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



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



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



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



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

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

January 18, 2022

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

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and Vote on Chapter 45, Article II – Sale and Dispensing of Food and Drink, Section 21 – Definitions, Food-Handling Establishment
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - December 21, 2021 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
 - Discuss and Vote on Chapter 45, Article IV – Outdoor Dining. Standards/Guidelines for outdoor dining
- 7. NEW BUSINESS:**
 - Discus and Vote on Temporary Prohibition of all Cannabis Establishments
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

Discuss and Vote on
Chapter 45, Article II – Sale and
Dispensing of Food and Drink
Section 21 – Definitions
Food-Handling Establishment

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, January 18, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 45, Section 45-21. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by January 14, 2022.

PROPOSED ORDINANCE REVISION

§ 45-21 Definitions.

The following definitions shall apply to this ordinance:

FOOD-HANDLING ESTABLISHMENT

Shall include restaurants, food stores, bakeries, markets, catering food services, itinerant food vending and food or beverage vending machine operations. Food-handling establishment shall not include a "cottage food operation" having a valid license issued by the Commissioner of Consumer Protection in accordance with Conn. Gen. Stat. § 21a-62a, et seq., as amended.

Dated at Norwalk, Connecticut this 22nd day of December 2021.

ATTEST: Irene G. Dixon

Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, January 7, 2022

SPORTS

The Norwalk Hour

CLASSIFIED

MARKETPLACE

203-333-4151

classifieds@hearstmediact.com

Hours: 8:30 a.m.-4:30 p.m., M-F • Major Credit Cards Accepted

PUBLIC NOTICES

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, January 18, 2022 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on revisions to Chapter 45, Section 45-21. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by January 14, 2022.

PROPOSED ORDINANCE REVISION § 45-21 Definitions.

The following definitions shall apply to this ordinance:

FOOD-HANDLING ESTABLISHMENT

Shall include restaurants, food stores, bakeries, markets, catering food services, itinerant food vending and food or beverage vending machine operations. Food-handling establishment shall not include a "cottage food operation" having a valid license issued by the Commissioner of Consumer Protection in accordance with Conn. Gen. Stat. § 21a-62a, et seq., as amended.

Dated at Norwalk, Connecticut this _____ day of December 2021.
ATTEST: Irene Dixon, City Clerk

PROBATE NOTICES

NOTICE TO CREDITORS

**ESTATE OF Richard J. Ungvary,
AKA Richard Ungvary, AKA Richard James Ungvary
(21-01057)**

The Hon. Douglas Stern, Judge of the Court of Probate, District of Norwalk - Wilton Probate Court, by decree dated January 3, 2022, ordered that all claims must be presented to the fiduciary at the address below. Failure to promptly present any such claim may result in the loss of rights to recover on such claim.

Diane Ely, Chief Clerk

The fiduciary is:

Robert C. Ungvary aka Robert Christopher Ungvary c/o BRETT LINDNER WHITTON, LAW OFFICE
F MIKLOS P. KOLESZAR, 9 MOTT AVENUE, SUITE 209, NORWALK, CT 06850

Draft Ordinance Committee Minutes
December 21, 2021

**CITY OF NORWALK
COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING
DECEMBER 21, 2021**

ATTENDANCE: Tom Livingston, Acting Chairman; Josh Goldstein; David Heuvelman; Dominique Johnson; Tom Keegan; Nora Niedzielski-Eichner (7:06)

STAFF: Atty. Brian Candela; William Mooney, Health Department;

OTHER: Dana Laird; Laura Kenny; Matthew Sapienza; Jessica Vonashek; Josh Goldstein

CALL TO ORDER

Chairman Livingston called the meeting to order at 7:01 P.M.

ROLL CALL

Chairman Livingston performed a Roll Call of those present. There was a quorum present.

PUBLIC HEARING

There was no Public Hearing at this time.

PUBLIC HEARING DISCUSSION

There was no Public Hearing Discussion at this time.

PUBLIC COMMENT

There was no Public Comment at this time.

ACCEPTANCE OF MINUTES

OCTOBER 19, 2021

**** COMMITTEE MEMBER KEEGAN MOTIONED TO ACCEPT THE MINUTES OF OCTOBER 19, 2021 AS SUBMITTED.**

**** COMMITTEE MEMBER HEUVELMAN SECONDED THE MOTION.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (LIVINGSTON; HEUVELMAN; KEEGAN; JOHNSON) AND ONE (1) ABSENTION (GOLDSTEIN).**

OLD BUSINESS

**DISCUSS AND VOTE ON CHAPTER 45, ARTICLE IV, OUTDOOR DINING. STANDARDS/GUIDELINES FOR
OUTDOOR DINING**

Ms. Jessica Vonashek came forward to discuss this item. She reviewed the background of the item for the Committee. The Governor passed an executive order at the beginning of the COVID pandemic that allowed outdoor dining regulations to be lifted to a certain degree. This order has been extended multiple times and has become a piece of legislation that has been passed by the House and Senate. They are looking to update the ordinance and have it in place before it expires. She reviewed the proposed ordinance structures.

Committee Member Niedzielski-Eichner joined the meeting at 7:06 P.M.

There is a sister document that has the guidelines and standards. Everything that was included in the executive order and legislation has, to a large part, been included in the ordinance.

Chairman Livingston noted that, if they are comfortable with the ordinance, it can be sent to the January Public Hearing. Discussion followed.

Chairman Livingston asked to define the term 'sponsoring restaurant'.

Ms. Vonashek said she had received questions regarding the terms and reviewed them for the Committee. This included what constitutes outdoor dining. There can be delineation with the law department as to what can be counted as a 'sponsoring restaurant'.

Committee Member Heuvelman said he was getting confused due to retail establishments potentially also being permitted from that set of regulations and if they needed to look at those ordinances as well.

Chairman Livingston said that the guidelines were not updated to reflect the matter.

Ms. Vonashek confirmed this and said they could work with zoning to make it reflect only outdoor dining and not retail.

Committee Member Heuvelman asked if this would only be at the City level approval process or if the Council would need to weigh into the guidelines and standards.

Chairman Livingston said that they were just looking at the ordinance currently and they would be developed by staff. Discussion followed regarding the following items:

- The term 'sponsoring restaurant'.
- That there is currently no discretion regarding ordinance violations and the fines applied making the definition of the term extremely important.
- It is important to make the ordinance simpler and easier to understand.
- How this ordinance would apply to bar owners and if food needs to accompany drinks.
- The definition of 'Directly Contiguous'.
- The Police Department's concerns regarding serving/eating food, alcoholic drinks, and the ordinance.
- Permits for curb areas.
- The need for annual applications for an outdoor dining permit.

- That the primary issue is too much noise and drinking late at night and the possibility of a cut-off hour as a solution.

Chairman Livingston said that this item could be deferred until it has been revised and brought up in January.

Ms. Vonashek said she wished to have the time to address the items and discuss the proposed ordinance with the legal department.

Committee Member Heuvelman asked for clarification about the 'Blue Line' and the related violations.

Atty. Candela said that this would apply to past violations as well as current ones. The language for the ordinance has been carried over from the executive order. Discussion followed. It was noted that outdoor heaters were banned in the outdoor dining areas and it was unclear where this ruling had come from.

NEW BUSINESS

DISCUSS AND VOTE ON CHAPTER 45, ARTICLE II – SALE AND DISPENSING OF FOOD AND DRINK, SECTION 21 - DEFINITIONS, FOOD-HANDLING ESTABLISHMENT

Mr. Matthew Sapienza came forward to discuss this item. The City has received a letter from a NPO called 'The Institute for Justice'. There was an article in a newspaper regarding cottage foods and their sale and regulation. This article pointed out that Norwalk and Danbury were the only cities in Connecticut that prohibited cottage foods. The Institute for Justice advocates for the cottage food industry and requested that the ordinance be clarified to allow cottage foods. It was noted that the City cannot ban cottage food sale. The City does not desire to regulate the industry of necessity. The State already requires permits for the sale of Cottage Foods.

The proposed revision will provide an exception to food business for cottage food operations that have valid licenses pursuant to the Commissioner of Consumer Protection. Further discussion followed.

Committee Member Johnson said she had met members of the industry and that, as she understood it, was limited by zoning. There has been no issue with the zoning regulations, and they are handled by the Zoning Commission. There are new regulations from the State explicitly allowing cottage food industries.

Mr. Sapienza said there were two limitations involving the Health Department and the other being Zoning Regulations. Discussion followed. This item will go to Public Hearing if approved.

**** CHAIRMAN LIVINGSTON MOVED TO APPROVE THE PROPOSED AMENDMENT TO THE DEFINITION OF FOOD HANDLING ESTABLISHMENT AS PRESENTED TO THIS COMMITTEE BE MOVED TO THE PUBLIC HEARING AT THE NEXT REGULARLY SCHEDULED MEETING OF THIS COMMITTEE IN JANUARY.**

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSSION ITEM

DISCUSS CHAPTER 55 – DEMOLITION DELAY

This item will not be voted on in this meeting.

Ms. Dana Laird, Chair of the Historic Commission, came forward to discuss this item. There is currently a demolition delay, and this will be an extension of it and other provisions. This item is meant to introduce the subject to the Committee. The goal is to expand the delay from 120 days to 180 days to align more with Westport and Stanford. They may also address other issues at a later date. She then explained the current process to the Committee.

Chairman Livingston noted that there have been questions raised regarding the notification process due to it not working as well as desired and notices were not always received in a timely manner. He also questioned the terminology for being demolished, if a house being lifted for flooding purposes should be covered, and what constitutes an appropriate penalty for violations.

Committee Member Goldstein asked what the difference between 180 and 120 days was.

Ms. Kenny responded that there was an ongoing demolition and, in some cases, it can take a prolonged period of time to come up with proper plans. Extending the time frame can help with various time-sensitive issues, especially when multiple parties are involved.

Ms. Laird said that an additional purpose was to reduce the amount of people thinking of Norwalk as just land to build houses and not thinking of prior establishments. The process of obtaining a notice of receipt was reviewed for the Committee. It was confirmed that this will apply to any building in Norwalk over 50 years old.

ADJOURNMENT

- ** CHAIRMAN LIVINGSTON MOVED TO ADJOURN.**
- ** COMMISSIONER JOHNSON SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:36 P.M.

Respectfully Submitted,
Ian A. Soltes
Telesco Secretarial Services.

Chapter 45, Article IV
Outdoor Dining

§ 45-29. Definitions.

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

OUTDOOR DINING — Any ~~outdoor cafe, sidewalk~~-cafe, eating area or any food service accessory to a Food Service Establishment.

PERSON – Any natural person, individual, company, corporation, limited liability company, partnership, association, syndicate, trust, joint venture, business, or other legal entity of any kind.

FOOD SERVICE ESTABLISHMENT – Any Person that prepares, stores, offers, serves, or sells food and beverage directly to the consumer at a fixed location. It does not include mobile restaurants, food trucks, vending machines, a private residential dwelling in which food or beverage are prepared, or a food manufacturing establishment. The definition shall include any Person that holds a restaurant liquor license or a café liquor license from the State of Connecticut.

§ 45-30. Location restricted; permit and guidelines.

A. A Food Service Establishment may be permitted to offer Outdoor Dining on private or public property in the City of Norwalk in accordance with the provisions of this chapter and the Outdoor Dining Guidelines and Standards, as amended from time to time. A copy of such Outdoor Dining Guidelines and Standards shall be made available on the City of Norwalk website or in the Office of Economic and Community Development.

A.B. Outdoor Dining may be permitted with approval of the City. Outdoor Dining may be permitted on real property, store fronts, and/or zoning lots in the following locations: (1) directly adjacent to the Food Service Establishment, provided that if the Food Service Establishment does not own such real property it must obtain written permission from the owner of such property, and (2) City owned property, including but not limited to public parking spaces (as long as the Food Service Establishment has the written permission of the City).

B.C. Permit; Outdoor Dining Guidelines and Standards.

- (1) Any Food Service Establishment proposing to operate Outdoor Dining on private or public property in the

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City of Norwalk shall first obtain a permit from the Director of Planning and Zoning or his, her, or their designee pursuant to the Norwalk Zoning Regulations. Such permit shall be renewed on an annual basis.

~~(2) In addition to the permit required in subsection C(1) above, any Sponsoring Restaurant proposing to operate Outdoor Dining on private or public property in the City of Norwalk shall meet the provisions of this chapter and the requirements set forth in the Outdoor Dining Guidelines and Standards, as amended from time to time. A copy of such Outdoor Dining Guidelines and Standards shall be made available on the City of Norwalk website or in the Office of Economic and Community Development.~~

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- (2) Outdoor Dining permits shall be issued for an annual operation period from April 1 ~~to through~~ November 30.
- (3) ~~For purpose of this Chapter, Outdoor Dining shall be permitted to operate during regular business hours of the Food Service Establishment, but no later than 10:00 p.m.~~
- (4) The Director of Planning and Zoning or his, her, their designee, may deny a permit or decline to renew a permit to operate Outdoor Dining if the proposed Food Service Establishment has a history of violations of any of the requirements governing Outdoor Dining set forth in this chapter, fails to correct any violations when duly noticed, violates the terms of the permit or Outdoor Dining Guidelines or Standards, is delinquent in taxes owed to the City or has had two or more violations of any provision of the Norwalk City Code within the two years immediately preceding the filing of the permit.

§ 45-31. Operation.

- A. A Food Service Establishment operating Outdoor Dining shall meet all applicable local and state laws and regulations, including, but not limited to, applicable health, building, and zoning laws and regulations.

1. A Food Service Establishment shall be responsible for keeping the Outdoor Dining premises clean at all times, including City property.
- B. The cost, design, construction, and maintenance of Outdoor Dining facilities shall be the sole responsibility of the Food Service Establishment.
- C. Any damage done to the public right-of-way, sidewalk, curbing, or any other City property by the Food Service Establishment or its patrons shall be repaired promptly by the Food Service Establishment at its expense. Such repairs shall meet the applicable standards established by the Department of Public Works. No hooks, fasteners, or holes shall be made or affixed to the public right-of-way, sidewalk, curbing, or any other City property by the Food Service Establishment.
- D. Outdoor Dining shall extend no further than the actual street frontage of the Food Service Establishment or the real property directly adjacent to the Food Service Establishment.
- E. The Food Service Establishment shall provide not less than four contiguous feet of sidewalk clear of obstructions between the Food Service Establishment and the Outdoor Dining to allow unimpeded pedestrian traffic, provided, however, that at street corner intersections, there shall be a minimum of eight feet of unobstructed sidewalk.
- F. Outdoor Dining shall not be located in front of, or otherwise obstruct, police, fire department, or other first responder access to, any building or property, or to any fire protection feature, including, but not limited to, any and all fire hydrants.
- G. Outdoor dining shall not be located in front of, or obstruct, ADA access or an active driveway, manhole, or active utility access point, nor shall it impede surface drainage, as determined by the Department of Public Works.
- H. Access for all roadway users and pedestrians shall be maintained during the set-up and removal of Outdoor Dining appurtenances.

§ 45-32. Fines and Revocation

- A. Any person violating any provision of this ordinance shall be subject to the following penalties:

(1) First offense: Upon the initial violation, written warning notice that a violation has occurred shall be issued. No fine shall be imposed for the initial violation.

(1)(2) Second offense and subsequent offenses: Any subsequent violation of the requirements of this ordinance shall be subject to a fine of \$250.00 for each violation. Each day that a violation exists shall constitute a separate violation of this ordinance. No more than one fine shall be imposed in any one twenty-four-hour period.

(2)(3) The Director of Planning and Zoning or his, her, their designee, reserves the right to revoke a permit for failing to adhere to this chapter and/or the -Outdoor Dining Guidelines or Standards.

(3)(4) Any aggrieved person may file an appeal to the Superior Court for the Judicial District of Stamford/Norwalk.

§ 45-33. Temporary suspension of Outdoor Dining permit

The Director of Planning and Zoning or his, her, their designee, reserves the right to order the temporary suspension of the operation of Outdoor Dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include, but are not limited to, festivals, parades, marches, road races, severe weather events, repairs to the street or sidewalk, or any other emergencies occurring in the area. In such event and if deemed necessary for the health, safety, or welfare of the City and its residents, the Food Service Establishment shall, at its cost, remove and store all Outdoor Dining appurtenances for the duration of such suspension. To the extent possible, the Food Service Establishment shall be given prior notice of the time period during which the operation of Outdoor Dining will not be permitted by the City, but failure to give such notice shall not affect the right of the City to prohibit

Outdoor Dining operation at any particular time.

§ 45-34. Operations and service requirements. **(Reserved)**

Repealed

CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING 2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022

Introduction

Building on Norwalk's ongoing commitment to support restaurants and small business, guidelines and standards for outdoor dining have been updated to better meet the needs of diners, restaurateurs, and businesses across the city. The 2022 Outdoor Dining Program will incorporate many of the successful initiatives from the prior year's program, such as streamlined permitting and outdoor patios on neighboring properties, with proper approvals.

[You can apply for outdoor dining here.](#)

If you have specific questions related to your application and permit, please contact the Planning and Zoning Department at 203.854.7780

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Getting your Outdoor Dining Permit

Permits are required for all outdoor dining, including dining that will take place on private and public land. If you have previously been approved for Outdoor Dining via a Site Plan approval you DO NOT need to apply for a yearly Outdoor Dining Permit. If you are unsure of your status or if that scenario applies to you, please contact the Planning and Zoning Department at 203.854.7780. Applicants need to apply for an outdoor dining permit from the Planning and Zoning Department. [You can apply for outdoor dining here.](#)

What is needed for a permit?

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To obtain an outdoor dining permit, you will need to submit the following:

1. A completed Outdoor Dining permit application. [You can apply for outdoor dining here.](#)
2. A to-scale site plan showing the area intended for outdoor dining or seating, the proposed seating configuration, a description and the location of the physical barrier fencing, and the ingress and egress to the outdoor dining area. In addition, the plan shall also include the dimensions of the seating area and any potential projection onto the municipal roadway, street, or parking lot. The site plan must show ADA access with at least four feet clearance from all obstacles, including fire hydrants, water access points, trees, street trees, street furniture, parking meters, trash receptacles and benches. This does not need to be a certified architectural drawing. [Please see examples of accepted plans here.](#)
3. If the proposed outdoor dining area includes a contiguous neighboring building/storefront sidewalk or walkway, a written authorization to engage in such outdoor activities is required from the owner. This must be included with your application.
4. Proof of adequate insurance, naming the City of Norwalk as an additional insured. This insurance policy shall be effective for the duration of the permit (April 1 to November 30~~1~~). Insurance may be no less than one million dollars (\$1,000,000.00) per incident/occurrence and two million dollars (\$2,000,000.00) aggregate.

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Commented [VJ4]: Need to add plan link at a later date.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022**

5. If applicable, liquor liability insurance in the minimum amount of one million dollars (\$1,000,000.00).
6. Workers' compensation insurance in such amount as required by law.
7. A completed and signed indemnification agreement, in a form approved by Norwalk's [Risk Manager Corporation Counsel](#). The applicant must indemnify and hold the City of Norwalk harmless from any and all claims, costs, and damages as a result of the applicant's use of the outdoor dining space.
8. A five-thousand-dollar (\$5,000.00) bond in the form of a certified check shall be required to insure the removal of the outdoor dining and fencing at the end of the season and the restoration, if any, of the roadway, street, or other public property.
9. In event alcoholic beverages are to be sold, the following shall be presented:
 - a. A copy of a valid and current liquor permit from the State Liquor Commission; and
 - b. An application for a patio liquor permit signed by the Director of Planning and Zoning, the Fire Chief or Fire Marshal, and the Health Department. [You can access the application here.](#)

Commented [VJ5]: Link to be activated at a later date.

~~10. Before receiving formal and final approval of the permit for use of public property, the applicant shall execute a license agreement with the City of Norwalk.~~

Please note:

- The permit shall be for the exclusive use of the sponsoring retail establishment. The sponsoring retail establishment cannot assign or transfer this permit to any other party.
- For tents, a separate permit is required from the [Building and Code Department/Fire Marshal](#). Please see below section, "Tent – Rules and Regulations." [You can apply for a tent permit here.](#)

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How will my permit be circulated to the different departments?

Before the application is submitted to the Planning and Zoning Department for final approval, the applicant's design plan shall be submitted and approved by the following: (a) Chief of Operations and Public Works, (b) the Chief Building Official, (c) the Police Chief, (d) the Fire Chief or Fire Marshal, (e) the Director of Health, [and](#) (f) a duly authorized representative of Transportation, Mobility and Parking, [and \(g\) the Risk Manager](#). This is completed automatically by the online system. Should any changes or modifications be required, the respective department will reach out to the applicant. It is important that with your application you include a valid and frequently monitored email address and phone number for this purpose.

CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30¹, 2022

Building out and maintaining Outdoor Dining

1. The cost, design, construction, and maintenance of outdoor dining shall be paid for by the sponsoring retail establishment.
2. Outdoor dining may be located on public sidewalks in front of, adjacent to or abutting the indoor restaurant which operates the outdoor dining. Outdoor dining may be located on public sidewalks in front of, adjacent to or abutting a neighboring building/storefront and/or area, given the sponsoring retail establishment obtains written authorization to engage in such outdoor activities from the owner and provides a copy of the authorization to the Planning and Zoning Department, as part of the application.
3. Outdoor dining shall extend no further than the actual street frontage of the operating restaurant, unless approved by the Planning and Zoning Department.
4. Each outdoor dining space shall include a continuous physical barrier. This physical barrier shall separate the patrons, guests, and invitees of the sponsoring retail establishment and the traveled portions of the street. At all times a clear sight distance is required for all vehicles and access to crossings. Detail of the physical barrier fencing must be provided in the application.
5. Outdoor dining shall not be located in front of, or obstruct, fire department access to any buildings or fire protection feature required for fire suppression activities, including but not limited to any and all fire hydrants. Please note a four foot clearance is required from all obstacles including, but not limited to trees, street trees, street furniture, parking meters, trash receptacles and benches.
6. Outdoor dining shall not be located in front of, or obstruct, an active driveway, manhole or active utility access point. Outdoor dining shall not impede surface drainage.
7. The outdoor dining physical barriers shall not interfere with access for first responders.
8. Tables, chairs, and all other furnishings or accessories may be left in place overnight during seasonal operation but shall be removed from the sidewalk and stored indoors whenever outdoor dining is not in seasonal operation. It shall be the responsibility of the licensee to secure furnishings and accessories that are left in place overnight. All furniture and accessories for outdoor dining must be removed in advance of a major storm and/or weather event based on notification from the City of Norwalk.
9. Outdoor dining shall be at the same elevation as the public sidewalk and any exceptions must be approved by the Planning and Zoning Department. Paint, carpeting, artificial turf, platforms, or other surfaces of any kind must be approved by the Planning and Zoning Department.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30¹, 2022**

10. No sign shall be allowed at any outdoor dining area except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the area of the outdoor dining, mounted on an easel or other easily removable fixture. The sign shall not exceed six square feet.
11. Awnings shall be adequately secured and retractable and have been permitted. Umbrellas over tables must be adequately weighted.
12. Access for all roadway users and pedestrians shall be maintained during the set-up and removal of outdoor dining appurtenances.
13. For information on tents for outdoor dining, please see section "Tents – Rules and Regulations."

Hours of Operation, Noise and Entertainment

1. Hours of operations for outdoor dining located outside of the Washington Street Design District shall be from 7:00 a.m. to 9:00 p.m. Sunday through Wednesday, and from 7:00 a.m. to 11:00 p.m. on Thursday, Friday, Saturday, and night before federal and state holidays. See, City Code §§ 68-3 and 68-5 for noise related regulations in the City of Norwalk.
2. Hours of operations for outdoor dining located within the Washington Street Design District shall be from 7:00 a.m. to 10:00 p.m. Sunday through Wednesday, from 7:00 a.m. to 11:00 p.m. on Thursday, on 7:00 a.m. to 1:00 a.m. Friday, Saturday, and night before federal and state holidays. See, City Code §§ 68-3 and 68-5 for noise related regulations in the City of Norwalk. All entertainment must be approved through the local and state process. At this time, the City is not allowing outdoor entertainment within the Washington Street Design District, except by special event permit only.

General Outdoor Dining Rules and Regulations

Any Outdoor Dining permit granted by Norwalk, shall be subject to the following rules and regulations below. The City of Norwalk's Planning and Zoning Department shall enforce the terms and conditions of any permit issued pursuant to terms referenced below.

1. All outdoor dining must provide ADA access with at least four feet clearance from all obstacles, including fire hydrants, water access points, trees, street trees, street furniture, parking meters, trash receptacles and benches. The minimum width of the sidewalk must be four (4) feet to allow unimpeded pedestrian traffic. At street corner intersections, there shall be a minimum of 9 (eight) feet of unobstructed sidewalk.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022**

2. Furnishings for outdoor dining shall consist solely of moveable tables, chairs, and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times, including adjacent to the physical barriers separating patrons, guests and invitees from the travel way. The outdoor dining area shall be swept and cleaned daily.
3. The sponsoring retail establishment shall be solely responsible for the security of all tables, chairs, and other personal property at all times. At any time, the City of Norwalk has the right to move and/or relocate furniture and accessories that are placed in the right of way.
4. Any damage done to the public right-of-way, sidewalk, or curbing by the sponsoring retail establishment or by its patrons shall be repaired promptly by the sponsoring retail establishment at its expense. No hooks, fasteners, or holes shall be made or affixed to the public right-of-way, sidewalk or curbing by the sponsoring retail establishment in the outdoor dining area. All installations into the public right of way require necessary permits.
5. In the event of a public necessity or emergency where access to street, sidewalk or adjacent building is impaired for any reason, outdoor dining shall be temporarily moved by the sponsoring retail establishment and/or emergency responders. All costs associated with the relocation of the outdoor dining furniture and/or accessories, or any damage incurred to the outdoor dining furniture or accessories, in the event of a public emergency or otherwise, shall solely be borne by the sponsoring retail establishment.
6. The sponsoring retail establishment shall be solely responsible for removing and storing all tables, chairs, and other personal property from the outdoor dining area least twelve (12) hours, or as otherwise directed by the City of Norwalk, prior to the National Weather Service predicted time of arrival of any storm event involving wind gusts in excess of forty-five (45) miles per hours, snow falls in excess of two (2) inches and/or flooding.
7. Outdoor heaters, busking stations, trash receptacles, food preparation stations, and music shall not be permitted in the outdoor dining area. Exceptions must be approved by the Planning and Zoning Department.
8. Outdoor consumer bars are not permitted for outdoor dining areas.
9. Alcohol may only be served with food, regardless of the time and day of service.
10. Smoking of any kind is prohibited in all outdoor dining areas, without exception.
11. No animals are allowed in outdoor dining areas, except for certified service animals.

Commented [VJ7]: Need guidance on additional accessories, flags, lighting, etc.

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12. No cooking will be permitted in the outdoor dining area and no food may be kept in outdoor service areas.

Norwalk may deny an outdoor dining permit or renewal if the sponsoring retail establishment has a history of violations of any of these regulations, failed to correct any violations when duly noticed, or has any tax delinquencies.

Failure to adhere to these rules, regulations and restrictions shall result in a fine as well as a revocation of the permit until such time that the violation has been corrected. If a retail establishment has three violations in a six (6) month period, the permit will be pulled for the remainder of the outdoor dining season.

Tent - Rules and Regulations

An application to erect a tent requires the completion of a permit. [You can apply for a tent permit here.](#)

Tents over x square feet will require a physical inspection from the Fire Marshal, or his/her designee, and the Chief Building Official, or his/her designee, prior to use.

Any tent permit granted by Norwalk, shall be subject to the following rules, regulations, and restrictions:

1. All rules and regulations related to general outdoor dining are applicable to activities that take place under the erected tent.
2. No heaters under the tent.
3. No cooking under the tent.
4. No smoking, fireworks or open flames of any kind shall be permitted in any tent.
5. No flammable liquids or gases shall be brought into any tent, including fire pits or decorative heating devices.
6. No smoking sign shall be posted.
7. Fire extinguishers are required.
8. All tent poles shall be secured to the ground with ground driven stakes or x (if on concrete/asphalt). Tents can not be tied to fire apparatus or infrastructure.
9. Where required, the Fire Marshal, or his/her designee, and/or the Chief Building Official, or his/her designee, shall inspect to be sure that capacity, location, and size of any tents are to code, with at least two (2) means of egress with suitably marked exit signs.
10. All tents will have a clearance of 6'8", as outlined by ADA requirements. Sidewalk clearance, from the legs and supports of the tent, and clearance to other obstacles must be at least four (4) feet.

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Other Outdoor Dining Programs

The City of Norwalk may from time to time introduce new Outdoor Dining programs. Newly introduced programs will be accompanied by guidelines and standards and have a separate permitting process.

DRAFT

Temporary Prohibition of all Cannabis Establishments

Temporary Prohibition of all Cannabis Establishments

Purpose

The purpose of this regulation, in accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," is to temporarily prohibit adult-use cannabis establishments in the City of Norwalk.

Definitions

"Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;

"Cannabis Establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act 21-1; and

"Connecticut State Regulation of Cannabis" means Section 148 of Public Act No. 21-1 of the June 2021 Special Session, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.

Prohibition

In accordance with the authority granted under Connecticut State Regulation of Cannabis, all Cannabis Establishments are prohibited in all zoning districts in the City of Norwalk for a period of 9 months. It shall be effective 10 days following approval by the City of Norwalk's Common Council.