation channels or fairways within which approved mooring locations moorings shall not be approved located and to make changes in such designations when conditions or needs require.

19 47. Suspension of Requirements and Imposition of Emergency Requirements

(a) The requirements of these Rules and Regulations pertaining to a specific mooring or anchoring location area and/or moored or anchored vessel may be modified by the NHMC, Harbor Master acting in consultation with the Mooring and Harbor Safety Committee and Harbor Master, if, in the judgment of the NHMC, Harbor Master, 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 Harbor Master acting in consultation with the Mooring and Harbor Safety Committee is empowered to suspend the requirements of these Rules and Regulations and/or impose additional requirements in the interest of public safety.

20 48. Violations

(a) These Rules and Regulations have been adopted and approved in accordance with Sec. 22a-113 of the Connecticut General Statutes and Sec. 69-22 of the Norwalk Code. In accordance with Sec. 69-22D of the Norwalk Code, any person who shall violate any of these Rules and Regulations shall be fined **an amount authorized by the Code, not more than ninety dollars (\$90.00)**. Each day such violation continues after the time for correction of the violation has been given in any written order issued by a duly authorized police officer of the City of Norwalk shall constitute a continuing violation and shall be subject to a fine in **an amount authorized by the Code of ninety dollars (\$90.00) per day** for each day said violation continues.

(b) Fines levied for violations of these Rules and Regulations as authorized by the Norwalk Code shall be collected by the City of Norwalk and deposited into the Norwalk Harbor Management Fund established pursuant to Sec. 22a-113 s of the Connecticut General Statutes.

(c) Any person who obstructs, resists, or willfully refuses to obey the order of the Harbor Master or Deputy Harbor Master for the stationing of a vessel in accordance with these Rules and Regulations shall be subject to the fines and penalties set forth in Sec. 15-8 and other applicable sections of the Connecticut General Statutes, enforceable by any duly authorized police officer of the City of Norwalk.

21 49. Revocation of Mooring Permits

(a) The Harbor Master acting in consultation with the Mooring and Harbor Safety Committee ~~may shall have the authority to~~ revoke a mooring permit if the ~~perinittee permit holder~~ fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit condition or provision of these Rules and Regulations.

22 20. Review of Decisions

(a) Any party aggrieved by any decision pertaining to the application of these Rules and Regulations may **submit a request in writing** to the ~~NHMC Harbor Management Commission~~ to review that decision with respect to these Rules and Regulations and with respect to the goals, objectives, policies, and guidelines established in the Norwalk Harbor Management Plan. **Such request shall be submitted within 30 days of the date of the decision.** The NHMC shall review the decision **and render a finding on the matter** ~~Harbor Management Commission must respond with a decision or action within 60 days of receipt of the aggrieved party's written request, a request for review.~~

(b) While Sec. 15-1 of the Connecticut General Statutes ~~state law~~ requires the ~~state-appointed~~ Norwalk Harbor Master who is appointed by the Governor to act in a manner consistent with the Norwalk Harbor Management Plan, it is **recognized** that City ordinances, rules, and regulations cannot alter the Harbor Master's duties and powers established in the Connecticut General Statutes which include primary authority to station vessels, ~~and issue mooring permits, regarding mooring assignments.~~ As a result, the ~~NHMC Harbor Management Commission~~ may not over-ride the Harbor Master's mooring assignments, **provided** as long as such assignments are consistent with the Harbor Management Plan and these Rules and Regulations.

23. Exclusions

(a) Specifically excluded from the requirements of these Rules and Regulations are the placement of swim floats, navigation and regulatory markers, and aquaculture structures secured by bottom anchors and subject to state and federal regulatory programs, including regulatory programs administered by the Connecticut DEEP, USACE, and Connecticut Department of Agriculture's Bureau of Aquaculture. All applications for swim floats, navigation and regulatory markers, and aquaculture structures must be reviewed by the NHMC for consistency with the Norwalk Harbor Management Plan and by the Harbor Master for potential impacts on safe and efficient operation of the Harbor. Pursuant to the DEEP's General Permit for Swim Floats, no vessel shall be attached to a swim float at any time.

Rules and Regulations for Mooring and Anchoring Vessels:

Adopted by the Norwalk Harbor Management Commission on August 26, 1992
Approved by the Norwalk Common Council on October 27, 1992

Additions adopted by the Harbor Management Commission on October 27, 1993
Approved by the Common Council on November 9, 1993

Additions and amendments adopted by the Harbor Management Commission on November 21, 1994
Approved by the Common Council on December 27, 1994

Additions and amendments adopted by the Harbor Management Commission on October 22, 1997
Approved by the Common Council on March 10, 1998

Additions and amendments adopted by the Harbor Management Commission on May 26, 2004
Approved by the Common Council on June 22, 2004

Additions and amendments adopted by the Harbor Management Commission on _____
Approved by the Common Council on _____

Chapter 103. Taxation

Article VII. Tax Deferral Program for Elderly and Disabled Homeowners

[Adopted 4-9-2002]

§ 103-16. Enactment; purpose.

The City of Norwalk hereby enacts, for the assessment year commencing October 1, 2001, and each assessment year thereafter, a tax deferral program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the City of Norwalk, on the terms and conditions provided herein. This article is enacted for the purpose of assisting elderly and disabled homeowners with a portion of the costs of property taxation.

§ 103-17. Eligibility.

Any resident of the City of Norwalk who qualifies under the following requirements is eligible for property tax deferral with respect to real property owned and occupied by such person as his or her legal domicile and principal, permanent residence:

- A. Such resident at the close of the preceding calendar year has attained age 65 or over, or his or her spouse, who is living with such resident, is 65 years of age or over; or such resident is 60 years of age or over at the close of the preceding calendar year and is the surviving spouse of a taxpayer who was qualified in the City of Norwalk under this program at the time of his or her death, with respect to real property on which any such resident or spouse is liable for taxes under the provisions of Section 12-48 of the Connecticut General Statutes; or
- B. Such resident is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security; or has not been engaged in employment covered by social security and accordingly has not qualified for benefits thereunder, but has qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act, and any government-related teachers' retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to the requirements under social security; and
- C. Such resident shall have been a taxpayer of the City of Norwalk and have paid taxes for a period of at least the 12 months immediately preceding his or her application for tax deferral under this article;
- D. No tax deferral shall be given under this article to any person who owes delinquent property taxes, sewer fees or assessments or other delinquent charges to the City of Norwalk;

E. The property for which the tax deferral is claimed is the tax lot which is the legal domicile and principal, permanent residence of such person, together with all improvements thereon, and is occupied for more than 200 days of each year by such person;

F. Such resident shall have individually, if unmarried, or jointly, if married, qualifying income in an amount not to exceed \$40,000 for the calendar year 2002 and \$45,000 for the calendar year 2003 and thereafter. "Qualifying income" is defined as adjusted gross income, as defined in the Internal Revenue Code of 1986, as may be amended from time to time, plus the nontaxable portion of any social security benefits, railroad retirement benefits, income from other tax exempt retirement and annuity sources and income from tax exempt bonds, less an amount equal to the medical and dental expense deduction allowed or allowable under Section 213(a) of the Internal Revenue Code of 1986, as may be amended from time to time (currently allowed deduction for medical and dental expenses only if in excess of 7.5% of adjusted gross income);

[Amended 1-28-2008]

**we should amend the qualifying income amount to be the same as the City credit program that usually increases every year.

G. Such resident, if eligible, shall have applied for, and have received, state-reimbursed property tax relief under the homeowners' program as outlined in Connecticut General Statute Section 12-170aa, or the program formerly known as the freeze program, as outlined in Connecticut General Statute Section 12-129b, for the same grand list year as the claimed deferral;

[1] *Editor's Note: Former Subsection G, which provided for the adjustment of the maximum amount of qualifying income, was repealed 1-28-2003. The ordinance also provided for the redesignation of former Subsections H through J as Subsections G through I, respectively.*

H. The market value of the real property for which the tax deferral is claimed shall not exceed \$715,000, as determined by the most current property records on file in the office of the Tax Assessor; and

**we should do away with the market value limit, as some elderly who may live in a home that is valued high still can have difficulty paying their taxes and should not be excluded just because their homes are valued high.

I. Such resident may not receive both a locally funded tax credit of Norwalk; and tax deferral hereunder simultaneously for either the local tax credit program, or for the tax deferral program; and the resident may not receive the local credit for some grand list years, and the tax deferral for other grand list years.

§ 103-18. Filing of application.

A. In order for an eligible resident to receive a tax deferral hereunder an application must be filed with the office of the Tax Assessor not earlier than February 1 or later than May 15 of each year for the next fiscal year. This application for such tax deferral shall be accompanied by a copy of the applicant's most recent federal income tax return for the previous calendar year and written documentation of all other income.

B. The Tax Assessor shall require all necessary documents to determine eligibility. The withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax deferral.

C. The Tax Assessor shall establish such application forms and procedures as may be necessary to implement this tax deferral program. The Tax Assessor, or his or her agent, shall determine what evidence of qualifying income is pertinent for the determination of eligibility under this article, and shall be responsible for requesting and reviewing the same.

D. All applications, including federal income tax returns filed under this program, as well as any and all additional evidence of qualifying income required by the Tax Assessor, shall be kept in strict confidence

and shall not be open to public inspection, in accordance with State Freedom of Information guidelines.

§ 103-19. Limits of tax deferral.

- A. For any eligible resident, for any given grand list year, the total of all tax credits, abatements, exemptions, and deferrals provided under state statutes for elderly and permanently disabled taxpayers, shall not exceed 75% of the tax which would have been levied against such resident. For the purpose of this section, the term "exemption" shall not be construed to include the graduated increase in property tax assessments due to revaluation of property. If the total of all tax credits, abatements, exemptions and deferrals provided under state statutes for elderly and permanently disabled taxpayers does exceed 75% of the tax which would have been levied against any eligible resident, for any given grand list year, the Office of the Tax Assessor shall administer the programs so as to allow for maximization of state-funded property tax relief, in accordance with § 103-24, herein.
- B. For each grand list year, deferral hereunder shall be limited to the lesser of either an amount up to \$2,500, or an amount up to 50% of the tax principal due, less any tax credits, abatements, exemptions and other benefits provided under state statutes for elderly and permanently and totally disabled taxpayers. For each grand list year, the minimum amount allowed for deferral hereunder shall be equal to the amount of the tax credit allowed under § 103-12.
- C. The total deferral is not to exceed 75% of the market value of the subject real property, as determined by the Office of the Tax Assessor.

§ 103-20. Tax deferral benefits; lien on property.

- A. An eligible applicant shall enter into a written agreement with the City providing for payment to the City of the tax deferral. A separate agreement shall be entered into for each grand list year.
- B. The principal amount of such tax deferral benefit, and the rate of interest on the deferred amount, as described herein, shall be recorded in the Norwalk Land Records and shall constitute a continuing, priority lien against the subject property, payable upon the death of the applicant or the conveyance of the subject property.
- C. The eligible resident shall be charged the current statutory fees for releases of lien continuing certificates at the time of payment to the City.

§ 103-21. Rate of interest on deferred taxes.

- A. All deferred taxes shall be subject to an interest charge, determined annually by the Director of Finance on January 1. Such interest charge shall be equal to the annual percentage rate of the most recent City bond issue, rounded to the nearest 0.5%, plus an additional 1.5%, per year.
- B. All such interest charges shall be included in the written agreement entered into by the eligible resident and

the City, and shall be included on the lien continuing certificate recorded in the Norwalk Land Records to reflect the deferral of taxes.

- C. Interest shall be calculated on a monthly basis, with any portion of a month being considered a full month. Interest shall be simple interest, not compounded, and shall accrue from the month and year of the deferral until the month and year of the final payment to the City.

§ 103-22. Maximum credits.

The total tax deferral granted under the provisions of this program, together with the total tax relief granted under the provisions of §§ 103-5 through 103-12 of the Norwalk Code, shall not exceed an amount equal to 0.5% of the total property tax levy assessed in Norwalk in the preceding fiscal year.

§ 103-23. Deferral to be prorated.

- A. Only one tax deferral shall be allowed for each parcel of real property eligible for deferral under this program. The Tax Collector's Office shall mail a bill for such taxes, which shall be immediately due and payable in a single installment, with a grace period of 30 days from the date the bill is mailed.
- B. If such property is a multifamily dwelling, such deferral shall be prorated to reflect the fractional portion of such property that is currently occupied by the eligible resident.
- C. Such tax, as well as any previous deferred taxes, shall be immediately due and payable, collectible in the same manner as all other property taxes, and subject to the same liens and collection enforcement proceedings, provided that such tax shall be payable in a single installment within 30 days after the date the bill is mailed by the Tax Collector.
- D. If payment is not made upon demand at the conclusion of the deferral period, due to the death of the applicant or the conveyance of the property, the property shall become subject to Tax Collector's demand for payment and collection enforcement action in accordance with state statute. All deferred taxes, accrued interest, lien recording fees and collection costs, if any, shall be collectible in the same manner as all other property taxes, and subject to the same statutory penalty interest, liens and collection enforcement proceedings, as all other property taxes.

§ 103-24. Effect on other tax benefits.

The tax deferral granted to any eligible resident under this program shall not disqualify such eligible resident, or his or her surviving spouse, with respect to any tax relief for which such person is eligible under state tax relief programs. Any tax deferral provided shall be in addition to such state tax relief.

§ 103-25. Conclusion of deferral period.

- A. All deferred taxes, accrued interest, and lien recording fees shall become due and payable to the City upon

the death of the applicant or the conveyance of the subject property, at which time the deferral period shall be deemed concluded. In the case of a conveyance of the subject property, payment in full shall be made to the City upon conveyance of said property.

- B. The estate of the applicant, or his or her agent or other party in interest, heirs and/or assignees, shall be solely responsible for notifying the Tax Assessor and Tax Collector of the death of the applicant within 60 days of the death and notify the Tax Assessor and Tax Collector of any Certificate of Devise within 60 days of the issuance of such certificate by the Probate Court.
- C. The grantor of the property conveyed, his or her agent or other party in interest, heirs or assignees, shall be solely responsible for notifying the Tax Assessor and Tax Collector directly of the conveyance of the property formerly subject to deferral, within 30 days.
- D. If payment is not made upon demand at the conclusion of the deferral period due to the death of the applicant or the conveyance of the property, the property shall be subject to the Tax Collector's demand for payment and collection enforcement action in accordance with state statutes.
- E. In the case of the death of an applicant, the deferral period shall not be deemed concluded if there remains a surviving spouse who qualifies for deferral under § 103-17A, herein.

§ 103-26. Funding.

- The Director of Finance shall make every effort to include in his or her annual budget an amount from the Undesignated Fund Balance to offset the estimated amount of taxes to be deferred under this program.

Close

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Resize:

City of Norwalk, CT
Thursday, January 7, 2016

Chapter 103. Taxation

Article III. Tax Relief for the Elderly and Disabled Homeowners

[Adopted 10-25-1983; amended in its entirety 9-26-2000]⁽¹⁾

[1] *Editor's Note: Original Section 9 of this ordinance provided that it shall not be applicable prior to taxation on the Grand List of October 1, 1983.*

§ 103-5. Enactment; purpose.

The City of Norwalk hereby enacts a tax relief program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the City of Norwalk, on the terms and conditions provided herein. This ordinance is enacted for the purpose of assisting elderly and disabled homeowners with a portion of the costs of property taxation.

§ 103-6. Eligibility.

Any resident of the City of Norwalk who qualifies under the following requirements is eligible for property tax relief with respect to real property owned and occupied by such person as his or her principal residence.

- A. Such resident is 65 years of age or over or his or her spouse, who is living with such resident, is 65 years of age or over; or such resident is 60 years of age or over and is the surviving spouse of a taxpayer who was qualified in the City of Norwalk under this ordinance at the time of his or her death, with respect to real property on which any such resident or spouse is liable for taxes under the provisions of § 12-48 of the Connecticut General Statutes; or
- B. Such taxpayer is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or has not been engaged in employment covered by social security and, accordingly, has not qualified for benefits thereunder, but has qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act, and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to the requirements under social security; and provided that
- C. Such person shall have been a taxpayer of the City of Norwalk and have paid taxes for a period of five years immediately prior to his or her receipt of tax relief under this ordinance. No tax relief shall be given under this ordinance to any person who owes delinquent taxes to the City of Norwalk.
- D. The property for which the tax relief is claimed is the legal domicile of such person and is occupied more than 200 days of each year by such person.

- E. Such person shall have applied for property tax relief under any state statutes for which he or she is eligible; or if such person has not applied for tax relief under any state statutes because he or she is not eligible, he or she shall so certify by filing a form acceptable to the Tax Collector swearing to his or her ineligibility under current qualification requirements.
- F. All permanent residents in the domicile who are aged 25 years and older and who occupy such domicile for more than 200 days of each year shall have combined annual aggregate adjusted gross income as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest per Section 103 of the Internal Revenue Code of 1954, as amended, dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1954, as amended, social security benefits, railroad retirement benefits and income from other tax-exempt sources of an amount less than ~~44.33%~~ of the maximum qualifying income defined in Connecticut General Statutes, Section 12-170aa. For the Grand List of October 1, 1999, this amount shall be \$33,500. The amount shall be adjusted annually as provided by Section 12-170aa(2) for the calendar year immediately preceding the year for which tax relief is sought and shall be posted in the office of the Assessor.
- [Amended 3-27-2001] 121.45%

§ 103-7. Filing of application.

- A. In order to be entitled to the benefits provided herein, an application must be filed with the Assessor not earlier than February 1 nor later than May 15 of each odd-numbered year so that these benefits shall be available to the taxpayer in the next following two fiscal years. This application for such tax relief must be acted on in accordance with the eligibility standards hereinabove set forth. The Assessor is empowered to require all necessary documents to determine eligibility, and the withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax relief.
- [Amended 5-28-2002; 10-28-2014]
- B. For tax relief on the Grand List of 1999, applications must be filed no later than October 27, 2000, and for tax relief on the Grand List of 2000, applications must be filed no later than April 15, 2001. Application for tax relief filed prior to the passage of this amendment shall automatically be eligible for the increased tax relief provided herein for the Grand List of 1999 and the increased relief provided herein shall be applied retroactively by the Assessor on such applications.

§ 103-8. Limits of tax relief.

No property tax relief provided for any person shall exceed, in the aggregate, 75% of the tax which would, except for benefits provided by state statutes and the within program, be laid against said person.

§ 103-9. Maximum credits.

The total tax relief granted under the provisions of this program shall not exceed an amount equal to 1/2 of 1% of the total property tax assessed in Norwalk in the preceding fiscal year.

§ 103-10. Benefits to be prorated.

Only one tax credit shall be allowed for each parcel of real property eligible for tax relief under the within program. In the event that title to real property is recorded in the name of the taxpayer or his or her spouse, who are eligible for tax relief, and any other person or persons, the tax relief under the within program shall be prorated to allow tax relief equivalent to the fractional share in the property of such taxpayer or spouse, and the person or persons not eligible shall not receive any tax credit.

§ 103-11. Effect on other tax benefits.

The tax relief granted to any person under the within program shall not disqualify such person with respect to any benefits for which such person is eligible under state statutes, and any tax relief provided under the within ordinance shall be in addition to any such benefits.

§ 103-12. Amount of benefits; annual adjustment.

• [Amended 3-27-2001; 4-27-2004; 2-26-2008; 3-22-2011; 10-28-2014] -

Any individual or married couple eligible for tax relief as provided by this article, having income as provided in § 103-6F of this article, shall be entitled to tax relief as follows:

A. For the 2014 grand list and all subsequent tax years:

(1) Tier 1: 0% to ~~93%~~ ^{100.01%} ~~\$1,265~~ ^{121.45%} 100% of maximum qualifying State income.: \$1,390.

(2) Tier 2: ~~93.01%~~ ^{100.01%} to ~~444.33%~~ ^{121.45%}; \$750, except that, if the maximum credits granted under the provisions of this program shall exceed an amount equal to 1/2% of the total property tax assessed in Norwalk in the preceding fiscal year, then the amount of benefits for Tier 2 shall be adjusted by subtracting the total amount of benefits for Tier 1 from the maximum tax relief allowed under the program pursuant to § 103-9, leaving a balance of tax relief available to Tier 2. The amount of benefits for each Tier 2 recipient shall be calculated by dividing the remaining funding for tax relief available to Tier 2 by the total number of eligible persons in Tier 2.

2015 Grand List Local Elderly Tax Relief Program

Finance Committee Changes: No Tier 2 benefit increase, Add \$3,000 to Tier 1 & 2 max income & estimated Tier 2 enrollment + 15%.
(Increasing the Tier 1 income by \$3,000 shifts 70 households from Tier 2 to Tier 1, and the starting Tier 1 count to 1,000.)

	2014				2015				PROPOSED			
	Actual		Grand List		Income		Estim.		Income		Estim.	
	Counts	Range	Cost	Counts	Range	Cost	Counts	Avg.	Range	Cost	Counts	Avg.
Tier 1	899	\$4,295 - \$39,130	\$1,123,471	920	\$0.00 - \$39,900	\$1,149,404	990	\$1,249	\$0.00 - \$42,900	\$1,376,100	990	\$1,390
MED:		\$25,106			\$25,928				\$26,268			
Benefit:			\$1,265									\$1,390
(No change to Tier 2 benefits)												
Tier 2	190	\$39,203 - \$48,167	\$149,841	169	\$39,901 - \$49,100	\$125,612	115	\$743	\$42,901 - \$52,100	\$86,250	115	\$750
Benefit:		\$43,269			\$43,648							
Total Local:	<u>City Only:</u> 1,089		\$750	1,089		\$1,273,312	1,089			\$750	1,105	
										\$1,275,016		\$1,462,350

Total Prope \$292,678,622

MAXIMUM PERMITTED LOCAL EHO CRI (Total Property Taxes X .05%)

2014 Grand List State Elderly Tax Relief Program

Income Range	Med. Income	Households	State Only	Max Benefit
\$0.00 - \$42,200	\$24,260	859	17	\$1,250
Avg. Taxes:	\$5,935			
				Current Cost
				\$595,787
				\$1,463,393
				\$1,043

TOTAL EHO CREDITS: \$1,869,099

(List of 213 new applicants has been compiled for 2015 filing period)

2015 Grand List Local Elderly Tax Relief Program

Finance Committee Changes: No Tier 2 benefit increase, Add \$3,000 to Tier 1 & 2 max income & estimated Tier 2 enrollment + 15%.
(Increasing the Tier 1 income by \$3,000 shifts 70 households from Tier 2 to Tier 1, and the starting Tier 1 count to 1,000.)

PROPOSED

	2014 Actual Counts	2014 Income Range	2014 Grand List Cost	2015 Estim. Counts	2015 Income Range	2015 Grand List Cost	Avg. Benefit	2015 Estim. Counts	2015 Income Range	2015 Grand List Cost	Avg. Benefit
Tier 1	899	\$4,295 - \$39,130	\$1,123,471	920	\$0.00 - \$39,900	\$1,149,404	\$1,249	990	\$0.00 - \$42,900	\$1,376,100	\$1,390
MED: Max		\$25,106			\$25,928				\$26,268		
Benefit:			\$1,265			\$1,265				\$1,390	
(No change to Tier 2 benefits)											
Tier 2	190	\$39,203 - \$48,167	\$149,841	169	\$39,901 - \$49,100	\$125,612	\$743	115	\$42,901 - \$52,100	\$86,250	\$750
Max		\$43,269			\$43,648						
Benefit:			\$750			\$750				\$750	
Total Local:	CITY Only: 1,089		\$1,273,312	1,089		\$1,275,016		1,105		\$1,462,350	

Total Proper \$292,678,622

MAXIMUM PERMITTED LOCAL EHO CRI (Total Property Taxes X .05%)

2014 Grand List State Elderly Tax Relief Program

Income Range	Med. Income	Households	State Only	Max Benefit	Current Cost
\$0.00 - \$42,200	\$24,260	859	17	\$1,250	\$595,787
Avg. Taxes:	\$5,935				

TOTAL EHO CREDITS: \$1,869,099

\$1,463,393

\$1,043

(List of 213 new applicants has been compiled for 2015 filing period)

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
FEBRUARY 16, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Douglas Hempstead, Tom Livingston, Bruce Kimmel, Michael Corsello, Travis Simms (7:15 p.m.)

STAFF: Atty. Brian McCann, Associate Corporation Counsel

OTHERS: Tony Mobilia, Harbor Commission; Police Chief Thomas Kulhawik, Mike Yeosock, DPW; Sgt. David Orr, Norwalk Police Union President, Police Officer Carl Smith.

CALL TO ORDER.

Ms. Melendez called the meeting to order at 7:03 p.m. A quorum was present.

PUBLIC HEARINGS

By-Laws of the Norwalk Harbor Management Commission

Ms. Melendez opened public hearing on By-laws of the Norwalk Harbor Management Commission at 7:03 p.m. She asked if there was any one present who wished to address the Committee regarding the Bylaws. No one came forward. She repeated her request. No one came forward.

Ms. Melendez closed the public hearing on the By-Laws of the Norwalk Harbor Management Commission at 7:04 p.m.

Taxation - Board of Assessment Appeals

Ms. Melendez opened public hearing on the Board of Assessment Appeals. She asked if there was any one present who wished to address the Committee regarding the Board of Assessment Appeals. No one came forward. She repeated her request. No one came forward.

Ms. Melendez closed the public hearing on the Board of Assessment Appeals at 7:05 p.m.

PUBLIC COMMENT.

No one wished to address the Committee at this time.

ACCEPTANCE OF MINUTES

January 19, 2016

**** MR. CORSELLO MOVED THE JANUARY 19, 2016 MINUTES.**

**** THE MOTION TO APPROVE THE MINUTES OF JANUARY 19, 2016 PASSED WITH FOUR (CORSELLO, KIMMEL, MELENDEZ AND LIVINGSTON) AND ONE ABSTENTION (HEMPSTEAD).**

PUBLIC HEARING DISCUSSION

Mr. Hempstead asked about why the Harbor Commission Chairman would have two votes in case of a tie. Atty. McCann explained that the regulations only allow the Chairman to vote in a Committee meeting in the case of a tie. He indicated where the information was included in Article 2, Section 4 of the document.

Mr. Hempstead asked about the FOI regulation on page 9 for special meetings. Atty. McCann said that these were guidelines that the City and the Commission followed.

**** MS. MELENDEZ MOVED TO SEND BOTH THE BY-LAWS OF THE NORWALK HARBOR MANAGEMENT COMMISSION AND THE TAXATION - BOARD OF ASSESSMENT APPEALS ITEMS TO THE COUNCIL.**

Mr. Hempstead pointed out that the public hearing was just for the Harbor Commission Bylaws and not for the Rules and Regulations for Mooring and Anchoring Vessels. Atty. McCann confirmed that the published Legal Notice did not include the Mooring Rules and Regulations.

**** MR. HEMPSTEAD MOVED TO SUSPEND THE RULES TO TAKE UP THE RULES AND REGULATIONS FOR MOORING AND ANCHORING VESSELS AT THE NEXT REGULARLY SCHEDULED MEETING.**

**** THE MOTION TO TAKE UP THE RULES AND REGULATIONS FOR MOORING AND ANCHORING VESSELS AT THE NEXT REGULARLY SCHEDULED MEETING PASSED UNANIMOUSLY.**

Atty. McCann made a note of this.

**** THE MOTION TO SEND BOTH THE BY-LAWS OF THE NORWALK HARBOR MANAGEMENT COMMISSION AND THE TAXATION - BOARD OF ASSESSMENT APPEALS ITEMS TO THE COUNCIL PASSED UNANIMOUSLY.**

OLD BUSINESS.

Commercial Parking Ordinance

Atty. Brian McCann said that this item had been on the agenda for the last few meetings and he was asked to invite Chief Kulhawik or one of the Deputy Chiefs to speak on this.

Chief Kulhawik said that this stemmed from various residents who complain about contractor's vehicles being parked on residential streets, and a boat trailer that was on Seaview avenue along with a camping trailer parked elsewhere. He said that the way that the ordinance was written now, there wasn't much that the police can do about this.

Mr. Simms joined the meeting at 7:15 p.m.

Atty. McCann said that another Council Member had been receiving complaints from residents about a contractor lives on a residential street and parks his vehicles on the street. The work crew members drive to the house, park their vehicles and take the trucks. This leaves no parking for the other neighbors.

Mr. Kimmel said that he wanted to know how the police would handle this. Chief Kulhawik said that these were basically isolated incidents. The officer would check to see the vehicle parked on the street and there would be a follow-up check some hours later. Chief Kulhawik said that if the ordinance was written differently the police could do something.

One officer said that one of the CAD program allows the officers to log in a future call to officer on a different shift when a follow up is needed. He said that there were a number of repeat offenders. Mr. Hempstead said that it would be important to tread carefully because Norwalk wants small businesses and they don't want to punish the residents.

Discussion followed about the various details involved and possible solutions such as issuing a truck permit sticker. Mr. Hempstead pointed out that the police can not tow a vehicle unless it is posted. Atty. McCann said that Zoning claimed that using a weight restriction could be difficult since the staff would not know how much a truck weighted by driving by. One of the officers present said that the DOT requires the weight to be on the trucks. Atty. McCann made a note of this to let Zoning know.

After some further discussion it was decided that this issue will continued on the next agenda.

Don't Block the Box.

Ms. Melendez said that there were two major intersections that have this problem, one at the intersection of Route 1, France Street and Park Street and the second intersection on East Avenue 95 north bound off ramp when a vehicle is turning right to head north on East Avenue.

Chief Kulhawik said that traffic cameras are illegal in Connecticut. He said that painting the intersections with the cross hatched markings makes people much more aware of the area. Mr. Kimmel said that there were some sight line issues at the 95 off ramp for the vehicle on already headed north East Avenue. Discussion followed about the details and whether an officer should be stationed there.

Mr. Yeosock said that in order to paint the lines, the Council has to pass an ordinance. Chief Kulhawik said that he would like to see the box painted.

The discussion moved to the France Street/Route 1 intersection. Mr. Hempstead said that the State was looking at the intersection for possible reconfiguration.

**** MR. LIVINGSTON MOVED TO SCHEDULE A PUBLIC HEARING REGARDING THIS AT THE NEXT SCHEDULED MEETING FOR THE ORDINANCE COMMITTEE.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

Alarm Ordinances - Chief Kulhawik said that there was a problem with having the business owners who have a number of false alarms. There is no way to collect the fees, which can increase rapidly. Most of the alarms that the department receives are false alarms. He said that now the alarm company often calls the home owners first before dispatching the police.

Atty. McCann said that he would like to use CGS 7-152-C, which would put a lien on the property. Mr. Corsello said that he would like to have an enforcement arm so that the fines could be collected by the City and some additional language indicating that the home owner should be contacted first. Discussion followed.

Ms. Melendez asked that a draft of the proposed changes be prepared for the next meeting. Atty. McCann then briefly reviewed the changes that he would like to recommend in the ordinance with the Committee.

Extra Police Work - Sgt. David Orr, the Police Union President, came forward and said that there was an Extra Work Office where the civilian police employee takes in work orders from private contractors and utility companies for job site traffic control. He

said that there were about 50 to 60 officers on duty on these jobs during the spring, summer and fall and about 30 or so officers during the winter.

Officers that are on construction jobs are considered on duty and fully uniformed along with a yellow reflective vest. Some have police cars, but all have police radios with them. The benefits of having an officer on a job site includes the ability of the officer to enforce the law, along with the public safety aspect where the officer can respond to call of service from their job, or respond to an assist call, such as a medical situation. Sgt. Orr said that he had been involved in both types of call. He added that a private flagman can't do that.

During the winter, there are about 15 to 30 officers on the jobs. These officers are being paid for by the private contractors and utility companies. Recently, with the warmer weather, there were as many as 35 officers out on these jobs.

The City takes a 15% administrative fee for these extra work contracts. In 2014, that came to \$548,000 into the City General Fund from the officers' extra work. This past year, it totaled \$490,000. Sgt. Orr said that supporting documentation was available for the Committee members if they wished to see it.

The biggest vendors are the utility companies and Cablevision. Eversource accounts for between 50 and 55% of the work load. There is nothing in the ordinances that would prohibit the companies from simply hiring flagmen. The flagging companies don't charge that much less for the service. It's between \$45.00 and \$55.00 an hour. The flaggers are private citizens from various parts of the State. Sgt. Orr said that they were not from the Norwalk area. They don't have a cellphone, a police radio and no enforcement ability. Motorists often don't take them seriously whereas drivers do take an officer seriously.

Right now, the utility companies could draft a policy mandating private flaggers on roadway traffic control. If that did happen, the City would stand to lose at least \$300,000 in yearly revenue to the General Fund. With the budget cuts from the State, the City needs every bit of revenue possible.

The Police Union would like the Ordinance Committee to consider an ordinance that would not offer the officers exclusivity, but that would have the Department have the right of first refusal. He said that the Department was looking to capture and retain the current work load because it offers the City financial benefits and enhances public safety with traffic control.

In Fairfield County, eleven of the 23 municipalities have some varying degree of ordinance based mandates for police officers to conduct road way traffic control for construction. This includes every single municipality that surrounds Norwalk. Sgt. Orr displayed a map showing the breakdown with highlighted areas indicating the

municipalities that required officers to perform traffic control to some degree. New Canaan and Darien have the strongest polices.

Mr. Kimmel asked if the other towns get 15%. Sgt. Orr said that many of them do and that he had just received updated information from Westport. Westport now charges \$79.00 an hour per officer for extra duty officers. In Norwalk, with the 15% fee added, it comes to around \$68.00 an hour per officer. Westport previously charged \$70.00. Norwalk's fee is based on a top grade patrolman time and a half rate. Stamford's rate is based on a top grade sergeant time and a half rate, which works out to be about \$12.00 more than Norwalk's rate. Norwalk rate is very competitive and not set to gouge the companies.

Mr. Kimmel asked if the ordinance was approved, if it would create staffing problems for patrols. Sgt. Orr said that it hadn't created a problem so far. He said that he had used language from Darien and New Canaan to create the ordinance. The ordinance is actually a right of first refusal and says that the sworn officers will have the first chance at this work. If within a reasonable amount of time, the Police department can not staff these position, a flag man can be used. Sgt. Orr said that the jobs rarely go unfilled. There is a directive based mandated that the officers can not work more than 16 hours in a row. The policy is that when a job reaches an 8 hour level and is scheduled to go beyond that, the officer notifies the front desk and a call goes out for a replacement.

Sgt. Orr distributed copies of the proposed ordinance to the Committee members.

Mr. Kimmel asked about Stamford. Sgt. Orr explained that Stamford does not have an ordinance, but does have an internal policy. The work office is staffed by police officers. The Stamford Permitting Department at City Hall has a requirement that the contractors call the Stamford Police for coverage.

Mr. Livingston asked about Darien and New Canaan not having the same amount of extra work available. Sgt. Orr said that he didn't know, but believed that it was probably true due to the fact that Norwalk was bigger than either Darien or New Canaan. Discussion followed.

Sgt. Orr then gave an overview of how the Department polices themselves and administers discipline to officers who do not perform satisfactorily. He said that he had created a two year spreadsheet showing the discipline administered. In 2014, five officers received a one week suspension from extra work, and one officer received a two week suspension. In 2013, an officer received a three month suspension from extra work.

There were some questions regarding the financial aspect, which Sgt. Orr answered. He said that at one point, the percentage that the City received was 9% and then moved to 12.5% and now is at the current level of 15%.

Mr. Livingston asked how much of the cost is covered by the money that the City receives. Sgt. Orr said that the union had grieved the increase from 12.5% to 15% and that the union office has a spread sheet created by Mr. Haselkamp from that grievance issue. It accounts for the revenue taken in and how the funds were spent, including items such as vehicle maintenance, comp insurance for officers on those jobs and gas.

Discussion followed.

Chief Kulhawik said that the spreadsheet provides data showing that the fees do cover the cost and pointed out that the revenue even covered the cost of the Finance Department staff who work on these assignments, right down to the pens and pencils. The issue remains a contentious one between the City and the Police Officer Union. Sgt. Orr said that during that grievance, the Finance Department even attached a percentage of time to eleven different employees that worked on these assignments. Discussion followed about the details of that situation.

Mr. Hempstead said that he was under the impression that the paving companies and other contractors had to have a police officer on site when working on a major thoroughfare. He said that in the past there had been problems with flagmen that had been inept. The challenge is that most paving companies already know that a police officer is necessary for the job when working primary roads.

Sgt. Orr said that he knew that the Police Chief had received a phone call from the Commander of the State Police Troop G who was stuck in traffic due to the ineptitude of the flagmen at a work site by Route 7 and I-95 entry ramp. He pointed out that Norwalk officers are accountable to their Police Chief and the Executive Board on these kinds of issues, while the flagmen are not.

Mr. Hempstead said that public safety was a very important aspect. Needing an officer on a cul-de-sac or a tertiary road is debatable, but the necessity for officers on primary roads is critical. It was pointed out that the State does not require a police officer on site unless it is a limited access road. Discussion followed about the times when there have been flagmen and officers on a job site.

Mr. Hempstead asked if it was outside the purview of the Chief to discipline an officer that is seen on a job site chatting with other officers while the traffic is backed up. Sgt. Orr gave an example of discipline that had followed an officer when he was seen violating a job site rule.

Sgt. Orr said that the reason he was present at the meeting was because over the last few years, the 15% fee is a revenue stream for the City. The work is there. Someone is going to do it. The proposal is not a right of exclusivity, but a right of first refusal. Discussion followed about the intention. Sgt. Orr said that there was a memorandum of understanding between the Mayor's Office and the Department regarding the decision as

to whether a particular job site required traffic control and it outlines who in the Department would be making that decision on a job by job basis.

Mr. Hempstead asked how the department deals with emergency road openings, such as a broken water main. Chief Kulhawik said that an on duty officer would respond and wait until an off duty officer could get there. Sgt. Orr gave an example of the situation earlier in the day where there were two separate incidents of wires being down on the road. Each site required 2 officers because it is a major hazard. Since it was near the day to evening shift change, the call went out to day shift officers to cover the jobs.

Mr. Kimmel said that he had been on Chestnut Hill Road recently where work was being done and the officers assigned to that site did an excellent job. Atty. McCann said that he routinely drives on Partrick Road and because of all the twists and turns, it's extremely dangerous when road work is being done there. He said that if there was not officers on site, someone could die.

Mr. Kimmel said that he was inclined to go along with this, but would like to see some of the other ordinances from other towns. Atty. McCann pointed out that most towns do have some kind of ordinance that includes the determination by someone in the department regarding the necessity of an officer on the project site.

Mr. Hempstead also asked about road reconstruction jobs for a City job when the City is doing work on a major thoroughfare. He said that he thought it was not required and there were other options. However, when there are no police officers, there is the issue of public safety.

Atty. McCann said that the X factor to this issue was who would pay when someone was hurt. It's not the differential of the \$15.00 an hour rate, but the cost if an officer is injured, such as the officer who was hit in the head when a trench box was being moved. Discussion followed about workmen's comp.

Mr. Kimmel asked if there had been many injuries. Sgt. Orr said that there had been two, the officer who hit by the trench box and another officer who was hit by a truck backing up that did not have the audible warning beeper. Another officer was run over in the 1990's. Sgt. Orr said that it looked like it was one injury per decade.

Officer Orr said that when he was working on this presentation he had asked the officers to prepare reports about when officer was on a construction job and helped out with routine police emergencies. He displayed a stack of reports starting in 2012 through to 2014 that he said was only half of the incidents. He gave Mr. Hibson a spreadsheet that summarizes those incidents with the case numbers and brief explanation attached. It is an enormous benefit having the officers stationed on the various sites when there is an incident underway.

Ms. Melendez thanked the officers for their input.

Senior Deferral Program - Mr. Kimmel said that He thought Mr. Stewart, the tax assessor would be present. Mr. Kimmel said that for the Tax Deferral Program had two small changes. He said that the amounts were somewhat regulated by the State. The changes were basically updates on the numbers. One simply increases the maximum income. He said that the updates should be done during reval years because of the potential tax increases for seniors. Discussion followed about applying for the City credits and the State credits. Mr. Kimmel said that the Committee was expecting a 15% increase in the number of residents. The goal is to keep the seniors in their homes. Discussion followed about the data collected by Mr. Stewart.

Atty. McCann said that a March public hearing would work out well because it could go to the Council shortly after that. This would allow this to be included in the upcoming tax bills.

Mr. Kimmel asked that the next set of documents would have the figures plugged in and

**** MR. HEMPSTEAD MOVED TO HAVE A PUBLIC HEARING FOR THE SENIOR DEFERRAL PROGRAM AND THE SENIOR TAX RELIEF PROGRAM AT 7 P.M. AT THE NEXT SCHEDULED MEETING.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned 9:07 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Definitions

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

~~§98-26 Parking of commereial vehieles~~ 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 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.

NORWALK

DEPARTMENT OF FINANCE
ACCOUNTING & TREASURY DIVISION

March 04, 2016

Marching Bears Carnival
491 Newton Avenue
Norwalk, CT 06851

Re: Payment Of Outstanding Charges For Police Services

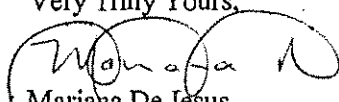
Dear Vendor,

This letter is to advise you that your unpaid account with the City of Norwalk for fees related to Police Services performed from July 06, 2012 through and including June 26, 2014 remains overdue in the amount of One Thousand Ninety Four and Four Cents (\$1,094.04). This balance must be paid in full immediately.

Please be advised that pursuant to Chapter 19 of the Norwalk Code, until such time as this amount is fully paid, your company will not be eligible to participate in any competitive bid for goods or services to be provided to the City or for any contracts to be entered into with the City of Norwalk. Nor will The Marching Bears Carnival be eligible for any permits from the City or be allowed to hire Norwalk Police Services for any additional work.

We appreciate your attention to this matter and ask that you contact our office immediately in order to make arrangements for payment.

Very Truly Yours,


Mariaha De Jesus
Accountant

cc: Mario Coppola, Corporation Counsel
Gerald Foley, Purchasing Director
Bruce Chimento, Director, Department of Public Works
Drew Berndlmaier, Senior Engineer
Thomas Kulhawik, Police Chief

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-2+20. 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.