

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



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



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



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



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



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

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

February 21, 2023
7:00 p.m. – By Videoconference and Teleconference

AGENDA

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

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

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

Upon written request not less than 24 hours prior to the meeting, a member of the public can request a physical location to attend this virtual meeting at City Hall. Such a member of the public will be provided access to a telephone so that they can attend the meeting in real time. The member of the public can call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID.

For the current meeting, the meeting ID is 828 7379 8981, the passcode is 377930 and the call in number is 646-558-8656. The information can also be found using the link above. A set of instructions will be left with the telephone for the member of the public to use in order to access the meeting.

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

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

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

**CITY OF NORWALK
COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING
JANUARY 17, 2023
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; Edwin Camacho; David Heuvelman;
Thomas Livingston; Nora Niedzielski Eichner; Joshua Goldstein

STAFF: Brian Candela, Corporation Counsel; Sabrina Godeski, Director of
Business Development and Tourism; Jessica Vonashek, Chief of
Community and Economic Development

OTHERS: Tod Bryant, Norwalk Preservation Trust; Dana Laird, Liz Golden,
Mark Jackson and Lisa Wilson Grant, Norwalk Historical Commission

1. ROLL CALL:

Ms. Shanahan called the roll as indicated above. She noted that Mr. Goldstein would be joining the meeting momentarily.

2. PUBLIC HEARING (possible action on):

There was no public hearing scheduled this evening.

3. PUBLIC HEARING DISCUSSION:

4. PUBLIC COMMENT:

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

Ms. Diane Lauricella noted the difficulty she had joining the meeting this evening. She spoke about request to form a new Arts and Culture Commission and questioned the need for another commission. She also spoke about the Demolition Delay ordinance and suggested making it more user friendly. In addition, when an individual makes an application, they should be informed if the building is over 50 years old.

Ms. Lauricella said that all departments should be trained in sign offs and they can flag the buildings with historical significance in the Tax Accessors books. Under 55-7 – she said she was

nervous where a decision regarding what is safe being left to judgement. She suggested adding language to clarify ‘unsafe’.

There were no other members of the public who wished to comment this evening.

5. ACCEPTANCE OF MINUTES:

- November 15, 2022 – regular meeting of the ordinance committee

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES AS CORRECTED**
**** MOTION PASSED WITH ONE (1) ABSTENTION (MR. CAMACHO)**

6. OLD BUSINESS:

- Discuss and vote Chapter 55 - Demolition Delay ordinance

Mr. Livingston gave an overview of the Ordinance and noted the POCD (Plan of Conservation and Development) has a chapter devoted to historical preservation. He reviewed the goal and the strategy to preserve buildings 50 years old and over. Mr. Livingston highlighted the changes in the Ordinance and pointed out that the process has been streamlined.

Mr. Livingston shared Mr. Ireland’s demo delay requests and said of the 136-demolition application, three were delayed and of the three delays, two were withdrawn and the third applicant waited and tore the building down.

The Committee members discussed the Ordinance and offered suggestions.

Ms. Wilson Grant said she was one of the first people on the scene following the demolition of the Willow Street home. She said that remodeling should also trigger the historical community and perhaps there should be more visits by the body that oversees renovations. Mr. Livingston said this Ordinance is drafted for exteriors only and they would not have the ability to do anything with interiors. Ms. Wilson Grant expressed concern about someone blatantly ignoring the process.

Mr. Jackson questioned why the demo notice is no longer required to be posted in the newspaper. Mr. Livingston said the Ordinance requires it to be noticed with the Historical Commission and Planning and Zoning.

Mr. Bryant said he understood the language concerns and said that it may be that when the Building Department gets a request for a major renovation, that they pass it to the Historical Commission, but noted that even an Historical District would not be able to regulate the interior of a building. Ms. Shanahan said that may be beyond the scope of this Ordinance. Mr. Bryant said it was a good idea to post the demolition notice on the City’s website.

Ordinance Committee

Regular Meeting

January 17, 2023

Via Videoconference and Teleconference

Page 3

Ms. Laird spoke about demo by intentional neglect and asked if language could be added to the Ordinance.

Ms. Niedzielski Eichner said 50 years was far too recent and said she would much prefer to see this Ordinance focus on houses that are tied to the area's history. She added that she was generally concerned about an ordinance that imposes a delay. Ms. Niedzielski Eichner said she was a fan of the historical inventory project. She said she understands that a delay is a way of negotiating with the property owner, but there are not a lot of resources to save a lot of homes. She suggested preserving the funds to preserve specific homes with historical/architectural significance.

Mr. Livingston said they are working on developing and expanding the historical inventory, but that is a couple of years away. He explained that when 50 years was selected, it was meant as a moving target and a baseline where they would start to look at a building. Mr. Livingston said that not all buildings over 50 years are significant, but they don't know that.

Mr. Johnson asked what would happen if a property sold during the delay. Ms. Shanahan said she believe the delay the follows the property. Mr. Candela said there are penalties if a property owner violates an ordinance.

Mr. Camacho said he agreed with Ms. Niedzielski Eichner and asked why they are using 180 days when they could do it in 120 days. Mr. Bryant said the 180 days are in place as a deterrent to the property owners. Mr. Camacho said it was troubling to make someone wait six months to come to the table. He asked if there could be a difference of opinion on determining if a building is work saving. Mr. Livingston said there could be.

Mr. Camacho said he was concerned they may be losing the perspective of the property owner. Mr. Livingston said this was in the works before the demolition at Willow Street. He said that other towns deemed the 180 day delay to be appropriate. Mr. Camacho said he did not know why they were moving to 180 days, but things should be able to get done quicker now than 25 years ago. Mr. Livingston said the 180 days gives people more time to find a solution. He said this is a state law and has not been a burden to date.

Mr. Camacho asked Mr. Bryant if 120 days was a burden. Mr. Camacho said he did not know, but aid that 93 East Avenue would not be standing if not for a delay and legal action by the Attorney General.

Mr. Goldstein said he was sympathetic to Mr. Camacho's point. He said he could not vote to take this item to a public hearing tonight. He added that he was sympathetic to Ms. Niedzielski Eichner's concern about 50 years. Ms. Niedzielski Eichner suggested talking about doing something that would be tailored to Norwalk. She agreed that they should not move forward.

Mr. Livingston suggested everyone take a look at the issues for further discussion next month.

**** MR. LIVINGSTON MOVED TO TABLE CHAPTER 55 - DEMOLITION DELAY
ORDINANCE TO NEXT MONTH'S MEETING
** MOTION PASSED UNANIMOUSLY**

7. NEW BUSINESS:

• Discuss the Arts and Cultural District Proposal and Approval Process (Chapter 17A – Arts Commission)

Ms. Godeski highlighted her presentation. She reviewed the goal that came from the POCD: Chapter 6. She presented the existing model along with the proposed model which will become an amendment to the existing ordinance.

Ms. Godeski presented the proposed geographical area and said it could be altered. She also presented the seven steps to implement the proposed model. Members of the new Commission do not have to be residents of Norwalk, but they have to be members of the Norwalk arts community. Mr. Heuvelman asked about soliciting funding. Ms. Godeski said that presently as a commission, they can not seek funds. They are looking to make this change, so they can solicit donations.

Ms. Niedzielski Eichner said she was in favor of this and asked if there were other area they could look at, such as Parks and Recreation. Ms. Godeski said she was only familiar with cultural districts, but said it comes with other items such as theater and music, so they may be able to use this statute for other things.

8. DISCUSSION ITEM:

There were no other discussions this evening.

9. ADJOURNMENT:

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

There was no further business, and the meeting was unanimously adjourned at 8:31 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Ordinance Committee
Regular Meeting
January 17, 2023
Via Videoconference and Teleconference
Page 5

PROPOSED AMENDMENTS
February 7, 2023

Chapter 55. Demolition Delay

§ 55-1. Purpose.

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

§ 55-2. Definition.

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

§ 55-3. Permit required.

No person shall Demolish any building, structure, or part thereof without first obtaining a permit from the Chief Building Official. Such permit shall be issued except as otherwise provided in this chapter and pursuant to Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-4. Permit requirements for certain structures.

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

§ 55-5. Application procedure.

Formatted: Position: Horizontal: 1.48", Relative to: Page, Vertical: -0.11", Relative to: Paragraph

Formatted: Right: 0.25"

PROPOSED AMENDMENTS
February 7, 2023

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

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

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

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

- (1) deliver a copy of such application by certified mail and electronic mail to the Norwalk Historical Commission, the Director of Planning and Zoning, and any individual, firm, corporation, organization, or other entity which has requested, in writing, from the Chief Building Official copies of such application(s);
- (2) deliver copies of a notice of intent to Demolish (the "Notice") to the owners of all properties that abut or are within a radius of one hundred feet of any portion of adjoining and immediately adjacent across the street from the property on which the building, structure, or part thereof to be Demolished is situated via registered or certified mail; and

Formatted: Position: Horizontal: 1.48", Relative to: Page, Vertical: -0.11", Relative to: Paragraph

Formatted: Right: 0.25"

PROPOSED AMENDMENTS
February 7, 2023

- (3) Post in a conspicuous location on the property on which the building, structure, or part thereof to be Demolished is situated a sign at least 24 inches by 36 inches in size visible from the nearest street or other accessway adjoining the property. Such sign shall include copy of the Notice and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. The sign required hereunder shall remain posted on the property if the permit is issued until the completion of all Demolition activities authorized by the permit.
- C. Within 14 days following the initial submission of the application for a permit to Demolish, the applicant shall file with the Chief Building Official a statement verified under oath on a form approved by the Chief Building Official certifying that all of the delivery requirements under § **55-5B** have been satisfied and attaching thereto a copy of the Notice, as well as evidence of mailing as required under subsection B(2) above. Upon filing the certification statement, the application is deemed filed. If any delivery requirement is not complied with, the Chief Building Official shall reject the application as incomplete.
- D. In the event that a written acknowledged objection is filed with the Chief Building Official and the Norwalk Historical Commission within 21 days after filing the certification statement as required by § **55-5C**, the Chief Building Official shall not issue the permit until [180] days after the application is deemed filed or such earlier date that such objection is withdrawn by the party filing same. The sole basis for such objection shall be that the building, structure, or part thereof proposed to be Demolished is not architecturally or historically significant. If no such written objection is filed within 21 days after the filing of the certification statement, the Chief Building Official may issue the Demolition permit, provided that all other applicable requirements have been complied with.
- E. The Norwalk Historical Commission may on its own initiative, and shall at the request of the applicant, hold a public hearing on any application to which an objection has been filed and at such hearing shall make a determination as to whether the building, structure, or part thereof proposed to be Demolished is architecturally or historically significant. In the case of a request by an applicant, such hearing shall be held within 30 days after the date of such request. If the Norwalk Historical Commission determines that the building, structure, or part thereof proposed to be Demolished is not architecturally or historically significant, the objection shall be deemed withdrawn. If the building, structure, or part thereof proposed to be Demolished is determined to be architecturally or historically significant, the Norwalk Historical Commission may issue recommendations on alternatives to Demolition to the Chief Building Official.
- F. In no event shall the issuance of a Demolition permit be delayed for more than [180] days from the date the application is deemed filed.

Formatted: Position: Horizontal: 1.48", Relative to: Page, Vertical: -0.11", Relative to: Paragraph

Formatted: Right: 0.25"

PROPOSED AMENDMENTS
February 7, 2023

§ 55-6. Demolition by Neglect.

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

§ 55-7. Exceptions.

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

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

- A. In addition to any other penalties and remedies provided by law, aAny person who violates any provision of this chapter shall be fined \$250 per day, with each day of such violation constituting a separate violation. All fines imposed under this chapter shall be collected and made payable to the City of Norwalk. The total amount of all fines imposed on a person under this chapter for a single violation shall not exceed the lesser of [\$45,000 or, in the case of the unauthorized Demolition of building, structure, or part thereof, 10% of the assessed value of such building, structure or part thereof.]
- B. Any unpaid fine pursuant to this chapter shall constitute a lien upon the real estate against which the fine was imposed. Such lien shall be recorded on the Norwalk Land Records and shall only be satisfied upon the execution of the appropriate legal document between the homeowner, the City, and any other necessary parties.
- C. The Chief Building Official is authorized to institute any and all actions or proceedings, in law or in equity, as they may deem necessary or appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.
- ~~B.~~ If Demolition is not commenced within six months after issuance of a permit, such permit shall be deemed null and void.

Formatted: Font: (Default) Arial, Font color: Black

Formatted: Indent: Left: 0.5", Line spacing: single, No bullets or numbering

Formatted: Font: (Default) Arial, 12 pt, Font color: Black, Pattern: Clear

Formatted: Font: (Default) Arial, 12 pt, Font color: Black, Pattern: Clear

Formatted: Font: (Default) Arial, 12 pt, Font color: Black, Pattern: Clear

Formatted: Font: (Default) Arial, 12 pt, Font color: Black, Pattern: Clear

Formatted: Font: (Default) Arial, Font color: Black

Formatted: Indent: Left: 0.5", Line spacing: single, No bullets or numbering

Formatted: Position: Horizontal: 1.48", Relative to: Page, Vertical: -0.11", Relative to: Paragraph

Formatted: Right: 0.25"

PROPOSED AMENDMENTS
February 7, 2023

§ 55-9. Appeal.

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

§ 55-~~109~~. Report of Chief Building Official.

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

Formatted: Font: 12 pt, Border: : (No border)

Formatted: Font: (Default) Arial, 12 pt, Bold, Font color: Dark Gray

Formatted: Normal, Level 4, Space Before: 12 pt, After: Auto, Pattern: Clear

Formatted: Font: 12 pt, Border: : (No border)

Formatted: Font: 12 pt, Border: : (No border)

Formatted: Font: (Default) Arial, 12 pt, Font color: Black

Formatted: Font: Not Bold, Font color: Black

Formatted: None, Space Before: 0 pt, After: 0 pt, Line spacing: At least 12.75 pt

Formatted: Line spacing: At least 12.75 pt

Formatted: Position: Horizontal: 1.48", Relative to: Page, Vertical: -0.11", Relative to: Paragraph

Formatted: Right: 0.25"

Chapter 17A
ARTS AND CULTURE COMMISSION

§ 17A-1. Establishment; membership; appointment; terms of office.

A. There shall be a Commission known as the "Norwalk Arts and Culture Commission." The Commission shall consist of six (6)~~11~~ members appointed by the Mayor, with the consent of the Common Council,~~two of whom shall be members of the Common Council. The members of the Commission who are members of the Common Council shall be appointed and approved by the Common Council. All other members of the Commission shall be appointed by the Mayor, with the consent of the Common Council.~~ All six (6) of these members must be residents of the City of Norwalk. Members of the Commission shall be appointed for two (2) years.~~The first Commissioners appointed by the Mayor shall be designated to serve staggered terms: three Commissioners shall serve for one year; three for two years; and three for three years. After the initial appointments, each Commissioner shall serve a term of three years. Any member may be removed by the Mayor for the failure to attend three (3) or more meetings of the Commission, without reasonable excuse, within a calendar year.~~ Any vacancy shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant. No person shall be appointed or reappointed to the Commission unless he or she is an elector of the City.

B. The Commission shall also include the following ex officio members who may fully participate in meetings of the Commission, but without being counted towards quorum requirements and without the right to vote:

- A. The Mayor or their designee;
- B. The Chief of Economic and Community Development; and
- C. The Director of Business Development & Tourism
- D. Members of Norwalk arts and cultural affiliated organizations
- E. Common Council Members

Formatted: Line spacing: single

Formatted: Line spacing: single

Formatted: Font: Bold

Formatted: Justified, Line spacing: single

Formatted: Line spacing: single

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Indent: Left: 1.2", No bullets or

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Indent: Left: 1.2", No bullets or

Formatted: Font: 12 pt

~~A. The two members of the Common Council shall, when possible, be from different political parties. The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall be filled by the Common Council.~~

Formatted: Justified, Line spacing: single

§ 17A-2. Officers; Executive Director, and Leadership.

~~A. At its first meeting subsequent to July 1 of each year, the Commission Mayor or their designee shall appoint elect three two officers, a Chairman and a Vice Chairman, and Secretary.~~

~~i. The chair shall be responsible for running the meetings of the Commission, establishing a meeting schedule, and appointing members to any subcommittee(s) established by the Commission.~~

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1" + Indent at: 1.25"

~~A.ii. The vice-chair shall be responsible for the coordination and communication with the Office of Business Development & Tourism. The vice-chair shall also chair any meeting in the event of absence of the chair.~~

Formatted: Line spacing: single, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1" + Indent at: 1.25"

~~B. The Commission may appoint or hire properly procure and hire an Executive Director supporting staff (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.~~

Formatted: Font: 12 pt

~~B.C. The Business Development and Tourism Department shall provide administrative support to the Commission.~~

Formatted: Justified, Line spacing: single

§ 17A-3. Purposes and duties.

~~A. The purpose of the Commission shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council.~~

~~B. The Commission shall have the following duties and responsibilities, working through the Business Development and Tourism Department:~~

~~i. Encourage, sponsor and/or conduct programs to advance awareness of, interest in, and development of fine arts, performing arts and cultural activities. The Commission may perform these acts alone, or in collaboration with public and/or private agencies;~~

Formatted: Justified, Numbered + Level: 2 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.87" + Indent at: 1.12"

~~ii. Broaden awareness that arts and cultural programming can economically benefit the City, and to stimulate and encourage support and participation in art and~~

cultural institutions and programming;

- iii. Make an initial survey of the cultural and artistic resources of the City, including, but not limited to a survey of the arts by each subject deemed to be of significance by the Commission;
- iv. Create and manage an Arts and Cultural Plan as a guiding document for the Commission;
- v. Create a database of all art work owned by or loaned to the City, or installed on City property, which database shall be updated annually;
- vi. Develop guidelines and provide guidance to the City regarding care, maintenance and preservation of the City's art collection as well as regarding potential purchases by, or gifts to, the City of new art;
- vii. Specific to the Cultural District that is identified and approved by the Common Council, seek out and receive grants for artistic and cultural programs, develop programs for the expenditure of such funds, and assist Norwalk based art and cultural organizations in preparing applications for such funds;
- viii. Stimulate cooperative and coordinated efforts among art and cultural organizations to develop audiences, develop public and private funding sources, and provide economic stimulus;
- ix. Highlight arts and culture to both residents and businesses as a benefit of living and working in the City;
- A.x. Assist the City in securing and sustaining public and private facilities for the display and presentation of the arts.

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

17A:1

Formatted: Line spacing: single, Numbered + Level: 2 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.87" + Indent at: 1.12"

Formatted: Justified, Line spacing: single

Formatted: Line spacing: single

Chapter XX. Leaf Blowers

§ XX-1. Purpose.

The City of Norwalk finds and declares that leaf blowers represent a significant source of environmental pollution in the form of high and low-frequency noise, carbon and noncarbon emissions, and dust particulate, which represent a present and increasing threat to the public peace and to the health, safety, and welfare of the residents of the City, the landscape workers who use these machines, and wildlife. Noise generated by leaf blowers interferes with the physical and psychological well-being of persons, as leaf blowers generate low-frequency noise at high decibel levels, exposure to which has been determined to generate more severe adverse health effects when compared to high frequency noises, including hearing loss, tinnitus, reduced cognitive performance, heart disease, and hypertension. Additionally, leaf blowers of both an internal combustion and electric design displace significant amounts of particulate matter, spreading pollen, mold, chemical pesticides, and other fine particulates which are harmful to human health. Wildlife is also adversely affected by the use of leaf blowers, including the disruption of nesting sites for insects and birds as well as exposure to pollution. Internal-combustion leaf blowers are recognized as “hyper-polluters,” emitting significant carbon and noncarbon emissions in greater magnitudes than automobiles over similar operating periods. Accordingly, it is the policy of the City to regulate the use of leaf blowers to minimize and mitigate the harmful effects of their use.

§ XX-2. Definitions.

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

ELECTRIC LEAF BLOWER

A Leaf Blower that is powered by only electric means, including, but not limited to, battery-powered and cordless rechargeable Leaf Blowers.

INTERNAL COMBUSTION LEAF BLOWER

A Leaf Blower that is powered by an internal combustion engine or rotary engine using gasoline, diesel, alcohol, or other liquid or gaseous fluids.

LEAF BLOWER

Any motorized device that is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

PERSON

An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

§ XX-3. Prohibition on the operation of Internal Combustion Leaf Blowers.

Effective January 1, 2026, for individual properties of three acres or less, and January 1, 2027, for individual properties of more than three acres:

- A. No Person shall operate an Internal Combustion Leaf Blower in the City of Norwalk.
- B. No owner of real property, tenant in possession of real property, or Person in control of real property shall allow the operation of an Internal Combustion Leaf Blower on such real property in the City of Norwalk.
- C. No Person who owns or operates a gardening, landscape maintenance or similar service shall allow an employee or agent of that service to operate an Internal Combustion Leaf Blower in the City of Norwalk.

§ XX-4. Required safety features for the use of Leaf Blowers.

- A. No Internal Combustion Leaf Blower may be operated in the City of Norwalk without a properly functioning muffler.
- B. No Person who owns or operates a gardening, landscape maintenance or similar service shall allow an employee or agent of that service to operate an Internal Combustion Leaf Blower in the City of Norwalk without [OSHA-approved] safety equipment, including, but not limited to, ear and lung protection to mitigate the possible hearing loss and toxic fumes produced by said machine.

§ XX-5. Prohibition of the operation of Leaf Blowers during certain months and hours of the day.

- A. **Lawns, Gardens and Other Landscapes.** A Leaf Blower, whether it be an Internal Combustion Leaf Blower (prior to their absolute prohibition) or an Electric Leaf Blower, may only be operated on lawns, gardens, parks, woodlands, playing fields, and other landscapes in the City of Norwalk during the following periods of the year:
 - (1) April 1 through May 15; and
 - (2) October 15 through December 15.
- B. **Impervious Surfaces.** Electric leaf blowers may be used any day of the year on sidewalks, streets, parking lots, pool decks, and other impervious surfaces.

- C. **Operating Hours.** During the periods of the year when Leaf Blowers are permitted to be operated in the City of Norwalk, they may only be operated during the following hours:
- (1) Monday through Friday, excluding state and federal holidays: between 8:00 a.m. and 6:00 p.m.
 - (2) Saturday: between 10:00 a.m. and 5:00 p.m.
 - (3) Sundays and state and federal holidays: property owners and tenants in possession of real property only between 10:00 a.m. and 4:00 p.m.
- D. **Water Emergency.** Notwithstanding the provisions of this Subsection XX-5, the use of any Leaf Blower may be further restricted by the Mayor in the event of a Water Emergency pursuant to Chapter 57C-4 of the Norwalk City Code.

§ XX-6. Temporary suspension for storm and hurricane or other emergencies.

The Mayor of the City of Norwalk, in their sole discretion, may temporarily suspend provisions of this Chapter to allow the use of Leaf Blowers for cleanup and debris removal in the event of a storm, hurricane, or similar extreme weather event, or other emergency.

§ XX-7. Violations and penalties, responsible parties.

- A. Upon the initial violation of any of the provisions of this Chapter, the Person in violation shall be issued a written warning, with no penalty being imposed.
- B. For any further violation of any of the provisions of this Chapter , the Person in violation shall be fined a penalty of not more than \$250 for the second offense, \$500 for the third offense, and \$1,000 for the fourth offense and any subsequent offenses. For purposes of this Chapter, each use of a Leaf Blower on a property constitutes a separate violation. [CAN WE PROVIDE FOR LOSS OF LICENSE TO OPERATE IN CITY OF NORWALK?]
- C. Notwithstanding subsection XX-7A, a Person who owns or operates a gardening, landscape maintenance or similar service shall be solely responsible for violations of this Chapter by its employees and agents.

[§ XX-8. Effective Date.

Except as provided in Subsection XX-3, this Chapter shall be effective on [September 1, 2023].]

Chapter 73. Park Authorities

Article I. Oak Hills Park Authority

§ 73-1. Creation; purposes.

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

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

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

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black, Pattern: Clear

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black, Pattern: Clear

Formatted: Right: 0.25"

Formatted: Font: (Default) Times New Roman

Formatted: Page Number

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

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

§ 73-3. Organization; powers and duties.

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

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

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

§ 73-5. Officers and employees.

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

Formatted: Right: 0.25"

Formatted: Font: (Default) Times New Roman

Formatted: Page Number

§ 73-6. Annual budget.

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

§ 73-7. Employment restricted.

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

§ 73-8. Use restrictions.

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

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

§ 73-9. Rental charge for park.

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

§ 73-10. Fee hearings.

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

§ 73-11. Applicable definitions.

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

Formatted: Right: 0.25"

Formatted: Font: (Default) Times New Roman

Formatted: Page Number