



REGULAR MEETING – ORDINANCE COMMITTEE AGENDA

**FEBRUARY 18, 2025, 7:00 PM
BY ZOOM VIRTUAL MEETING**

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



Members of the public may call in to participate. Callers will not be able to see the meeting participants. All participants will be muted upon entering the meeting. To speak, dial *9 on the phone and you will be called on by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. Please find the information using the link above.



Members of the public who wish to provide "live comments" may also use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. Please find the information using the link above.



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 included into the record, they must be submitted by 12:00 p.m. the day of the meeting. Please email Brian Candela at bcandela@norwalkct.gov with the subject line "Public Comment" to provide written public comment prior to the meeting.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC HEARING**
 - A. Discuss and vote on Chapter 115: Commission on Status of Women**
- IV. PUBLIC PARTICIPATION**
- V. ACCEPTANCE OF MINUTES**
 - A. January 21, 2025 – regular meeting of the ordinance committee**
- VI. OLD BUSINESS**

- A. Discuss and vote on Vape Shop ordinance

VII. NEW BUSINESS

- A. Discuss Chapter 94: Solid Waste Collection & Disposal; Transfer Station & Yard Waste Site
- B. Discuss and vote on new proposed ordinance: Issuance of Citations; Hearing Procedure
- C. Discuss and vote on Section 103-14 - appointment of Board of Assessment Appeals members; increase in membership

VIII. DISCUSSION

IX. ADJOURNMENT

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, February 18, 2025 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on Chapter 115 Commission on Status of Women, Sections 115-1 through 115-5. 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 February 14, 2025.

Chapter 115: ~~Commission on Status of Women~~Norwalk Commission on Gender Equity

§ 115-1 Creation; purpose.

The Purpose of this chapter is to as follows:

~~—To update the name of the Commission on The Status of Women, originally so named in 1986, to the Norwalk Commission on Gender Equity effective May 1, 2024.~~

~~To~~Pursuant to authority granted to said Common Council, there shall ~~be~~ established, organized and appoint, pursuant to authority granted to said Common Council ~~ed~~ for such city, a Norwalk Commission on Gender Equity~~Commission on the Status of Women~~, formerly known as The Commission on ~~The~~ Status of Women, created for the purposes as stated herein and having delegated to it the duties hereinafter set forth.

§ 115-2 Membership.

A. The Commission shall consist of 11 appointed members, each of whom shall be an elector of the City of Norwalk. Commission members shall be appointed by the Mayor with the approval of the Common Council and shall serve without compensation.

B. Terms.

(1) The initial members shall be appointed for terms which shall end as follows:

Term	Number
Ending September 1, 1987	3
Ending September 1, 1988	4
Ending September 1, 1989	4

(2) Thereafter, each appointed member shall serve for a term of three years. In the event of death, removal or resignation of any appointed member, his/her successor shall be appointed to serve the unexpired term.

C. Six members shall constitute a quorum in the exercise of any of the Commission's duties.

D. The Commission may adopt such rules and regulations not in conflict with this ordinance as it deems necessary to effectuate the purposes and provisions hereof.

§ 115-3 Organization; meetings; maintenance of records.

The Commission shall elect such officers as it may deem necessary at its first meeting and thereafter during

the month of September of each year, and said officers shall serve in their capacities for one year. The Commission shall hold regular meetings at least once each month and designate the time and place thereof. The Commission shall keep records of all its proceedings.

§ 115-4 Duties.

The Commission shall have the following areas of concern:

- A. To review progress and assist in the elimination of gender-based discrimination and to help improve the status of women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people in the City of Norwalk.
- B. To study the conditions and needs of the women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people of the Norwalk community and make recommendations to the Mayor and the Common Council regarding policies and practices as they affect these populationswomen.
- C. To hold forums or public hearings as it deems necessary for the purpose of gathering information.
- D. To provide information to the public concerning the Commission's activities and concerning matters of consequence to women.
- E. To conduct outreach to encourage public participation to improve the status of women, girls, and marginalized genders.
- F. To serve as a mediator in matters concerning women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people.
- G. To seek the advice and cooperation of public and private groups in the promotion of programs for women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people.
- H. To assess programs and practices in all city agencies as they relate to or affect women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people, including but not limited to employment, wages and benefits as they may affect female employees of the city.
- I. To serve as a clearinghouse on programs and agencies operating to assist women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people.
- J. To promote equality in the appointment and hiring of persons for all levels of government positions.
- K. To utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed.
- L. To submit a biennial report of its activities to the Mayor and Common Council in nonelection years beginning in 1988, and to make intermediate reports upon request by the Mayor or a Committee of the Common Council. The Commission shall report its findings with specific recommendations for legislation on ways to improve the status of Norwalk women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people no later than April of every other year.

§ 115-4.1 Funding.
[Added 3-14-1989]

- A. The Commission may, with the prior approval of the Common Council, apply for any federal, state, local or private funds for all or any of its purposes.
- B. The Commission may, with the approval of the Common Council, accept on behalf of the city any gifts, donations, grants, bequests or assistance for all or any of its purposes.

§ 115-5 When effective.

This ordinance shall take effect upon passage and compliance with the provisions of the Charter and Code of the City of Norwalk.

Dated at Norwalk, Connecticut this _____ day of January 2025.

ATTEST: _____
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, February 7, 2025

PUBLIC NOTICES

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J. To promote equality in the appointment and hiring of persons for all levels of government positions.

K. To utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed.

L. To submit a biennial report of its activities to the Mayor and Common Council in nonelection years beginning in 1988, and to make intermediate reports upon request by the Mayor or a Committee of the Common Council. The Commission shall report its findings with specific recommendations for legislation on ways to improve the status of Norwalk women, girls and other marginalized gender identities such as transgender people and gender diverse non-conforming people no later than April of every other year.

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THE HOUR: Please publish once on Friday, February 7, 2025

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JANUARY 21, 2025**

ATTENDANCE: Lisa Shanahan, Chairman; Heather Dunn; Josh Goldstein; Johan Lopez; Anne Wennerstrand; Nora Niedzielski-Eichner

OTHER: Stuart Wells, Registrar of Voters; Diana Paladino, Registrar of Voters; Christopher; Police Chief James Walsh; Nichole Eaddy, Common Council Member; Brian Lane; Diane Lauricella

CALL TO ORDER

Chairman Shanahan called the meeting to order at 7:02 P.M. There was a quorum present.

ROLL CALL

A Roll Call of those present was performed.

PUBLIC HEARING

**A. DISCUSS AND VOTE ON SECTION 9-32, ENTITLED DISTRICTS ESTABLISHED
(CONCERNING THE REAPPORTIONMENT OF COMMON COUNCIL VOTING
DISTRICTS).**

No one wished to speak on this item at this time.

Chairman Shanahan provided the document for public review and reviewed the amendments that had been made on the item.

**** CHAIRMAN SHANAHAN MOVED TO TAKE ITEM SECTION 9-32, ENTITLED DISTRICTS ESTABLISHED (CONCERNING THE REAPPORTIONMENT OF COMMON COUNCIL VOTING DISTRICTS). TO THE COMMON COUNCIL FOR APPROVAL.**

**** MS. DUNN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

Ms. Lauricella came forward for Public Participation. She said she supported the name change of the Commission on the Status of Woman to the Gender Equity Commission. She explained her reasoning for why.

ACCEPTANCE OF MINUTES

DECEMBER 17, 2024 – REGULAR MEETING OF THE ORDINANCE COMMITTEE

Please make the following changes:

- Correct the spelling of Mr. Candela's name in all instances.

**** CHAIRMAN SHANAHAN MOVED TO ACCEPT THE MINUTES OF DECEMBER 17, 2024 AS AMENDED.**

**** MR. GOLDSTEIN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

DISCUSS AND VOTE ON CHAPTER 115: COMMISSION ON STATUS OF WOMEN.

Ms. Wennerstrand came forward to discuss this item. She noted that there had been language changes regarding gender, which she reviewed. A proposed change was made for 115-1, Subsection A was also made regarding naming.

**** CHAIRMAN SHANAHAN MOVED TO BRING ITEM DISCUSS AND VOTE ON CHAPTER 115: COMMISSION ON STATUS OF WOMEN. TO A PUBLIC HEARING AT THE NEXT MEETING IN FEBRUARY.**

**** MS. NIEDZIELSKI-EICHNER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSS VAPE SHOP ORDINANCE

Chief Walsh came forward to discuss this item. He provided information regarding the increase in number of smoke and vape shops. He also provided information regarding the legality of cannibal use and sale and how this was causing problems. Mr. Kleppin reviewed how a 'Vape Shop' was defined and some of the restrictions currently in place on them. He also discussed how the proposed definition changes would impact both vape and tobacco shops. Further discussion followed regarding research on the topic and how it had worked in other communities.

It was asked if there had been efforts to stop the suppliers. Chief Walsh said most of the product was foreign produced and made. There was more investigation being done to find the true source of the products. The ordinance was provided for review and further discussion followed. The Committee will try to co-ordinate the definition of vape products with Chief Walsh. Further discussion followed regarding what the ordinance would accomplish. Questions were raised about situations where the police could shut an operation down immediately and legal aspects of the ordinance. Chairman Shanahan said there would be some changes, but this current form of

the ordinance was what it would ultimately look like. She is looking to take it to Public Hearing in March.

NEW BUSINESS

There was no New Business at this time.

ADJOURNMENT

**** MS. DUNN MOVED TO ADJOURN.**

**** MR. GOLDSTEIN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:57 P.M.

Respectfully Submitted,
Ian A. Soltes
Telesco Secretarial Services

VAPE SHOPS

Article I. General Provisions.

§ ____-1. Purpose.

The use of e-cigarettes, or vaping poses serious health risks to the public beyond the effects of tobacco consumption, especially to the City's youth. It is hereby resolved that Retailers that sell Vape Products in the City of Norwalk are affecting the public health, safety, and general welfare, and as such necessitate regulation and control.

§ ____-2. Definitions.

For the purposes of this Chapter, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPLICANT

Any person, firm, corporation, or other entity that files an application under this Chapter as a Retailer.

BOARD OF HEALTH

The Board of Health of the City of Norwalk.]

CHIEF OF POLICE

The Chief of Police of the City of Norwalk, or their designee.

CITY CLERK

The City Clerk of the City of Norwalk, or their designee.

DIRECTOR OF HEALTH

The Director of Health of the City of Norwalk, or their designee.

RETAILER

Any person, firm, corporation, or other entity that owns, operates, or manages any place at which Vape Products are sold. Retailer also includes any person, firm, corporation, or other entity that is required to secure a dealer's license under Connecticut General Statutes §12-287, as amended from time to time.

SALE, SELL, OR SOLD

Selling, giving, bartering, exchanging, delivering, or otherwise distributing tobacco products or Vape Products, unless the person is delivering or accepting delivery in such person's capacity as a Salesperson. Sale or Sell also includes offer to sell, barter, or exchange.

SALESPERSON

Any person who Sells Vape Products for a Retailer.

VAPE PRODUCTS

Any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and is inhaled by the user of such product. Vape Product does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) a drug or device, as defined in the federal law, as amended from time to time.

Article II. License to Sell Vape Products.

§ ____-3. License Required.

It shall be unlawful for any person, firm, corporation, or other entity to sell Vape Products in the City of Norwalk without first having obtained a license to do so from the City Clerk~~Director of Health~~.

§ ____-4. Filing of Application; Filing Fee.

Each Applicant for a license to sell Vape Products shall file an application with the City Clerk~~Director of Health~~ and shall pay a filing fee in an amount set by the City Clerk~~Board of Health~~ and approved by the Common Council. Such fee is due and payable at the time of application and is not refundable.

§ ____-5. Contents of Application; Information Required.

The application for a license to sell Vape Products shall (a) be in a form prescribed by the City Clerk~~Department of Health~~, (b) be signed and sworn by the Applicant, and (c) include the following information:

- A. If the Applicant is a natural person, then they shall provide their name, residential address, business address and date of birth. If the Applicant is not a natural person, then it shall provide the names, residential addresses, business addresses and date of birth of each shareholder, director, officer, member, or partner of the Applicant,

- B. If the Applicant is a natural person, then they shall provide two portrait photographs of themselves, at least two inches by two inches, and a complete set of their fingerprints. If the Applicant is not a natural person, the Application shall include two portrait photographs and a complete set of fingerprints of each shareholder, director, officer, member, or partner of the Applicant. Said fingerprints shall be taken by the Chief of Police, who shall also conduct a criminal background check.
- C. If the Applicant is a natural person, then they shall provide a list of all criminal convictions, except minor traffic violations. If the Applicant is not a natural person, then it shall provide a list of all criminal convictions, except for minor traffic violations, of each shareholder, director, officer, member, or partner of the Applicant.
- D. The location of the establishment where Vape Products are to be Sold.
- E. Plans for the physical layout of the establishment.
- F. A list of the type of Vape Products to be Sold.
- G. Copies of all required certificates, permits and licenses, showing proper compliance with all applicable rules, regulations, ordinances, and statutes, including zoning, building and health laws and regulations.
- H. A written statement that the Applicant has or will provide training to all the Applicant's Salespersons on the Sale of Vape Products, including: (1) that the Sale of Vape Products to a person under the age of 21 years of age is illegal, (2) what proof of age is legally acceptable, and (3) that a Sale to a person under 21 years of age can subject the Retailer to a monetary fine and suspension of the license to sell Vape Products.
- I. Such other information the ~~City Clerk Director of Health~~ shall deem necessary to determine whether the Applicant is eligible for a license under this Chapter.

§ ____-6. Application; Notification of Denial.

Applications for licenses to sell Vape Products shall be submitted to the ~~City Clerk Director of Health~~ not less than 60 days prior to the opening for operation of the establishment. A copy of the application shall be simultaneously submitted to the Chief of Police and the Town Clerk. Any license issued under this Chapter shall be valid until the next renewal date unless suspended or revoked. Upon denial of an application, the ~~City Clerk Director of Health~~ shall notify the Applicant in writing not less than 30 days after receipt. The denial shall include the facts and specific sections of this Chapter upon which the determination was made. Notification shall be sent by certified mail to the Applicant's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

§ ____-7. Issuance of License.

- A. The ~~City Clerk Director of Health~~ shall issue a license to sell Vape Products within 45 days following receipt of the application, provided the application complies with the

provisions of this Chapter and upon finding:

- (1) All requirements concerning operations and facilities described in this Chapter will be complied with as of the effective date of the permit.
- (2) Compliance with all other statutes, codes or ordinances, including health, zoning, building, fire and safety requirements of the City and the State of Connecticut as of the effective date of the license.
- (3) Applicant/Retailer has not had two or more violations of any provision of the Norwalk City Code within the last 24 months.
- (4) Applicant/Retailer has no outstanding violations of any provision of the Norwalk City Code.
- (5) Neither the Applicant, if a natural person, nor any shareholder, director, officer, member, or partner of the Applicant, if the Applicant is not a natural person, has been convicted of any felony.
- (6) The Applicant is at least 21 years of age.

- B. Upon issuance, the license shall be valid for a period beginning with the date of the license to the first day of January next succeeding the date of license unless sooner suspended or revoked in accordance with this Chapter, or unless the Retailer to whom it was issued discontinues the business. In either case, the holder of the license shall immediately return it to the City Clerk~~Director of Health~~.

§ ____-8. Retailer's Requirement to Display License.

A Retailer's license shall be visible to the public inside the Retailer's establishment at all times. In the event of mutilation or destruction of such license, a duplicate copy, marked as such, shall be issued by the City Clerk~~Director of Health~~, upon application accompanied by the mutilated license or, if the license has been destroyed, an affidavit signed and sworn by the Retailer attesting to such fact and the circumstances of such destruction. A fee for such duplicate license shall be set by the City Clerk~~Board of Health~~ and approved by the Common Council.

§ ____-9. Renewal of License.

A license to sell Vape Products may be renewed in accordance with the following:

- A. Applications for renewal shall be made at least 90 days before expiration and shall be in the form prescribed by the City Clerk~~Director of Health~~ and signed and sworn by the Applicant.
- B. Each application for renewal of a license shall be accompanied by a nonrefundable fee in the amount set by the City Clerk~~Board of Health~~ and approved by the Common Council. Such fee is due and payable at the time of the application for renewal.
- C. The City Clerk~~Director of Health~~, shall renew each license upon making the findings

required for issuance of the original license.

- D. No license shall be renewed if: (1) the Applicant/Retailer is in violation of any provision of this Chapter; (2) the Applicant/Retailer has any outstanding violations or fines pursuant to any Norwalk City Code provision; (3) the Applicant/Retailer has two or more violations of any provision of the Norwalk City Code within the last 24 months; or (4) the current license of the Applicant/Retailer has been suspended or revoked.
- E. A license shall not be transferable, including from one Retailer to another Retailer or from one location to another location; provided, however, that in the case of a natural person, upon the death or incapacity of the Retailer who obtained the license, the establishment may continue in business for a period not to exceed 60 days to allow for an orderly transfer of the business to a successor licensee. During this period, the successor must complete all the steps required under this Chapter for obtaining an initial license.
- F. If renewal of the license is denied, the ~~City Clerk~~ Director of Health shall notify the Applicant/Retailer in writing not less than 30 days before expiration of the license including the facts and specific section or sections of this Chapter upon which this determination was made. Notification shall be sent by certified mail to the Applicant/Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

Article IV. Compliance; Violations and Penalties.

§ ____ -10. No Sales to Minors.

- A. No Retailer or Salesperson shall Sell any Vape Product to any person under the age of 21 years of age.
- B. The Retailer or Salesperson Selling any Vape Products must request and examine the identification card issued in accordance with the provisions of the Connecticut General Statutes, as amended from time to time, for anyone who appears to be under the age of 30 and verify proof of age demonstrating the recipient is at least 21 years of age before Selling any Vape Products.
- C. That a person appeared to be over the age of 21 shall not constitute a defense to a violation of this section. If a person fails to provide such proof of age, such Retailer or Salesperson shall not Sell any Vape Products to the person.

§ ____ -11. Signage.

"The Sale of Vape Products to Persons Under 21 is Prohibited" signs shall be legibly printed in letters at least one-half inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages, including but not limited to, Spanish and Haitian-Creole, as needed to be consistent with other facility postings.

§ ____ -12. Inspection.

The Director of Health and/or the Chief of Police may, from time to time, make an inspection of each Retailer operating within the City for the purposes of determining compliance with the provisions of this Chapter. Such inspections shall be at a reasonable time and in a reasonable manner. Inspections of a Retailer's establishment shall include, but not be limited to, examination of products, records, advertising materials, signage, and the physical premises to ensure compliance with this Chapter. It shall be a violation of this Chapter for any person to fail or refuse to allow such inspection or to hinder such inspection in any manner.

§ ____ -13. Violations and Penalties.

A. Violations.

- (1) Any Retailer who violates any of the provisions of this Chapter shall be guilty of an infraction and subject to civil penalty fine, suspension, and/or revocation of license. Each violation, and every day in which a violation occurs, shall constitute a separate and distinct infraction.
- (2) In the event that a violation has occurred, the ~~City Clerk~~ ~~Director of Health~~ shall have 30 days from the date of the violation to issue notice of said violation via written order to the Retailer. The order shall specify the section of this Chapter of which the Retailer is in violation and shall specify the penalty for non-compliance. Notification shall be sent by certified mail to the Applicant's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.
- (3) A Retailer shall be found in violation of this Chapter if:
 - (a) The Retailer or any Salesperson Sells Vape Products to any person under the age of 21 years.
 - (b) The Retailer fails to post signage and license as required.
 - (c) The Retailer fails to pay any fines imposed in accordance this Chapter.
 - (d) The Retailer or any Salesperson Sells or uses on the premises any narcotic substance or any controlled drug as defined in Section 21a-242 of the Connecticut General Statutes, as amended from time to time.
 - (e) The Retailer fails to maintain standards prescribed by the Connecticut Department of Public Health or the City's Health Department, or their respective successors.
 - (f) The Retailer or any Salesperson refuses to submit to the ~~City Clerk~~ ~~Director of Health~~ any reports or make available any records required in investigating the establishment for the purpose of ensuring compliance with this Chapter.
 - (g) The Retailer or any Salesperson fails or refuses to submit to an investigation by persons authorized by law to conduct fire, building, health, or law enforcement

related inspections.

- (h) The Retailer or any Salesperson violates state or local Vape Products sales and use laws.
- (i) The Retailer or any Salesperson violates any of the provisions of this Chapter, or any rules and regulations established by the ~~City Clerk~~Director of Health, pursuant to this Chapter.
- ~~(j)~~ The Retailer or any Salesperson furnishes or makes any misleading or false statements or reports in relation to this Chapter, including in connection with an application for an initial or renewal license or an inspection under this Chapter.

~~(k)~~ Upon suspension or revocation of a license, the Retailer fails to remove all Vape Products from the premises.

B. Penalties.

(1) If the Chief of Police or the Director of Health find that a Retailer is in violation of this Chapter, it shall be punishable by a fine, suspension, and/or revocation of license as follows:

- (a) Upon the first violation of this Chapter, the Chief of Police, the Director of Health, or their respective designees, shall impose a fine of \$250.00.
- (b) If a second violation of this Chapter is issued within a 12-month period following the first violation, the Retailer's license shall be suspended for ~~six~~6 months by the Director of Health. Upon suspension of a license, all Vape Products shall be removed from the premises. Failure to remove shall constitute a separate violation for each and every day of noncompliance.
- (c) If a third violation of this Chapter is issued within a 24-month period following the first violation, the Retailer's license shall be revoked by the Director of Health. Upon revocation of a license, all Vape Products shall be removed from the premises. Failure to remove shall constitute a separate violation for each and every day of noncompliance.

C. Upon suspension or revocation of a license, all Vape Products shall be removed from the premises within ~~seven~~7 days from the date of suspension or revocation.

Article III. Hearings.

§ ____-14. Notification of revocation or suspension; hearing.

The ~~City Clerk~~Director of Health may revoke or suspend any license issued pursuant with this Chapter in accordance with the following procedure:

- A. The ~~City Clerk Director of Health~~ may revoke or suspend any license issued under this Chapter by notifying the Retailer in writing of such revocation or suspension, and the reasons therefor, and informing the Retailer of their right to request a hearing before the Board of Health and the procedure for such hearing, including all procedural deadlines.
- B. Notice of revocation or suspension shall be sent to the Retailer by certified mail to the Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.
- C. A request for hearing must be delivered to the ~~City Clerk Board of Health~~ within 20 days following the date of mailing of the notice of revocation or suspension.
- D. A hearing shall be scheduled to commence within 60 days following the date of actual receipt by the ~~City Clerk Department of Health~~ of the request for a hearing.
- E. The ~~City Clerk Director of Health~~ shall schedule the hearing on behalf of the Board of Health, and shall notify the Retailer by certified mail addressed to the Retailer's residence and business addresses, of the date, time and place of the hearing, not less than 20 days prior to the hearing.
- F. At any hearing held under this section, the ~~City Clerk Director of Health~~ and the Retailer may present any pertinent and material written and testimonial evidence, and shall have the right to cross-examine all witnesses. Witnesses shall testify under oath or affirmation.
- G. The ~~City Clerk Director of Health~~ shall have the burden of proving the facts and circumstances that warrant the revocation or suspension of a license.
- H. The Board of Health shall render a written decision on the appeal within 20 days following the conclusion of the hearing. Said decision shall state whether the appeal is dismissed or sustained, the facts and circumstances found to support the decision, and shall state the relief ordered, if any.
- I. A request for a hearing under this section shall stay any revocation or suspension until such time as a hearing has been held and a decision rendered thereon; provided, however, that if the Board of Health finds that the public health, safety, or welfare requires emergency action and incorporates a finding to that effect in the notice of revocation or suspension, the Retailer may be suspended immediately, pending a hearing thereon, which hearing shall be promptly instituted and all facts and issues promptly determined.
- J. The criminal arrest for a felony, on or off the premises, of the Retailer, if a natural person, or any shareholder, director, officer, member, or partner of the Retailer, if the Retailer is not a natural person, shall constitute an emergency requiring the immediate suspension of a license pending a hearing.

§ ____-15. Hearing on Denial of License or Renewal.

- A. An Applicant aggrieved by the denial of a license to operate an establishment that Sells Vape Products or by the denial of renewal of such license may request, in writing, a hearing before the Board of Health, at which hearing such person shall be afforded the opportunity to present evidence and argument on all facts or issues involved.
- B. The City Clerk Board of Health shall, upon receiving a request for a hearing under this section, schedule a hearing not later than 60 days from the date of actual receipt of the request and shall notify all parties of the time and place thereof.
- C. The Applicant shall have the burden of proving that the requirements for the issuance of a license has been met.
- D. The Board of Health shall render a decision within 35 days of the date of said hearing and shall notify the Applicant party and the City Clerk Director of Health by certified mail.

§ ____-16. Appeal.

Any person aggrieved by any order or decision under this chapter may, within 10 days of such order or decision, appeal therefrom to the Superior Court judicial district at Stamford/Norwalk.

Article IV. Effective Date.

This Chapter shall take effect upon adoption, and the City Clerk City's Health Department, or its authorized designees, shall implement the licensing of Retailers within 90 days after the date of adoption.

City of Norwalk, CT
Friday, February 7, 2025

Chapter 94. Solid Waste Collection & Disposal; Transfer Station & Yard Waste Site

Article I. Collection and Disposal

§ 94-1. Purpose.

Control of the accumulation, collection, storage, removal and disposal of solid waste is a governmental function of the City of Norwalk for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. The City is authorized by law to regulate the disposition of solid waste generated within its boundaries and to license solid waste collectors.
- B. The City is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where solid waste generated within its boundaries shall be disposed.
- C. ^[1]The enactment of this article is in furtherance of the City of Norwalk's approved Regional Solid Waste Management Plan.
^[1] *Editor's Note: Former Subsections C and D, which required delivery of solid waste collected in Norwalk to the Bridgeport resource recovery system, were repealed 3-24-2009. This ordinance also redesignated former Subsection E as Subsection C.*

§ 94-2. Definitions.

In addition to the terms defined in Chapter 91 and Connecticut General Statutes Section 22a-207 and unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

ACCEPTABLE SOLID WASTE

Unwanted or discarded materials of the kind normally collected or disposed of or caused to be collected or disposed of by or on behalf of a municipality through private or municipal collection and commercial, governmental and light industrial waste for which a municipality is required by state law to make provisions for the safe and sanitary disposal thereof, but not including in any case special handling waste or bulky solid waste.

BULKY SOLID WASTE

Solid waste comprised of land-clearing debris and waste resulting directly from demolition and construction activities which can be disposed of in a landfill holding a permit issued by the Connecticut Department of Environmental Protection under Section 22a-208y of the Connecticut General Statutes and following of its regulations or any successor provisions.

HAZARDOUS WASTE

Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal,

including those regulated under 42 U.S.C. §§ 6921, through 6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

SPECIAL HANDLING WASTE

- A. Hazardous waste.
- B. Dirt, concrete and other nonburnable construction material and demolition debris, such as, but not limited to, sheetrock, ceramic tile, asphalt shingles).
- C. Large items of machinery and equipment, such as motor vehicles and major components thereof, agricultural equipment, trailers and marine vessels and any other item of waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, including, in the context of deliveries to the disposal facility, bulky solid waste.
[Amended 2-24-2009]
- D. Explosives, ordinance materials, oil, sludges, highly flammable substances, hazardous chemicals, tires and other materials, the acceptance of which, in the judgment of the Director, reasonably exercised, is likely to cause damage to or adversely affect the operation of the disposal facility, constitute a threat to health or safety or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.
[Amended 2-24-2009]

§ 94-3. Source separation of material.

- A. The Director shall establish the necessary rules and regulations to comply with the regulations issued pursuant to Public Act No. 87-544, an Act Mandating Recycling in Municipalities and Concerning Source Reduction Planning, as amended and/or supplemented. The following items may be required to be recycled; corrugated cardboard, glass food containers, metal food containers, newspapers, office paper, scrap metal, storage batteries, waste oil, yard waste, high-density polyethylene bottles or jars of any size or shape used to package food, household laundry products or crankcase oil (HDPE plastic containers), polyethylene terephthalate containers of any size or shape used to package beverages (PET plastic food containers) (plastics No. 1 and No. 2 only through June 30, 2009; plastic No. 1 through No. 7, thereafter), dry cell batteries and scrap tires.
[Amended 2-24-2009]
- B. All items designated by the Director for mandatory recycling shall be separated and kept apart from other solid waste by the property owner or his agent, packaged in the prescribed manner, placed at the curb in accordance with the schedule determined by the Director and collected by the City or by any contractor employed by the City or by the property owner's private collector. Any solid waste left for collection which contains any items designated by the Director for mandatory recycling shall be refused by any collector within the City. Such material shall also be refused at the transfer station. Tree trimmings and brush shall be tied in bundles of not over four feet in length, capable of being handled by one person.
[Amended 2-24-2009]
- C. No person, firm or corporation other than the owner, lessee or any occupant of a residential dwelling or commercial establishment or any employee of the City or any contractor employed by the City for the removal of items to be recycled shall pick up, remove, destroy or interfere with the mandatory recyclable items or any part thereof.

§ 94-4. Solid waste disposal facility.

- A. Pursuant to Connecticut General Statutes, Section 22a-220a, the Common Council hereby issues notice of its intent to designate and, upon compliance with the provisions of state law, shall, by resolution, designate the Norwalk Transfer Station as the area where acceptable solid waste generated within the boundaries of the City of Norwalk by residential, business, commercial or other establishments may be disposed.
- B. In accordance with agreements made between the City and any terminal disposal system, acceptable solid waste, bulky solid waste and items designated for mandatory recycling shall be separately delivered to an authorized solid waste disposal facility. Acceptance of a City license by a private collector acknowledges the right of the City to inspect each load delivered to the Norwalk transfer station.
[Amended 2-24-2009]

§ 94-5. Solid waste collection requirements.

- A. The owner of each premises, residential or commercial, where solid waste is created or generated shall provide, at a suitable place upon such premises and not on the street or sidewalk, sufficient receptacles for receiving and holding such solid waste during the intervals between collections. Solid waste shall be stored in watertight, tightly covered cans or rigid containers; garbage shall not be placed out for collection in plastic bags. The standard unit of collection for household solid waste shall be twenty- and thirty-gallon containers. Each receptacle shall not weigh more than 75 pounds when full. Containers shall be maintained in good condition, free of holes and fissures and shall be equipped with securely fitting covers. No loose material will be collected by the City.
- B. All refuse containers shall be maintained by the owners thereof and promptly replaced when no longer fit for use. Containers not conforming to the requirements set forth by this article and deemed a sanitary or accident hazard, as determined by the Director or his duly authorized agents, may be confiscated by the City and disposed of, without compensation to the owner.
- C. The property owner or the person served shall have the refuse receptacles or containers placed as near to the curbline as is practicable at the time designated by the Director, but no later than 6:00 a.m. on days on which collections will be made; provided, however, that refuse containers or receptacles may be so placed for collection on the evening preceding the date on which collections will be made, but no earlier than 6:00 p.m.

§ 94-6. Unlawful deposit.

- A. Deposit in public places.
 - (1) No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City except in proper containers or otherwise properly prepared for collection, unless with express approval granted by the Director. No person shall throw or deposit any solid waste in any stream, sewer or other body of water.
 - (2) Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste within seven days after written notice by registered mail to remove the same shall be deemed a violation of this article.
- B. No person shall cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley or other public place or into any occupied premises.

- C. It shall be unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances, as determined by the Director, into any refuse container or to transport any such substance to the solid waste disposal facility.
- D. No person shall deposit any solid waste in any City receptacle in a City park which has been brought from any area outside said City park. This provision shall not prohibit disposal of garbage, rubbish or waste created by activities in said park, such as by the consumption of food.

§ 94-7. Collection and disposal within the Fourth Taxing District.

- A. The Director is authorized and directed to have removed or cause to be removed all solid waste, when properly prepared as provided in this article, from all areas within the Fourth Taxing District of the City. Such collections shall be a governmental function under the direction of the Director and shall be financed by appropriations from the Fourth Taxing District revenues.
- B. Within the Fourth Taxing District, collection schedules and methods of collection shall be determined by the Director, provided that not fewer than two collections per week shall be made from each and every place to be served, and provided further that collections shall be made on scheduled days in each locality or street and that the citizens of the Fourth Taxing District shall be informed of the times of collection or any changes therein by means of proper notice in the local newspaper or by such other means as may be expedient.
- C. The City shall not tax any qualified residential condominium or residential cooperative unit, as defined by Chapter 828 of the Connecticut General Statutes, or single-family residence located on a private road within the Fourth District, for that portion of the property tax attributable to garbage collection, provided that:
 - (1) The amount of the tax exemption for each qualified unit or residence shall be calculated as follows: that portion of the annual mil rate for garbage collection multiplied by the assessed value of the unit or residence.
 - (2) Any residential condominium or residential cooperative association or single-family residence may qualify for the exemption by completing an application with the Finance Department of the City on or before April 15 previous to the ensuing fiscal year for which they seek exemption and providing proof of payment for private collection for the previous year. Such exemption shall remain in effect each year after the initial application unless it is determined by the Finance Department that City garbage collection services have become available and are being utilized.
 - (3) Any residential condominium or residential cooperative association or single-family residence that obtains City garbage collection services must discontinue the exemption by providing notice to the Finance Department of the City of Norwalk.

§ 94-8. Collection and transportation license required.

- A. The Director shall be the licensing and registration authority for all solid waste collectors, vehicles and refuse containers operating within the City. It shall be unlawful for any person to collect or remove solid waste in the City or to transport the same upon or through any street or public place of the City unless such person is an employee or agent of the City assigned to such work, has been granted a license by the Director to do so, is the employee of a person who has been so licensed or is the actual producer of such refuse within the City or his employee then and there engaged in transporting the same from the premises where produced to any area where public disposal is permitted.
- B. It shall be unlawful for any employee of the actual producer of any solid waste to collect, remove or transport such waste for more than one actual producer thereof or for such employee or any producer to combine or commingle within the City the waste of more than one producer or for any

person to act as the employee of more than one producer for the purpose of collecting, removing or transporting such waste upon or through any street or public place of the City unless such person has been granted a license by the Director.

- C. Each licensed solid waste collector shall obtain a separate registration for each vehicle and/or refuse container he operates within the City. When a vehicle is employed to transport more than one refuse container, each container to be transported as well as the vehicle shall require a separate registration. Registrations shall not be transferable from vehicle to vehicle nor container to container, provided, however, that the Director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

§ 94-9. Requirements for containers and vehicles.

Any person permitted by this article to collect, remove or transport solid waste over the streets of the City shall use containers or vehicles provided with tight covers and so constructed and operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped, spilled or leaked therefrom.

§ 94-10. License, registration and disposal fees.

- A. The Director shall establish license, registration and disposal fees for:
[Amended 2-24-2009]
- (1) The privilege of engaging in the business of collecting or removing solid wastes in the City or transporting the same through the streets or public places of the City; and
 - (2) Disposing of or depositing the same at the City's solid waste disposal facilities.
- B. Prior to issuance of any license and the collection of any license, registration or use fees, the Director shall determine that the proposed licensed operation:
- (1) Will not create a nuisance.
 - (2) Will not create or aggravate a traffic or health hazard.
 - (3) Will result in efficient, prompt and clean collection service.
 - (4) Will meet all state health and safety standards as to construction of vehicles.
- C. The license, registration and disposal fees for each of the types of solid waste shall be established in accordance with the provisions of § 90-4, Approval of rates and fees.
- D. The Director shall establish such rules and regulations as are appropriate for the administration of the provisions of this section.

§ 94-11. License and registration application and renewals.

- A. Applications for licenses, renewals of licenses and vehicle and/or refuse container registration under this article shall be submitted in writing to the Director. Each application shall contain the following information:
- (1) The name and address of the applicant. If the applicant is a proprietorship, firm or partnership, the names of all owners or partners shall be listed; if the applicant is a corporation, the names and title of each of the officers shall be listed.
 - (2) The purpose for which the license is sought.

- (3) The area within which the applicant wishes to collect or transport solid waste.
 - (4) The number, kind and capacity of the vehicles and other equipment to be used for such purposes, together with their license plate numbers.
- B. Each application shall be accompanied by the deposit of the license and registration fee required by the provisions of this article. If the application complies with the provisions of this article, the Director shall specify the term for which such license is granted, not to exceed one year, and, as a condition of granting the requested license and/or registration, may impose such other conditions as he may deem to be in the best interests of the public health and welfare. If a license is not issued, the fee shall be returned to the applicant.
- C. No application for a license by a private collector shall be accepted unless accompanied by a statement acknowledging and authorizing City inspection of any load transported and/or delivered under this article.
- [Amended 2-24-2009]

§ 94-12. Authority to limit number of licenses.

In order to preserve the public health, safety and welfare, the Director shall have the authority to limit the number of licenses for the collection and/or transportation of refuse which may be issued under this article. Notice of such limitation shall be posted in the same manner as rules and regulations issued by the Director under this article.

§ 94-13. Vehicle and container identification; license information.

- A. Every license granted by the Director under this article shall cover the following matters:
- (1) The name and address of the person to whom the license is issued.
 - (2) The area within which the person to whom the license is issued may render collection services.
 - (3) The nature of the collection services which are authorized.
 - (4) The term for which the license is granted (not to exceed one year).
 - (5) A description, including the license plate numbers, of each vehicle to be registered under the license.
 - (6) Such other conditions as the Director may establish.
- B. The Director shall issue to each licensed person one sticker for each registered vehicle and/or refuse container covered by the application, each of which vehicles and/or refuse containers shall thereafter display such sticker as long as the license or registration is in force.

§ 94-14. Transferability of license.

No license granted by the Director under this article or any interest therein shall be given, sold, assigned, mortgaged or otherwise transferred without the prior written consent of the Director.

§ 94-15. Revocation of license.

- A. Any license granted by the Director under this article may be revoked by the Director if the Director finds and determines that the licensee has failed to comply with any of the terms of such license or

of this article or rules and regulations duly promulgated hereunder or fails to render satisfactory collection services.

- B. Revocations and suspensions shall become effective only after a public hearing. The Director shall send a written notice of proposed suspension or revocation to said collector, stating the reasons for such action. The Public Works Committee of the Common Council shall, within 15 days of the date of such written notice, hear and decide the matter. Such hearing shall be held in public session; provided, however, that the hearing may be held in executive session at the request of the collector. The collector, the Director and other persons invited by either of them or by the Committee may appear and present such testimony and evidence as they may wish. The Committee may revoke the license, suspend the license for a time certain, decline to revoke or suspend the license or make such other determination as may be appropriate in the circumstances.
- C. The decision of the Public Works Committee shall be final and binding upon the collector. No application for a license revoked under this article shall be accepted for a period of one year from the date of the Committee's action.
- D. Notwithstanding anything to the contrary herein, the Director shall have power to refuse permission to a collector to use the Norwalk transfer station when, in his opinion, such collector has violated this article or any applicable rule or regulation.
[Amended 2-24-2009]

§ 94-16. Rules and regulations.

The Director shall have the authority to make such other reasonable rules and regulations concerning collection, transportation and disposal of refuse as he shall deem necessary, which shall take effect no less than three days after posting at the Department of Public Works' offices and at all designated solid waste disposal facilities.

§ 94-17. Violations and penalties.

[Amended 2-24-2009]

Any person violating any of the provisions of this article shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount established in accordance with the provisions of § 90-4, Approval of rates and fees. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article II. Use of Transfer Station and Yard Waste Site

[Added 4-14-2020]

§ 94-18. Disposal pass for residents and/or real property owners who pay Norwalk vehicle tax.

All noncommercial vehicles of Norwalk residents and/or real property owners for which a vehicle tax is paid to Norwalk shall be entitled to free admission with a valid disposal pass to the transfer station and the yard waste site. In order to maintain the validity of this pass, Norwalk residents and/or real property owners shall remain current on their vehicle tax. If Norwalk residents and/or real property owners are more than 45 days delinquent on their vehicle tax, then this pass shall become invalid until the vehicle tax, and all applicable fees, interest and penalties, have been satisfied. The disposal pass must be displayed on the driver's side dashboard during use of both facilities.

§ 94-19. Admission for residents and/or real property owners who do not pay Norwalk vehicle tax.

All noncommercial vehicles of Norwalk residents and/or real property owners for which a vehicle tax is paid to a city other than Norwalk shall be entitled to purchase a disposal pass to the transfer station and the yard waste site for a sum to be set pursuant to the Department of Operations and Public Works' fee schedule.

§ 94-20. Additional permits.

- A. An additional disposal permit, issued at the Norwalk transfer station by the Department of Operations and Public Works, is required for all noncommercial pickup trucks, vans and/or vehicles with trailers. Residents and/or real property owners with a noncommercial pickup truck, van and/or vehicle with trailer will be required to show a valid disposal pass, as provided in §§ 94-18 and 94-19, in order to apply for the additional disposal permit.
- B. Commercial permits are required for all commercial vehicles. These permits are issued by the Department of Operations and Public Works. The fee schedule for commercial permits is set pursuant to the Department of Operations and Public Works' fee schedule.

§ 94-21. Admission for nonresidents, nonpermit holders and/or non-real-property owners.

All vehicles of nonresidents, nonpermit holders and/or non-real-property owners shall be entitled to use the transfer station and yard waste site for a sum to be set pursuant to the Department of Operations and Public Works' fee schedule.

Chapter __. Issuance of Citations; Hearing Procedure

§ __-1. Purpose.

The purpose of this Chapter is to establish a procedure for the issuance of citations to be followed in all instances when citations are issued by employees of the City of Norwalk (the “City”). This Chapter also establishes a hearing procedure for the appeal and enforcement of all fines, penalties, costs, and fees for citations issued for violations of City ordinances.

§ __-2. Appointment of hearing officers.

The Mayor shall appoint one or more persons who are electors of the City to serve as citation hearing officers to conduct hearings regarding the violation of City ordinances. No City employee authorized to issue citations for the violation of any City ordinance shall be permitted to serve as a citation hearing officer.

§ __-3. Notice of violation.

Within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs, or fees for any citation issued under a City ordinance for a violation thereof, the City shall send notice to the cited person(s). Such notice shall inform the cited person(s):

- A. Of the allegations against the cited person(s) and the amount of the fines, penalties, costs, or fees due;
- B. That the cited person(s) may contest liability before a hearing officer appointed by the Mayor by delivering in person or by mail written notice of demand for a hearing to the address specified in the notice within 10 days of the date thereof;
- C. That if a hearing is not so demanded, an assessment and judgment shall be entered against the cited person(s); and
- D. That such judgment may issue without further notice. For purposes of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person’s last known address on file with the City Tax Collector’s office.

§ __-4. Admission of liability.

If a cited person(s) sent notice pursuant to Section 3 wishes to admit liability for an alleged violation, the cited person(s) may, without requesting a hearing, pay the full amount of the fines, penalties, costs, or fees in person or by mail to the address specified in the notice. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the cited person(s) making the payment. Any cited person(s) who does not deliver or mail written notice of demand for a hearing within 10 days of the date of the notice provided in Section 3 above, shall be deemed to have admitted liability and the Chief of the City department specified in the notice, or their designee, shall certify such person or persons’ failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs, or fees provided for by the applicable ordinance and shall follow the procedures set forth in this Chapter.

§ __-5. Hearing procedure.

- A. Any cited person(s) who requests a hearing shall be given written notice of the date, time, and place of the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of such notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing employee shall be filed and retained by the City, be deemed to be a business record within the scope of Connecticut General Statutes § 52-180, as amended, and be evidence of the facts set forth therein. At the request of the cited person(s), the presence of the issuing employee shall be required at the hearing. A designated City employee, other than the hearing officer, may present evidence on behalf of the City. A person wishing to contest their liability shall appear at the hearing and present evidence on their own behalf.
- B. If the cited person(s) fails to appear and such appearance has not been determined by the hearing officer to be unnecessary, the hearing officer may enter an assessment by default against the cited person(s) upon a finding of proper notice and liability under the applicable ordinance. The hearing officer may accept from the cited person(s) copies of written statements, police reports, investigatory and citation reports, and other official documents by mail or hand delivery, and may determine thereby that the appearance of such person(s) is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce a decision at the end of the hearing. If the hearing officer determines that the cited person(s) is not liable, the matter shall be dismissed and the decision of the hearing officer entered in writing accordingly. If the hearing officer determines that the cited person(s) is liable for the violation, said hearing officer shall forthwith enter and assess the fines, penalties, costs, or fees against the cited person(s) as provided by the applicable ordinance.
- C. All final decisions of the hearing officer shall be in writing and filed with the Town Clerk of the City within 14 days from the date of the final decision.

§ ____-6. Notice of assessment and judgment.

- A. If an assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of assessment to the cited person(s) found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court, together with the applicable court costs. The certified copy of the notice of assessment shall constitute a record of assessment. Within such 12 month period, assessments against the same cited person(s) may be accrued and filed as one record of assessment. The Town Clerk shall enter judgment in the amount of said record of assessment and court costs against the cited person(s), in favor of the City. The hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution on such judgment may issue without further notice to such cited person(s).
- B. In the event that the fines, penalties, costs, and fees imposed by the hearing officer are made pursuant to the provisions of an ordinance regulating blight, adopted pursuant to Connecticut General Statutes § 7-148(c)(7)(H)(xv), as amended, and the fines, penalties, costs, and fees associated with the same under the blight ordinance are not paid on the date of the entry of assessment, then the fines, penalties, costs, and fees shall constitute a lien of

the City on the real property where said blight exists, which lien may be continued, recorded and released in the manner provided by Connecticut law for the continuing, recording, and releasing of property tax liens. Each such lien may be enforced in the same manner as property tax liens including foreclosure of the real property. Said lien shall remain an encumbrance upon the subject property until such time as the blight condition has been abated and all fines, penalties, costs, and fees assessed have been paid.

§ ____-7. Appeal.

A cited person(s) against whom an assessment has been entered pursuant to this Chapter is entitled to judicial review by way of appeal in accordance with the provisions of Connecticut General Statutes §7-152c, as amended. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment together with the applicable court fees at the appropriate Superior Court, which shall entitle the cited person(s) to a hearing in accordance with the rules of the judges of the Superior Court.

§ ____-8. Other remedies.

No action taken pursuant to this Chapter shall preclude the City from pursuing other enforcement remedies, either in addition to those specified in this Chapter or separately, in order to achieve lawful compliance with the City's ordinances.

§ 103-14. Appointment of members; increase in membership.

- A. There shall be three regular members and three alternate members appointed to the Board of Assessment Appeals. The Mayor shall appoint these members subject to confirmation by the Common Council. Each regular member shall serve a term of four years from the date of appointment and until their successor is appointed and confirmed by the Common Council. Each alternate member shall serve a term of one year from the date of appointment.
- B. Revaluation.

(1) In accordance with the provisions of CGS § 9-199(c), the Board of Assessment Appeals is hereby increased to seven regular members and seven alternate members for any assessment year during which a revaluation becomes effective. The Mayor shall appoint the additional members, subject to confirmation by the Common Council, the year that the revaluation becomes effective.

(1)(2) In accordance with the provisions of CGS § 9-199(c), the Board of Assessment Appeals is hereby increased to four regular members and four alternate members for the second year after the revaluation becomes effective. The Mayor shall appoint the additional members, subject to confirmation by the Common Council.

(2)(3) The provisions of CGS § 9-167a concerning minority representation shall apply to the Board of Assessment Appeals.

(3)(4) Upon the completion by the Board of Assessment Appeals of its work for any revaluation assessment year described above for which the additional members were appointed, the terms of the additional members appointed and confirmed pursuant to this section shall expire and no successors shall be appointed.