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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 Zulma Roundtree at zroundtree@norwalkct.gov to provide written public comment prior to the meeting.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES:

Special Meeting: April 27, 2023

IV. PUBLIC COMMENT

V. DISCUSSION: CONSOLIDATED CHARTER

VI. DISCUSSION OF CRC CALENDAR: SETTING THE PUBLIC HEARING DATE

VII. ADJOURNMENT

CHARTER REVISION COMMISSION SPECIAL MEETING APRIL 27, 2023
NORWALK, CT COMMON COUNCIL CHAMBERS
AND VIA ZOOM

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ATTENDANCE: Patsy Brescia, Chair; Carl Dickens; Richard McQuaid; Angela Wasunna; Michael Witherspoon; Tyler Fairbairn (6:45 p.m.)

OTHERS: Steven Mednick, Commission Counsel

I. CALL TO ORDER

Ms. Brescia called the meeting to order at 6:30 pm.

II. ROLL CALL

Ms. Brescia called the Roll as indicated above.

III. APPROVAL OF MINUTES:

Regular Meeting: April 10, 2023

**** MR. DICKENS MOVED TO APPROVE THE MINUTES AS PRESENTED**
**** MS. WASUNNA SECONDED**
**** MOTION PASSED WITH ONE (1) ABSTENTION (MR. WITHERSPOON)**

Regular Meeting: April 15, 2023

The following corrections were made to the minutes:

Page 3: The idea is that they would not have any departments in the Charter except for the ones that operate the government. Should be corrected to: The idea is that they would not have any departments in the Charter except for the three drivers of the government – Purchasing, Finance and Personnel.

Page 4: Remove the following sentence - Ms. Brescia asked if they could add a clause establishing a \$600.00 expense allowance per person.

Page 4: The bond issue is about to be resolved. Most communities do not bond, but rather prosecute. Should be corrected to: Most communities do not bond, but rather insure for certain public officials.

**** MR. WITHERSPOON MOVED TO APPROVE THE MINUTES AS CORRECTED**
**** MR. DICKENS SECONDED**
**** MOTION PASSED UNANIMOUSLY**

Public Hearing: April 19, 2023

The following corrections were made to the minutes:

Page 3: Ms. Brescia said the Commission is focusing on the Charter will being reviewed within the next two to three years with a request that it be reviewed every five years. Should read - Ms. Brescia said the Commission is focusing on the Charter and requests that it be required to be reviewed in five years.

Page: Ms. Brescia said she did not recall the following statement: Ms. Smirniotopoulos said she thinks there are a lot of state appointments and there is a lot of double dipping.

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Special Meeting
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Page 4: As a representative of the East Norwalk Neighborhood Association, she said they struggle to get the work out to people. Should read - As a representative of the East Norwalk Neighborhood Association, she said they struggle to get the word out to people.

Page 5: Mr. Fairbairn said he was settled on a two-year term for Mayor. Should read - Mr. Fairbairn said he was settled on a four-year term for Mayor.

**** MR. WITHERSPOON MOVED TO ACCEPT THE MINUTES AS CORRECTED**
**** MR. DICKENS SECONDED**
**** MOTION PASSED UNANIMOUSLY**

IV. PUBLIC COMMENT

There were no members of the public present this evening.

V. DISCUSSION: ARTICLES VII AND VIII – BOARDS AND COMMISSIONS; AND, DEPARTMENTS AND DEPARTMENT HEADS

Mr. Mednick reported that the department section is completed. He said they need to schedule another meeting. All the revisions are done, and he started to integrate the document. He also created a chapter on Special Act provisions.

Mr. Fairbairn joined the meeting at 6:45 p.m.

Mr. Mednick shared his screen and reviewed the provisions. Regarding the section on Open Meetings, Mr. Mednick said that with the approval of the Commission, he wanted to add that the City shall migrate toward ensuring technology is available. He continued reviewing the provisions. Ms. Wasunna asked about the terms board and commission. Ms. Brescia said they are defined terms. Mr. Mednick suggested looking at the definition to determine if they can clean that up.

Ms. Brescia asked for clarity in section K. Mr. Mednick said he will fix the language.

Mr. Mednick reviewed the removal provisions and suggested adding - as determined by the Board of Ethics. The members of the Commission agreed to the addition of that language.

Mr. Mednick reviewed provision H – Required Cooperations. He said this provision basically says everyone needs to work together. Ms. Brescia noted that the Board of Education was not listed. Mr. Mednick said that it is in the definition of terms. Mr. McQuaid agreed and said the definition lists all of the boards, commissions. For clarity, Mr. Mednick said they can include - boards and commissions whether elected or appointed. Ms. Brescia said that was not clear

enough. Mr. Mednick suggested saying – as defined in article/section...he said that most people would look at the definition and see the Board of Education there. Mr. Witherspoon said he would be hesitant to add the Board of Education to this when the point is that it applies to everyone. Mr. Mednick said he will move H under article 2 so there will be no doubt that it applies to all boards and commissions.

Mr. Mednick reviewed the section related to Boards and said there were not a lot of changes there. He reviewed the Police Commission provision and noted there will be four electors instead of two with the Mayor as the fifth member (ex-officio). Ms. Brescia asked about the Police Commission setting the Chief of Police's salary. Mr. Mednick will check the language.

Mr. Mednick reviewed the Fire Commission provision and said it mirrors the Police Commission provision. Ms. Brescia noted the Rowayton Volunteer Fire Department needs to be referenced under A. Mr. McQuaid said the Fire Commission does not oversee the Rowayton Volunteer Fire Department. Ms. Brescia said this has been an issue throughout the years. Mr. Mednick explained that it is not in the Charter, but will check this.

Mr. Mednick reviewed other boards and commissions and said there are mandates to create entities that already exist. Ms. Brescia said the Library is a department of the City. Mr. Mednick said that unless he missed it, it is not in the Charter. He asked if the Commission wanted him to add it as a mandated board. Mr. Mednick noted that the Library is in the Code of Ordinances, but is not in the Charter.

Ms. Brescia said the Library board asked for clarification from the Corporation Counsel. She said it is an issue and wants it addressed. Mr. Mednick will add the Library board to the Charter.

Mr. Dickson commented there is no reference to the Oak Hills Park Authority. Mr. Mednick said that no authorities are listed in the Charter.

Mr. Mednick reviewed the provisions that will be moved into the Historical Provisions section.

VI. FURTHER REVIEW OF COUNSEL REVISIONS, IF ANY, OF ARTICLES I-III, IV, V, VI, IX AND X

Ms. Brescia suggested that for the next meeting, they should invite members of the Fire and Police Board. Mr. Mednick discussed upcoming meeting dates. He said they can invite members of those boards to the next meeting, but that will be the first time the Commission will see the consolidated Charter. He said they may need to hold an additional meeting and can invite them to that meeting. A meeting was scheduled for Tuesday, May 9th at 7:30 p.m. followed by a public hearing on May 17th. The final meeting will be held on May 24th. Ms. Brescia said they will meet weekly in May.

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Ms. Brescia said that during the public hearing, someone mentioned environmental issues and encouraged the government to be cognizant of this. She asked Mr. Mednick if this is referred to in other Charters. Mr. Mednick said that some Charters mandate it. He added that Norwalk has a Conservation Commission. Mr. Dickens added that the City seems to be addressing these issues with their Ordinances. Mr. Mednick said that when he reviews other departments, he may be able to add language to address those issues.

Mr. Mednick reviewed Article VIII and said that deals with the powers and duties of the departments. He reviewed the duties and functions of the positions that are appointed by the Mayor and confirmed by the Common Council. He also reviewed the Historical Provisions section.

VII. DISCUSSION OF CRC CALENDAR

This was discussed earlier. Mr. Mednick said he plans to provide the Commissioners with the entire Charter next week. He added that he will be reviewing the Charter until the final vote is taken by the Common Council.

VIII. ADJOURNMENT

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

There was no further business, and the meeting was unanimously adjourned at 8:43 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

DRAFT REPORT

CHARTER

OF THE

CITY OF NORWALK

With
Annotated Footnotes

Presented to the Common Council

27 April 2023 (Version03)

Patsy Brescia

Chair

Richard McQuaid

Vice Chair

Carl Dickens

Tyler Fairbairn

Angela Wasunna

Benita Watford

Michael Witherspoon

Attorney Steven G. Mednick
Counsel to the Commission

NORWALK CHARTER DRAFT REPORT.042723

NORWALK CHARTER DRAFT REPORT.042723

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NORWALK CHARTER DRAFT REPORT.042723

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PART I – THE GENERAL GOVERNMENT

2023 CHARTER REVISION COMMISSION: SETTING THE CONTEXT (042723)

Commented [S1]: HISTORICAL CONTEXT: (1) TOM LIVNINGSTON; AND, (2) RICK McQUAID AND MR. HEMSTEAD

The Charter is Norwalk's constitutional governing document. It is what the courts have called "the organic law of the city, superseding its existing charter and any inconsistent special acts." The 2023 revision is a comprehensive revision of a charter that dates back to 1913. It was, and to some extent, remains the product of years of Special Acts passed by the General Assembly that allowed our local officials to conduct the affairs of government. In the years since 1957 and the Constitution of 1965, our Common Council has, from time-to-time, established Charter Revision Commissions to replace the Special Acts in order to contour the document to the contemporary needs of the people of Norwalk.

The revision is not intended to ignore the history of our city and town. It is decidedly not a document that reforms or restructures the current structure of our government. The Mayor Board of Estimate and Taxation and Common Council will play the same roles they have played for decades. On the other hand, the 2023 revision represents the most significant effort to reform the governing document of the City of Norwalk.

There are some changes, including the creation of a four-year term of office for the Mayor. The Commission has also eliminated the positions of Selectmen and City Treasurer. We have included a provision that requires another Commission to be established in ___ years to take a deeper dive on the issue of government reform.

Reforming the document...restructuring the Charter is, in and of itself, a significant effort designed to increase public engagement in our government. This Charter is more understandable and accessible. It is a document that will contribute to the debate even if you don't like the current structure of government. The 2023 Charter Revision Commission asked the question: how can you participate in government if you can't figure out how the government works? This document is built to foster understanding of the government we do have, the processes for adopting ordinances; and the budget development protocols...among many other things.

For the record Norwalk is a consolidated municipal corporation and this Charter is our governing document. This document is divided into three parts. Part I enumerates all the entities, officials and processes for the general government of the City, including the Board of Education. Part II includes all the provisions of the Charter that govern Norwalk's Taxing Districts. Part III is a provision that includes many special action provisions that will be replaced by Ordinance. Once that occurs, these sunset provisions will be repealed and extricated from the Charter by operation of law.

The 2023 Charter Revision Commission has endeavored to make this document more accessible and understandable for its citizens and those who govern. One of the things we also want to accomplish is to explain the many anomalies as well as twists and turns regarding our form of government as well as how we arrived at this place and time in history in 2023.

THIS IS WHERE YOU NEED TO GIVE ME THE HISTORY

- Consolidation of various municipal entities
- Taxing Districts

NORWALK CHARTER DRAFT REPORT.042723

NORWALK CHARTER DRAFT REPORT.042723

**ARTICLE I: INCORPORATION, CONSTRUCTION AND GENERAL POWERS
(042723)**

§1-1. Title¹.

The title of this document shall be the "Charter of the City of Norwalk" or "Charter."

§1-2. Body politic and corporate².

All the electors of this state, inhabitants of the Town of Norwalk ("Town"), are hereby declared to be a body politic and corporate under the name of the City of Norwalk, and by that name they and their successors shall be capable of suing and being sued, pleading and being impleaded in all courts, and of purchasing, holding and conveying any estate, real or personal. The City shall have a common seal and alter the same at pleasure.

§1-3. Territorial Limits of the City of Norwalk³.

The territorial limits of the City of Norwalk shall be the same as those of the Town of Norwalk as the same exist at the passage of Sp. Laws 1913, No. 352, and the boundaries of the Town as they so exist shall be the boundaries of the City.

§1-4. Continuance of Rights and Obligations.

Transfer of Rights and Liability from Town to City: Liability of City⁴. All property, both real and personal, and all rights of action and all securities and liens belonging to or vested in the Town of Norwalk as of the date this Charter first took effect are hereby transferred to the City, and the City thereafter was and remains liable for all debts and obligations of the Town, payable out of the treasury of the City. The City shall hereafter perform all the duties and have and exercise all the rights, powers, and privileges conferred upon the Town, and all laws imposing such duties, burdens, and

¹ NEW (2023).

² 2023 recodification and modification of current Article I - General. §1-1. Derived from Sp. Laws 1913, No. 352, §1. Historical Editor's Note: See Ch. 7, Administration, §§ 7-9, 7-10 for designation and custody of seal.

³ 2023 Recodification of current Article I - General. §1-2. Derived from Sp. Laws 1913, No. 352, §2.

⁴ 2023 Recodification of current Article I - General. §1-4 through 1-5. Derived from Sp. Laws 1913, No. 352, §5 and 6. Note: The Special Act included the following liabilities: "All burdens and expenses imposed by law upon the Town of Norwalk for the conduct of elections, the care and support of poor, insane, and imbecile persons, the construction and maintenance of highways and bridges, the support of schools, the construction and maintenance of public buildings, the prosecution of criminal offenses, the payment of principal and interest of the town debt, the payment of state, military, and county taxes, and for all other purposes for which towns are liable." Repealed from the Charter are the following provisions: (1) Current Article I U., General - Exclusion of Town Meetings. §1-6. Derived from Sp. Laws 1913, No. 352, §9; (2) Current Article I - Rights, privileges, and immunities vested in the Cities of Norwalk, South Norwalk, East Norwalk Fire District and the Town of Norwalk, General. §1-7. Derived from Sp. Laws 1913, No. 352, §173. Historical Editor's Note: See also § 1-433, for inclusion of bridge into the state highway system; and, (3) Current Article V, Part 1 - General. §1-210. Derived from Sp. Laws 1913, No. 352, § 174. Historical Editor's Note: For vacancies in office refer to § 1-174.

expenses and conferring such rights, powers and privileges upon the Town are hereby made applicable to the City.

§1-5. General Grant of Powers⁵.

A. In addition to all powers granted to municipalities under the State Constitution and the General Statutes, or which may hereinafter be conferred, the City shall have all powers:

(1) specifically granted by this Charter and all powers fairly implied in or incidental to the powers expressly granted by the State to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States Government or any agency thereof, the State or any agency or any political subdivision thereof for services and the use of facilities, the exercise of which is set forth by Law;

(2) conferred by the Special Acts, which the City deems to be of continued applicability; and,

(3) now granted or that may hereafter be granted to municipalities under the State Constitution or the General Statutes.

B. The enumeration of particular powers in this and of any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto. The City shall exercise all the rights, powers, privileges, functions and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon this corporation.

⁵ NEW (2023). Repealed were Historical Special; Act provisions pertaining to: (1) Building, owning, leasing and using docks, wharves, piers, bridges and property along waterfront (current Article I - General. §1-8. Derived from Sp. Laws 1921, No. 400, §8. Historical Editor's Note: For "Shorefront Property Acquisition and Improvement Boards," see §§ 1-654 to 1-658.); (2) Acquisition of public lands and buildings owned by any taxing district (current Article I - General. §1-9. Derived from Sp. Laws 1931, No. 283, §1.); (3) Acquisition of property for public use by condemnation (current Article I - General. §1-10. Derived from Sp. Laws 1931, No. 283, §2); (4) Acquisition of school property owned by taxing districts (current Article I - General. §1-11. Derived from Sp. Laws 1931, No. 283, §3.); (5) Authorization of Council to establish a building district where it shall be unlawful to construct or remove wooden buildings (current Article I - General. §1-14. Derived from Sp. Laws 1913, No. 352 §139. Historical Editor's Note: §1-268, as to provision for lien for costs); and, (6) Salaries of the Officers of the City and Town of Norwalk (current Article V, Part 1 – General. §1-224. Derived from Sp. Laws 1913, No. 352, §169; Sp. Laws 1927, No. 255; Sp. Laws 1929, No. 102; Sp. Laws 1933, No. 335, § 2; Sp. Laws 1933, No. 363, § 5; Sp. Laws 1933, No. 456, §2. Historical Editor's Note: For salary of City Clerk, see § 1-233; for salary of Selectmen, see § 1-215).

ARTICLE II: CONSTRUCTION AND STANDARDS OF GENERAL APPLICATION OF THE CHARTER OF THE CITY OF NORWALK (042723)

§2-1. Definitions and Titles Generally⁶.

The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Sections are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

§2-2. Definitions⁷.

A. Definitions and Titles Generally⁸. The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Section Titles are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

B. Capitalized terms⁹. The following rule has been used in determining which terms in this Charter are capitalized: All references to particular City officials, as defined, below, and to particular City Departments, Boards and Commissions are capitalized, while general references are not.

C. Defined terms¹⁰. The following terms shall have the meanings set forth in this subsection unless otherwise specified in this Charter:

(1) **"Board" or "Commission"**¹¹. For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" shall include all boards, agencies, commissions, authorities or like entities of the City, whether elected or appointed, including the Board of Education.

(2) **"Budgeted Entity"**¹² means each Department (Including the Board of Education and the Public Schools), Department Head, Board, Commission, office, authority or any other entity of the City receiving or expending City funds, whether appropriated or otherwise, including state or federal funds or government or private grants.

(3) **Charter**¹³ shall mean the Charter of the City of Norwalk.

⁶ NEW (2023).

⁷ NEW (2023).

⁸ NEW (2023).

⁹ NEW (2023).

¹⁰ NEW (2023).

¹¹ NEW (2023).

¹² NEW (2023).

¹³ NEW (2023).

(4) **City**¹⁴ means the City of Norwalk.

(5) **City Clerk**¹⁵ is a public official appointed by the Mayor and serves the function set forth in in this Charter, in particular in Article V, §____.

(6) **Capital Budget**¹⁶. The capital budget referred to in this Charter is defined as the specific portion of the capital projects program for which it is proposed to authorize expenditures during any fiscal year.

(7) **Capital Budget Items**¹⁷. All individual expenditures in excess of Twenty-five Thousand (\$25,000) Dollars (or an increased amount set forth by Ordinance) to be utilized in more than one fiscal year, other than for ordinary operating expenses, which shall be requested or expended for improvements to City facilities, infrastructure and long-term assets. These Capital Budget Items shall include, but not be limited to, acquisition of property, the construction or remodeling of schools, public buildings and structures of whatever nature, for highways, parks, sanitary sewers, sewage and garbage-disposal plants, drainage systems, rehabilitation of blighted areas and for machinery and other facilities having a usable expectancy of at least two years, for which the credit of the City shall, usually but not always, be pledged by the issuance of bonds, notes or other certificates of indebtedness.

(8) **Common Council** or **Council**¹⁸ means the legislative body of the City, as required by the General Statutes.

(9) **Confirmation by the Common Council**¹⁹ shall mean the approval by a Majority Vote of the Council, of all Department Heads and Other Mayoral Executive Level Appointees and Board and Commission appointments of the Mayor shall be subject to confirmation by the Common Council in accordance with the provisions of §4-4.B(4) of Article IV of this Charter.

(10) **Day(s)**²⁰ means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the City is closed for business, the deadline shall be extended through the close of the next City business day; unless otherwise required by law.

Commented [S2]: CFO DACHOWITZ

NOTE: CONTINUE TO REFINE THIS DEFINITION. MANY OF THE CHANGES WERE RECOMMENDED BY THE CFO.

QUESTION FROM CHAIR BRESCIA: WHERE TO WE DEAL WITH THE SALE OF LAND?

CHAIR BRESCIA BELIEVES THIS IS TWO SHORT A PERIOD.

Commented [S3]: VOTING STANDARD.

¹⁴ NEW (2023)

¹⁵ NEW (2023)

¹⁶ NEW (2023). Derived from §30-1 of the Code of Ordinances. Note: Chapter 30 of the Code of Ordinances was adopted by the City of Norwalk Common Council 4-24-1958. Amendments noted where applicable

¹⁷ NEW (2023). Derived from §30-4 of the Code of Ordinances.

¹⁸ NEW (2023) Required by C.G.S. §7-193(a)(1)(C).

¹⁹ NEW (2023)

²⁰ NEW (2023).

(11) Department or Administrative Departments²¹ means any major functional or administrative division of the City, including any offices, agencies, bureaus or other descriptions serving the purpose as may be set forth in the Charter, the Ordinances, or, budget of the City. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

(12) Department Head²² means an employee who heads any Department in the City; has substantial supervisory control of a permanent nature over other municipal employees; and, is directly accountable to the Mayor.

(13) Elected Public Official means an individual who holds an elected municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the City. The Elected Public Officials of the City are set forth in section 3-3.C of Article II; Article IV (Common Council); Article V (Mayor); Article VI (Town Clerk and Registrars of Voters and Constables); and, Chapter IX (Board of Education) of this Charter.

(14) Elector²³ shall have the meaning contained in the General Statutes.

(15) Five-year Program of Capital Expenditures²⁴. The proposed five-year program of projected capital expenditures to which consideration shall be given by the agencies in whom that responsibility is vested, and in the manner prescribed by this Charter, shall constitute and be known as the "capital projects program."

Commented [S4]: CFO. OK with "projected"?

Commented [S5]: ELIMINATED "FINAL ACTION"

(16) General Statutes²⁵ shall mean the General Statutes of the State of Connecticut, as amended from time to time; also referred to as "C.G.S" or "G.S.".

(17) Law²⁶ includes, but is not limited to, decisions of courts and administrative bodies (or any agreements sanction by any such bodies), federal or state legislative enactments, Ordinances, Regulations and policies of the City, including all applicable rules contained therein.

(18) Majority Vote of the Council²⁷ means an affirmative vote of at least a majority of the full membership of the Council, at a Meeting of the Council at which a quorum is present.

²¹ NEW (2023).

²² NEW (2022).

²³ NEW (2023). C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town".

²⁴ NEW (2023) Derived from 30-3 of the Code of Ordinances.

²⁵ NEW (2023).

²⁶ NEW (2023).

²⁷ NEW (2023).

(19) **Mayor**²⁸ shall mean the chief executive officer of the municipality, as required by the General Statutes. Where in this Charter or the Ordinances thereunder, reference is made to "Mayor or designee," the identity of the designee shall at all times be determined, in the sole discretion, of the Mayor.

(20) **Meeting or Public Meeting**²⁹ shall have the meaning set forth in C.G.S. §1-200(2), including Meetings by means of electronic equipment, as may be amended from time to time.

(21) **Meeting (or Hearing Notice)** means a notice posted as required by Law including posting of all Meetings with the City and/or Town Clerk, as the case may be, including regular, special or emergency Meetings as well as public hearings, in the same manner as set forth in §___ of this Charter and as may be established by Ordinance or rules of the Common Council or any Board or Commission insofar as the notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the City may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a newspaper of general circulation distributed in the City. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

(22) **Public Official**³⁰ means an individual who holds an elected or appointed municipal office in the City; including but not limited to Elected Officials of the City; employees appointed subject to section 2 of Chapter VIII of this Charter; and, members of Boards and Commissions. **Appointed Public Official** shall include all Public Officials to the exclusion of those who hold elected Offices in the City. When the term "officer" is used in this Charter (and not in connection with sworn law enforcement officers), it shall be synonymous with the term "Official".

(23) **Ordinances**³¹ shall mean the powers of the City to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

(24) **Public Hearing**³² means a publicly noticed meeting or official proceeding held in order to receive testimony from all interested parties, including the general public, on a proposed issue, item or action. The parties, within the parameters of the rules of the board or commission shall have an opportunity to

Commented [S6]: COMMENT FROM DEPUTY CORPORATION COUNSEL CANDELA: "IS THERE A SPECIFIC GENERAL STATUTE THAT YOU ARE REFERRING TO? THE CHARTER DESCRIBES THAT ORDINANCES MUST HAVE A PUBLIC HEARING AND THAT A NOTICE MUST BE PUT IN A PAPER OF GENERAL CIRCULATION BETWEEN 7-15 DAYS BEFORE THE PUBLIC HEARING/MEETING."

SGM: I DON'T BELIEVE THERE IS STATUTORY REQUIREMENT FOR A PUBLICATION REQUIREMENT BEFORE ADOPTING THE ORDINANCE.

Commented [S7]: Placeholder

From Ethics Ordinance: "City Officers and employees, whether elected or appointed, paid or unpaid."

Commented [S8]: ELIMINATED "ORDER OR MOTION".

²⁸ NEW (2023). Required by C.G.S. § 7-193(a)(2)(C).

²⁹ NEW (2023)

³⁰ NEW (2023)

³¹ NEW (2023)

³² NEW (2023).

submit views and data relative to a matter on which a decision of the board or commission is pending. Public hearings shall be required prior to the adoption of Ordinances, Regulations, _____ or _____; or, decisions pertaining to a contested case before a board or commission where public participation is required or permitted under Law. Additional public hearing(s) may be permitted by the Chair of the board or commission or may be required by Ordinance.

(25) Public Notice³³ means a notice for matters other than public Meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. It specifically includes matters where "publication" was required under the prior Charter or the General Statutes. Any Public Notice shall be posted as specifically set forth in this Charter or may be governed by the requirements of the General Statutes. In the event the requirement of the Charter is more stringent than the requirements of the General Statutes, then the Charter shall prevail. Public Notice shall be posted (1) in the Office of the City Clerk and other public space or location in City Hall or other municipal office building designated by the City Clerk in order to assure sufficient disclosure to and access by the public; (2) on the City web-site, through other electronic media by the City Clerk; and, (3) if otherwise required by Law, by publication in a newspaper of general circulation distributed in the City.

(26) Regulation³⁴ means a statement of general applicability approved by a Department or Board or Commission (and the Council where specifically set forth herein), without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any Department, Board or Commission or the Laws under which they operate. The term includes the amendment or repeal of a prior Regulation, but does not include (A) statements concerning only the internal management of any Department and not affecting private rights or procedures available to the public; or (C) intra-Departmental or inter-Departmental memoranda.

(27) Resolution³⁵ means an action by the Council that (1) expresses the sentiment or intent of the Council; (2) governs the business of the Council; (3) expresses recognition by the Council; or, (4) complies with the specific requirements of the General Statutes with regard to certain legislative enactments. A declaratory statement of the Council on a given matter.

(28) Special Acts or Special Laws³⁶ shall mean the acts of the General Assembly of the State pertinent to the City.

(29) State or Connecticut³⁷ shall mean the State of Connecticut.

³³ NEW (2023).

³⁴ NEW (2023). Derived from C.G.S. §4-166(16).

³⁵ NEW (2023).

³⁶ NEW (2023).

³⁷ NEW (2023).

(30) State Constitution³⁸ shall mean the Constitution of the State of Connecticut.

(31) Town Clerk³⁹ is an elected Public Official who serves the function set forth in the General Statutes and this Charter, in particular in Article VI, §6-1.

(32) Vacancy⁴⁰ or, in the alternative, the use of the word “Vacant” means whenever any Official of the City is unable to complete the current term of office due to death, resignation, removal, incapacity or other reason as may be defined by Ordinance.

(33) Where reference is made to the word “shall” the legislative intention is to make the function a mandatory or imperative obligation for the Official or entity charged with an obligation under this Charter or under the Code of Ordinances. It is recommended that to avoid any doubt the word “must” should be used in order to impose clarity on the concept of obligation⁴¹.

§2-3. Standards of Conduct⁴².

A. Statement of Purpose⁴³. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by Officials affect every resident of the City, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, nepotism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By setting forth this Statement of Purpose, the City seeks to articulate a policy that will continually strive to maintain and increase the confidence of the people of Norwalk in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to ensure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public confidence in the integrity of the competitive process. In all cases, the reality and appearance of impropriety should be addressed by the Conflict-of-Interest Policy and Ethics Ordinance.

B. Conflict of Interest Policy and Ethics Ordinance⁴⁴. The City shall enact,

³⁸ NEW (2023).

³⁹ NEW (2023).

⁴⁰ NEW (2023).

⁴¹ NEW (2023).

⁴² NEW (2023). In lieu of Article V, Part 1 – General. §1-225.1. Derived from Charter Amendment 9-12-2000, Historical Editor's Note: Approved by the electorate at the general election held 11-7-2000. It should be further noted that there is a very extensive ethics regimen for the Taxing Districts. 1-225.1 reads as follows: “All employees and officers of the City of Norwalk, salaried and unsalaried, including the members of all boards, agencies and commissions elected or appointed in the City of Norwalk, shall be subject to the Code of Ethics contained in Chapter 32 of the Norwalk Code, as it may be amended from time to time.”

⁴³ NEW (2023).

⁴⁴ NEW (2023).

by Ordinance, a code of ethics for all Officials and employees of the City whether elected or appointed, paid or unpaid, and individuals and entities seeking to and conducting business with the City. The purpose of the code is to establish suitable ethical standards by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the City, and by directing disclosure of private financial interest or personal interest in matters affecting the City by the elected and appointed Officials or employees as well as such individuals and entities seeking to and conducting business with the City. The Ordinance shall designate an Official to provide all Public Officials and employees of the City with copies of the provisions of §2-3 of this Charter and the implementing Ordinances and policies enacted hereunder, upon the commencement of their public service and/or employment.

(1) The Council shall enact a code of ethics by Ordinance (and amendments thereto) following public review and comment by the Board of Ethics, in a manner consistent with the provisions of this Charter.

(2) **Recusal**⁴⁵. The Official or employee filing a disclosure under this Charter or Ordinance with the Town Clerk shall refrain from voting, participating or acting on matters which are the subject of the disclosures.

(3) **Violation**⁴⁶. In addition to any remedies or penalties set forth in the Ordinance effectuating this provision of the Charter, any finding of a violation by the Board of Ethics as authorized by Ordinance and any Regulations thereunder:

(a) shall render any action, including but not limited to any contract or agreement involved voidable at the option of the City;

(b) may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances; and,

(c) may result in disqualifying individuals or entities from engaging in business with the City for a period of time to be established by Ordinance.

C. Conflict of Interest and Corrupt Practices⁴⁷. No Official shall violate the provisions of the General Statutes⁴⁸, this Charter or Ordinances pertaining to conflicts of

⁴⁵ NEW (2023).

⁴⁶ NEW (2023).

⁴⁷ NEW (2023).

⁴⁸ **Comment of the 2023 Charter Revision Commission.** Among the provisions is C.G.S. § 7-148h(b): "Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official's duties or employment in the public interest and of the official's responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official's spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official's official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official's duties in the public interest and of the official's responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official's

interest and corrupt practices. The Ordinance required by §3-9.B of this Charter shall define and set forth the parameters of conflicts of interest and corrupt practices.

§2-4. Rules of Order and Civility⁴⁹.

City Officials and employees shall treat members of the public with respect and expect the same in return in official in-person or virtual/electronic interactions. The City is committed to maintaining orderly and fair administrative processes and in keeping City administrative offices free from disruption.

A. The Workplace and City Operations. In the workplace and other official interactions this Charter promotes mutual respect, civility and orderly conduct among City employees, Elected Officials and the public. This section is not intended to deprive any person of the right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for City staff and a safe and non-threatening environment for the public. The City encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

B. Public Meeting Decorum. The City is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness and decreased reactivity. The City's elected and appointed Boards and Commissions, the Council and other public bodies and various community groups, including, committees, task forces, or other like entities all convene public Meetings to address, from time to time, controversial issues that may engender passionate and often conflicting opinions. An atmosphere of incivility and disrespect at these Meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process.

C. Rules of Order. In order to effectuate these provisions of the Charter, the City may adopt Ordinances generally governing the conduct of public Meetings in accordance with this Charter.

(1) Parliamentary Authority: The General Rule⁵⁰. At the commencement of the term of office the Common Council shall adopt a manual of parliamentary procedures to regulate the conduct all Meetings of the Council and all elected and appointed Boards and Commissions. Notwithstanding a Board or Commission may specify an alternate parliamentary authority, with the written approval of the Corporation Counsel.

spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter.

⁴⁹ NEW (2023).

⁵⁰ NEW (2023).

(2) Adoption of Rules. Notwithstanding the foregoing, the Council and each elected and appointed Board and Commission may adopt rules of order in order to conduct public Meetings and government business in a civil and orderly environment. The rules shall be adopted by a vote of two-thirds of the members of the Board or Commission, following review by the Corporation Counsel to ensure that the rules are consistent with the open meeting requirements of the General Statutes and this Charter.

D. The Role of the Presiding Officer. The presiding officer of the Council and each elected and appointed Board and Commission shall be responsible for maintaining the decorum at public Meeting and for the uniform enforcement of rules of order.

E. Compliance with Rules of Order and Decorum. Likewise, all persons who attend a public Meeting shall comply with any lawful order of the presiding officer to enforce rules of order and decorum. In all circumstance, members of the public and all public officials shall be expected to follow the rules of the body and shall not engage in disorderly conduct, uncivil language or actions as may be defined by Ordinance, Regulation or rules of order of the body.

F. Breach of Rules. In the event any person breaches the rules of order pertaining to civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the Meeting, the presiding officer shall order that person to cease the conduct. The presiding officer has the authority to order a member of the public, public official or member of the body to leave the public Meeting in the event of continued violations following an initial order from the presiding officer. If the initial order to cease the offending conduct is not obeyed and the conduct continues in spite of an escalation of additional orders from the presiding officer, the party may be removed from the Meeting. Removal of a person at an in-person event may be facilitated by a law enforcement officer, upon the request of the presiding officer. At a virtual or hybrid Meeting the presiding officer may block the person from participation. Members of appointed Boards or Commissions may be subject to removal in accordance with the provisions of §_____.

§2-5. Open Meetings and Public Records⁵¹.

A. Records⁵². Each Elected and Appointed Board and Commission and committees, task forces, or other like entities (created pursuant to §_____) shall keep a complete and accurate record of its official acts, votes, Meetings, and proceedings and shall have custody of its correspondence, files and other records and shall designate one of its members or its clerk to keep records for the public. The minutes and recordings of Boards and Commissions shall be public records, in accordance with the General Statutes, and shall be open for public inspection (1) at the office of the City Clerk, during regular business hours; and, (2) on the City website.

⁵¹ NEW (2023).

⁵² NEW (2023).

B. Open and Public Meetings⁵³. All Meetings of the Common Council⁵⁴ and all other Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed Boards and Commissions, and all committees, task forces or other like entities shall comply with the State freedom of information laws unless otherwise provided by the General Statutes or Law.

C. Compliance and Cooperation⁵⁵. Each Elected and Appointed Public Official and employees of any Department shall cooperate with each other in the public interest in order to advance the objectives of the City. Good faith actions by all Public Officials will encourage and embrace public engagement which, in turn, will inform public decisions.

§2-6. Diversity on Boards and Commissions⁵⁶.

The active, informed, inclusive, and equitable engagement of community members, both individually and collectively, is an essential element of healthy civic life and a thriving local democracy. All Appointing Authorities (as defined in §____) should take into consideration the knowledge, expertise, experience, and, to the fullest extent possible, the diversity of residents and the geographic areas of the City when considering the composition of Boards and Commissions. Diversity on Boards and Commissions should, in its broadest sense be considered to include, but shall not be limited to⁵⁷, race, color, ethnicity, religious creed, age, sex, national origin, ancestry or culture, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability.

§2-7. Required Cooperation⁵⁸.

Each Official and employee of any Department of the City shall assist the Boards and Commissions, elected and appointed, and the pertinent Departments in carrying out the provisions of this Charter. Furthermore, in the event an elected or appointed Board or Commission is attached to a Department, the Department Head shall cooperate with the Board or Commission in formulating and carrying out the operational and management policies of the Department.

⁵³ NEW (2023).

⁵⁴ NEW (2023).

⁵⁵ NEW (2023).

⁵⁶ NEW (2023).

⁵⁷ **Comment of the 2023 Charter Revision Commission.** The listing in this Charter is not exclusive since it reflects the current state of protected classes under federal and state law. It is fully expected that as those classes are modified by Congress or the General Assembly, the new protected classes will be deemed covered as if they were specifically included in the enumeration.

⁵⁸ NEW (2023).

NORWALK CHARTER DRAFT REPORT.042723

**ARTICLE III: ELECTIONS, ELECTORS, ELECTED OFFICIALS, TERMS OF OFFICE
AND OTHER PROVISIONS APPLICABLE TO CITY OFFICIALS (042723)**

§3-1. Application of the General Statutes⁵⁹.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter.

A. Notice of Elections. The Common Council shall provide by Ordinance for the manner of warning (or notice) of municipal elections and such additional regulations in respect of elections, not inconsistent with the General Statutes or this Charter, as may be necessary to accomplish the intent of this chapter⁶⁰. Notice of the election stating the officers to be voted for and the polling places in the several voting districts shall be published by the City Clerk at least two weeks preceding the election, as required by Law, including an Ordinance; or, in compliance with the Notice provisions of this Charter⁶¹.

B. Nominations and Elections⁶². The nomination and elections of all Federal, State and City Elected Officials shall be conducted as prescribed by the General Statutes.

§3-2. Rules Pertaining to Electors.

A. Qualified Voters Entitled to Vote: Electors⁶³. Every Elector of this State and resident of this City entitled and qualified to vote therein shall be an Elector of the City. All the Electors who are duly registered as hereinafter provided shall be entitled to vote at all elections of the City at the polling place, as approved by the Common Council⁶⁴.

B. Prepared Lists of Electors⁶⁵. The Registrars of Voters shall keep and maintain records concerning Electors.

⁵⁹ NEW (2023).

⁶⁰ NEW (2023).

⁶¹ 2023 Recodification and modification of current Article III – Part 1. In General, §1-169. Derived from Sp. Laws, 1913, No. 352, §51.

⁶² NEW (2023). Current Article III – Part 1. In General, §1-163, derived from Sp. Laws 1913, No. 352, §46 is repealed, as follows: "The election of Elected Public Officials herein provided for shall be held at the polling places approved by the Common Council for the Town election". Historical Editor's Note: See § **1-180** for provision authorizing Registrars of Voters to designate polling places. Current Article IV. The Common Council. §1-189 is repealed, as follows: "The Council has the authority: to regulate and prescribe the mode of conducting all elections not regulated by this act;; to regulate the manner of warning (or notice) city elections and meetings of the Common Council, and the times and places of holding the same; and, to provide places for holding elections in said city and in the wards thereof."

⁶³ 2023 Recodification and modification of current Article III – Part 1. In General, §1-164. Derived from Sp. Laws 1913, No. 352, §47.

⁶⁴ 2023 Recodification, repeal and modification of current Article I - General. §1-2.1 (Fourth sentence). Derived from Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972.

⁶⁵ 2023 Recodification and in lieu of current Article III – Part 1. In General, §1-170. Derived from Sp. Laws 1913, No. 352, § 52; Sp. Laws 1921, No. 400, § 2.

C. Eligibility⁶⁶. No person shall be eligible for nomination or election to any City office who is not an Elector⁶⁷ of the City, and, in the case of a district council representative, a resident of that particular district. Any person ceasing to be an Elector of the City or a resident of a district where residence in the district is required for holding the office, shall thereupon cease to hold elected office in the City or district.

D. Time Polls Open⁶⁸. The polls shall be open as required by the General Statutes.

§3-3. Election of Officers and Other Elected Public Officials.

A. Date of Election⁶⁹. On the first Tuesday after the first Monday of November 1979, and biennially thereafter, and in accordance with early voting laws, as prescribed by the State, there shall be held a municipal election for the choice of Elected Public Officials. The Elected Public Officials shall be elected by a plurality of ballots; unless otherwise required or permitted by Law. In the event alternate election methods are permitted by Law, the Common Council, by Ordinance, may alter the methodology utilized in the municipal elections.

B. Election of Registrar of Voters in 1952 and thereafter⁷⁰. On the first Tuesday after the first Monday in November 1952 and in the even-numbered years thereafter as the term of office shall fall (as set forth in §3-3.E(3) of this Charter), the Electors of the City shall elect, in accordance with the provisions of General Statutes, Registrars of Voters, of whom no elector shall vote for more than one and no more than one of whom shall be a member of any one political party.

C. Elected Public Officials. The Elected Public Officials are:

- (1) The Mayor;
- (2) Fifteen Members of the Common Council, as set forth ____, below;

⁶⁶ NEW (2023). See, 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-186. Derived from Sp. Laws 1951, No. 334, §4. Also, 2023 recodification of current Article III – Part 2. Registrars of Voters [Editor's Note: See § 1-172 for compensation; §§ 1-179 to 1-181 for duties with respect to voting precincts and polling places; § 1-217, for powers and duties generally. See also, Ch. 9, Administration, Art. IV]; see also, §1-183 through 1-184 (Reserved). Editor's Note: Former §§ 1-183, 1951 election, and 1-184, Term of office for Registrars of Voters, Sp. Laws 1951, No. 334, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

⁶⁶ NEW (2023). Derived from current Article III – Part 2. Registrars of Voters. §1-187. Derived from Sp. Laws 1951, No. 334, §5, which reads, as follows: " Said Registrars shall be electors of said City and their duties shall be such as are required by statute in respect to election laws."

⁶⁷ Chapter 143. ELECTORS: QUALIFICATIONS AND ADMISSION. Revised to January 1, 2010. C.G.S. §9-12 entitled "Who may be admitted".

⁶⁸ 2023 recodification and modification of current Article III – Part 1. In General, §1-170. Derived from Sp. Laws 1913, No. 352, § 52; Sp. Laws 1921, No. 400, § 2.

⁶⁹ 2023 recodification and modification of current Article III – Part 1. In General, §1-166. Derived from Sp. Laws 1947, No. 211, § 1; Charter Amendment 11-7-1972; Charter Amendment 8-17-1976;¹¹ Charter Amendment 8-29-1978. Historical editor's Note: (1) Editor's Note: Approved by the electorate at the general election held 11-2-1978; (2) Editor's Note: Approved by the electorate at the general election held 11-7-1978.

⁷⁰ 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-185 (First sentence). Derived from Sp. Laws 1951, No. 334, §3.

- (3) Nine Members of the Board of Education as set forth in _____, below;
- (4) Town Clerk, ex officio Registrar of Vital Statistics.
- (5) City Sheriff and,
- (6) Seven Constables.

No person shall vote for more than four Constables.

Sunset Provision. A. Selectmen and Treasurer⁷¹. Three Selectmen and a Treasurer shall be Elected Public Officials for a two-year term commencing on the second Tuesday following their election in November 2023. The office shall be abolished at the end of the term; or, in the event a vacancy occurs prior to the end of the term. The Selectmen and Treasurer shall have duties and responsibilities as may be assigned; or, as otherwise set forth in Law. **B. Remaining Elected Public Officials.** The remaining Elected Public Officials shall serve for a two-year term commencing on the second Tuesday following their election in November 2023. Their respective terms shall conclude at 11:59:59 P.M. on the Day prior to the first business Day of January 2026. Upon the conclusion of the events set forth in this provision, as certified by the Corporation Counsel, these provisions may be removed from the Charter.

D. Term of Office.

(1) **Elected City and Town Officers: Two-year Terms⁷².** With the exception of the Mayor and Board of Education, all of Elected City and Town Officers shall hold office for the term of two years from the first business Day of January following their election and until their successors are elected and have qualified. Any provisions in the Charter which are in conflict with this change are nullified; and more particularly, §1-227.

(2) **Mayor and Board of Education: Four-year Term⁷³.** The Mayor commencing for the term following the municipal election of 2025 shall serve for a term of four years. All members of the Board of Education shall serve for terms of four years.

(3) **Registrars of Voters: Two-year Term⁷⁴.** The terms of Registrars of Voters shall be for two years from the first Monday in January following their

⁷¹ NEW (2023). Note: Upon the conclusion of the timelines set forth in the "Sunset Provisions," as verified in writing by the Corporation Counsel, this section may be moved from the body of the Charter.

⁷² 2023 Recodification of current Article III – Part 1. In General, §1-166. Derived from Sp. Laws 1947, No. 211, § 1; Charter Amendment 11-7-1972; Charter Amendment 8-17-1976 (Editor's Note: Approved by the electorate at the general election held 11-2-1976); Charter Amendment 8-29-1978 (Editor's Note: Approved by the electorate at the general election held 11-7-1978).

⁷³ 2023 Recodification of current Article III – Part 1. In General, §1-167 (Third Sentence). Derived from Charter Amendment 11-3-1970; effective 7-1-1971; Charter Amendment 9-12-2000. Historical editor's Note: (1) See also Art. XVIII, Part 2; (2) Approved by the electorate at the general election held 11-7-2000.

⁷⁴ 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-185 (Second sentence). Derived from Sp. Laws 1951, No. 334, §3.

election and until their successors shall be elected and shall have qualified, unless sooner removed for cause as provided by Law.

E. Transition Period⁷⁵. Effective on the fifth day of November 2025, each newly elected Mayor shall be provided with furnished office space for the period commencing on the day following the election of the Mayor until 11:59:59 P.M on the Day prior to the first business Day of January 2026 (and in each year thereafter when there is a newly elected Mayor). The purpose of this provision is to best effectuate, with the cooperation of the outgoing Mayor, the transition of the change of executive leadership of the City government. Members-elect of the Council and Board of Education shall be provided with assistance, including public information and training materials provided by the Mayor, Corporation Counsel, Chair of the Board of Education or the President of the Council during this transition period. The materials shall pertain to the budget process and other active legislative matters before the Common Council.

F. Mayor Not Succeeding to a Subsequent Term in Office. Duties , Powers and Restrictions⁷⁶. Notwithstanding any other provisions of this Charter, during the Transition Period as defined in subparagraph E, above, the outgoing Mayor shall not appoint, hire, remove, terminate, discipline, promote, demote or transfer any officer, Department Head, Other Executive Level Appointee, Board or Commission member, or employee of the City. Notwithstanding the foregoing, this provision shall not be construed to stay, suspend or delay or terminate (1) any pending actions commenced at least sixty Days prior to the election; (2) any matter before a judicial or administrative tribunals; (3) any matter required by Law or a collective bargaining agreement. If required by Law or a collective bargaining agreement, the Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty Days following the commencement of the term of office of the new Mayor.

§3-4. Structure of the Council and Board of Education.

⁷⁵ NEW (2023).

⁷⁶ 2023 recodification and modification of the portions of current Article V, Part 1 – General. §1-218, which follow. Derived from Sp. Laws 1913, No. 352, §74. Historical Editor's Note: See § 1-227 for powers and duties of appointive officers, in lieu of the following: "All officers required by law to be appointed by towns and by Selectmen of towns, not herein otherwise provided for, shall, on and after the first (1st) Monday of October, 1913, be appointed by the Mayor, subject to confirmation by the Council." The modification is in lieu of the following: (1) "Following October 1 of the year in which there is a mayoral election a Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) Days following the commencement of the term of office of the new Mayor. If the Mayor is re-elected this limitation shall not apply after the election. The Mayor shall have the power to initiate the removal of any appointee;" and, Following October 1 of the year in which there is a mayoral election a Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) Days following the commencement of the term of office of the new Mayor. If the Mayor is re-elected this limitation shall not apply after the election. The Mayor shall have power to remove any appointee, except a member of the Classified Service. The Mayor may suspend from duty for not more than thirty (30) Days any such appointee pending Final Action." This provision is also in lieu of current Article V, Part 2 – Mayor. 1-227 (Fourth sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-197, as follows:* "No appointments or reappointments shall be made by any Mayor or Common Council and no vacancies shall be filled by any Mayor or Common Council after the seventh (7th) day prior to a municipal election and before the day of their taking office following the election in any municipal election year"

A. The Common Council.

(1) Five Council Districts. The City of Norwalk is divided into five Council Districts from each of which two Councilmembers shall be elected at the regular election of the City to be held as set forth in §3-3.A of this Charter⁷⁷. The historical boundaries are set forth in §10-1 of this Charter, entitled "Historical Charter Provisions"⁷⁸.

(2) At-Large Councilmembers⁷⁹. There shall be Councilmembers-at-Large elected from the City equivalent in number to the number of council districts as they may exist from time to time.

(3) Periodic Revision of District Boundaries: Reapportionment The boundaries of each District may be revised from time to time⁸⁰. By Ordinance, the Common Council shall designate the council districts, by letter or number, as it shall deem proper⁸¹. The establishment of districts by the Council shall be consistent with Law⁸².

B. The Board of Education.

(1) Five Board of Education Districts⁸³. Five members of the Board of Education shall be elected one each from each of the Council Districts established and revised as set forth in §3-4.A(3) of this Charter.

(2) Four at-large Members of the Board of Education. There shall be four at-Large Members of the Board of Education elected from the City.

⁷⁷ 2023 Recodification, repeal and replacement of current Article I - General. §1-2.1. Derived from Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972.

⁷⁸ NEW (2023)

⁷⁹ 2023 Recodification, repeal and replacement of current Article I - General. §1-2.1 (Third sentence). Derived from Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972.

⁸⁰ NEW (2023). Comment from the 2023 Charter Revision Commission. Decennial redistricting is required by federal and state law in order to comply with constitutional standards and requirements of the Voting Rights Act.

⁸¹ 2023 Recodification, repeal and replacement of current Article I - General. §1-2.1 (Second sentence). Derived from Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972.

⁸² NEW (2023).

⁸³ 2023 Recodification and modification of current Article III – Part 1. In General, §1-167. Derived from Charter Amendment 11-3-1970; effective 7-1-1971; Charter Amendment 9-12-2000. Historical editor's Note: (1) See also Art. XVIII, Part 2; (2) Approved by the electorate at the general election held 11-7-2000. Transition Provision I: See, §1-167.(Fourth through seventh sentences), as follows: "The five (5) members of the Board elected in the general municipal election in 1999 shall serve for a term of four (4) years. At the general municipal election to be held in 2001, four (4) members shall be elected to said Board at large. At the general municipal election to be held in 2003, five (5) members shall be elected to said Board, one (1) member to be elected from each Council district. Thereafter, alternately at each general municipal election, four or five (4 or 5) members, as the case may be, shall be elected to said Board, the four (4) members to be elected at-large and the five (5) members to be elected one from each Council district, in the manner set forth above." Transition Provision II: See, §1-167.(Ninth sentence), as follows: "No person now serving on the Board of Education at the effective date of this section shall have his term shortened or terminated by reason of this section." Transition Provision II: See, §1-167.(Tenth sentence), as follows: "This section shall supersede any previous or alternative version hereof, whether adopted prior to or contemporaneously herewith."

(3) Minority Party Representation Pertaining to the Board of Education⁸⁴. The maximum number of candidates who may be endorsed by any political party and the maximum number of candidates for which an elector may vote at the general municipal elections shall be four in years in which four terms expire, and one per Council district in years in which five terms expire, and the candidates receiving the highest numbers of votes cast shall be elected.

C. Other Districts⁸⁵. The districts for the election of Taxing District Commissioners and other district officers shall be the same as the taxing districts as set forth in Article XIII of this Charter⁸⁶.

§3-5. Tie Votes and Elections⁸⁷.

Commented [S9]: 9-311b; 9-188

Whenever at any election there shall be no election to any of the aforesaid offices by reason of a tie vote, the election to fill the office or offices shall proceed in the manner set forth in the General Statutes⁸⁸.

§3-6. Vacancies⁸⁹.

A. Elected Officials Other Than Mayor⁹⁰. Whenever any Elected Public Official, for any reason, fails to qualify or a vacancy occurs from any cause, including, but not limited to (1) death; (2) resignation; (3) failure to remain an Elector of the City or a resident of district where the residence is required for holding the office; (4) by reason of

⁸⁴ 2023 Recodification of current Article III – Part 1. In General, §1-167 (Eighth sentence). Derived from Charter Amendment 11-3-1970; effective 7-1-1971; Charter Amendment 9-12-2000. Historical editor's Note: (1) See also Art. XVIII, Part 2; (2) Approved by the electorate at the general election held 11-7-2000.

⁸⁵ 2023 Recodification and modification of current Article I – General. §1-2.1. Derived from Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972.

⁸⁶ 2023 Recodification of current Article III – Part 1. In General, §1-165 which was a "Reserved" provision. Derived from Sp. Laws 1913, No. 352, §48; Sp. Laws 1921, No. 400, § 1; Sp. Laws 1933, No. 363, § 5; repealed by Charter Amendment 8-29-1978. Historical editor's Note: Approved by the electorate at the general election held 11-7-1978. 2023 Recodification of current Article III – Part 1. In General, §1-168 which was a "Reserved" provision. Repealed by Charter Amendment 11-3-1970; effective 7-1-1971.

⁸⁷ 2023 Recodification of current Article III – Part 1. In General, §1-171. Derived from Sp. Laws 1913, No. 352, §53.

⁸⁸ 2023 Repeal of current Article III – Part 1. In General, §1-173. Derived from Sp. Laws 1913, No. 352, §54; Sp. Laws 1921, No. 355, §1, as follows: The provision pertaining to "Tie votes and elections" (§3-5) and "Council may make ordinances and fix compensation" (§4-4.A) "...shall not take effect until they have been approved by a majority vote of the electors of said City of Norwalk, at the biennial election held the first (1st) Monday of October 1921. If said vote shall be in favor of the approval of this act, it shall thereupon take effect and a certificate of said vote, signed by the Clerk of said City, shall be filed in the office of the Secretary of State." The following clause was repealed, since it was redundant: "Provided, if a vacancy occurs in the office of Councilmember, the vacancy shall be filled by the town and City committee of the political party to which the Councilmember whose office has become vacant had been a registered member at the time of election and provided the manner of filling vacancies as described herein shall not apply to vacancies occurring in the Board of Education."

⁸⁹ 2023 Recodification and amendment of current Article III – Part 1. In General, §1-174. Derived from Sp. Laws 1913, No. 352, § 55; Sp. Laws 1915, No. 367, § 2; Sp. Laws 1921, No. 334, § 3; Sp. Laws 1969, No. 186, No. 283, § 3; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: (1) This ~~§1-174~~ was amended pursuant to the court decision in the First Taxing District et al v. City of Norwalk case; and, (2) Editor's Note: Approved by the electorate at the general election held 11-7-1978. The following language was eliminated from the provision; however, is a general statement of law that remains applicable: "The provisions of §9-221 of the General Statutes shall apply to the filling of vacancies occurring during the periods specified in the statute; provided, however, that nothing herein contained shall supersede the application of §9-167a of the Connecticut General Statutes."

⁹⁰ Title added 2023.

permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of office, in accordance with the procedure set forth in §3-7 of this Charter and any Ordinance of Rules of the Common Council; (5) conviction of malfeasance in office or any infamous crime, the Common Council shall, having been called together for the purpose by the Town Clerk, upon one weeks' notice, declare the office in question vacant and shall forthwith fill the vacancy as provided in this Article, following the publication of Notice.

B. Filling of Vacancies⁹¹. Unless otherwise set forth by Law, including the provisions of this Charter, the Common Council shall select an Elector of the City and, if applicable, a resident of the district, to fill the vacancy. A plurality of votes on the Council shall be sufficient to elect the replacement.

(1) Office of Mayor: Succession⁹². Whenever a vacancy occurs in the Office of the Mayor, it shall be filled by the President of the Council;

Commented [S10]: TAKE A LOOK AT STATUTES

(2) Office of the Common Council⁹³. Whenever a vacancy occurs in the membership of the Common Council, it shall be filled by the town committee of the political party to which the Councilmember whose office has become vacant had been a registered member at the time of the election and, if a district representative, the successor shall be a resident of the district from which the former incumbent of the office was chosen;

(3) Board of Education⁹⁴. Whenever a vacancy occurs in the membership of the Board, the vacancy shall be filled by the town committee of the political party to which the Board of Education member whose office has become vacant had been a registered member at the time of the election and, if a district representative, the successor shall be a resident of the district from which the former incumbent of the office was chosen.

(a) During the First Sixteen Months. If the vacancy occurs during the first sixteen months of any four-year term of office, the person so chosen shall serve until the next municipal election following the person's appointment. At the municipal election, such vacancy shall be filled by election in accordance with the general statutes, and the member so elected shall serve for the final two years of the term.

(b) Following the First Sixteen Months. If the vacancy occurs after the first sixteen months of any four-year term of office, the person so chosen shall serve until the completion of the four-year term.

⁹¹ Title added 2023.

⁹² Title added 2023.

⁹³ Title added 2023.

⁹⁴ 2023 recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Ninth through thirteenth sentences).

(c) **The Role of the Council.** The Common Council shall not have the power to fill any vacancy in the Board of Education.

(4) **Any other Elected Public Official**⁹⁵. Whenever a vacancy occurs in the office of any other Elected Public Official, it shall be filled from the Electors of the City.

In every case, except the office of Mayor and where there is an election to fill a vacancy, the vacancy shall be filled by an elector of the same political party from which the former incumbent was chosen.

C. Powers, Duties and Term of Replacement Public Official⁹⁶. The person chosen by the Common Council or otherwise in accordance with the provisions of this Charter to fill the vacancy shall have all the powers and duties of the former incumbent of the vacant office and shall continue therein until the expiration of the term for which the incumbent was elected and until a successor is duly elected and qualified

§3-7. Temporary Absence or Disability of the Mayor⁹⁷.

In the event that the Mayor is temporarily absent or disabled and is, because of the absence or disability, unable to perform the duties of the Mayor's office, the Council President, or in the President's absence or disability, the Council shall designate a member who, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty Days, the acting Mayor shall not have power to appoint or remove officers or employees. The compensation for the acting Mayor shall be determined by the Council but shall in no event exceed in proportion the salary of the Mayor. The Council shall provide by Ordinance a procedure for determining the absence or disability

A. Notification by the Mayor¹. In the event that the Mayor notifies the President of the Council of an inability to attend to the duties of office due to

(1) temporary absence from the City where Mayor cannot comply with the contact requirement, set forth in §3-7.D, below; or,

(2) temporary disability or sickness or other cause

the President of the Council, or in the President's absence or disability, the member as the Council shall designate, shall exercise the power of the Mayor ("Acting Mayor"), except that until the absence or disability of the Mayor has continued for thirty Days, the Acting Mayor shall not have power to appoint or remove officers or employees.

⁹⁵ Title added 2023.

⁹⁶ Title added 2023.

⁹⁷ NEW (2023).

B. Action by the Council: Evidential Determination. In the event the Mayor fails to notify the President of the Council pursuant to §3-7.A of this Charter, above, the Council may initiate proceedings to determine the Mayor's inability to attend to or perform the duties of office due to an unexplained absence from the City, by reason of temporary disability or illness, absence or other cause, at the call of the President of the Council or upon a petition filed by ten members of the Council, at a regular or special meeting duly warned for that purpose. The Council determination of the temporary disability or absence of the Mayor shall be by the affirmative vote of twelve members of the Council, present and voting, in accordance with the following findings.

(1) In the event of an alleged temporary disability or illness, the Council shall cause the Mayor to submit to examination by two physicians licensed to practice medicine in the State of Connecticut who shall submit written reports to the Council as to the ability of the Mayor to carry out the duties of the Office of Mayor.

(2) If the examination substantiates the Mayor's inability to carry out the duties of the Office of Mayor, the Council shall consider the findings and act accordingly. In the event the Mayor fails to submit the examinations, the Council, in consultation with the Corporation Counsel or in the event of a conflict, independent counsel, shall act upon the best evidence as presented by competent authority.

(3) In the event of temporary absence, the Council actions shall be based upon the best evidence as presented by competent authority,

(4) In all cases, these procedures may be further set forth by Ordinance or the Rules of the Council, in order to ensure procedural fairness and privacy concerns taking into account the best interests of the City and the requirements of Law.

In the event the Council determines that a temporary disability or absence exists, the Town Clerk shall declare a temporary vacancy and the President of the Council shall exercise the power of Acting Mayor as set forth in §3-7(a) of the Charter, above.

C. Termination of the Temporary Vacancy. Termination of the temporary vacancy due to absence shall be upon the Mayor's notification of a return to office to the President of the Council. With respect to temporary disability or illness, the termination of the temporary vacancy by change of condition shall be confirmed by two physicians licensed to practice medicine in the State of Connecticut that the Mayor is physically and/or mentally able to carry out the duties of the Office of Mayor. Upon the filing of the reports to the City Clerk, the Clerk shall notify the President and members of the Common Council of the Mayor's ability to resume office.

D. Absence. Defined. In the event the Mayor is not able to be or remain in contact with the Chief of Staff and President of the Council by electronic or voice communications, the Mayor shall be deemed to be absent.

E. Procedural Ordinance: Sustained Absence. Within six months following the effective date of this Charter, or earlier, if the circumstances so require, the Council shall define, by Ordinance, a procedure for determining the existence of a absence or disability, consistent with the standard set forth herein. The Ordinance shall define a sustained absence for the purposes of initiating a removal proceeding where there is a determination of incapacity to discharge the duties of office, in accordance with §3-6 and §3-9 of this Charter.

F. Compensation. Upon serving for thirty Days as Acting Mayor the compensation for serving as Acting Mayor shall be equal to a diem rate calculated on the basis of the Mayor's salary as set forth in the budget in effect at the time of the Acting Mayor's service.

G. Status of the Council President. There shall be no Vacancy in the Office of the President of the Council when the President serves as Acting Mayor under this provision of the Charter.

§3-8. Expulsion of Councilmembers from Office: Restitution⁹⁸.

Any Councilmember who shall, while holding office, directly or indirectly take or bargain for any fee or pecuniary consideration to influence a vote or action upon any resolution or ordinance pending in the Common Council shall pay to the City a penalty equal in amount to the fee or pecuniary consideration so directly or indirectly taken or bargained for and shall be expelled from the office, after notice and hearing, by a vote of not less than two-thirds of the Council.

§3-9. Removal of Mayor for Misconduct or Neglect of Duty⁹⁹.

At any meeting of the Council any member may give written notice, seconded in writing by a majority of all the members, of the member's intention to propose at the next meeting a resolution removing the Mayor from office for official misconduct or neglect of duty, including those enumerated in §3-6.A(3), (4) or (5) of this Charter, permitted by Law or on such grounds as may be established by Ordinance.

Commented [S11]: VOTING STANDARD.

⁹⁸ 2023 recodification and edit of current Article IV. The Common Council. §1-197 (Fifth sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

⁹⁹ 2023 recodification and edit of current Article IV. The Common Council. §1-199 (First sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

A. Content of Notice¹⁰⁰. The notice shall specify particularly the acts of misconduct or the neglect of duty complained of and shall be entered in the records of the Council, and the Clerk shall serve a copy thereof upon the Mayor and mail a copy to each member of the Council.

B. Right to Be Heard¹⁰¹. At the next meeting of the Council the Mayor shall have the right to be heard and present witnesses. The meeting may be adjourned from time to time as the Council may direct.

C. Council Action¹⁰². The vote on the resolution shall be by roll call. If the resolution fails to receive the votes of two-thirds of the members of the Council, it shall have no effect. If it receives the affirmative votes of two-thirds of the members of the Council, it shall become operative upon the service of a copy thereof upon the Mayor personally or by leaving the same at the Mayor's residence, and the office of Mayor shall be vacant.

D. Filling of Vacancy¹⁰³. The Council shall fill the vacancy as provided in §3-6.B(1).

§3-10. Removal of Division Chiefs, Departments Heads, Other Mayoral Executive Level Appointee and Employees¹⁰⁴.

Except as otherwise provided in this Charter, any Department Head Other Mayoral Executive Level Appointee or employee may be removed for malfeasance in office, neglect of duty or other just cause by the appointing authority in accordance with the procedure set out herein.

A. Notification¹⁰⁵. The Mayor or other appointing authority as set forth in this Charter or the Ordinances shall notify, in writing, the affected officer or employee of the removal and of the reasons justifying the removal from office or employment.

¹⁰⁰ 2023 recodification of current Article IV. The Common Council. §1-199 (Second sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

¹⁰¹ 2023 recodification and edit of current Article IV. The Common Council. §1-199 (Third sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

¹⁰² 2023 recodification of current Article IV. The Common Council. §1-199 (Fourth, fifth and sixth sentences). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

¹⁰³ 2023 recodification of current Article IV. The Common Council. §1-199 (Seventh sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

¹⁰⁴ 2023 recodification of current Article V, Part 1 – General. §1-222 (First sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

¹⁰⁵ 2023 recodification of current Article V, Part 1 – General. §1-222 (Second sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

B. Removal and Cessation of Salary¹⁰⁶. An officer or employee removed by the Mayor or other appointing authority as set forth in this Charter or the Ordinances aforesaid shall cease to discharge the functions of office and shall not receive any salary therefor unless reinstated on appeal.

C. Failure to File Appeal¹⁰⁷. Thereupon unless the affected officer or employee shall file in writing with the City Clerk a request for a hearing before the Common Council within seven calendar days, the removal shall be final.

D. Filing of Appeal¹⁰⁸. In the event a request for a hearing is filed as aforesaid, the Common Council shall hear the appeal within thirty Days of the filing thereof.

E. Additional Reasons for Removal¹⁰⁹. The Mayor or other appointing authority as set forth in this Charter or the Ordinances may specify additional reasons justifying the removal, but no the additional reasons shall be filed later than two weeks prior to a hearing before the Common Council.

F. Right to Hearing Postponement¹¹⁰. The affected officer or employee shall have the right to be granted two postponements of the hearing, not in excess of one week each, by filing a request therefor with the City Clerk not later than twenty-four hours prior to the time appointed for the hearing.

G. Right to Counsel and Presentation of Witnesses: Executive Session. At the hearing the affected officer or employee shall have the right to be represented by counsel and shall have the right to present witnesses and to cross-examine the witnesses against him or her¹¹¹. At the request of the affected officer or employee, the hearing shall be held in executive session; otherwise, the hearing shall be public¹¹².

¹⁰⁶ 2023 recodification and edit of current Article V, Part 1 – General. §1-222 (Third sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹⁰⁷ 2023 recodification of current Article V, Part 1 – General. §1-222 (Fourth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹⁰⁸ 2023 recodification and edit of current Article V, Part 1 – General. §1-222 (Fifth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹⁰⁹ 2023 recodification and edit of current Article V, Part 1 – General. §1-222 (Sixth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹¹⁰ 2023 recodification of current Article V, Part 1 – General. §1-222 (Seventh sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹¹¹ 2023 recodification of current Article V, Part 1 – General. §1-222 (Eighth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹¹² 2023 recodification of current Article V, Part 1 – General. §1-222 (Ninth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

H. Common Council Decision¹¹³. The decision of the Common Council shall be rendered not later than two weeks after the conclusion of the hearing.

I. Appeal of Council Decision¹¹⁴. Any officer or employee whose dismissal has been confirmed by the Common Council after hearing as provided by this section may appeal from the order of dismissal to any Judge of the Superior Court.

(a) Service and Return Date. The appeal shall be made returnable not less than three nor more than six Days from the date of the confirmation of the dismissal by the Common Council and shall be served upon the City Clerk at least two Days before the time fixed for the hearing of the appeal.

(b) De Novo Hearing. The Judge, having given such further notice as may be deemed necessary, shall forthwith hear such case de novo and shall dismiss or retain such appellant as deemed proper and may award costs, all in the discretion of the Judge.

J. Reinstatement by Judge¹¹⁵. If the appellant is reinstated by the Judge, the appellant shall be paid from the date of dismissal until restored to duty as the Judge, in the discretion of the court, shall decide.

K. Effective of this Section on Collective Bargaining Employees¹¹⁶. Nothing contained herein providing for appeals shall be deemed applicable to employees who are members of bargaining units with which the city has working agreements.

L. Appointees serving under the direction of the Mayor without a prescribed term of office. Appointees serving coterminous with or at the will or pleasure of the Mayor may be removed from office in the sole discretion of the Mayor, as set forth in §8-2.A(1) and (2) of this Charter. Notwithstanding the foregoing, the Council may commence removal proceedings against the Division Chiefs in accordance with §8-2.A(2)

M. Town Clerk, Chief of Police, Fire Chief, Fire Marshal, Building Officials and Other Officials Designated for Protection by the General Statutes. The applicable provisions of the General Statutes shall be taken into consideration with regard to the removal proceedings of the Town Clerk, Chief of Police, Fire Chief, Fire Marshal, Building Official and any other Officials designated for protection by the General Statutes.

¹¹³ 2023 recodification of current Article V, Part 1 – General. §1-222 (Tenth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹¹⁴ 2023 recodification and edit of current Article V, Part 1 – General. §1-222 (Twelfth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹¹⁵ 2023 recodification of current Article V, Part 1 – General. §1-222 (Eleventh sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

¹¹⁶ 2023 Recodification of current Article V, Part 1 – General. §1-222 (Thirteenth sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978*

§3-11. Removal of Any Other Officer for Cause¹¹⁷.

The Council may enact an Ordinance to provide for the removal of any officer for cause.

§3-12. Oath for Elected Public Officers¹¹⁸.

All Elected Public Officials shall be sworn or affirmed to the faithful discharge of their duties. The following oath shall be administered: "You _____ having been elected _____ of the (town or City) of _____ do solemnly swear (or affirm) that you will faithfully discharge the duties of the office, according to law." The oath may be administered by any duly constituted authority, or the Mayor may administer the same.

¹¹⁷ 2023 Recodification of current Article IV. The Common Council. §1-192 (second clause). Derived from Sp. Laws 1913, No. 352, § 82.

¹¹⁸ 2023 recodification and edit of current Article III – Part 1. In General, §1-178. Derived from Sp. Laws 1913, No. 352, §59. Historical Editor's Note: See also § **1-221** for oath of officers appointed by Council.

ARTICLE IV: THE COMMON COUNCIL¹¹⁹

§4-1. Legislative Power¹²⁰.

A. The General Grant of Authority. The legislative power and authority of the City shall be vested in the Common Council. No enumeration of powers set forth in this Charter shall be deemed to limit the legislative authority of the Council as provided for in the General Statutes.

B. Repealed Special Act Provisions. The version of the Charter that was in effect until the effective date of this Charter contained an enumeration of seventy-six powers, more or less, in §1-189 of the former Charter. The historical enumeration is replaced by the general grant of authority under 4-1.A. above; the provisions pertaining to authority and powers of the Council as set forth in §4-4; and, the General Statutes and caselaw in the State of Connecticut. This Charter also retains many of the Special Acts that formed the foundation of the governance of this City.

C. Powers and authority of the Common Council with respect to the Taxing Districts. The powers and authority of the Common Council with respect to the Taxing Districts is set forth in Article of this Charter entitled "Taxing Districts."

§4-2. Officers of the Council.

A. Presiding Officer, Clerk and President of the Council; Tie Vote.

(1) Role of the Mayor Tie Vote¹²¹. The Mayor shall preside at the meetings of the Council, and shall vote only in case of a tie.

(2) Role of the City Clerk¹²². The City Clerk shall be Clerk of the Council.

(3) President of the Council¹²³. At the beginning of each municipal term the Council shall elect from its members a President who shall preside in the absence of the Mayor.

¹¹⁹ Historical editor's Note: See § 1-224 for salaries, §§ 1-219 to 1-223 for appointments by Council; § 1-220, for designation of duties for appointive officers. See also Ch. 9, Administration, Art. III.

¹²⁰ NEW (2023).

¹²¹ 2023 Recodification of current Article IV. The Common Council. §1-196 (Second sentence). Derived from Sp. Laws 1913, No. 352, § 85; Charter Amendment 9-2-1980. Historical editor's Note: *Approved by the electorate at the general election held 11-4-1980.*

¹²² 2023 Recodification of current Article IV. The Common Council. §1-196 (Third sentence). Derived from Sp. Laws 1913, No. 352, § 85; Charter Amendment 9-2-1980. Historical editor's Note: *Approved by the electorate at the general election held 11-4-1980.*

¹²³ 2023 Recodification of current Article IV. The Common Council. §1-196 (First clause of fourth sentence). Derived from Sp. Laws 1913, No. 352, § 85; Charter Amendment 9-2-1980. Historical editor's Note: *Approved by the electorate at the general election held 11-4-1980.*

(4) **Death, Resignation, Absence or Inability of Mayor to Perform Duties of Office. Role of the President**¹²⁴. In case of the death, resignation, absence or inability of the Mayor, the President shall possess all powers and perform all duties of the Mayor until the Mayor shall return or be able to act or until another is elected and qualified to replace the Mayor. In case of the death, resignation, absence or inability to act of both the Mayor and President of the Council, the Council shall elect from its members a temporary Chair who shall possess all powers and perform all duties of the Mayor until the Mayor or President shall return or until another is elected or qualified in place of the Mayor or of the President of the Council.

§4-3. Meetings and Procedures of the Council.

A. Rules of Procedure¹²⁵. The Council may determine the rules of its proceedings.

(1) **Quorum**¹²⁶. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

(2) **Roll Call Votes**¹²⁷. A roll call vote of the Common Council shall be taken whenever the same is requested by any members¹²⁸.

B. First Meeting of the Council¹²⁹. The Mayor and Council shall meet on the second Tuesday in January for the purpose of making and confirming appointments.

C. Subsequent Meetings of the Council: Regular Meetings¹³⁰. Thereafter, the Common Council shall hold at least one regular meeting each month on a date established by resolution of the Council and such additional regular meetings as it shall, by Resolution, determine. The regular meetings shall be filed in a timely manner as required by Law.

¹²⁴ 2023 Recodification of current Article IV. The Common Council. §1-196 (Second clause of fourth sentence). Derived from Sp. Laws 1913, No. 352, § 85; Charter Amendment 9-2-1980. *Historical editor's Note: Approved by the electorate at the general election held 11-4-1980.*

¹²⁵ 2023 Recodification of current Article IV. The Common Council. §1-197 (Second sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

¹²⁶ 2023 Recodification of current Article IV. The Common Council. §1-197 (Third sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4. *Historical Editor's Note: As to attendance of City Clerk, see § 1-235.*

¹²⁷ 2023 Recodification of current Article IV. The Common Council. §1-199 (Ninth sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. *Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.*

¹²⁸ 2023 Repeal of current Article IV. The Common Council ("Issuance of Warrant"). §1-197 (Fourth sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

¹²⁹ 2023 Recodification of current Article IV. The Common Council. §1-196 (First sentence). Derived from Sp. Laws 1913, No. 352, § 85; Charter Amendment 9-2-1980. *Historical editor's Note: Approved by the electorate at the general election held 11-4-1980; See also, §1-198 (First sentence), as follows: "The first meeting of each newly elected Common Council shall be held on the second Tuesday following each town and city election in the Town and City of Norwalk." Derived from Sp. Laws 1947, No. 211, § 3; Charter Amendment 8-29-1978. Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

¹³⁰ 2023 Recodification of current Article IV. The Common Council. §1-198. (Second sentence). Derived from Sp. Laws 1947, No. 211, § 3; Charter Amendment 8-29-1978. *Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

D. Special Meetings¹³¹. The Council may be specially convened at any time by the Mayor on notice of at least twenty-four hours and regular Council meetings shall be held at the times fixed by the Council.

E. Public Meetings¹³². The Council meetings shall be public, and the journal of its proceedings shall be open to public inspection.

F. Executive Session¹³³. The Council may elect, appoint or discharge any officer, except the Mayor, in executive session, but no business other than that relating to appointments or removals from office shall be considered in executive session.

Commented [S12]: CRC WANTS TO REPEAL THIS PROVISION. DOES CC HAVE ANYTHING TO SAY ABOUT THIS?

§4-4. Authority and Power of the Council.

A. The Source of Legislative Authority¹³⁴. The Common Council shall have the authority to take such actions as may be (1) necessarily or fairly implied in or incident to the powers expressly granted by Law, including, but not limited to the General Statutes and Special Acts; and, (2) essential to the declared objects and purposes of the City, not simply convenient, but indispensable.

B. Legislative Actions¹³⁵. By a Majority Vote of the Council (unless otherwise set forth herein) the Council is authorized, in accordance with the general grant of authority to take the following actions:

Commented [S13]: VOTING STANDARD.

(1) Enact, amend, alter, repeal and establish enforcement protocols for all Ordinances, Resolutions (including those required by the General Statutes), Orders or Motions for the government of the City and the management of its business, and to implement all of the powers set forth in this Charter and within the scope of municipal authority under Law, as set forth above, including but not

¹³¹ 2023 Recodification of current Article IV. The Common Council. §1-197 (First sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4. Historical editor's Note: *Regular meetings are held on the second Tuesday of each month; see §1-198.*

¹³² 2023 Recodification of current Article IV. The Common Council. §1-199 (Eighth sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

¹³³ 2023 Recodification of current Article IV. The Common Council. §1-199 (Tenth sentence). Derived from Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, §5. Historical Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

¹³⁴ NEW (2023)

¹³⁵ 2023 Recodification in lieu of current Article IV. The Common Council. §1-189 (Items (1) – (76). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3. Historical editor's Note: (1) See §§ 1-200 to 1-202 for power to borrow money. (2) Editor's Note: A resolution adopted 10-10-1989 reads as follows: Whereas Article IV, § 1-189, of the Code of the City of Norwalk authorizes the Common Council "to establish building lines beyond which no building, step, stoop, veranda, billboard, advertising sign or other structure may be erected," and over time the Council has established such setbacks; and Whereas these setbacks are in conflict with those that are established by the Zoning Regulations, the following resolution is recommended: Resolved by the Common Council that all building setback lines established by the Common Council are hereby repealed and the setback lines as defined in the Zoning Regulations, as amended, be adopted; and Be it further resolved that all structures that conform to the Council setback lines as they exist on this date are declared to be conforming and may be rebuilt in accordance with the Council setback should they be damaged by accident or natural disaster. See Art. XV, Streets, Sidewalks and Building Lines; Ch. 101, Streets and Sidewalks.

limited to the municipal powersⁱⁱ and other statutory authority as may be amended from time-to-time¹³⁶.

(2) (a) adopt the Operating and Capital Budgets of the City, as provided in Article X of the Charter¹³⁷; (b) approve multi-year contracts, agreements, settlements and transactions in accordance with Law; (c) authorize the issuance of debt as provided for under Law and in Article X of this Charter¹³⁸; and, (d) engage in legislative oversight and review of the operations of government, including financial matters¹³⁹;

(3) create, merge, consolidate or eliminate Divisions, Departments, Boards or Commissions, unless otherwise required by this Charter, as set forth in §4-5 and §8-1.C and D, below¹⁴⁰. The powers of the Council shall apply to all Departments, including but not limited to all Departments in existence at the original effective date of this section, whether established by Charter, Special Act, or ordinance; and ordinances enacted by the Council pursuant to this section shall supersede any prior inconsistent provisions of this Charter, Special Acts or ordinances. The following Departments, Boards and Commission are exempted from this provision:

- (a) any elected departments, agencies, commissions, authorities or boards, including those elected by taxing districts;
- (b) Police Department or its boards or commissions;
- (c) Fire Department or its boards or commissions;
- (d) Planning and Zoning Commission;
- (e) Board of Estimate and Taxation;
- (f) Comptroller; or,
- (g) Corporation Counsel ¹⁴¹.

A Majority of the entire membership of the Council shall be necessary to take any

Commented [S14]: VOTING STANDARD.

¹³⁶ 2023 recodification, revision and replacement of current Article IV. The Common Council. §1-189.2.A (Third sentence) and 1-189(1) – (76). Derived from Charter Amendment 11-3-1970.

¹³⁷ Recodification and modification (Subsections (b) and (c) 2023) in lieu of current Article IV. The Common Council. §1-189 (Items (1) – (76), as follows: "to provide for the due execution of contracts and of evidences of indebtedness issued by said city."

¹³⁹ NEW (2023)

¹⁴⁰ 2023 Recodification and revision of current Article IV, The Common Council. §1-189.2.A (First sentence). Derived from Charter Amendment 11-3-1970, by eliminating the following clause: "or the preservation of good order, peace, health and safety of the City and its inhabitants.""

¹⁴¹ 2023 recodification and modification of current Article IV. The Common Council. §1-189.2.B Derived from Charter Amendment 11-3-1970.

action authorized by this sub-section, and shall be subject to the approval of the Mayor¹⁴².

(4) approve Mayoral appointments to (a) Boards and Commissions¹⁴³; and, (b) Department Heads and other Mayoral Executive Level Appointees¹⁴⁴ in the manner set forth in Articles __ and __ of this Charter;

(5) remove the Mayor¹⁴⁵ or other officer of the City¹⁴⁶ or expulsion of Councilmembers¹⁴⁷ in the manner set forth in Article III of this Charter;

(6) filling vacancies of Elected Public Officials in the manner set forth in Article III of this Charter¹⁴⁸;

(7) undertaking of public improvements and prescribing the form of proceeding and mode of assess benefits and appraising damages in taking land for public use as the time and manner in which the benefits assessed shall be collected¹⁴⁹;

(8) license, regulate, or prohibit the manufacture, keeping, sale, or use of fireworks, torpedoes, fire crackers, gun powder, petroleum, or other explosive or inflammable substances, and the conveyance thereof¹⁵⁰;

(9) regulate the discharge of fire arms¹⁵¹;

(10) provide the mode for keeping and auditing the accounts of the City and adjusting claims against the City, to fix the salaries¹⁵²;

(11) approve the salary ranges and compensation for officers and employees of the City and to prescribe the general duties of the officers and employees¹⁵³;

Commented [S15]: I am not sure this provision would be required:

"Protection of the Holders of Debt. In taking action under this section, the Council shall adopt appropriate provisions protecting the interests of any holders of debt which may have been issued by any administrative department affected by such action of the Council, prior to any ordinance enacted pursuant to this section, and the Council shall also adopt appropriate provisions regarding future issuance of debt instruments." (Derived from current Article IV. The Common Council. §1-189.2.C. Derived from Charter Amendment 11-3-1970.

¹⁴² 2023 recodification and modification of current Article IV. The Common Council. §1-189.2.D. Derived from Charter Amendment 11-3-1970.

¹⁴³ See, annotation to § __ of this Charter.

¹⁴⁴ See, annotation to § __ of this Charter.

¹⁴⁵ See, annotation to §3-8 of this Charter.

¹⁴⁶ See, annotation to §3-9 of this Charter.

¹⁴⁷ See, annotation to §3-7 of this Charter.

¹⁴⁸ See, annotation to §3-6 of this Charter.

¹⁴⁹ 2023 recodification and edit of current Article IV. The Common Council. §1-189 (thirty-first clause). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

¹⁵⁰ 2023 Recodification of current Article IV. The Common Council. §1-189 (twenty-fifth clause). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

¹⁵¹ 2023 Recodification of current Article IV. The Common Council. §1-189 (twenty-sixth clause). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

¹⁵² 2023 Recodification of current Article IV. The Common Council. §1-189 (sixth clause). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

¹⁵³ 2023 Recodification of current Article IV. The Common Council. §1-189 (sixth clause). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

(12) provide a public seal¹⁵⁴;

(13) prescribe the amount of bonds to be given by City officers or employees and to confer upon the officers of the City all proper authority to enable them to discharge their duties¹⁵⁵;

(14) regulate (a) the storing and hiring of lumber¹⁵⁶; and, (b) weights and measures¹⁵⁷;

(15) protect public buildings, property, and structures from injury¹⁵⁸;

§4-5. Reorganization Plans for Divisions and Departments¹⁵⁹.

A. The Mayor may initiate a divisional and departmental reorganization by proposing an Ordinance, subject to the approval of a two-thirds vote of the entire membership of the Common Council, as set forth in §8-1.D of this Charter¹⁶⁰. The reorganization plan may include Divisions and Departments created by Charter.

(1) Alteration and of Divisions and Departments Created by Charter. The delineation of divisional and departmental categories in this Charter are obligatory; however, the structure of the named Divisions and Departments may be altered pursuant to a reorganization plan. In this respect, any divisional or departmental categories may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by Law or agreement) to other Divisions.

(2) Limitation of Reorganization Plan: Opinion of the Corporation Counsel. The reorganization plan is subject to the limitation that all governmental functions set forth in this Charter shall continue to be provided to the residents of the City; unless such function has been eliminated as the result of a repealed Federal or State mandate and not otherwise deemed to be in the best interest of the City to continue. Moreover, any reorganization plan shall include specific reference to the divisional and departmental function(s) set forth in this Charter that will be carried out in said reorganization and shall be accompanied by an opinion of the Corporation Counsel verifying that the reorganized function complies with the Charter requirements.

¹⁵⁴ 2023 Recodification of current Article IV. The Common Council. §1-189 (sixtieth clause). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

¹⁵⁵ 2023 Recodification of current Article IV. The Common Council. §1-189 (first clause). Derived from S Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.

¹⁵⁶ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (twenty-eighth clause) Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3

¹⁵⁷ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (fifty-fourth clause).

¹⁵⁸ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (Fifty-seventh clause) derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3

¹⁵⁹ NEW (2023)

¹⁶⁰ 2023 recodification of current Article IV. The Common Council. §1-189.4 (Fifth sentence). Added by Charter Amendment 11-3-1970. **New language in lieu of the following:** "approval of the Mayor as set forth in §191 of the Charter (1956 Edition), §1-197 (1970 Edition). This section shall take effect on January 1, 1971."

§4-6. Grants and leases of real estate: Council Approval and Mayoral Signature¹⁶¹.

All grants and leases of real estate belonging to the City authorized by the Council shall be signed by the Mayor and sealed with the City seal.

§4-7. Council Appointments¹⁶².

All appointments to office or to any position when the appointing power of the Council, which shall include all appointments not herein conferred upon the Mayor, shall be made by a plurality of votes passed in the Council, the Mayor having a vote only in case of a tie.

A. Designation of Duties for Appointive Officers¹⁶³. The duties of all appointive officers not in this Charter particularly designated shall be prescribed by the Council.

B. Compensation Fixed by Council. The compensation of all officers and employees of the City of Norwalk shall be fixed by the Council, except the salary of the Councilmembers, which shall be set at Six Hundred (\$600) Dollars per annum¹⁶⁴. In accordance with the General Statutes¹⁶⁵ any proposed increase in the compensation of the members of the Common Council shall be subject to confirmation by referendum at the next regular election¹⁶⁶.

Commented [S16]: SHOULD THESE BE REPEALED?

Commented [S17]: PROPOSED.

§4-8. Procedure for Enacting Ordinances and Other Legislative Actions.

A. Procedure¹⁶⁷. All Ordinances shall be submitted to the Common Council, referred to the appropriate Committee and reported back to the Council; unless assigned by the President to the Committee of the Whole.

B. Required Public Hearing as to Ordinances¹⁶⁸. Before the Common Council shall adopt any Ordinance, the Council or a committee thereof shall hold a public hearing in relation thereto, at which all persons shall have an opportunity to be heard.

¹⁶¹ 2023 recodification of current Article IV. The Common Council. §1-195. Derived from Sp. Laws 1913, No. 352, §84.

¹⁶² 2023 recodification of current Article V, Part 1 – General. §1-219. Derived from Sp. Laws 1913, No. 352, §75. Historical Editor's Note: *See also § 1-223*.

¹⁶³ 2023 recodification of current Article V, Part 1 – General. §1-220. Derived from Sp. Laws 1913, No. 352, §76.

¹⁶⁴ 2023 recodification of current Article V, Part 1 – General. §1-225. Derived from Sp. Laws 1913, No. 352, §172; Charter Amendment 9-2-1980. Historical Editor's Note *Approved by the electorate at the general election held 11-4-1980*.

¹⁶⁵ Note: At the time of the adoption of this Charter, C.G.S. 7-460.

¹⁶⁶ NEW (2023)

¹⁶⁷ NEW (2023)

¹⁶⁸ 2023 recodification and modification of current Article IV. The Common Council. §1-191.1.A (First sentence). Amended by Charter Amendment 9-

(1) **Notice**¹⁶⁹. Notice of the time and place of such hearings, together with a copy of the ordinance proposed, shall be published as required by Ordinance not more than fifteen nor less than seven days prior to the date of such public hearing.

(2) **Post-Hearing Modifications of Ordinance**¹⁷⁰. The Common Council as aforesaid or its committee may after the public hearing make such changes or alterations in the form or content of the proposed ordinance as seems appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice.

(3) **Emergency Ordinances**¹⁷¹. The provisions of this section shall not apply to ordinances which are designated by the Common Council as emergency in nature and requiring immediate action.

C. Procedures for Resolutions, Orders, Motions, Votes and Other Legislative Actions. The Common Council shall establish rules of procedure for the adoption of resolutions, orders, motions and other legislative actions.

D. Transmittal of Council Actions to the Mayor¹⁷². Every Ordinance, Resolution mandated by the General Statutes or Order requiring executive action shall be transmitted to the Mayor ("Legislative Measure(s)"). Any legislative action or measures pertaining to the organization of the Council, to its own officers or employees and to the removal of the Mayor or to the declaration of a vacancy in the office of Mayor.

(1) **Mayoral Action.**

(a) **Approval or Disapproval**¹⁷³. The Mayor shall either: (i) approve the Legislative Measure within six days, in which case it shall become operative and effectual; or, (ii) disapprove the same and return it to the Council within six days, accompanied by specific Statement of Objections, in writing.

2-1980. No reference to Special Act. *Historical editor's Note: Approved by the electorate at the general election held 11-4-1980.*

¹⁶⁹ 2023 recodification and modification of current Article IV. The Common Council. §1-191.1.A (Second and third sentences). Amended by Charter Amendment 9-2-1980. No reference to Special Act. *Historical editor's Note: Approved by the electorate at the general election held 11-4-1980.*

¹⁷⁰ 2023 recodification of current Article IV. The Common Council. §1-191.1.B. Amended by Charter Amendment 9-2-1980. No reference to Special Act. *Historical editor's Note: Approved by the electorate at the general election held 11-4-1980.*

¹⁷¹ 2023 recodification of current Article IV. The Common Council. §1-191.1.C. Added by Charter Amendment 8-13-1974. No reference to Special Act. *Historical editor's Note: Approved by the electorate at the general election held 11-5-1974.*

¹⁷² 2023 recodification and modification of current Article IV. The Common Council. §1-197 (First clause of the sixth sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

¹⁷³ 2023 Recodification of current Article IV. The Common Council. §1-197 (First clause of the sixth sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

(b) **Failure to Take Action**¹⁷⁴. If the Mayor refuses or neglects to approve or disapprove any Legislative Measure, transmitted under this section within six days after its reception, such measure shall become operative and effectual as though approved by the Mayor.

(2) **Council Reconsideration: Override of Mayoral Disapproval**¹⁷⁵. After such Statement of Objections has been read, the Council shall proceed to reconsider its former vote on such measure. If, after such reconsideration, the Council shall again pass it by a recorded vote of not less than two-thirds (2/3^{ds}) of all its members, it shall become operative and effectual without the approval of the Mayor.

E. **Publication of Ordinances; Effective Date**¹⁷⁶. No ordinance shall take effect until the same has been published as required by the General Statutes nor until ten (10) days after its passage.

§4-9. Audit of Accounts¹⁷⁷.

A. **Appropriation of funds to defray expenses of audit**¹⁷⁸. The Board of Estimate and Taxation¹⁷⁹ of the City of Norwalk shall appropriate funds sufficient to defray the expense of the annual audits provided for by § **1-285** to **1-287**.

B. **Accounts; Reports to Council**. Between August 15th and September 15th of each year, the Board of Estimate and Taxation shall appoint an accountant or a firm of accountants to conduct an audit of the accounts and transactions of the City of Norwalk for the fiscal year commencing the previous July 1st. On or before the regular Council meeting in January, the accountant or accountants employed shall report in writing to the Common Council the results of such examination. Such accountant or firm of accountants may make interim reports to the Common Council and the Board of Estimate and Taxation at any time before completion of the final audit.

C. **Accountant Qualifications**¹⁸⁰. Such accountant or accountants shall be certified as may be required by the General Statutes and shall have practiced accountancy in the State for at least five years immediately preceding the appointment.

Commented [S18]: FOR THE CFO: IS THIS THE INDEPENDENT AUDIT UNDER THE MUNICIPAL AUDIT ACT?

¹⁷⁴ 2023 recodification of current Article IV. The Common Council. §1-197 (Ninth sentence). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

¹⁷⁵ 2023 recodification of current Article IV. The Common Council. §1-197 (Seventh and eighth sentences). Derived from Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, §4.

¹⁷⁶ 2023 recodification and modification of current Article IV. The Common Council. §1-193. Derived from Sp. Laws 1913, No. 352, § 83. Amended by Charter Amendment 9-2-1980. No reference to Special Act. Historical editor's Note: Approved by the electorate at the general election held 11-4-1980.

¹⁷⁷ 2023 Recodification of current Article V, Part 8. Audit of Accounts. Historical Editor's Note: See §§ **1-239** to **1-241**.

¹⁷⁸ 2023 Recodification of current Article V, Part 8. Audit of Accounts, §1-285. Derived from Sp. Laws 1945, No. 316, §1.

¹⁷⁹ Historical Editor's Note: As to the Board of Estimate and Taxation in general, see Art. VI.

¹⁸⁰ 2023 Recodification and modification of current Article V, Part 8. Audit of Accounts, §1-287. Derived from Sp. Laws 1945, No. 316, §3,

§4-11. Referendum Procedure (Petition for Overrule): Matters Subject to Referendum; Procedure¹⁸¹.

Any provision of this Charter to the contrary notwithstanding, every ordinance hereinafter enacted and every exercise of authority of the Common Council, Board of Estimate and Taxation, or any other City Board or Commission, except as otherwise prohibited by the Acts of the General Assembly, the Constitution of the State of Connecticut or the Constitution of the United States, or as exempted in accordance with Paragraph 4-14.K(3) herein below, shall be subject to referendum, as hereinafter defined, which results shall be binding upon the Common Council, Board of Estimate and Taxation, or any other City Board or Commission which enacted the ordinance or exercised the authority which is the subject of the referendum action. The term referendum, as used in this Article, shall be defined as provided in §9-1(n) of the Connecticut General Statutes.

A. Upon a petition of not less than eight percent of the electors of the City of Norwalk qualified to vote in the previous general election filed in accordance herewith with the City Clerk asking that any such ordinance or exercise of authority be submitted to the votes of the City, such ordinance or exercise of authority shall be so submitted¹⁸².

B. No ordinance or other exercise of authority shall be subject to referendum unless, within seven days of the time that the ordinance is passed or exercise of authority is taken, a written request including the particular question or proposal to be subject to referendum is filed by at least five electors of the City of Norwalk, duly notarized, for the issuance of forms of petition for the referendum with the City Clerk, together with a fee of twenty-five (\$25) dollars¹⁸³.

C. Within three days of the receipt of a request in accordance with Paragraph 4-14.B above, the City Clerk shall cause to be prepared a form of petition for referendum in at least five hundred copies, each of which shall be marked with the Seal of the City of Norwalk, and shall notify by registered mail the electors named in the aforesaid request for petition forms that such petition forms are available in the office of the City Clerk. The petition forms shall be available at the office of the City Clerk on the day that the notice is mailed as hereinbefore provided and shall be released by the City Clerk upon demand at that time or any time thereafter to any of the electors referenced in Paragraph 4-14.B hereinabove¹⁸⁴.

D. No ordinance or exercise of authority shall be subject to referendum unless, within twenty-five days of the mailing of notice in accordance with Paragraph 4-14.C,

¹⁸¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669. Derived from Charter Amendment 8-8-1974(I); Charter Amendment 8-17-1976; Charter Amendment 11-5-1996.). Historical Editor's Note I: Approved by the electorate at the general election held 11-5-1974. Former §1-669, originally part of Article XXII, Extension of Fire Protection, was repealed by Charter Amendment of 11-3-1970, effective 7-1-1971. Historical Editor's Note II: Editor's Note: Approved by the electorate at the general election held 11-2-1976. § 1-670 through § 1-671. (Reserved) Editor's Note: Former §§ 1-670 and 1-671, originally part of Article XXII, Extension of Fire Protection, were repealed by Charter Amendment of 11-3-1970, effective 7-1-1971..

¹⁸² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.1

¹⁸³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.2

¹⁸⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.3

there shall be returned to the City Clerk as a lot by any of the named electors of the aforesaid request for petition, the petition forms containing the signatures, with addresses, of eight percent of the electors of the City of Norwalk on the petition forms requesting such referendum issued by the City Clerk¹⁸⁵.

E. Role of the City Clerk.

(1) Question or Proposal. The City Clerk shall cause the question or proposal to be reprinted on each petition form as submitted by the electors in their written request for the issuance of petition forms pursuant to §4-14.B above, except that the City Clerk may rephrase or remove any language which is ambiguous, misleading, scandalous, libelous, repetitive, presents the question or proposal in an outlandish or impractical form, is inconsistent with §4-14.E(2) hereof, or is otherwise contrary to law, but in no event shall the City Clerk rephrase or remove any language in such a manner which could contravene, defeat, vary or evade the clearly expressed purpose and intent of any question or proposal so submitted which may lawfully be the subject of referendum under the provisions of this Article, the Acts of the General Assembly and the Constitution of the State of Connecticut¹⁸⁶.

(2) Capital Budget, Operating Budget or Any Other Appropriation or Part Thereof. When the question or proposal to be reprinted concerns the capital budget, operating budget, any other appropriation, or any part thereof, the question or proposal may either (i) call for disapproval of the capital budget, operating budget, any other appropriation or any part thereof, or (ii) specifically state whether the capital budget, operating budget, any other appropriation or any part thereof is to be decreased by a specified dollar amount or percentage. If the question or proposal as submitted by the electors in their written request for the issuance of petition forms pursuant to §4-14.B above specifically states whether the capital budget, operating budget, any other appropriation or any part thereof is to be decreased by a specified dollar amount or percentage, the City Clerk shall specifically and clearly state such dollar amount or percentage of decrease in the question or proposal reprinted on the petition forms¹⁸⁷.

(3) The City Clerk shall cause to be reprinted on each petition form the question or proposal in accordance with the provisions of §4-14.E(2) and (3), above, which shall be followed by sufficient lines for the signatures and addresses of twenty electors. Below the lines the City Clerk shall cause to be reprinted on the petition forms language substantially as follows:

The undersigned elector of the City of Norwalk hereby attests that¹⁸⁸:

¹⁸⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.4

¹⁸⁶ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.a

¹⁸⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.b.

¹⁸⁸ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.c.

(a) Each person whose name appears on this page personally signed the same in my presence¹⁸⁹.

(ii) Each person whose name appears on this page is either personally known to me or satisfactorily identified himself or herself to me¹⁹⁰.

I recognize that threw above statements are made by me subject to the penalties for false statement.

Signature of circulator

Names and address of circulator (to be typed or printed)

F. A referendum may be had hereunder as to the whole or any part of any ordinance or exercise of authority of the Common Council, Board of Estimate and Taxation or any other City Board or Commission, except as otherwise prohibited by the provisions of this Article, the Acts of the General Assembly, the Constitution of the State of Connecticut or the Constitution of the United States or as exempted in accordance with paragraph 4-14.K(3) herein below¹⁹¹.

G. **Certification of Petitions to the City Clerk by the Town Clerk.** The Town Clerk shall review all petition forms returned hereunto within five business Days of their receipt by the City Clerk and shall certify to the City Clerk¹⁹²:

(1) The number of validated signatures necessary to equal the signatures of eight percent of the electors of the City¹⁹³.

(2) On each page of the petition forms the number of valid signatures thereon. The City Clerk shall, within two days of the receipt by him of the petition forms from the Town Clerk, issue a statement by registered mail addressed to the electors named in the request for petition forms pursuant to Paragraph 4-14.B above either verifying the timely receipt of the petition forms in proper order containing the signatures of eight (8%) percent of the electors of the City of Norwalk or shall so issue a statement that such petition forms were not timely received by him or were not in proper order or contained less than the signatures of eight (8%) percent of the electors of the City of Norwalk¹⁹⁴.

(3) No action shall be taken pursuant to any ordinance or exercise of authority subject to referendum under this Article until seven days shall have passed after the adoption of such ordinance or after the taking of the decision to exercise authority as aforesaid. In the event that a request is received by the City Clerk in accordance with Paragraph 4-14.B above, no such action shall be taken until the City Clerk shall have issued a statement pursuant to Paragraph 7 above.

¹⁸⁹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.c.1.

¹⁹⁰ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.c.2.

¹⁹¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.6

¹⁹² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7

¹⁹³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7.a.

¹⁹⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7.b.

In the event that the City Clerk issues a statement verifying the timely receipt of petition forms in proper order containing the signatures of eight per cent of the electors of the City of Norwalk, then no such action shall be taken until the referendum election on such ordinance or exercise of authority is held and the ordinance or exercise of authority is upheld; provided, however, that any ordinance or exercise of authority designated as an emergency measure by the municipal authority so acting shall be fully and immediately effective unless and until disapproved at a referendum election¹⁹⁵.

H. Verification of Timely Receipt of Petition Forms.

(1) In the event that the City Clerk issues a statement verifying the timely receipt of petition forms in proper order containing the signatures of eight percent of the electors of the City of Norwalk as provided in Paragraph 4-14.G , above, then within three days of the date on which the statement verifying the petition forms is deposited in the mail, the Common Council shall meet and determine the date of the referendum and shall instruct the City Clerk to issue a warning according to law; provided, however, in the case of a special election, such warning shall be issued by the City Clerk within three days after instruction by the Common Council¹⁹⁶.

(2) Any referendum election concerning the capital budget, operating budget, any other appropriation or any part thereof shall be held at a special election not earlier than seventeen days nor later than twenty-five days following the day upon which the City Clerk, upon instruction from the Common Council, issues a warning therefor by publishing a notice thereof in a newspaper having general circulation in the City of Norwalk. Any other referendum election shall be held at the next general election if such general election is to be held within six months from the date of verification by the City Clerk as provided in §4-14.G(2), above; provided, however, that if such verification by the City Clerk as provided in §4-14.G(2), above occurs less than sixty days or more than six months prior to the general election, then the referendum election shall be held at a special election not earlier than seventeen days nor later than twenty-five days following the day upon which the City Clerk, upon instruction from the Common Council, issues a warning therefor by publishing a notice thereof in a newspaper having a general circulation in the City or Norwalk¹⁹⁷.

I. No question or proposal shall be approved, unless at the election at least twenty-five (25%) percent of the electors of the City of Norwalk cast a ballot with respect to such question or proposal¹⁹⁸.

J. Effect of Referendum.

¹⁹⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.8.

¹⁹⁶ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.9.a

¹⁹⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.9.b

¹⁹⁸ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.10

(1) Every referendum pursuant to this Article and any question or proposal approved by the electors of the City of Norwalk shall be binding, final and mandatory upon the Common Council, Board of Estimate and Taxation or any other City Board or Commission which enacted the ordinance or exercised the authority which is the subject of the referendum action, unless the same has been exempted in accordance with Paragraph 4-14.K(3) herein below¹⁹⁹.

(2) If, upon the official determination of the result of such referendum, the question or proposal has been approved by the electors, such question or proposal shall take effect forthwith²⁰⁰.

(3) Whenever the question or proposal so voted upon concerns the capital budget, operating budget, any other appropriation or any part thereof and the question or proposal as submitted by the electors in their written request for the issuance of petition forms pursuant to Paragraph 4-14.B, above, specifically provided whether the capital budget, operating budget, any other appropriation or any part thereof is to be decreased by a specified dollar amount or percentage, the decrease shall take effect forthwith; provided, however, that the appropriate municipal authority shall meet within three days of the referendum to determine in what manner the mandated decrease of the dollar amount or percentage shall be effected, unless the manner of the implementation of the decrease is otherwise provided for in the question or proposal so approved, in which event no such meeting shall be required²⁰¹.

(4) Whenever the electors of the City of Norwalk approve any question or proposal at any referendum requiring the operating budget to be decreased, the Board of Estimate and Taxation shall meet within three days and shall lower the mill rate in accordance with the decrease. Nothing herein shall be interpreted as requiring any action by the Board of Estimate and Taxation in order for the decrease to take effect forthwith. As to the manner of the implementation of the exercise of the decrease, the provisions of Paragraph 4-14.J(3), above shall apply²⁰².

(5) In the event that a referendum is held and the capital budget, operating budget, any other appropriation or any part thereof submitted to the electorate in the referendum shall be disapproved, but the question or proposal as submitted by the electors in their written request for the issuance of petition forms pursuant to Paragraph 4-14.B, above did not specifically provide whether the capital budget, operating budget, any other appropriation or any part thereof is to be decreased by a specified dollar amount or percentage, then within three days after the election the Board of Estimate and Taxation shall hold a public hearing

¹⁹⁹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.a.

²⁰⁰ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.b.

²⁰¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.c.

²⁰² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.d.

on the appropriations and shall make such alterations or adjustments therein and shall decrease the tax rate to correspond to such changes as are appropriate to reflect the wishes of the electors; provided, however, that the Board of Estimate at such meeting shall not approve any increase in total appropriations above the amount provided for in the disapproved budget, appropriation or part thereof²⁰³.

(6) Notwithstanding any other provision hereof, if two or more conflicting questions or proposals shall be approved by the electors at the same referendum election, the question or proposal receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict, so long as such question or proposal has met the requirements of Paragraph 4-24.²⁰⁴

(7) Notwithstanding any other provision hereof, any appropriations fixed by the Board of Estimate and Taxation pursuant to Paragraph 4-24.J((3) – (5) shall be final, and the actions taken by the Board of Estimate and Taxation pursuant to those sections shall be exempt from any further referendum as to the actions²⁰⁵.

K. Miscellaneous.

(1) Each paragraph, subparagraph and each provision of each paragraph and subparagraph of this Article shall be separable, and the invalidity of any portion of any paragraph, subparagraph or any provision of any paragraph or subparagraph shall not affect the validity or enforcement of any other portion. Should any provision be found to be invalid as to any circumstance, such provision shall apply to all other circumstances to which such provision may lawfully apply²⁰⁶.

(2) When a period of time is prescribed for the doing of any act, or as to Paragraph 4-14.G, above prescribed for the doing of any act, Sundays and holidays shall be included in computing such period, except that, if the last day of such period is on a Sunday or holiday, such day shall not be counted, and the last day shall be the day following such Sunday or holiday²⁰⁷.

(3) Should any provision of this §4-14 conflict with any other provision of any other section of this Article, or any other Article, of this Charter, the provision of §4-14 shall apply, be considered supreme, and supersede such other provision, unless such other provision specifically states that it is exempt from the application of this §4-14²⁰⁸.

²⁰³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.e.

²⁰⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.f.

²⁰⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.g

²⁰⁶ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.a.

²⁰⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.b.

²⁰⁸ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.c.

NORWALK CHARTER DRAFT REPORT.042723

ARTICLE V: THE MAYOR (042723)

§5-1. Authority of the Chief Executive Officer²⁰⁹.

At each general municipal election, a Mayor shall be chosen by the Electors of the City. The Mayor shall be the chief executive officer of the City and, as such, the executive and administrative powers of the City are vested in the Mayor²¹⁰. The Mayor shall receive compensation as shall be set by the Council and shall devote full time to the duties of the office.

§5-2. Powers and duties of the Mayor.

The Mayor shall have the authority to take such actions (1) necessarily or fairly implied in or incident to the powers expressly granted by Law, including, but not limited to the General Statutes and Special Acts; and, (2) essential to the declared objects and purposes of the City, not simply convenient, but indispensable. In addition to those powers and duties and as further specified elsewhere in this Charter, the Mayor shall:

A. take care that the Laws, including the Ordinances be faithfully and vigilantly executed and enforced²¹¹.

B. (1) preside at all meetings of the Council and shall be notified of the time and place of holding of meetings of all Committees thereof and may attend the Council meetings, but shall have no vote therein, except in the case of a tie as set forth in §4-2.A(1)²¹²; (2) recommend the adoption of such measures connected with the peace, security, health, cleanliness, and general well-being of the City, and the improvement of its government and finances as the Mayor shall deem expedient, and, (3) communicate to the Council at the end of each fiscal year a statement of the condition of the City in relation to its government, expenditures, finances, and improvements, which statement shall be entered upon the records of the City within five days after its reception, and published in such manner as the Council shall order²¹³.

²⁰⁹ 2023 recodification and modification of current Article V, Part 2 – Mayor. 1-226 (First sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

²¹⁰ 2023 modification of current Article V, Part 2 – Mayor. 1-229, Derived from Sp. Laws 1913, No. 352, §64. Historical Editor's Note: See § 1-216 for powers and duties of Selectmen. In lieu of the following: "All duties required by law of Selectmen of towns, except such as are imposed upon them by the constitution of the state, shall be performed by the Mayor except as otherwise herein provided."

²¹¹ 2023 recodification and modification of current Article V, Part 2 – Mayor. 1-226 (First sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

²¹² 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Second sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

²¹³ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Tenth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

C. execute contracts and other papers on behalf of the City²¹⁴.

D. administer oaths and to take acknowledgments of deeds and other instruments²¹⁵.

E. employ attorneys, other than the Corporation Counsel in matters affecting the interest of the City, and all services rendered to the City by such attorneys shall be paid for in the same manner as other claims against the City, in the event the Mayor deems it necessary, subject to the consent of the Council, by a Majority Vote²¹⁶.

Commented [S19]: VOTING STANDARD.

F. assign members of the clerical staff of any department, except that of the Board of Education, to work temporarily in any other department under the direction of the head thereof, when in the judgment of the Mayor needs of the City service require such assignment²¹⁷.

Commented [S20]: What about Mayoral staff? There is no current provision?

G. serve as an ex officio voting member of the Board of Estimate and Taxation, Police Commission and Fire Commission as set forth in §7-2.A, B and C of this Charter²¹⁸.

Commented [S21]: What about Mayoral staff? There is no current provision?

§5-3. Mayoral Appointments²¹⁹

The Mayor upon the commencement of the term of office shall, except as otherwise provided in this Charter:

(a) Appoint, subject to §7-1.B of Article VII of this Charter, all members of all Boards, Commissions, agencies, authorities and other bodies of the City created by the General Statutes or by Ordinance.

(b) Appoint, subject to §8-2.A(1) – (4) of Article VIII of this Charter, the Division Chiefs, Department Heads and Other Mayoral Executive Level Appointees, except as otherwise provided in this Charter or collective bargaining agreement, and such other

²¹⁴ 2023 recodification and edit of current Article V, Part 2 – Mayor. 1-226 (Third sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: *For authority of Mayor to borrow money see Ch. 9. Administration, and § 1-201.*

²¹⁵ 2023 recodification and edit of current Article V, Part 2 – Mayor. 1-226 (Fourth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: *For authority of Mayor to borrow money see Ch. 9. Administration, and § 1-201.*

²¹⁶ 2023 recodification and modification of current Article V, Part 2 – Mayor. 1-230, Derived from Sp. Laws 1913, No. 352, §66.

²¹⁷ 2023 recodification of current Article V, Part 2 – Mayor. 1-232, Derived from Sp. Laws 1945, No. 269.

²¹⁸ NEW (2023).

²¹⁹ 2023 recodification and modification of (1) current Article V, Part 1 – General. §1-218. Derived from Sp. Laws 1913, No. 352, §74. Historical Editor's Note: *See § 1-227 for powers and duties of appointive officers, in lieu of the following: "All officers required by law to be appointed by towns and by Selectmen of towns, not herein otherwise provided for, shall, on and after the first (1st) Monday of October, 1913, be appointed by the Mayor, subject to confirmation by the Council;" and (2) current Article V, Part 2 – Mayor. 1-227 (First sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978, in lieu of the following: "The Mayor of the City of Norwalk to be elected at the city election to be held on the Tuesday after the first (1st) Monday in November 1979, and each Mayor elected biennially thereafter, shall make all appointments to city offices as provided by this Charter on the day of his taking office as Mayor."**

officers and employees of the City as this Charter or an Ordinance of the Council consistent therewith may provide.

This provision shall not apply to Elected Officials who are Department Heads²²⁰. Nothing in this section shall deprive the Council of the power of confirming any appointments for offices when such confirmation shall be required by the Charter²²¹.

Discussion Point II

A. Temporary Vacancies²²². The Mayor of the City of Norwalk may, with the approval of any appointive or elective officer of said City, appoint a person to perform all the duties and exercise all the powers of such office during such time as such officer shall be incapacitated by illness or absence from said City. Such appointee shall furnish an adequate bond for the performance of such duties. The Mayor shall notify such appointee of his release from such appointment upon notice from such officer of his ability to resume his duties.

The following provisions should be moved to the Articles pertaining to Department and Board and Commission Appointments.

B. Term of Appointment²²³. The officers so appointed shall serve for the term prescribed in said Charter for their respective offices and until their successors are appointed and have qualified.

C. Vacancies²²⁴. The Mayor shall fill any vacancy occurring in any of the offices for the unexpired portion of the term.

Commented [S22]: Is this a power the Mayor cares about or has been utilized

Commented [S23]: MOVE THESE.

§5-4. Hindering, Resisting or Abuse of Mayor; Penalties²²⁵.

Any person who shall willfully hinder, resist, or abuse the Mayor in the execution of office, or who, when commanded to assist therein, being of sufficient age and ability, shall refuse or unreasonably neglect so to do, shall be fined not more than one hundred (\$100) dollars, or imprisoned not more than six (6) months, or both.

Commented [S24]: IT IS NOT CLEAR WHAT THE ORIGIN OF THIS PROVISION IS OTHER THAN WHAT IT SAYS. PERHAPS WE SHOULD RUN THIS BY THE CORPORATION COUNSEL TO SEE IF IT HAS EVER BEEN UTILIZED OR ENFORCED BY A COURT OF LAW.

²²⁰ NEW (2023).

²²¹ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Fifth sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

²²² 2023 recodification of current Article V, Part 2 – Mayor. 1-228, Derived from Sp. Laws 1933, No. 255.

²²³ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Second sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

²²⁴ 2023 recodification of current Article V, Part 2 – Mayor. 1-227 (Third sentence), Derived from Sp. Laws Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

²²⁵ 2023 Recodification of current Article V, Part 2 – Mayor §1-231. Derived from Sp. Laws 1913, No. 352, §66.

§5-5. Organization of the Office of the Mayor²²⁶.

A. Appropriations. The Mayor may appoint a chief of staff and other clerical and subject matter assistant for which sufficient funds shall be appropriated in the operating budget.

B. Division Chiefs. The Mayor may appoint as employees of the City, except as otherwise provided by this Charter, Division Chiefs as set forth herein. The Division Chiefs shall have professional qualifications in such fields as, but not limited to, economic and community development; community and human services; public administration and operations; infrastructure and public works; public safety; or, public finance. The Division Chiefs shall aid the Mayor in the carrying out of the Mayor's duties as chief executive and administrative officer of the City. The qualifications for the Division Chiefs shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be updated prior to the appointment of such Chief.

§5-5. City Clerk.

A. Appointment, Term and Salary of City Clerk²²⁷. Upon the commencement of the term of office the Mayor shall appoint the City Clerk, subject to the approval of the Common Council, for a term of two years or until a successor shall have been appointed and qualified, unless removed for cause. The salary of the City Clerk shall be set by ordinance.

B. Duties of the City Clerk²²⁸. The Clerk of the City shall also be Clerk of the Council, and shall keep records of all the votes and proceedings of the City, and of the Council. Moreover, the Clerk shall:

- (1) cause the ordinances of the City to be published according to law, and, when so published, shall enter upon the records City Clerk's certificate.
- (2) cause to be served by the City Sheriff or other proper officer all notices or orders of the Council and shall enter upon the records the return of such service.
- (3) issue over the signature of the Clerk, such licenses and permits as may be granted by the Council or prescribed by the charter and ordinances of the City, and shall make a record thereof in a book kept for that purpose;

²²⁶ NEW (2023) .

²²⁷ 2023 Recodification of current Article V, Part 3 – City Clerk §1-233. Derived from Sp. Laws 1947, No. 208, §1; Charter Amendment 9-2-1980. Historical Editor's Note: Approved by the electorate at the general election held 11-4-1980.

²²⁸ 2023 Recodification of current Article V, Part 3 – City Clerk §1-234. Derived from Sp. Laws 1913, No. 352, § 67. Historical Editor's Note: See also § 1-217

(4) collect the money due for such licenses or permits and pay the same to the Treasurer of the City every thirty days;

(5) collect all such bills as the Council may order, and account for the same to the Treasurer;

(6) perform all such duties as may be required of him by this act or by any vote or ordinance of the Council;

(7) record all amendments to this Charter and all ordinances passed by the Council in a book kept for that purpose;

(8) keep the Office of the Clerk open at such hours as the Council shall direct.

(9) be Clerk of the Board of Estimate and Taxation and shall keep true records of all the votes and proceedings of the Board, which records shall be at all times open to public inspection and preserved in the records of the City²²⁹.¹²¹

(10) be the Clerk of the Board of Assessors **and of the Board of Relief**. All records of the Clerk shall have the same validity as records of Town Clerks and shall be in all courts evidence of the truth of the matters therein contained, and a duly certified copy of any such records shall be received in all courts as evidence of the same validity as the original record²³⁰.

(11) **Assignment of City Clerk Duties by Mayor**²³¹. In addition to the duties prescribed in the existing provisions of the Charter, the City Clerk shall perform such duties as are assigned to him by the Mayor. In the absence of the Mayor and President of the Council, the City Clerk shall attend all meetings of all Boards and Commissions of which the Mayor is a member or an ex officio member, but at such meetings the Mayor shall have no vote.

(12) **Appointment of Assistant City Clerk**²³². The Council may at any time appoint an Assistant Clerk who, having been duly qualified, shall, in the absence or in case of the disability or death of the Clerk, perform all the duties of the Clerk, and all records and acts of the assistant shall have the same validity as the records of the Clerk.

²²⁹ Historical Editor's Note: See § 1-289. Mayor as ex officio member of Board of Estimate and Taxation; Board in general.

²³⁰ Historical Editor's Note: For custody of City Seal, see Ch. 7, General Provisions, § 7-10.

²³¹ 2023 Recodification of current Article V, Part 3 – City Clerk §1-235. Derived from Sp. Laws 1947, No. 208, §2.

²³² 2023 Recodification of current Article V, Part 3 – City Clerk §1-236. Derived from Sp. Laws 1913, No. 352, §68.

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ARTICLE VI: OTHER ELECTED OFFICIALS (042723)

§6-1. Town Clerk.

A. There shall be a Town Clerk as required by the General Statutes and as set forth in this Charter²³³.

B. Powers and Duties²³⁴ The Town Clerk shall have all the powers and duties²³⁵ prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council.

(1) Registrar of Vital Statistics²³⁶. The Town Clerk shall serve as Registrar of Vital Statistics, unless otherwise set forth by the General Statutes²³⁷.

(2) General Responsibilities. The Town Clerk supervises the processing, interpreting, indexing and recording of all land transactions, vital statistics and official documents. The Clerk is also custodian of the Town Seal and Registrar of Vital Statistics Seal. Moreover, the Town Clerk is responsible for the following services and functions, unless otherwise specified by Law :

(a) Public Information. Creating procedures for public to review public records and documents and providing technical information and assistance to title searchers, attorneys and members of the public. Moreover, the Clerk is responsible for responding to general inquiries of the public.

(b) Election Activities. Coordinating election activities with

²³³ NEW (2023).

²³⁴ 2023 Recodification and restatement of current Article V, Part 1 – General. §1-217. Derived from Sp. Laws 1913, No. 352, §73.

²³⁵ NEW (2023). Some of the responsibilities of the Town Clerk are set forth in C.G.S. Title 7, Chapter 92. This is not the exhaustive list. (1) [§ 7-16. Bond](#) (Repealed); (2) [§ 7-16a. Notice to Secretary of the State of appointment of town clerk, vacancy in appointed office of town clerk](#); (3) [§ 7-17. Oath of town clerks](#); (4) [§ 7-18. Neglect of duty](#) (Repealed); (5) [§ 7-19. Assistant town clerks. Notice to Secretary of the State of appointment, vacancy](#); (6) [§ 7-20. Acting town clerk](#); (7) [§ 7-21. Town clerk pro tempore](#); (8) [§ 7-22. Removal of town clerks](#); (9) [§ 7-22a. Certification program for town clerks](#); (10) [§ 7-23. Records and copies](#); (11) [§ 7-24. Recording of instruments; safekeeping of records; recording of illegible instruments](#); (12) [§ 7-25. Index](#); (13) [§ 7-25a. Electronic indexing system](#); (14) [§ 7-26. Errors to be corrected](#); (15) [§ 7-26a. Indemnification of clerk with respect to claims arising out of land record errors](#); (16) [§ 7-27. Municipal records to be kept in fire-resistive vaults or safes](#); (17) [§ 7-27a. Destruction of original land records or instruments](#); (18) [§ 7-27b. Removal of Social Security number from document prior to recording on land records](#); (19) [§ 7-28. Indexing of mechanic's lien](#); (20) [§ 7-29. Release or assignment of mortgage or lien](#); (21) [§ 7-30. Attachment of real estate](#); (22) [§ 7-31. Maps of surveys and plots, filing requirements, copies](#); (23) [§ 7-32. Index of surveys and maps](#); (24) [§ 7-32a to 7-32j. Reserved for future use](#); (25) [§ 7-32k. Property upon which hunting or shooting sports regularly take place. Placement of property location on list maintained by town clerk. Notice. Liability not imposed by section](#); (26) [§ 7-33. Lists of transfers of taxable property](#); (27) [§ 7-33a. Issuance of certificates of authority of justices of peace, notaries and Superior Court Commissioners](#); (28) [§ 7-34. Fees](#); (29) [§ 7-34a. Fees](#); (30) [§ 7-34b. Accounting of fees required. Salary in lieu of fees](#); (31) [§ 7-35. Preservation by town clerks of statutes, special acts and Register and Manual](#); (32) [§ 7-35a. Off-site storage of original documents. Requirements](#); (33) [§ 7-35b to 7-35z](#).

²³⁶ NEW (2023).

²³⁷ C.G.S. §7-37 entitled "Town clerk, ex-officio registrar. Notice to Secretary of the State of appointment of registrar, vacancy in appointed office of registrar".

Moderators of General and Special elections; including the supervision of the preparation, issuance, receipt and processing of absentee ballots.

(c) **Licensing and Permits.** Managing the issuance of various licenses and permits.

(d) **Record and Reporting Functions.** Maintaining financial records for receiving fees in order to track or index and calculate recording fees, conveyance taxes for deed transfers, land maps and trade name certificates. The Clerk is also responsible for preparing daily, monthly and annual reports to State Departments of Environmental Protection, Health and Revenue Services and required reports for the Secretary of the State.

(e) **Administration.** Preparing and administering the budget as well as the collective bargaining agreement and personnel rules for members of office staff.

(f) **Oath of Office.** Administering oath of office to elected and appointed officials.

(3) **Assistants and Employees**²³⁸. The Town Clerk shall appoint and may remove all assistants²³⁹ and employees of this office.

(4) **Compensation**²⁴⁰. The Town Clerk's compensation and benefits shall be determined by the Common Council from time-to-time.

(5) **Fees**²⁴¹. All fees collected by the Town Clerk shall be paid to the City, except as otherwise provided by the General Statutes.

(6) **Certification**²⁴². For the purpose of Meeting best practices and the highest professional standards, the Town Clerk shall, upon eligibility, participate in the certification program for town clerks, as set forth in the General Statutes.

§6-2. Registrars of Voters²⁴³.

²³⁸ NEW (2023).

²³⁹ The appointment and vacancies in the office of such assistants shall be subject to notification as required by the General Statutes. (C.G.S. Sec. 7-19).

²⁴⁰ NEW (2023).

²⁴¹ NEW (2023).

²⁴² NEW (2023). See, C.G.S. §7-22a entitled "Certification program for town clerks" is not mandatory: "(b) any person may participate in the course of training....and upon successfully completing any examination.... shall be recommended to the secretary of the state as a candidate for certification as a certified Connecticut town clerk".

²⁴³ 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-186. Derived from Sp. Laws 1951, No. 334, §4. Also, 2023 recodification of current Article III – Part 2. Registrars of Voters [Editor's Note: See § 1-172 for compensation; §§ 1-179 to 1-181 for duties with respect to voting precincts and polling places; § 1-217, for powers and duties generally. See also, Ch. 9, Administration, Art. IV]; see also, §1-183 through 1-184 (Reserved). Editor's Note: Former §§ 1-183, 1951 election, and 1-184, Term of office for Registrars of Voters, Sp. Laws 1951, No. 334, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

A. Powers and Duties²⁴⁴. There shall be Registrar of Voters who shall have the powers and duties as are conferred or imposed on them by the General Statutes and the provisions of this Charter. Among other duties, the Registrars of Voters are responsible for the following:

- (1) Creating and maintaining the official Voter Registry List, lists of enrolled party members and voting records documenting who voted.
- (2) Preparing maps showing voting locations and state and local district and precinct boundaries, and updating the maps following redistricting and reapportionment.
- (3) Acting together to conduct all elections, prepare official checklists of voters, obtain ballots, test tabulating and other equipment, hiring and appointing poll workers, training election officials and poll workers, overseeing accurate counts and submitting accurate results.
- (4) Storing and maintaining all election equipment and supplies, used ballots, and archival records; setting-up of the polling places; ensuring proper reporting of voting totals during the election period; conducting post-election audits and recounts as required.
- (5) All other duties imposed upon Registrars by Law or this Charter.

B. Council may make ordinances and fix compensation²⁴⁵. The Common Council may make ordinances to regulate the meetings and elections and to provide for holding and conducting the same.

C. Compensation²⁴⁶. The Council shall fix the compensation of the Registrars and their assistants and of the Presiding Officers, box tenders, check clerks and counters, provided each Registrar of the First and Second Voting Districts **shall receive not less than \$2,000 annually** and each Registrar of the Third Voting District **not less than \$125 annually as compensation for their services as the Registrars.**

Commented [S25]: DOES THIS APPLY TO ANYONE AT THIS TIME?

TALK TO REGISTRARS AND MAYOR'S OFFICE ABOUT COMPENSATION.

D. Operational standards²⁴⁷. The Registrars of Voters shall operate in accordance with nationally accepted professional standards as they aspire to best practices and provide the Electors of the City with assistance on a non-partisan basis.

²⁴⁴ 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-187. Derived from Sp. Laws 1951, No. 334, §5. See also, See, C.G.S. §9-190 entitled "Registrars of voters". See also, C.G.S. §9-189a entitled "Four-year terms for town clerks, registrars and treasurers"

²⁴⁵ 2023 Recodification and edit of current Article III – Part 1. In General, §1-172. Derived from Sp. Laws 1913, No. 352, §54; Sp. Laws 1921, No. 355, §1. Historical editor's Note: See also § **1-185**

²⁴⁶ 2023 Recodification and edit of current Article III – Part 1. In General, §1-172. Derived from Sp. Laws 1913, No. 352, §54; Sp. Laws 1921, No. 355, §1. Historical editor's Note: See also § **1-185**

²⁴⁷ NEW (2023)

(1) *Certification.* For the purpose of meeting the highest professional standards, the Registrars of Voters and any deputy or permanent assistants, upon no more than one hundred eighty Days following hiring, shall participate at the next scheduled session regarding any certification training program for Registrars of Voters, as set forth in the General Statutes in order to obtain certification by the Secretary of the State; or in the event, there is no such program any continuing education programs offered by national organizations or associations pertaining to local election administration.

E. Establishment of Precincts and Voting Places.

(1) **Voting Precincts**²⁴⁸. The Registrars of Voters shall, subject to approval by the Common Council, at least one hundred and twenty Days prior to any general election, establish and designate suitable voting precincts; if practicable, within the established Council Districts. Each Council District shall be entitled to at least one such voting precinct and each voting precinct shall have a separate voting place.

(2) **Voting Places**²⁴⁹. The Registrars of Voters shall have the authority to designate the voting places (and set up voting accommodations at public buildings (including any and all public schools). All public buildings used as polling places shall include electrical power for lighting and use of electronic equipment; internet access; water; HVAC; and, parking necessary to make the building useable for voting.

(3) **Precinct Voting Lists**²⁵⁰. The Registrars shall compile separate voting lists for each precinct so established and designated.

§6-3. Powers and Duties of Constables²⁵¹.

The powers and duties of the City Clerk, Registrar of Voters, and Constables shall be those by law conferred and imposed upon such officers of towns.

§6-4. Sheriff: Authority and Duties²⁵².

The Sheriff of the City shall, within the limits of the City, have the same authority, both criminal and civil, and be subjected to the same liabilities and penalties as Constables of towns. The Sheriff shall serve notices of the Council when directed by the Clerk, and shall collect such bills and assessments as the Council may order, and shall receive for all

²⁴⁸ 2023 Recodification and edit of current Article III – Part 1. In General, §1-179. Derived from Sp. Laws 1945, No. 134, §1. Historical Editor's Note: See also §1-3 for earlier provision.

²⁴⁹ 2023 Recodification and edit of current Article III – Part 1. In General, §1-180. Derived from Sp. Laws 1945, No. 134, §2.

²⁵⁰ 2023 Recodification of current Article III – Part 1. In General, §1-181. Derived from Sp. Laws 1945, No. 134, §3.

²⁵¹ 2023 Recodification and modification of current Article V, Part 1 – General. §1-217. Derived from Sp. Laws 1913, No. 352, §73. Note: City and Clerk and Registrars of Voters were deleted from this provision.

²⁵² 2023 Recodification of current Article V, Part 1 – General. §1-214. Derived from Sp. Laws 1913, No. 352, §71. Historical Editor's Note: For election provision refer to § ~~1-166~~.

services rendered the legal fees provided by the general statutes for Constables of towns²⁵³.

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²⁵³ 2023 recodification of current Article V, Part 1 – General. (1) The Selectmen: §1-215 derived from Sp. Laws 1947, No. 215, Historical Editor's Note: *For election provision refer to § 1-166 and* §1-216 derived from Sp. Laws 1913, No. 352, §72; and (2) The Treasurer, Article V, Part 4 – Department of Finance, §1-246 entitled "City Treasurer". Added by Charter Amendment 8-29-1978, §11. *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

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ARTICLE VII: BOARDS AND COMMISSIONS (042823)

§7-1. General Requirements for Appointed Boards and Commissions (042823).

A. Creation of Boards and Commissions²⁵⁴. In addition to those Boards and Commissions established by this Charter, the Common Council shall by Ordinance establish the Boards and Commissions of the City.

(1) The Role of Boards and Commissions²⁵⁵. The primary purpose of a Board or Commission is to serve the residents of the City in carrying out the policy, advisory and/or quasi-judicial or regulatory functions under its charge. Boards and Commissions serve as a conduit for citizen participation and input by gathering, analyzing and acting upon such information in order to meet the specific objectives as set forth under this Charter, Ordinances or other source of legal authority.

(2) The Public Interest²⁵⁶. Members of Boards and Commissions are required to understand the role and scope of responsibility and be informed of the objectives, scope of responsibility and operating procedures of the Board or Commission to which they are appointed. Members should represent the public interest and not personal interests or special interest groups and seek to render decisions on the basis of what is best for the residents of the City. Furthermore, members should take care that deliberations include thorough research and review of all alternatives on an issue prior to making a recommendation.

(a) Regulatory Functions. In the case of members of regulatory Boards and Commissions, decisions should be evidence-based taking into account the interests of the public and fairness to the parties based upon application of the Law and any other pertinent documents.

(b) Departmental Policy and Administrative Functions. In the case of members of Boards and Commissions aligned with a Division or Department, members serve as a communication link between the community, staff, and City presenting programs and recommendations and provide a channel for citizen expression. Members should establish a strong working relationship with Department Heads and other executives; however, at all times, members represent the public interest as opposed to the specific department interests under their jurisdiction. This is particularly true when a Board or Commission has an oversight function.

(3) Open Meetings²⁵⁷. The objective of Norwalk's open government policy is to achieve optimal public accessibility at all Meetings continuing to evolve

²⁵⁴ NEW (2023).

²⁵⁵ NEW (2023).

²⁵⁶ NEW (2023).

²⁵⁷ NEW (2023).

as the State policy and law evolve. All Meetings of Boards and Commissions shall be public and conducted in strict compliance with the requirements of the General Statutes; unless otherwise permitted or required by Law²⁵⁸. In furtherance of this objective, all Boards and Commissions shall utilize all technology provided by the City so that in person, remote²⁵⁹ or hybrid interactions²⁶⁰ may be provided at every meeting. The City shall migrate toward ensuring that technology is available to all Boards and Commissions so that all possible means of public participation are provided for at every meeting.

B. Administrative Requirements of Boards and Commissions²⁶¹. All Boards and Commissions established by this Charter or by Ordinance are required to comply with the following requirements:

(1) Number of Members and Terms²⁶². The number of Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes and this Charter, the number of members shall always be an odd number and the term of office shall not exceed a term of four years, which may be staggered.

(2) Required Ordinance Provisions²⁶³. Any such Ordinance shall make provision for:

(a) The appointment of a chair, such officers as may be necessary for its proper function and a delineation of the responsibilities of the presiding officer and other officers;

(b) The keeping of records and posting of agendas as required by Law;

(c) Compliance with minority party representation in accordance with §7-1.B(6) of this Charter;

(d) Public access, comment and interaction (including, but not limited to, public speaking, comment and any applicable rules and protocols) as may enacted by Ordinance or, in the absence of an Ordinance by the rules of the Board or Commission; and,

²⁵⁸ At the time of adoption of this Charter amendment the applicable provision was C.G.S. §1-200(2) and (6).

²⁵⁹ **Comment of the 2023 Charter Revision Commission:** Remote meetings are entirely "virtual." There is no in-person component. At the time of the adoption of this Charter state law requires an accommodation for "remote" meetings; seem, P.A. 22-3.

²⁶⁰ **Comment of the 2023 Charter Revision Commission:** A "hybrid meeting" is one which utilizes electronic or telephonic equipment in conjunction with an in-person meeting. **These meetings are governed by P.A. 22-3.**

²⁶¹ NEW (2023).

²⁶² NEW (2023).

²⁶³ NEW (2023).

(e) Frequency of regular Meetings of all Boards and Commissions, in accordance with the Ordinances or, in the absence of an Ordinance, the rules of the Board or Commission, and mandatory attendance requirements, for the purpose of establishing a standard as required by §7-1E(2) of this Charter.

(2) **Quorum.** A majority of the total membership of each Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.

(3) **Meeting Frequency and Notice**²⁶⁴. Each Board or Commission shall meet as frequently as necessary to perform its duties; however, not less than monthly. Meetings may be cancelled with notice and disclosure to the public stating the reason for the cancellation; notwithstanding the foregoing, no Board or Commission shall cancel Meetings for two consecutive months. Failure to obtain a quorum shall not be deemed a violation of this provision of the Charter²⁶⁵. The Chair, any two members or the Mayor may call a Meeting of any appointive Board or Commission, provided each member is given notice of not less than twenty-four hours thereof, unless otherwise required by Law (See, §1-4(R)).

(4) **Clerk**²⁶⁶. The Mayor shall make certain that each Board or Commission has a clerk or other designee assigned to serve the functions of the members.

(5) **Public Records**²⁶⁷. Each clerk shall keep a complete record of the resolutions and other proceedings of the Board or Commission and shall have custody of its correspondence, files and other records. All minutes and recordings of Meetings shall be filed with the City Clerk. All the records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the City website in compliance with the requirements of Law. Departments Heads shall obtain the approval of a Board or Commission aligned with their department, prior to transmitting a request to the Mayor for the disposition, transfer or destruction of public documents in accordance with Law.

(6) **Political Composition: Minority Party Representation**²⁶⁸. Unless otherwise required by the General Statutes or as otherwise set forth in this Charter,

²⁶⁴ NEW (2023).

²⁶⁵ NEW (2023).

²⁶⁶ 2023 recodification and modification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-300 (Derived from Sp. Laws 1935, No. 455, §4.) pertinent to all Boards and Commissions and in lieu of the following: "The Commission may employ clerks for its own work and the clerical work of the Police Department, and may pay their salaries."

²⁶⁷ NEW (2023).

²⁶⁸ NEW (2023).

the political affiliation of the members of all appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation²⁶⁹. This provision shall apply to all Boards or Commissions established or required by this Charter or established by Ordinance.

(7) Compensation Prohibited²⁷⁰. Except as otherwise set forth in this Charter or by Ordinance, no member of any appointed Board or Commission shall receive compensation for services as the member.

C. Appointment²⁷¹. Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Mayor as set forth in this Charter, subject to approval by the affirmative vote of a **majority of the membership of the Common Council**. All Board or Commission members shall serve until the completion of their respective terms or until their successors have been appointed and qualified.

Commented [S26]: VOTING STANDARD.

D. Vacancy²⁷². Unless otherwise set forth in the General Statutes or in this Charter, in the event of a Vacancy on any Board or Commission, whether established by Charter or Ordinance, a successor shall be appointed by the Mayor, subject to approval by the Common Council as set forth in §7-1.C of this Charter, for the balance of the unexpired term.

(1) Resignation: Effective Date²⁷³. The effective date of a Vacancy caused by resignation shall be the date the City Clerk notifies the Mayor or other Appointing Authority of the resignation and Vacancy, as the date is dated, filed and recorded in the records of the Clerk. A resignation may be effectuated if an oral statement is made on the record of the Board or Commission and the approved minutes of the Meeting in question are transmitted to the City Clerk by the Chair.

(2) Notice to the Mayor of Vacancy Due to Resignation. The City Clerk shall send notice of any Vacancy to the Mayor (or other Appointing Authority) and the President and Clerk of the Common Council within four business days or receipt or knowledge. The Clerk shall record the time of the notice as set forth in this Charter.

E. Removal²⁷⁴. Unless otherwise set forth in the General Statutes or this Charter, the Mayor or Appointing Authority may initiate proceedings to remove a member of any appointed Board, Commission, or relevant position for any of the following reasons:

²⁶⁹ See, C.G.S. § 9-167a entitled "Minority representation".

²⁷⁰ NEW (2023).

²⁷¹ Charter Revision of 2011.

²⁷² 2023 restatement and recodification of (1) current Article VI pertaining to the Board of Estimate and Taxation §1-288 (Third and fourth sentences); (2) current Article V, Part 7 pertaining to the Tax Commissioners and Board of Relief §1-271 (Fourth sentence).

²⁷³ NEW (2023).

²⁷⁴ NEW (2023)

- (1) misconduct in the performance of duties;
- (2) persistent absence, as defined by Ordinance or the rules of the Board or Commission which shall be so adopted²⁷⁵;
- (3) conviction of a felony, while in office;
- (4) conviction, while in office, of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office, as determined by the Board of Ethics; and,
- (5) ceasing to be an Elector in violation of §7-1.F of this Charter, as determined by the Mayor or other appointing authority.

Moreover, the Chair or a majority of the full membership of any Board or Commission may recommend removal of a member for the reasons set forth herein. Rules of Procedure for the removal of the member in question, and additional grounds for removal shall be enacted by Ordinance.

F. Elector Requirement: General Rule²⁷⁶. Except as otherwise provided by Ordinance, no person may serve on a Board or Commission unless the person is an Elector of the City. If any person who is a member of a Board or Commission shall cease to be an Elector of the City, the person shall thereupon cease to hold appointive office in the City. Failure to resign shall be grounds for removal under §7-1.E(5) of this Charter.

G. Representation on Boards and Commissions²⁷⁷. The Mayor and other appointing authorities are required to consider appointments to ensure that, to the fullest extent possible, the composition of Boards and Commissions reflect the diversity of the residents and the geographic areas of the City.

K. Administration of Boards and Commissions²⁷⁸. The Mayor shall, with the assistance of the City Clerk, develop policies governing the general administration of Boards and Commissions. The policies shall address the following issues: (1) assignment of an administrator responsible for retaining and organizing the records pertaining to the appointment of Board and Commission members and maintaining a public applicant pool for Board and Commission membership; (2) organizing swearing ceremonies; (3) providing Board and Commission members with background materials regarding the procedures and legal issues associated with service as a member, including, but not limited to parliamentary procedure, home rule, freedom of information and open government laws; (4) the assignment of clerks, as set forth in §7-1.B(4), above; (5) the keeping of records to comply with the General Statutes and for public review, as

²⁷⁵ NEW (2023)

²⁷⁶ NEW (2023).

²⁷⁷ NEW (2023)

²⁷⁸ NEW (2023).

set forth in §7-1.B(5), above; (6) posting of all agendas and minutes of Boards and Commissions, as set forth in **§1-4.Q and V** of this Charter; (7) maintaining records of incumbency of Boards and Commission by list; (8) coordinating the list with the City Clerk on a quarterly basis; and, (9) public outreach plans.

§7-2. Boards and Commission Established by the Charter.

A. Board of Estimate and Taxation²⁷⁹.

(1) **Established²⁸⁰: Mayor as ex officio member of Board of Estimate and Taxation; Board in General²⁸¹.** There shall be a seven-member Board of Estimate and Taxation composed of six Electors who shall serve without pay. The Mayor shall be ex officio a member of the Board of Estimate and Taxation and shall be entitled to vote in the proceedings of the Board.

a. **Mayor as Presiding Officer; Quorum²⁸².** The Mayor shall preside at all meetings of the Board when present. At all meetings of the Board, four members shall constitute a quorum, and the concurrence of four votes shall be necessary for the transaction of business²⁸³.

(2) **Appointment, Approval, Qualification and Political Balance²⁸⁴.** The members shall be appointed by the Mayor, subject to approval by the Common Council as set forth in §7-1.C of this Charter, and there shall be not more than two members from any one Council District, and not more than three appointed members shall belong to the same political party.

a. **Vacancy - Balance of Term²⁸⁵.** As set forth in §7-1.D of this Charter.

Commented [S27]: WHO PRESIDES IN THE ABSENCE OF THE MAYOR?

²⁷⁹ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-288. Derived from Sp. Laws 1913, No. 352, §88; Charter Amendment 8-29-1978 [Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978]; Charter Amendment 8-10-1982. [Editor's Note: Approved by the electorate at the general election held 11-2-1982].

²⁸⁰ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-288 (First sentence).

²⁸¹ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-289 (First sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.] Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter Amendment 11-8-2005.) Historical Editor's Note: For the powers and duties of Mayor, see Art. V, Part 2.

²⁸² 2023 recodification of current Article VI – Board of Estimate and Taxation §1-289 (Second sentence).

²⁸³ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-289 (Third sentence), as follows: "**Lack of Quorum. Warrant to Compel Attendance.** Whenever any meeting of the Board has been regularly called and no quorum shall be present, the Mayor may execute and issue a warrant, directed to a State Marshall or to the City Sheriff of the City, to arrest and bring into such meeting a sufficient number of members of the Board to constitute a quorum."

²⁸⁴ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-288 (Second sentence).

²⁸⁵ 2023 revision of current Article VI – Board of Estimate and Taxation §1-288 (Third and fourth sentences), which is set forth in §7-1.D of this Charter.

b. **Term**²⁸⁶. Each term of membership shall be of four years' duration²⁸⁷.

Commented [S28]: THIS CAN GO.

(3) **Powers**²⁸⁸. The Board of Estimate shall have the powers specified in this Charter and the incidental powers as may be reasonably necessary to enable it to investigate and determine those matters of fiscal policy of the City as are within its direct jurisdiction and responsibility²⁸⁹.

a. **Open Meetings; Notice**²⁹⁰. The meetings of the Board shall be open to the public and shall be called by the Mayor, and notice of the time, place and purpose of holding the same shall be published as set forth in **§2-2.C(22) of this Charter** in accordance with Law.

b. **Vote and Proceedings of the Board of Estimate and Taxation: Evidential Weight of Records**²⁹¹. The City Clerk shall be clerk of the Board of Estimate and Taxation and shall keep in suitable books true records of all votes and proceedings of the Board, which records shall be open to public inspection and preserved with the records of the City. All of the records shall be, in all courts, evidence of the truth of the matters therein contained, and a certified copy of any the record shall be received in all courts as evidence of the same validity as the original record.

c. **Special Meetings of the Board of Estimate and Taxation**²⁹². A majority of the members of the Board of Estimate and Taxation shall have power to call a special meeting of the Board.

(4) **The Budget Process. See, Article X.**

(5) **The Annual Report**²⁹³. The annual reports of all administrative City officers and committees required by law shall be made to the Council on or before the first (1st) day of August in each year.

Commented [S29]: LK/TL: THIS IS A CURRENT PROVISION.

²⁸⁶ 2023 edit and recodification of current Article VI – Board of Estimate and Taxation §1-288 (Third and fourth sentences).

²⁸⁷ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-288 entitled “1983 Transition Provision” (Fifth and sixth sentences).

²⁸⁸ NEW (2023).

²⁸⁹ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-289 (Fourth sentence), which addresses faithful discharge of duties, conflict of interest, fines and removal from office.

²⁹⁰ 2023 recodification and edit of current Article VI – Board of Estimate and Taxation §1-289 (Fifth sentence).

²⁹¹ 2023 recodification and edit of current Article VI – Board of Estimate and Taxation §1-289 (Sixth and seventh sentences).

²⁹² 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-ninth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [*Editor's Note: Approved by the electorate at the general election held 11-5-1974.*] Charter Amendment 8-17-1976 [*Editor's Note: Approved by the electorate at the general election held 11-2-1976.*]; Charter Amendment 11-5-1996; Charter

²⁹³ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirty-third sentences).

(6) **Election Expenses**²⁹⁴. The Board of Estimate and Taxation shall appropriate sufficient sums to cover the expenses of all elections, including the expenses of **each voting precinct and voting place**²⁹⁵.

Commented [S30]: ???

B. The Police Commission²⁹⁶.

(1) **Creation, Composition, Powers and Duties**²⁹⁷.

(a) **Established**²⁹⁸. There shall be a five-member Police Commission in the City of Norwalk, which shall consist of four Electors who shall be appointed by the Mayor subject to approval by the Common Council as set forth in §7-1.C of this Charter. The member shall serve without compensation. Not more than one-half of the members of the Commission, with the exception of the Mayor, shall be members of any one political party. In addition to the four Electors, the Mayor shall be, ex officio, a voting member and Chair of the Commission²⁹⁹.

(b) **Transaction of Business - Quorum**³⁰⁰. Three members of the Commission shall constitute a quorum, and a concurrence of three votes shall be necessary for the transaction of business.

(c) **Meetings**³⁰¹. The Commission shall hold meetings at least once each month and at such other times as it may determine. Special meetings of the Board may be called by the Mayor or by three members upon reasonable notice to the Mayor or the other member.

(2) **Function of the Commission.** The Commission shall:

(a) have control, management and supervision of the police force of the City and all property belonging to or used in the Police Department³⁰².

²⁹⁴ 2023 Recodification of current Article III – Part 1. In General, §1-182. Derived from Sp. Laws 1945, No. 134, §4.

²⁹⁵ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-289: (a) First clause of the thirty-fourth sentence) which addresses the Annual Appropriation for District Library and Sinking Funds for the First, Second, Third and Fifth Districts; (b) (Second clause of the thirty-fourth sentence which addresses Investment and Reinvestment of Funds Collected and Appropriated of the First, Second and Third Taxing Districts; and, (c) Third clause of the thirty-fourth sentence which addresses Investment and Reinvestment of Funds Appropriated and Collected for the Fifth Taxing District.

²⁹⁶ Editor's Note: See § 1-12. See also Ch. 111, Vehicle and Traffic.

²⁹⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297. Derived from Sp. Laws 1935, No. 455, §1.

²⁹⁸ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (First – third sentences). Note: there are two additional citizen members.

²⁹⁹ 2023 repeal of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Fourth sentence) which addresses "transition provision: Term of Office."

³⁰⁰ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Fifth and sixth sentences). Quorum was raised from two to three with the increase in the membership. The following language was repealed: "The Police Commission shall annually elect a Secretary from its members."

³⁰¹ 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Fifth and sixth sentences).

³⁰² 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Seventh sentence). Repeal of the following language: "have the power to purchase all supplies and equipment necessary for

(b) have the power to appoint, remove, suspend, discipline and punish and to prescribe the duties of all officers and members³⁰³ of the Police Department, including the Chief of Police, and to fix their salaries and compensation, to make rules and regulations as it may deem necessary, consistent with the provisions hereof, Law and any applicable provisions of a collective bargaining agreement, for the regulation and government of the Department³⁰⁴.

Commented [S31]: NEW C.G.S §7-474(f). Yes, subject to CBAs.

IS THIS CORRECT?

(c) enforce and carry into effect all Ordinances, and all laws of the State with reference to the safety of the City³⁰⁵.

(d) keep and preserve detailed records, files and minutes of all its proceedings and of all work, property and expenditures of the Police Department, and the files, records and minutes, or certified copies thereof, shall be accepted as evidence in all courts and proceedings³⁰⁶.

(e) have power to summon and examine witnesses as in civil actions and compel the production of books and papers, and administer oaths to such witnesses, and may require of any officer or board of the City all information and copies of records, books and papers relative to the public business in connection with the Police Department³⁰⁷.

(3) Powers of the Police Commission³⁰⁸.

(a) The Police Commission shall not abolish any office in the Police Department during the incumbency thereof of any appointee to such office, nor shall it remove, expel or reduce in rank any officer or regular or permanent member of the Police Department except for cause found after hearing. Notice of any removal, expulsion or reduction in rank shall be given by the Commission in writing to the officer or permanent member concerned, and any officer or permanent member aggrieved by such

the management of the Department."

³⁰³ Repealed the following: "whether regular, supernumerary or call."

³⁰⁴ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Seventh sentence).

³⁰⁵ 2023 recodification and modification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Eighth sentence). Repealed "...and by-laws of the Common Council."

³⁰⁶ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Ninth sentence).

³⁰⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Tenth sentence). Repeal the following: (1) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Eleventh sentence), as follows: "render monthly detailed statements and reports to the Common Council of its proceedings and of all disbursements and contracts made in the Department during the preceding month;" (2) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (Sp. Laws 1935, No. 455, §2," as follows: "render annually to the Common Council and to the Board of Estimate and Taxation (Editor's Note: See also, Art. VI, for Board of Estimate and Taxation.), a full statement of its disbursements and expenditures in the Police Department during the preceding year, with a report of the condition of the Department, and an estimate of the necessary expenditures for the ensuing fiscal year."

³⁰⁸ 2023 modification and recodification of

removal, expulsion or reduction may, within ten days after receiving notice of the action by the Commission, appeal therefrom to the Superior Court in and for the County of Fairfield, which shall hear the appeal and render judgment thereon³⁰⁹; or, such provisions of Law as may be generally applicable at the time of the amendment of this Charter in 2023³¹⁰.

(b) The power to fix the number and designation of all the officers and members of the Police Department shall be in and exercised only by the bipartisan Police Commission, and the number and designation of all officers of the Department shall continue as at present until the Commission shall take action in the premises³¹¹.

(c) The Commission shall have the power to retire any member of the Police Department for mental or physical disability and place the name of the member on the retired list and the member shall not thereafter be entitled to pay or compensation from the City unless assigned to duty by the Chief of Police of the Police Department. The member's pay for the time so assigned to duty shall be that of a regular member of the force³¹².

(d) The Police Commission Shall Administer Benefit Fund³¹³
The Commission shall administer the Policemen's Benefit Fund established under the provisions of an act approved April 30, 1925, as amended by §3 of an act approved June 16, 1927³¹⁴. The historical provisions of the Fund are set forth in Article XII, §__ - of this Charter³¹⁵.

(e) Appointments and Promotions³¹⁶. All appointments to be made by the Commission shall be based upon merit and fitness for the duties pertaining thereto, and, in no degree, upon political affiliations or considerations. All promotions shall be made in accordance with the provisions of the Law and any applicable collective bargaining agreement³¹⁷.

³⁰⁹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (First and second sentences).

³¹⁰ NEW (2023).

³¹¹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (Third sentence).

³¹² 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (Fourth and fifth sentences).

³¹³ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-299 (Derived from Sp. Laws 1935, No. 455, §3.)

³¹⁴ Historical Editor's Note: See §§ 1-319 to 1-332.

³¹⁵ NEW (2023).

³¹⁶ 2023 recodification and modification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-301 (Derived from Sp. Laws 1935, No. 455, §5.). The following language is repealed: "In carrying out the provisions of this section, the Commission may adopt the provisions of Chapter 105 of the General Statutes as it may deem advisable and, on or before September 1, 1935, the merit system shall be in effect in the City."

³¹⁷ 2023 repeal of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-302 (Derived from Sp. Laws 1935, No. 455, §6.), as follows: "An act creating a Board of Public Safety in the City of Norwalk, approved June 16, 1927, as amended by an act amending an act creating a Board of Public Safety in the City of Norwalk, approved March 27, 1929, and all acts or parts of acts inconsistent herewith are repealed." The following footnotes attached to

Commented [S32]: IS THIS STILL APPLICABLE?

Commented [S33]: CC SHOULD REVIEW

Commented [S34]: Provisions Moved to Article VIII

(1) Powers of Police (2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-303 (Derived from Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 17.) Historical Editor's Note: Refer to § 1-217 for powers of Constables);

(2) Special Police Force (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-305.1 (Derived from Sp. Laws 1967, No. 403));

(3) Duty of Police as to Arrest without Warrant (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-306 (Derived from Sp. Laws 1913, No. 352, §148);

(4) Extension of Police Jurisdiction (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-311 (Derived from Sp. Laws 1953, No. 590, §1)

(5) Duties of Police Department (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-312 (Derived from Charter Amendment 11-3-1970))

(6) Fifth Taxing District; Taxation to Defray Police Expenses (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-313 (Derived from Charter Amendment 11-3-1970))

C. The Fire Commission³¹⁸.

(1) Creation and Composition; General Powers³¹⁹.

(a) Established³²⁰. There shall be a five members Fire Commission in the City of Norwalk, which shall consist of four Electors who shall be appointed by the Mayor subject to approval by the Common Council as set forth in §7-1.C of this Charter. The Board shall serve without compensation. Not more than one-half of the members of the Commission, with the exception of the Mayor, shall be members of any one political party. In addition to the four Electors, the Mayor shall be, ex officio, a voting member and chair of the Commission³²¹. The Fire Commission may employ clerks for its own work and the clerical work of the Fire Department, and may fix and pay their salaries³²².

(b) Transaction of Business - Quorum³²³. Three members of the Commission shall constitute a quorum and a concurrence of two votes shall be necessary for the transaction of business.

(c) Meetings³²⁴. The Commission shall hold meetings at least once each month and at such other times as it may determine. Special

"repealed Provisions in the current Charter are hereby preserved as follows: (1) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-304-305. Historical Editor's Note: Former §§ 1-304, Supernumerary Police Force; members; appointment; control; duties; powers, Sp. Laws 1913, No. 352, § 144; Sp. Laws 1915, No. 367, § 10; Sp. Laws 1925, No. 225, § 2; Sp. Laws 1969, No. 149, and 1-305, Appointments to regular force, Sp. Laws 1913, No. 352, § 146, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980; (2) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-307-310. Historical Editor's Note: Former §§ 1-307, Appointment of Women Probation Officer, 1-308, Powers of Woman Probation Officer, 1-309, Removal of Woman Probation Officer, and 1-310, Salary of Probation Officer, Sp. Laws 1927, No. 371, §§ 1 to 4, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980; (3) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-314-316. Historical Editor's Note: Repealed by Charter Amendment 11-3-1970; effective 7-1-1971.; and (4) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-317-318. Historical Editor's Note: Editor's Note: Former §§ 1-317, Workweek for policemen, and 1-318, Approval of workweek, Sp. Laws 1951, No. 293, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

³¹⁸ Historical Editor's Note: See § 1-12, of Charter, and Ch. 41, Fire Department. For extension of fire protection see, Art. XXII.

³¹⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. Derived from Sp. Laws 1935, No. 454, §1.

³²⁰ 2023 modification and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (First - third sentences).

³²¹ 2023 repeal of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333 (Fourth sentence) which addressed the term of office during a transition in 1937.

³²² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-336. (Derived from Sp. Laws 1935, No. 454, §4).

³²³ 2023 edit and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Fifth and sixth sentences). The following language was repealed: "The Commission shall annually elect a Secretary from its members."

³²⁴ 2023 edit and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Seventh and eighth sentences).

meetings of the Commission may be called by the Mayor or by three members upon reasonable notice to the Mayor or the other member.

(2) Functions of the Fire Commission. The Commission shall:

(a) have control, management and supervision of the fire-fighters of the City and all property belonging to or used in the Fire Department³²⁵.

(b) have the power to purchase all supplies and equipment necessary for the management of the Department³²⁶;

(c) have the power to appoint, remove, suspend, discipline and punish and to prescribe the duties of all officers and members (including the Chief), **whether regular, supernumerary or call**, of the Fire Department and fix their salaries and compensation and to make rules and regulations as it may deem necessary, consistent with the provisions hereof, for the regulation and government of the Department³²⁷.

Commented [S35]: Review

(d) enforce and carry into effect all Ordinances and bylaws of the Common Council and all laws of the state with reference to the safety of the City³²⁸.

(e) keep and preserve detailed records, files and minutes of all its proceedings and of all work, property and expenditures of the Fire Department, and the files, records and minutes, or certified copies thereof, shall be accepted as evidence in all courts and proceedings³²⁹.

(f) have the power to summon and examine witnesses as in civil actions and compel the production of books and papers, and administer oaths to such witnesses, and may require of any officer or board of the City all information and copies of records, books and papers relative to the public business in connection with the Department³³⁰.

³²⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Ninth sentence).

³²⁶ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Tenth sentence).

³²⁷ 2023 modification and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Eleventh sentence).

³²⁸ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Twelfth sentence).

³²⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Thirteenth sentence).

³³⁰ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Fourteenth sentence). Repeal of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Fifteenth sentence), as follows: "render monthly detailed statements and reports to the Common Council of its proceedings and of all disbursements and contracts made in the Fire Department during the preceding month; shall render annually to the Common Council and to the Board of Estimate and Taxation a full statement of its disbursements and expenditures in

(3) Abolishing Officers in the Fire Department; removal, Expulsion; Number and Designation of Officers; Retired List³³¹.

Commented [S36]: IS THIS SUPERCEDED BY CBA?

(a) The Fire Commission shall not abolish any office in the Fire Department during the incumbency thereof of any appointee to such office, nor shall it remove, expel or reduce in rank any officer or regular or permanent member of the Fire Department except for cause found after hearing. Notice of any removal, expulsion or reduction in rank shall be given by the Commission in writing to the officer or permanent member concerned, and any officer or permanent member aggrieved by the removal, expulsion or reduction may, within ten days after receiving notice of the action by the Commission, appeal therefrom to the Superior Court in and for the County of Fairfield, which shall hear the appeal and render judgment thereon³³².

(b) The power to fix the number and designation of all officers and members of the Fire Department shall be in and exercised only by the bipartisan Fire Commission, and the number and designation of all officers of the Department shall continue as at present until the Commission shall take action in the premises³³³.

(c) The Fire Commission shall have the power to retire any member of the Fire Department for mental or physical disability and place the name of the member on the retired list and such member shall not thereafter be entitled to pay or compensation from the City unless assigned to duty by the Fire Chief of the Fire Department. The pay for the time so assigned to duty shall be that of a regular member of the force³³⁴.

(4) Administration of Firemen's Benefit Fund by Fire Board³³⁵. The Fire Commission shall administer the Firemen's Benefit Fund established under the provisions of an act approved May 21, 1925, as amended by §4 of an act approved June 16, 1927³³⁶. The historical provisions of the Fund are set forth in Article XII, §__ - of this Charter³³⁷.

Commented [S37]: LK/TL: CC SHOULD REVIEW

the Department during the preceding year, with a report of the condition of the Department, and an estimate of the necessary expenditures for the ensuing fiscal year."

³³¹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-334. (Derived from Sp. Laws 1935, No. 454, §2.

³³² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-334. (First and second sentences).

³³³ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-334. (Third sentence).

³³⁴ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-338. (Fourth and fifth sentences).

³³⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-335. (Derived from Sp. Laws 1935, No. 454, §3).

³³⁶ Historical Editor's Note: See §§ 1-338 to 1-352, amended.

³³⁷ NEW (2023).

(5) Appointments by Fire Commission³³⁸. All appointments to be made by the Fire Commission shall be based upon merit and fitness for the duties pertaining thereto and, in no degree, upon political affiliations or consideration. In carrying out the provisions of this section, the Commission may adopt the provisions of Chapter **105** of the General Statutes as it may deem advisable and, on or before September 1, 1935, the merit system shall be in effect in the City.

§7-3. Boards and Commissions Required by the Charter.

The Common Council shall adopt Ordinances setting forth the organizational structures, powers, duties and responsibilities of the following Boards and Commissions, subject to the requirements of Law, including but not limited to §7-1 of this Charter:

- A. **Board of Assessment Appeals^{iii 339}.**
- B. **Planning and Zoning Commission³⁴⁰** (repeals the Charter-based Planning Commission)^{iv} (Charter-mandated Ordinance-based Planning and Zoning Commission)^v
- C. **Conservation Commission** ((a) General Conservation functions³⁴¹; (b) Inland Wetland functions³⁴²; and, (c) Administration of Open Space Fund³⁴³
- D. **The Pension Board^{344 vi} Food Services Pension Board** (2 appointed by Pension Board and 1 by union)³⁴⁵
- E. **Zoning Board of Appeals³⁴⁶**

Commented [S38]: What about Plan of Conservation and Development?

Commented [S39]: No standard for appointment in Ord. §119-1410.

³³⁸ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-337. (Derived from Sp. Laws 1935, No. 454, §5).

³³⁹ 2023 recodification mandates the Board of Assessment Appeals, current Ord. §103-14. Repeals current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271. Derived from (Sp. Laws 1913, No. 352, § 49; Sp. Laws 1933, No. 456, § 1; Charter Amendment 8-29-1978 [Historical Editor's Note: Editor's Note: Approved by the electorate at the general election held 11-7-1978]).

³⁴⁰ 2023 repeal of current Article XII entitled "Planning Commission" (replaced by current Chapter 79 of the Ordinances): (1) §1-367. Derived from Charter Amendment 11-3-1970; effective 1-1-1971. Editor's Note: See Land Subdivision Regulations, Appendix, Part I.\ Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § **1-367** should be interpreted as referring to the Norwalk Planning and Zoning Commission rather than the Norwalk City Planning Commission. See Ch. **79**, Planning and Zoning Commission; (2) §1-368. Derived from Sp. Laws 1947, No. 214, § 2; Sp. Laws 1955, No. 400, § 1. Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § **1-368** had been superseded by §§ **79-2**, Powers; 79-3, Composition and appointment; 79-4, Alternate members; and 79-5, Terms of office, of Ch. **79**, Planning and Zoning Commission; (3) §1-368.1. Derived from Charter Amendment 11-3-1970; effective 1-1-1971; (4) §1-368.2. Derived from Charter Amendment 11-3-1970; effective 1-1-1971; (5) §1-369. Derived from Sp. Laws 1947, No. 214, §3; (5) §1-370. Derived from Sp. Laws 1947, No. 214, § 4; Sp. Laws 1955, No. 400, § 2; Charter Amendment 8-17-1976. Historical Editor's Note: Approved by the electorate at the general election held 11-2-1976; (6) §1-371. Derived from Sp. Laws 1947, No. 214, § 5. Historical Editor's Note: See Appendix, Part I, Land Subdivision Regulations, § 6; (7) §1-372. Derived from Sp. Laws 1947, No. 214, §6; (8) §1-373 A + B. Derived from Added by Charter Amendment 11-3-1970; effective 1-1-1971; (9) §1-374. Derived from Sp. Laws 1947, No. 214, §8; and, (10) §1-375. Derived from Sp. Laws 1947, No. 214, §9.

³⁴¹ Ord. §35-2 – 7 members appointed by Mayor and confirmed by Council for a term of 5-years (stagger)

³⁴² Ord. §35-07 et seq.

³⁴³ Ord. §35-9 et seq.

³⁴⁴ NEW (2024). See, Chapter 126 entitled "Pension Plan." Adopted by Common Council 9-24-1963. Amendments noted where applicable. 5 members appointed by Mayor and confirmed by "a majority of the Norwalk Common Council."

³⁴⁵ Ord. Chapter 132 (Appendix Part VIII)

³⁴⁶ NEW (2023) mandates current Ord. §118-1410.

- F. **Board of Ethics (appointed by Common Council)**³⁴⁷
- G. **Public Library Board**³⁴⁸

§7-4. Appointed Boards and Commission Established by Ordinance or as Other may be Prescribed by the General Statutes.

The Common Council may establish, by Ordinance or as otherwise may be prescribed by the General Statutes, such additional Boards and Commissions as are necessary to effectuate the powers and purposes of the City as enumerated in the General Statutes, Special Acts and this Charter.

§7-5. Consolidation or Merger.

The functions of any Board or Commission required under this Article may be merged or consolidated with another by Ordinance.

³⁴⁷ Ord. §32-12 – 5 members and 2 alternates appointed by and approved by 11 members of the Common Council.
³⁴⁸ NEW (2023)

NORWALK CHARTER DRAFT REPORT.042723

ARTICLE VIII: DEPARTMENTS AND DEPARTMENT HEADS (042823)

§8-1. The Authority to Establish the Divisions and Departments of the City.

B. Powers and Duties³⁴⁹. In addition to the Divisions and Departments specifically set forth in this Charter; and, as further delineated in §8-1.C. below, the City, acting within the authority, powers and duties enumerated in the General Statutes, Special Acts applicable thereto and this Charter, may establish such Divisions and Departments, thereunder, necessary to carry out and organize the functions of government as set forth in this Charter.

(1) Intent. The express intent of this Charter is to allow the Mayor and the Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City. The delineation of departmental categories in this Charter is to mandate services to be provided and functions to be served; in that regard, the structures set forth in this Charter may be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter. However, the powers, duties and functions defined in this Charter shall be assigned to Officials of the City.

(2) Objective. The system of government administration set forth in this Charter is specifically designed to reduce duplication of services and efficiently foster the delivery of services to the City. The benefits of such system shall be conferred upon the general government and, where permitted by Law or by mutual agreement, upon the Department of Education.

C. Creation of Divisions and Departments³⁵⁰. The **Common Council by a Majority Vote**, shall, by Ordinance proposed by the Mayor, establish the Divisions and Departments of the City required to carry out the City's functions and to meet public need. The Council shall have the power to prescribe by Ordinance the powers, duties and privileges of each Division and Department, not inconsistent with any of the provisions contained herein:

Commented [S40]: VOTING STANDARD.

³⁴⁹ NEW (2023)

³⁵⁰ 2023 replacement of current Article IV. The Common Council. §1-190. Derived from Sp. Laws 1913, No. 352, §124; Sp. Laws 1915, No. 367, §8. Historical editor's Note: See Ch. **81**, Plumbing; Ch. **36**, Electrical Code; Ch. **66**, Milk; Ch. **57**, Health and Sanitation. The repealed language follows: "Authorization of Council to enact ordinances covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk. The Council is also hereby authorized to enact ordinances or bylaws concerning plumbing, sanitation, and electrical work, and to provide for the examination and licensing of master or journeymen plumbers or electricians by such committee of persons as the Council shall designate, and for the revocation of such licenses with power to forbid any unlicensed person doing any plumbing or repairing of plumbing, or doing any electrical work, under such penalties as the Council shall prescribe; to provide for a Building, Plumbing, and Electrical Inspector, define his powers and duties, and determine the fees to be paid for permits; to provide for the licensing of dealers in milk, fix the fees for such licenses, prescribe the conditions under which milk shall be kept, offered for sale, and sold in the City, and prohibit the bringing into the City of milk which is not pure, or which has been exposed to contamination, and to provide penalties for the violation of any of the ordinances of the City."

(1) Each of these Divisions and Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and Ordinance.

D. The executive leaders of each Division established by Ordinance shall be subject to the provisions of this Charter generally applicable to Division Chiefs and shall serve coterminously with the term of the appointing Mayor (however, may continue to serve until a successor shall be appointed and shall have qualified); unless otherwise provided by the General Statutes, this Charter or any applicable collective bargaining agreement. All Divisions and Departments shall be entitled to office space provided by the Town and shall remain open during such hours as the Mayor may direct.

Commented [S41]: IS THIS THE CURRENT STANDARD?

E. **Reorganization Plans for Divisions and Departments.** As set forth in §4-5 of this Charter³⁵¹. A vote of a two-thirds of the entire membership of the Council shall be necessary to take any action authorized by this section, and the action shall be subject to the action of the Mayor as set forth in §4-8.D(1) of this Charter³⁵².

§8-2. Appointment of Department Heads, Division Chiefs and Other Mayoral Executive Level Appointees; General Requirements.

A. **Appointment.** Except as otherwise provided by the General Statutes or this Charter, all Division Chiefs, Department Heads and Other Mayoral Executive Level Appointees, shall be subject to the authority and serve under the direction of the Mayor, following appointing as follows:

(1) **Appointment Solely by the Mayor**³⁵³. The Chief of Staff and Corporation Counsel³⁵⁴ shall be appointed by the Mayor.

a. **Chief of Staff.** The Chief of Staff shall serve coterminous with the Mayor and may be removed in the sole discretion of the Mayor.

b. **The Corporation Counsel**³⁵⁵. The Corporation Counsel shall serve coterminous with the Mayor and may be removed in the sole discretion of the Mayor.

Commented [S42]: Charter has a term of two years.

³⁵¹ NEW (2023)

³⁵² 2023 modification and recodification of current Article IV. The Common Council. §1-189.4 (Fifth sentence). Added by Charter Amendment 11-3-1970. *New language in lieu of the following:* "approval of the Mayor as set forth in §191 of the Charter (1956 Edition), §1-197 (1970 Edition). This section shall take effect on January 1, 1971."

³⁵³ NEW (2023). Restatement of current practices as set forth in Charter and/or Ordinance: (1) Chief of Staff _____; and (2) Corporation Counsel, as set forth in current §1-223.

³⁵⁴ **Comment of the 2023 Charter Revision Commission.** The Corporation Counsel is addressed in Ord. §63-4. Corporation Counsel and appointed as set forth in Charter and the Ordinances.

³⁵⁵ 2023 modification and recodification of current Article V, Part 1 – General. §1-223. Derived from Sp. Laws 1913, No. 352, § 79; Sp. Laws 1931, No. 323; Chapter Amendment 9-2-1980. Historical Editor's Note: *Approved by the electorate at the general election held 11-4-1980.*

(2) **Appointed by Mayor and Confirmed by Common Council:**
Service under the direction of the Mayor³⁵⁶. Unless otherwise set forth in this Charter or by written agreement, the following unclassified employees shall be appointed by the Mayor and serve at the direction of and with the pleasure of the Mayor³⁵⁷, subject to Confirmation by the Common Council. The term of service of these officials is also subject to removal as set forth in §3-10 of Article III of this Charter. At the time of the adoption of the Charter the following Division Chiefs and Other Mayoral Appointees serve at the pleasure of the Mayor:

- (a) Chief Financial Officer³⁵⁸;
- (b) Chief of Economic and Community Development³⁵⁹;
- (c) Chief of Human Resources and Personnel³⁶⁰;
- (d) Chief of Operations and Public Works³⁶¹; and,
- (e) Chief of Community Services³⁶².

(3) **Appointed by Mayor and Confirmed by the Common Council:**
Four-year term. The following Department Heads shall be appointed, subject to confirmation, and serve as specified by this Charter or Ordinance and until a successor is duly appointed and shall have qualified, unless otherwise terminated in accordance with Law, as follows:

- (a) The Comptroller³⁶³;
- (b) The Purchasing Agent³⁶⁴

³⁵⁶ NEW (2023): Restatement of current practices as set forth in Charter and/or Ordinance:

³⁵⁷ 2023 recodification and modification of current Article V, Part 4 – Department of Finance §1-239.A. Under the current charter this provision applies to the Director of Finance a/k/a Chief Financial Officer.

³⁵⁸ **Comment of the 2023 Charter Revision Commission.** The Chief Financial Officer is addressed in §8-4 of this Charter and in Ord. 1-239 et. seq with respect to the duties and authority of the Director of Finance.

³⁵⁹ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Chief of Economic and Community Development is governed by current Ord. 35B-1 – 2. The Division Chief is appointed by Mayor subject to confirmation by Council to serve at the pleasure of the Mayor.

³⁶⁰ **Comment of the 2023 Charter Revision Commission. At the time of the adoption of this Revision the Chief of HR and Personnel): Personnel Director** is governed by current Ord. §1-287.2. The Chief is appointed by Mayor subject to confirmation by council at the pleasure of the Mayor and may be removed at the will of the Mayor.

³⁶¹ **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision the Chief of Operations and Public Works is governed by current Ord. §90-2. The Chief is appointed by Mayor and confirmed by Council subject to removal at the discretion of the Mayor.

³⁶² **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision the Chief of Community Services is governed by current Ord. §33-2. The Chief is appointed by Mayor and confirmed by Council serve at the pleasure of the Mayor.

³⁶³ 2023 recodification and modification of current Article V, Part 4 – Department of Finance §1-240.A (First and second sentences). Added by Charter Amendment 8-29-1978, § 5. **Editor's Note: Approved by the electorate at the general election held 11-7-197.** Repealed the following language: "The Mayor elected in November 1979, subject to confirmation by the City Council, shall appoint a City Comptroller to hold office for a term of four (4) years beginning July 1, 1980, and until his or her successor shall be duly appointed and shall have qualified." **Comment of the 2023 Charter revision Commission:** Comptroller current Art. V – Part 4, §1-240.A appointed by Mayor subject to confirmation by the Council for a term of 4 years.

³⁶⁴ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing First and second sentences). Added by Charter Amendment 8-29-1978, §6. **Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language:** "The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for an initial term from the date of his appointment to June 30, 1981, and thereafter the Mayor, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for a term of four (4) years beginning July 1, 1981, and until his or her

- (c) Tax Collector³⁶⁵
 (d) Assistant Tax Collectors³⁶⁶
 (e) Tax Assessor³⁶⁷
 (f) Assistant Tax Assessor³⁶⁸
 (g) Health Director³⁶⁹
 (h) Deputy and Assistant Corporation Counsels and Special
 Counsels³⁷⁰
 (i) Building Official³⁷¹
 (j) Director of Code Enforcement³⁷²
 (k) Municipal Historian³⁷³

Commented [S43]: Ord. Art. V, §9-13 + -14:
 Assistant Tax collectors appointed by Mayor and
 Confirmed by Council.

(4) **Appointed by a Board of Commission for an Indeterminate Term.** The following Department Heads shall be appointed as follows, for an

successor shall be duly appointed and shall have qualified." **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Purchasing Agent is appointed by Mayor and confirmed by Council for a term of 4-years.

³⁶⁵ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (First and second sentences). Added by Charter Amendment 8-29-1978, §7. *Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language: "The Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint a Tax Collector to hold office for a term of four (4) years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified."* **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Charter the Tax Collector is appointed by Mayor and confirmed by Council for a term of 4-years.

³⁶⁶ **Comment of the 2023 Charter Revision Commission:** At the time of the adopt of the 2023 Charter, the Assistant Tax Collectors are governed by Ord. Art. V, §9-13 + -14. They are appointed by Mayor and Confirmed by Council.

³⁶⁷ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.A entitled "Division of Tax Assessment" (First and second sentences). Added by Charter Amendment 8-29-1978, §8. *Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language: "There shall be a Division of Tax Assessment headed by the Tax Assessor, who shall be appointed for a term of four (4) years. The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Tax Assessor to hold office for a term of four (4) years beginning July 1, 1979, and until his or her successor shall be duly appointed and shall have qualified."* **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision, the Tax Assessor is appointed by Mayor and confirmed by Council for a term of 4-years

³⁶⁸ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.B entitled "Division of Tax Assessment". Repealed the following language: "the Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint an Assistant Tax Assessor to hold office for a term of four (4) years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified." **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Assistant Tax assessor is appointed by Mayor and confirmed by Council for a term of 4-years

³⁶⁹ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Director of Health (Health Department) is governed by current Ord. §57-2 and -3. Under that provisions the Director is appointed by Mayor and confirmed by Council for a term of 4 years, removal for cause. The position is subject to a probationary period and the powers and duties by ordinance.

³⁷⁰ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Deputy and Assistant Corporation Counsels are governed by current Ord. §63-5. They are appointed by Mayor and confirmed by Council. §63-6. Qualifications of Deputy CC.

³⁷¹ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Building Official is governed by current Ord. §26-5. The official is appointed by Mayor and confirmed by Council for a term of 4-years.

³⁷² **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision the **Director of Code Enforcement is governed by** current Ord. §35A-3.A + B. The Director is appointed by Mayor and confirmed by Council for a term of 4 years. The job description is set forth in the Code of Ordinances

³⁷³ **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision, the Municipal Historian is governed by current Ord. §57A-6. The Municipal Historian appointed by Mayor and confirmed by Council, removal for cause. There is no term set forth in the ordinances.

indeterminate term of office until a successor is duly appointed and shall have qualified, subject to removal in accordance with the provisions of the General Statutes:

- (a) Police Chief³⁷⁴ by the Police Commission; and,
- (b) Fire Chief³⁷⁵, by the Fire Commission.

B. Removal of Appointive Officers and Employees³⁷⁶. Except as otherwise provided in this Charter, any officer or employee may be removed for malfeasance in office, neglect of duty or other just cause by the authority appointing him in accordance with the procedures set forth in 3-10 of this Charter and any Ordinances or regulations enacted thereunder.

Commented [S44]: Coordinate with Art. III, Sec. 3-10.

Commented [KL45]: Do we need this section?

No

C. Qualifications of Division Chiefs, Department Heads and Executive Level Mayoral Appointees³⁷⁷. The job qualifications of all Mayoral appointees, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be established by Ordinance following the recommendation of the human resources or personnel director or as may otherwise be designated by Ordinance. The job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four years and whenever a Vacancy occurs in the position.

D. Compensation³⁷⁸. The salaries and compensation of all Officials, Division Chiefs, Department Heads and employees of the City shall be set by Ordinance or through the budget, except where otherwise fixed by the General Assembly or as otherwise covered by the personnel and civil service rules, collective bargaining agreement(s) or contract.

E. Liability.

(1) **Unlawful Disbursement of Money**³⁷⁹. No officer or employee of the City shall receive or disburse money belonging to the City unless authorized to so do by the provisions of this Charter, by Ordinance or by a resolution regularly adopted by the Council.

³⁷⁴ DRAFTING NOTES (Chief of Police): Combined Dispatch

³⁷⁵ DRAFTING NOTES (Fire Chief): Ord. §31-8 Director of Emergency Management appointed by Mayor and serves at pleasure of Mayor. No Council confirmation.

³⁷⁶ 2023 Recodification of current Article V, Part 1 – General. §1-222 (First sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

³⁷⁷ NEW (2023)

³⁷⁸ NEW (2023). The following provisions are repealed (1) pertaining to the Purchasing Agent is repealed: "current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing (Third sentence);" (2) pertaining to the Tax Collector: "current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (Third sentence); (3) pertaining to the Tax Assessor and Assistant Tax Assessor; "current Article V, Part 4 – Department of Finance, §1-243.E entitled "Division of Tax Assessment."

³⁷⁹ 2023 recodification and modification of current Article V, Part 1 – General. §1-212. Derived from Sp. Laws 1913, No. 352, §61. Added the term "by Ordinance".

(2) **Unlawful incurring of Debts and Obligations: Authority of the Corporation Counsel to Commence Legal Process**³⁸⁰. Any officer or employee of the City who shall willfully or knowingly incur in the name of the City any debt or other obligation which the City may be compelled to pay without any appropriation having been made for the benefit of the same, or who shall willfully or knowingly incur any such debt or obligation in excess of any appropriation that may have been made therefor, shall be personally liable for the payment of such debt or obligation. The Corporation Counsel is hereby authorized to sue for the same, in the name and for the benefit of the City, before any court of competent jurisdiction,

CURRENT BOND REQUIREMENTS

Surety Bond³⁸¹. The Director of Finance shall give a bond in an amount to be determined by the Common Council to the City conditioned against defalcation or malfeasance in office, with a surety company as surety.

Surety Bond³⁸². The Tax Collector (He or she) shall give a surety bond as required by the General Statutes of the State of Connecticut in an amount prescribed by the Common Council.

Bond³⁸³. The Tax Assessor and the Assistant Tax Assessor shall each give a bond in an amount to be determined by the Common Council to the city conditioned against defalcation or malfeasance in office, with a surety company as surety.

Commented [S46]: CAN WE VERIFY THE STATUS OF BONDS FOR CITY OFFICIALS IN NORWALK?

F. Full Time Positions³⁸⁴. All Division Chiefs, Department Heads and other Mayoral Executive level Appointees³⁸⁵, shall not engage in any commercial business or hold any other office, public or private, for which a salary or emolument is paid or have any substantial interest or own any substantial stock interest in any corporation, partnership or concern having any business relations with the City.

Commented [S47]: ARE THEY ALL FULL-TIME?

G. Delivery of Records to Successor³⁸⁶. Upon expiration of the term of office, all Division Chiefs, Department Heads and other Executive-Level Mayoral Appointees shall deliver all records to the successor in office.

³⁸⁰ 2023 recodification and edit of current Article V, Part 1 – General. §1-213. Derived from Sp. Laws 1913, No. 352, §62.

³⁸¹ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.C (Second sentence).

³⁸² 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (Fourth sentence).

³⁸³ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-243.D entitled "Division of Tax Assessment".

³⁸⁴ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-244.A entitled "Requirements for certain Department officers". Added by Charter Amendment 8-29-1978, §9. **Editor's Note: Approved by the electorate at the general election held 11-7-1978.**

³⁸⁵ In lieu of the following: "The Director of Finance, Comptroller, Purchasing Agent, Tax Collector, Tax Assessor and Assistant Tax Assessor."

³⁸⁶ 2023 modification and recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (Fourth sentence).

H. Appointive Officer Oath³⁸⁷. Every appointee of the Council, when required by the Council, shall, before the appointee enters upon the duties of office, make oath or affirmation before some competent authority that the appointee will faithfully and impartially discharge the duties of office. The form of oath to be administered shall be as follows: "You, _____ having been appointed _____ of the City of Norwalk, do swear or affirm that you will faithfully and impartially discharge the duties of office according to your best skill and judgment, so help you God, or upon the pains and penalties of perjury." A certificate of the oath or affirmation under the hand of the authority administering it shall be lodged and kept on file in the office of the City Clerk.

Commented [S48]: LK/TL: DISCUSSION. SHOULD THIS BE SOMEWHERE ELSE? BOARDS AND COMMISSIONS OR ARTICLE III.

I. Position Titles³⁸⁸. The position titles of the Division Chiefs and Department Heads set forth in this Charter reflect the title at the time of the adoption of this Charter. Titles may be changed; however, the functions and fiduciary obligations specifically set forth in this Charter shall not be altered³⁸⁹.

§8-3. The Corporation Counsel: The Law Department.

A. Law Department; Department Head³⁹⁰. There shall be a Law Department. The Corporation Counsel shall be the administrative head of the department³⁹¹.

Commented [S49]: DO WE WANT THE FUNCTIONS ENUMERATED? I WOULD RECOMMEND THAT WE DO.

B. Structure of Office³⁹². While enacting any Ordinances pertaining to the Law Department, the Council may determine the number of attorneys, their qualifications, their respective terms of office and their compensation subject to the approval of the Board of Estimate and Taxation.

C. Codification³⁹³. The City of Norwalk will cause to be prepared, under the direction of its Corporation Counsel, a codification of all Ordinances in force and effect.

³⁸⁷ 2023 Recodification of current Article V, Part 1 – General. §1-210. Derived from Sp. Laws 1913, No. 352, §77. Historical Editor's Note: *See also § 1-178 for oath for elective officers*

³⁸⁸ NEW (2023).

³⁸⁹ 2023 repeal of current Article V, Part 1 – General. §1-220.1 pertaining to "Disposal of Surplus or Obsolete Equipment," derived from Charter Amendment 8-23-1977. Historical Editor's Note: *Approved by the electorate at the general election held 11-8-1977.*

³⁹⁰ 2023 modification and recodification of current Article IV. The Common Council. §1-189.4 (First sentence). Added by Charter Amendment 11-3-1970. *The following is repealed:* "Authorization of Council to Establish Law Department. The Council shall have the power to establish a Law Department."

³⁹¹ 2023 recodification of current Article IV. The Common Council. §1-189.4 (Second sentence). Added by Charter Amendment 11-3-1970.

³⁹² 2023 modification and recodification of current Article IV. The Common Council. §1-189.4 (Third and Fourth sentence). Added by Charter Amendment 11-3-1970. *The following provision was repealed:* "Any such ordinance shall not be inconsistent with §219 (1956 Edition); §1-230 (1970 Edition), relative to the employment of attorneys, or with §212 (1956 Edition); §1-223 (1970 Edition), relative to the appointment of the Corporation Counsel."

³⁹³ 2023 modification and recodification of current Article IV. The Common Council. §1-194. Derived from Sp. Laws 1957, No. 111; Charter Amendment 9-2-1. Historical editor's Note: *Approved by the electorate at the general election held 11-5-1974. Editor's Note: Approved by the electorate at the general election held 11-4-1980. The following language was repealed:* "A competent legal publishing company may be employed by the city for that purpose and said codification may rephrase, alter, repeal or eliminate all obsolete and conflicting ordinances. Said codification shall be published in book form and any ordinances contained therein shall not require publication in a newspaper. The city shall provide sufficient quantities of said codification in book form to make available copies for the use of members of

§8-4. Finance Functions³⁹⁴.

A. Generally³⁹⁵. The functions under this division of government shall be responsible for the administration of the fiscal policies of the City and for keeping of accounts and financial records of the City, for the assessment and collection of taxes, special assessments and other revenues; for the custody and disbursement of City funds and money; for the control over expenditures; for the purchase of services and materials, including insurance; for the preparation of the operating and capital budgets for submission to the Mayor, Board of Estimate and Taxation, Common Council and other authorities otherwise provided in this Charter for the adoption of such budgets and for advising each of the authorities when requested as to fiscal matters³⁹⁶; and, such other powers and duties as may be required by the General Statutes, this Charter, Ordinance or Order or Motion of the Council³⁹⁷.

(1) **Accounts and Forms³⁹⁸** Accounts shall be kept by the division of government responsible for finance showing the financial transactions for all Budgeted Entities. Forms for such accounts shall be prepared by and at the direction of the division chief.

(2) **Financial Reports³⁹⁹** Financial reports shall be prepared for each month and for each fiscal year and for such other periods as may be required by the Mayor, Common Council and Board of Estimate and Taxation, which reports shall be submitted to the Common Council, Board of Estimate and Taxation and the Mayor.

(3) **Governance⁴⁰⁰** The Departments responsible for finance functions shall be governed by rules and regulations established by Ordinances now and hereafter to be enacted in accordance with the provisions of Law.

(4) **Authority of Finance and Operational Function Officials⁴⁰¹** The Chief Financial Officer, and, subject to the approval of the Chief, the Comptroller, the Purchasing Agent, Tax Collector and Tax Assessor shall have full power to

Commented [S50]: WHY ELIMINATE?

the Common Council, the office of the Corporation Counsel, all other city offices, including the Norwalk Public Libraries, the members of the Charter Revision Commission, and sufficient additional quantities for sale to the public.", including the reference to Editor's Note: See Ch. **Z**, General Provisions, Article **I**, General

³⁹⁴ 2023 title change and recodification of current Article V, Part 4 – Department of Finance. Derived from Sp. Laws 1913, No. 352, §69; Sp. Laws 1921, No. 334, § 2; Sp. Laws 1933, No. 335, §1; and, §1-238, Payments to Treasurer. (Sp. Laws 1913, No. 352, § 7), was repealed by Charter Amendment 8-29-1978. Historical Editor's Note: Editor's Note: Former Part 4, City Treasurer, consisting of § **1-237**, Duties of the City Treasurer.

³⁹⁵ 2023 modification and recodification of current Article V, Part 4 – Department of Finance §1-238. Added by Charter Amendment 8-29-1978, §3. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

³⁹⁶ 2023 recodification of current Article V, Part 4 – Department of Finance §1-238.A

³⁹⁷ NEW (2023)

³⁹⁸ 2023 recodification of current Article V, Part 4 – Department of Finance §1-238.B

³⁹⁹ 2023 recodification of current Article V, Part 4 – Department of Finance §1-238.B

⁴⁰⁰ 2023 recodification and edit of current Article V, Part 4 – Department of Finance §1-238.C.

⁴⁰¹ 2023 edit and recodification of current Article V, Part 4 – Department of Finance, §1-245 entitled "Powers of Officials". Added by Charter Amendment 8-29-1978, §10. *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

require each City officer to furnish all information which in their possession and to provide the Officials with all books, contracts, resolutions, reports and other papers and documents in their possession or in within the purview of their Department, requisite in the opinion of the official to enable the discharge of duties, under this Charter and the Ordinance. All City officers shall furnish and exhibit the same in such manner and form as may be prescribed.

(5) **Additional Powers**⁴⁰². The Common Council shall have the power to delegate to the Chief Financial Officer other budgetary and governmental functions not inconsistent with other provisions of this Charter.

B. Chief Financial Officer⁴⁰³. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief Financial Officer. The Chief Financial Officer shall be responsible for the administration of the financial management of the City.

i. **Departments and Direct Reports to the Division Chief**⁴⁰⁴. The following Department Heads and Other Mayoral Appointees shall report on their functions to the Division Chief responsible for the financial functions of the City: (a) The Comptroller; (b) The Purchasing Agent; (c) The Tax Collector; (d) The Tax Assessor; (e) The Assistant Tax Assessor; and (f) any other Departments that may be assigned.

ii. **Reporting Requirements**⁴⁰⁵. The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

⁴⁰² 2023 recodification of current Article V, Part 4 – Department of Finance, §1-247 entitled “Additional Powers”. Added by Charter Amendment 8-29-1978, §12. *Editor’s Note: Approved by the electorate at the general election held 11-7-1978. The following provision is repealed: “This revision shall become effective upon approval, except that where the term of an officer provided for herein does not begin until after January 1, 1979, the functions of such officer shall be discharged by the city official responsible for such functions at the time of the enactment of this section” as set forth in current Article V, Part 4 – Department of Finance, §1-247 entitled “Effective Date”. Added by Charter Amendment 8-29-1978, §13. Editor’s Note: Approved by the electorate at the general election held 11-7-1978. Historical Note: “Article V. Officers and Employees. Part 5. (Reserved). [1] Editor’s Note: Former Part 5, City Comptroller, was replaced according to Charter Amendment 8-29-1978 as follows (a) Former § 1-239, Office of City Comptroller, was renumbered as §1-240B; (b) Former § 1-240, Vested powers, was renumbered as § 1-240C; (c) Former § 1-241, Former duties of Auditor which are now performed by Comptroller, was renumbered as § 1-240D; (d) Former § 1-242, Accounts and reports; refusal to approve contracts unsupported by appropriations; information furnished by officers; signing orders on Treasurer; auditing (Sp. Laws 1931, No. 323, § 3), was repealed; (e) Former § 1-243, Each department shall submit budget to Comptroller; reports of estimate and taxation (Sp. Laws 1931, No. 323, § 4), was repealed.”*

⁴⁰³ 2023 revision (f/k/a “Director of Finance”) and recodification of (1) current Article V, Part 4 – Department of Finance §1-239. Added by Charter Amendment 8-29-1978, §4; Charter Amendment 11-8-2005. *Historical Editor’s Note: Approved by the electorate at the general election held 11-7-1978; and (2) current Article V, Part 4 – Department of Finance §1-239.B, in lieu of the following: “The Director of Finance shall have experience in finance and possess appropriate professional qualifications for the discharge of his or her office.”*

⁴⁰⁴ 2023 modification and recodification of current Article V, Part 4 – Department of Finance §1-237 and §1-239.C (First sentence). Added by Charter Amendment 8-29-1978, §2. *Historical Editor’s Note: Approved by the electorate at the general election held 11-7-1978, in lieu of “there shall be a Department of Finance which shall be composed of the Divisions of Accounting and Treasury, Purchasing, Tax Assessment, and Tax Collection.”*

⁴⁰⁵ 2023 recodification of current Article V, Part 4 – Department of Finance §1-239.F.

iii. **Audit Functions**⁴⁰⁶. The Chief Financial Officer or a designee shall have the discretion to audit or cause to be audited such accounts to be so audited, as determined in the discretion of the Chief Financial Officer, and shall perform those duties historically performed by the Auditor and the Comptroller⁴⁰⁷.

Commented [S51]: WHAT DOES THIS MEAN?

(1) **Annual Report**⁴⁰⁸. At the end of each Fiscal Year the Chief Financial Officer shall examine the yearly statement of accounts of all City officers and report the result to the Mayor, Council and Board of Estimate and Taxation, which report shall be entered by the City Clerk upon the records of the City and published in such manner as the Council may order⁴⁰⁹.

C. The Comptroller⁴¹⁰. The Comptroller shall have such duties and responsibilities as set forth in this Charter and the Ordinances and shall work under the authority of the Mayor and supervision of the Chief Financial Officer or such other official in the event of a reorganization in accordance with the provisions of this Charter. The Comptroller shall:

(1) certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each Budgeted Entity and officer of the City, and no purchase order or contract shall be a valid obligation of the City of Norwalk unless it shall bear such certification of the Comptroller; and

⁴⁰⁶ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-240.A. Added by Charter Amendment 8-29-1978, § 5. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

⁴⁰⁷ 2023 recodification and edit of current Article V, Part 4 – Department of Finance §1-239.G (First sentence), language replaced: "set forth in §1-240D of the Charter."

⁴⁰⁸ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-239.G (Second sentence).

⁴⁰⁹ 2023 repeal of the following provisions: (1) current Article V, Part 4 – Department of Finance, §1-240.B entitled "Office of City Comptroller." Added by Sp. Laws 1931, No. 323, §1: "On and after September 1, 1931, the office of City Auditor shall be abolished, and in lieu thereof there is created the office of City Comptroller;" (2) current Article V, Part 4 – Department of Finance, §1-240.C entitled "Vested Powers." Added by Sp. Laws 1931, No. 323, §2: "All powers and duties vested in said City Auditor by statute or by the Charter of the City of Norwalk shall be vested in the City Comptroller;" (3) c current Article V, Part 4 – Department of Finance, §1-240.D entitled "Former duties of Auditor which are now performed by Comptroller". Added by Sp. Laws Sp. Laws 1913, No. 352, §70.7: "The Auditor shall quarterly and oftener when required by the ordinances of said city examine and audit the accounts of all appointed or elected officers of said city, including like officers of the First, Second and Third Taxing Districts, who are authorized to receive or disburse money belonging to said city, or said districts, and shall compare the items of such accounts with the vouchers therefor, and shall report the result of such examination to the Council, and at the end of the current year, he shall examine the yearly statement of accounts of all such officers and report the result to the Council, which report shall be entered by the City Clerk upon the records of said city and published in such manner as the Council may order;" (4) current Article V, Part 4 – Department of Finance, §1-240.E entitled "Checks or orders to be countersigned by City Comptroller." Added by Sp. Laws 1931, No. 323, §7: "No funds may be withdrawn by the City Treasurer unless such checks or orders shall be countersigned by the City Comptroller;" and, (5) current Article V, Part 4 – Department of Finance, §1-240.F entitled "Repeal of inconsistent sections that deal with Treasurer." Added by Sp. Laws 1931, No. 323, §8: "So much of the Charter of the City of Norwalk, concerning the duties of the City Treasurer, as is inconsistent herewith is repealed."

⁴¹⁰ 2023 recodification and modification of current Article V, Part 4 – Department of Finance §1-240.A (Sixth sentences, clauses (ix) – (x)). The remainder of the historical provision has been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

(2) refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in the opinion of the Comptroller, will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation.

Historical Provisions: Transition and Sunset. The historical powers and duties of the Comptroller as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Counsel determines, in writing, that any provisions should remain intact.

D. The Purchasing Agent⁴¹¹. The Purchasing Agent shall have such duties and responsibilities as set forth in this Charter and the Ordinances and shall work under the authority of the Mayor and supervision of the Chief Financial Officer or such other official in the event of a reorganization in accordance with the provisions of this Charter.

i. **General Duties**⁴¹². The City Purchasing Agent shall make all purchases of supplies, materials, equipment and contractual services for all Department or Budgeted Entities of the City. Moreover, the City Purchasing Agent shall be responsible for the central purchasing system for the City covering the purchase of all supplies, materials, equipment and other commodities for the use and needs of all Departments, Budgeted Entities, Boards and Commissions and Officials of the City, including the Board of Education. With regard to the Board of Education, the City Purchasing Agent shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for the Board to meet the curriculum and scheduling requirements of the Board.

Historical Provisions: Transition and Sunset. The historical powers and duties of the Purchasing Agent as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

ii. **Purchasing Ordinance**⁴¹³. The Common Council shall further have the power to establish and amend by ordinance such rules, regulations, policies

⁴¹¹ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing First and second sentences). Added by Charter Amendment 8-29-1978, §6. *Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978.* The remainder of the historical provision has been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁴¹² NEW (2023).

⁴¹³ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Fifth sentence). *Editor's Note: Procurement Guidelines were adopted 2-8-2005 by the Common Council of the City of Norwalk and last amended 7-8-2014. A complete copy of these guidelines and any amendments thereto are on file in the City offices. See also § 19-1, Threshold for bidding, of this Code.*

and procedures as it may deem necessary or appropriate to define and govern the powers, duties, responsibilities and operations of such Purchasing Division.

iii. **Centralized Purchasing System: Purchasing Ordinance⁴¹⁴**

There shall be a centralized purchasing system for the City (including, where practicable, the Board of Education) covering the purchase of all services, supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the Common Council shall, upon recommendation of the Purchasing Agent, establish by Ordinance the rules and regulations governing the operation of a central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. The rules and regulations shall include, but not be limited to, provisions governing:

- (a) Additional roles and responsibilities of the Purchasing Agent;
- (b) Competitive procurement⁴¹⁵ and solicitation requirements, including local business preference;
- (c) Specifications; requisition standards; and, inspection and testing methodologies, following consultation with the Mayor, Chief Financial Officer and appropriate City Officials, designated by the Mayor; and,
- (d) Storage; recycled and recyclable products; transfer or sale of surplus property and appropriate reporting standards; and, inventory control.

The Purchasing Agent shall review such Ordinance, every two years, and make recommendations pertaining to the purchase of all services, supplies, materials, equipment and other commodities required as well as the factors, including, but not limited to, cost, competition and processes, that assure compliance with the provisions of this Charter.

E. The Tax Collector⁴¹⁶. The Collector of Taxes and Assessments shall perform all of the duties and assume all of the responsibilities entrusted to Tax Collectors by virtue of the General Statutes, this Charter and the Ordinances.

⁴¹⁴ NEW (2023).

⁴¹⁵ See, C.G.S. §7-148v entitled "Requirements for competitive bidding". See also, C.G.S. §7-148w entitled "Disqualification of contractors from bidding on municipal contracts".

⁴¹⁶ 2023 recodification, consolidation and restructuring of (1) current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (First and second sentences). Added by Charter Amendment 8-29-1978, §7. Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978; and (2) current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-252 Added by Sp. Laws 1933, No. 363, § 4.) The remainder

Commented [S52]: PROPOSED BY COUNSEL.

Historical Provisions: Transition and Sunset. The historical powers and duties of the Purchasing Agent as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

Inability to Perform Duties⁴¹⁷. If the Tax Collector shall be unable to perform the duties of office because of sickness, injury or absence from the City, and there shall not be an Assistant Tax Collector appointed as provided in §9-13 of the Code, the Mayor may appoint a Temporary Tax Collector to perform the duties of that office. The decision to appoint a Temporary Tax Collector is in the Mayor's sole discretion.

Commented [S53]: MIGHT BE REPEALED OR MOVED TO THE DISABILITY PROVISIONS OF THE CHARTER.

F. The Tax Assessor⁴¹⁸. The Tax Assessor is responsible for the following:

(1) **Appointment of Assistant Tax Assessor**⁴¹⁹. There shall be an appointed Assistant Tax Assessor.

Inability to Perform Duties⁴²⁰. If the Tax Assessor or the Assistant Tax Assessor shall be unable to perform the duties of office by any reason of sickness, injury or absence from the City, the Mayor may appoint a temporary officer to perform the duties of office. The decision to appoint a temporary officer is in the sole discretion of the Mayor.

Commented [S54]: MIGHT BE REPEALED OR MOVED TO THE DISABILITY PROVISIONS OF THE CHARTER

(2) **Duties and Powers**⁴²¹. All of the duties and powers entrusted to and vested in the Assessors and Board of Assessors under the General Statutes of the State of Connecticut, and the **Tax Commissioner and Assistant Tax Commissioner** under this Charter, as amended, shall be entrusted to and vested in the Tax Assessor and Assistant Tax Assessor as constituted herein.

§8-5. Economic Development and Community Service Functions.

A. Generally⁴²². The functions of this division shall relate to neighborhood, community and economic development planning and programs; planning and zoning;

of the historical provisions have been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁴¹⁷ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-242.B entitled "Division of Tax Collection".

⁴¹⁸ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.A entitled "Division of Tax Assessment" (First and second sentences). Added by Charter Amendment 8-29-1978, §8. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

⁴¹⁹ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.B entitled "Division of Tax Assessment".

⁴²⁰ 2023 recodification of current Article V, Part 4 – Department of Finance, §1-243.C entitled "Division of Tax Assessment".

⁴²¹ 2023 recodification of current Article V, Part 4 – Department of Finance, §1-243.F entitled "Division of Tax Assessment".

⁴²² NEW (2023)

code enforcement; blight enforcement; business development and tourism, transportation, mobility and parking and such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance⁴²³.

B. Chief of Economic and Community Development⁴²⁴ At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief of Economic and Community Development. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

i. **Departments and Direct Reports to the Division Chief⁴²⁵** The following Department Heads and Other Mayoral Appointees shall report on their functions to the Division Chief: (a) Business Development and Tourism; (b) Code Enforcement⁴²⁶; (c) Planning and Zoning; and (4) Transportation Mobility and Parking.

ii. **Reporting Requirements⁴²⁷** The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

§8-6. Human Resources and Personnel Functions.

A. Generally⁴²⁸ The functions of this division of government involve the administration of the City's compensation plans and employee benefit programs; assistance to all Departments and other Budgeted Entities in the recruitment, selection, and training of new employees; conducting analyses of job classifications; developing and running periodic employee training and safety programs as well as training and establishing policies pertain to the scope of federal and state laws pertaining to discrimination and harassment; maintaining employee records; providing personnel and labor relations services to all Departments and other Budgeted Entities; representing the

⁴²³ Last sentence derived from Ord. §35B-3.A.

⁴²⁴ NEW (2023)'s Note: *Approved by the electorate at the general election held 11-7-1978; and (2) current Article V, Part 4 – Department of Finance §1-239.B, in lieu of the following: "The Director of Finance shall have experience in finance and possess appropriate professional qualifications for the discharge of his or her office."*

⁴²⁵ NEW (2023).

⁴²⁶ 2023 replacement of current Article IV. The Common Council. §1-190. Derived from Sp. Laws 1913, No. 352, §124; Sp. Laws 1915, No. 367, §8. Historical editor's Note: See Ch. **81**, Plumbing; Ch. **36**, Electrical Code; Ch. **66**, Milk; Ch. **57**, Health and Sanitation. The repealed language follows: "Authorization of Council to enact ordinances covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk. The Council is also hereby authorized to enact ordinances or bylaws concerning plumbing, sanitation, and electrical work, and to provide for the examination and licensing of master or journeymen plumbers or electricians by such committee of persons as the Council shall designate, and for the revocation of such licenses with power to forbid any unlicensed person doing any plumbing or repairing of plumbing, or doing any electrical work, under such penalties as the Council shall prescribe; to provide for a Building, Plumbing, and Electrical Inspector, define his powers and duties, and determine the fees to be paid for permits; to provide for the licensing of dealers in milk, fix the fees for such licenses, prescribe the conditions under which milk shall be kept, offered for sale, and sold in the City, and prohibit the bringing into the City of milk which is not pure, or which has been exposed to contamination, and to provide penalties for the violation of any of the ordinances of the City."

⁴²⁷ NEW (2023).

⁴²⁸ NEW (2023).

City's interest in collective bargaining, grievance, and arbitration matters; and such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance.

B. Chief of Human Resources and Personnel⁴²⁹. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief of Human Resources and Personnel. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

(1) **Reporting Requirements**⁴³⁰. The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire⁴³¹.

§8-7. Operations Functions.

A. Generally⁴³². The functions under this division of government pertain to the administration and management of policies and programs pertaining to the operations and infrastructural needs of the City.

B. Chief Operating Officer. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief Operating Officer. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

(1) **Departments and Direct Reports to the Division Chief**⁴³³. The following Department Heads and Other Mayoral Appointees shall report on their functions to the Division Chief: (a) Building Management; (b) Engineering; (c)

⁴²⁹ NEW (2023). In lieu of current Article V, Part 9 – Personnel Department, 1-287.2. Derived from Sp. Laws 1969, No. 151, §2; Charter Amendment 8-13-1974. Historical Editor's Note: Approved by the electorate at the general election held 11-5-1974, which is repealed as follows: "On the first (1st) Monday after the first (1st) Tuesday in December 1977, the Mayor then in office shall appoint a Personnel Director, subject to confirmation of the Council of the City, who shall hold office at the pleasure of the Mayor and who may be removed at any time at the will of the Mayor. Such removal for all purposes shall be treated as a resignation. If the Mayor shall so remove his appointee, he shall forthwith appoint a successor, which appointment shall require confirmation by the Council. The Mayor shall fill any vacancy in the office of Personnel Director, subject to confirmation by the Council." Also, in lieu of current Article V, Part 9 – Personnel Department, 1-287.1. Derived from Sp. Laws 1969, No. 151, §1.

⁴³⁰ NEW (2023).

⁴³¹ 2023 repeal of current Article V, Part 9 – Personnel Department, 1-287.3. Derived from Sp. Laws 1969, No. 151, §3, as follows: "The Common Council shall establish by ordinance rules, regulations, policies and procedures which shall govern the operation of said Personnel Department and the administration of personnel matters in the City of Norwalk, including the duties of the Personnel Director. Such ordinance may be amended from time to time by the Common Council in such manner as it may deem necessary for the proper operation of said Personnel Department and the proper administration of personnel matters in the City of Norwalk."

⁴³² NEW (2023). Derived from Ord. §90-1. Note: Public Works was a mandatory provision under current Article IV. The Common Council. §1-189.2.A (Second sentence). Derived from Charter Amendment 11-3-1970. Historic editor's Note: Former § 1-189.3, Authorization of Council to establish Purchasing Department, added by Charter Amendment 11-3-1970, was repealed by Charter Amendment 8-29-1978. The remainder of the historical provisions have been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁴³³ NEW (2023).

Public Works; (d) Recreation and Parks; and, (e) others as may be directed by Ordinance.

(2) **Reporting Requirements**⁴³⁴. The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

Historical Provisions: Transition and Sunset. The historical powers and duties pertaining to operations and public works as set forth in Article XII § ____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

§8-8. Community Services.

A. Generally⁴³⁵. The functions under this division of government pertain to the administration and management of policies and programs designed to (1) increase and sustain the social well-being and health of all residents of the City. by consolidating initiatives and programs that directly affect the social well-being and health of the residents of the City; (2) provide oversight and administrative support to departments under its supervision; (3) support the quality of life in the City through the lifespan; and, such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance. The Chief serves as the liaison to state and federal agencies within the purview of the division.

B. Chief of Community Services⁴³⁶. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief of Community Services. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

C.  Special Meeting of Electors⁴³⁷. A special meeting of the electors of the First, Second, Third, and Sixth Taxing Districts, respectively, of the City of Norwalk shall be held at least thirty days prior to the first (1st) regular meeting, in each year, of the Board of Estimate and Taxation of the City, for the purpose of making in each district an appropriation for the ensuing fiscal year for the library maintained within the particular district. The Board of Estimate and Taxation shall annually lay a tax based on the

Commented [S55]: LK/TL: NEED TO GENERALLY OUTLINE DEPARTMENTS OR DEPARTMENTAL FUNCTIONS THAT FALL WITHIN THIS DIVISION (HEALTH, LIBRARY, HUMAN SERVICES, YOUTH)

Commented [S56]:
IS THIS STILL SO?

⁴³⁴ NEW (2023).

⁴³⁵ NEW (2023)

⁴³⁶ NEW (2023).

assessment list of the district last completed to defray the expenses of the library of such district to the amount appropriated by the district as hereinbefore provided.

§8-9. Public Safety.

A. The Police Department. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the Laws of the State and the Ordinances of the Town and all rules and regulations made in accordance therewith⁴³⁸. The City shall maintain an adequate police force and shall provide all services as they may be required⁴³⁹.

(1) All sworn members of the Department shall have powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes⁴⁴⁰. The police shall have the powers of Constables of towns in the apprehension and arrest of criminals and the service of process within the limits of the City⁴⁴¹.

Commented [S57]: IS THIS REALLY NECESSARY?

(2) **The Chief of Police - Powers and Duties**⁴⁴². The head of the Police Department shall be the Chief of Police who shall be responsible for the general management and operations of the Police Department. In this regard, the Chief shall propose, in writing, policies, rules and regulations concerning the general management and operations of the Department and the conduct of all its members, in accordance with Law.

(a) **Appointment**⁴⁴³. The Police Commission shall appoint the Chief of Police as set forth in §7-2.B(1)(c)(iii) of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes⁴⁴⁴. The Chief of Police shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

Commented [S58]: APPOINTMENT AUTHORITY>?

(b) **Qualifications**⁴⁴⁵. The Chief of Police shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the City in accordance with nationally

⁴³⁸ NEW (2023).

⁴³⁹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-312 (Derived from Charter Amendment 11-3-1970), in lieu of the following: "The Norwalk Police Department shall maintain an adequate police force and shall provide all services as they may be required in the entire City of Norwalk. This section shall apply to the fiscal year beginning July 1, 1971, and shall be effective as of that date."

⁴⁴⁰ NEW (2023).

⁴⁴¹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-303 (Derived from Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 17.) Historical Editor's Note: Refer to § 1-217 for powers of Constables; See also, 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-311 (Derived from Sp. Laws 1953, No. 590, §1.

⁴⁴² NEW (2023).

⁴⁴³ NEW (2023).

⁴⁴⁴ C.G.S. §7-278 entitled "Hearing prior to dismissal of municipal police head. Just cause requirement. Appeal".

⁴⁴⁵ Charter Revision of 2011.

accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter⁴⁴⁶.

(c) **Duty of Police as to Arrest Without Warrant**⁴⁴⁷. It shall be the duty of any police officer of the City to arrest, without previous complaint or warrant, any person guilty of drunkenness, vagrancy, disorderly conduct, breach of the peace, common assault, or any other offense committed within the City, when such offender may be taken or apprehended in the act, or on the speedy information of others, or when such officer has reasonable grounds to believe that an offense has been committed, and all persons so arrested shall be immediately presented before the Town Court of Norwalk for trial.

Commented [S59]: FOR THE CC: HAVE WE EVER ATTEMPTED TO ENFORCE THIS PROVISION?

(d) **Powers of Police**⁴⁴⁸. The police shall have the powers of Constables of towns in the apprehension and arrest of criminals and the service of process within the limits of the City.

(e) **Fifth Taxing District; Taxation to Defray Police Expenses**⁴⁴⁹. All the inhabitants and real and personal property within the limits of the Fifth Taxing District shall be liable to taxation to defray the expenses of the Police Department, and an appropriation for the Police Department shall be included in the annual budget of the City. This section shall apply to the fiscal year beginning July 1, 1971, and shall be effective as of that date.

Commented [S60]: IS THIS STILL AN ISSUE?

B. The Fire Department. The Fire Department shall consist of the regular and volunteer divisions which shall be responsible for the protection of life and property in the City from fire and other like disasters and emergencies, and for the enforcement of all Laws, Ordinances, and regulations relating to fire prevention and fire safety⁴⁵⁰. The jurisdiction of the Norwalk Fire Department shall extend to the entire City of Norwalk except

⁴⁴⁶ 2023 repeal of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-305.1 (Derived from Sp. Laws 1967, No. 403), as follows: "here shall be a special police force or call force in the City of Norwalk consisting of not more than two hundred (200) members. The members of said special police or call force shall be appointed by the Board of Police Commissioners for terms not exceeding two (2) years. No person shall be appointed a member of the special police or call force unless he is an elector of the City of Norwalk, of good moral character and habits, in good health, and shall have passed such examination, mental and physical, as may be required by the Board of Police Commissioners. Such special police force or call force shall, at all times, be under the direction and control of the Chief of Police and shall perform such duties as may be assigned or designated by said Chief of Police. Members of the special police or call force shall have the power of regular policemen in the apprehension and arrest of criminals, in maintaining public order, and in the service of process within the limits of the City of Norwalk, and shall be paid for their services by said city."

⁴⁴⁷ 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-306 (Derived from Sp. Laws 1913, No. 352, §148).

⁴⁴⁸ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-303 (Derived from Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 17.) Historical Editor's Note: Refer to § 1-217 for powers of Constables.

⁴⁴⁹ 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-313 (Derived from Charter Amendment 11-3-1970).

⁴⁵⁰ NEW (2023).

to the Sixth Taxing District⁴⁵¹ and, thus, shall maintain an adequate fire-fighting force and shall provide all services as they may be required and maintain all necessary fire houses and fire-fighting equipment within the boundaries of the Fifth Taxing District of the City of Norwalk, except the Sixth Taxing District⁴⁵². Notwithstanding the foregoing, the Norwalk Fire Department shall make available the services of its entire department to the entire City whenever they may be required⁴⁵³.

Commented [S61]: IS THIS REALLY NECESSARY?

(1) **The Fire Chief – Powers and Duties**⁴⁵⁴ The head of the Fire Department shall be the Fire Chief who shall be responsible for the general management and operations of the Fire Department. In this regard, the Chief shall propose, in writing, policies, rules and regulations concerning the general management and operations of the Department and the conduct of all its members, in accordance with Law.

(2) **Appointment**⁴⁵⁵ The Fire Board shall appoint the Fire Chief as set forth in §7-2.C(1)(e)(iii) of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes⁴⁵⁶. The Fire Chief shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

Commented [S62]: APPOINTMENT AUTHORITY?

(3) **Qualifications**⁴⁵⁷ The Fire Chief shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

(4) **Taxation**⁴⁵⁸ All of the inhabitants and the real and personal property within the limits of the Fifth Taxing District, with the exception of the Sixth Taxing District, shall be liable to taxation in order to defray the expenses of the Norwalk Fire Department. An appropriation to cover the operation of the Norwalk Fire Department shall be included in the annual budget of the City.

Commented [S63]: NECESSARY?

⁴⁵¹ 2023 recodification of current Article XXII "Extension of Fire Protections," §1-665. Derived from Charter Amendment 11-3-1970; effective 7-1-1971. See also, current Article XXII "Extension of Fire Protection." [Adopted 6-14-1961] Historical Editor's Note: See also, Art. IX and Ch. 41, Fire Department.

⁴⁵² 2023 modification and recodification of current Article XXII "Extension of Fire Protections," §1-666. Derived from Charter Amendment 11-3-1970, effective 7-1-1971, in lieu of the following: "(i) The Norwalk Fire Department shall maintain adequate fire-fighting force within the Fifth Taxing District of the City of Norwalk and in addition thereto shall maintain all necessary fire houses and fire-fighting equipment within the boundaries of the Fifth Taxing District of the City of Norwalk, except the Sixth Taxing District. (ii) The Norwalk Fire Department shall make available the services of its entire department to the entire city whenever they may be required."

⁴⁵³ 2023 modification and recodification of current Article XXII "Extension of Fire Protections," §1-666. Derived from Charter Amendment 11-3-1970, effective 7-1-1971.

⁴⁵⁴ NEW (2023).

⁴⁵⁵ NEW (2023).

⁴⁵⁶ See, C.G.S. §7-302 entitled "Hearing prior to dismissal of fire department head. Appeal".

⁴⁵⁷ Charter Revision of 2011.

⁴⁵⁸ 2023 Recodification of current Article XXII "Extension of Fire Protections," §1-667. Derived from Charter Amendment 11-3-1970; effective 7-1-1971.

(5) **Termination of Sixth Taxing District Exception**⁴⁵⁹. At such time as the Sixth Taxing District shall cease to maintain its own Fire Department, the Sixth Taxing District shall no longer be excepted from the provisions of §§ **1-665** and **1-666** hereinabove, and all of the inhabitants and real and personal property within the Fifth Taxing District shall be liable to taxation to defray the expenses of the Department.

Commented [S64]: NECESSARY?

§8-10. The Library.

Commented [S65]: WHAT ABOUT THIS?

A. Special Meeting of Electors⁴⁶⁰. A special meeting of the electors of the First, Second, Third, and Sixth Taxing Districts, respectively, of the City of Norwalk shall be held at least thirty (30) days prior to the first (1st) regular meeting, in each year, of the Board of Estimate and Taxation of the City, for the purpose of making in each district an appropriation for the ensuing fiscal year for the library maintained within the particular district. The Board of Estimate and Taxation shall annually lay a tax based on the assessment list of the district last completed to defray the expenses of the library of such district to the amount appropriated by the district as hereinbefore provided.

⁴⁵⁹ 2023 Recodification of current Article XXII "Extension of Fire Protections," §1-668. Derived from Charter Amendment 11-3-1970; effective 7-1-1971.

⁴⁶⁰ 2023 Recodification of current Article XIX "Library Appropriations" §1-615. Derived from Sp. Laws 1925, No. 18. Historical Editor's Note: Editor's Note: See First Taxing District, § **1-28**; Second Taxing District, § **1-32**; Third Taxing District, § **1-118**; Sixth Taxing District, §§ **1-136** and **1-140**.

ARTICLE IX: EDUCATION (042723)⁴⁶¹

§9-1. Board of Education⁴⁶².

A. Creation and Composition of the Board of Education⁴⁶³.

(1) **Composition**⁴⁶⁴. There shall be a Department of Education which shall be under the control of nine (9) members, who shall be Electors of the City of Norwalk, and shall be known as the Board of Education. Its members shall be elected as hereinbefore provided.

(2) **Duties**⁴⁶⁵. The Board shall perform the duties and have the powers provided by the statutes for town boards of education.

(3) **Meetings**⁴⁶⁶. The Board shall hold a regular meeting each month.

(4) **Mayor Ex-Officio Non-Voting Chair of the Board**⁴⁶⁷. The Mayor shall be, ex officio, Chair of the Board of Education and shall preside at all meetings of the Board. The Mayor shall have no vote in any meeting of the Board except in case of a tie vote among the regular members of the Board.

⁴⁶¹ 2023 Recodification of current Article XVIII, entitled "Schools", Part 1. General. §1-507 through 1-509 (Reserved). Historical Editor's Note I: Editor's Note: See also Part 2, Board of Education, §§ **1-516** through **1-520**. Historical Editor's Note II: Former §§ 1-507, Control of School Committee, 1-508, Term of School Committee, and 1-509, Retention of positions, Sp. Laws 1913, No. 352, §§ 162 through 164, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980. §1-509 through § 1-515. (Reserved). Historical Editor's Note III: Former §§ 1-511, Expansion of technical and vocational training, 1-512, Appropriation for expansion of technical and vocational training, and 1-513 Appropriations not subject to certain statutory limitations, Sp. Laws of 1943, No. 478, §§ 1 to 3, and §§ 1-514, Transfer to city of funds of South Norwalk Union School District, and 1-515, Transfer to city of funds of South Norwalk and Brookside School Districts, Sp. Laws 1937, No. 39, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

⁴⁶² 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education.

⁴⁶³ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516. Derived from Sp. Laws 1913, No. 352, § 166; Sp. Laws 1915, No. 198, § 1; Sp. Laws 1921, No. 189, § 6; Sp. Laws 1929, No. 103; Sp. Laws 1967, No. 197, § 7; Charter Amendment 11-3-1970, effective 7-1-1971; Charter Amendment 9-12-2000. Historical Editor's Note: Approved by the electorate at the general election held 11-7-2000.

⁴⁶⁴ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (First sentence). Editor's Note: For election of Board of Education members refer to § **1-167b**. **Note:** Replaces of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-518. Derived from Sp. Laws 1931, No. 315, § 2; Sp. Laws 1933, No. 174; Sp. Laws 1967, No. 197, § 8; Sp. Laws 1969, No. 264, §3; Charter Amendment 8-17-1976 (I); Charter Amendment 8-29-1978 (II). Historical Editor's Note I: Approved by the electorate at the general election held 11-2-1976. Historical Editor's Note II: Approved by the electorate at the general election held 11-7-1978. Historical Editor's Note I: This date was corrected by resolution of the Common Council 3-8-1977. Historical Editor's Note II: See also, Art. **VI**, § **1-289**, for appropriations in general. Also replaces current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-519. Derived from Sp. Laws 1931, No. 315, §3.

⁴⁶⁵ 2023 Recodification and modification of current Article III – Part 1. In General, §1-167. Derived from Charter Amendment 11-3-1970; effective 7-1-1971; Charter Amendment 9-12-2000. Historical editor's Note: (1) See also Art. XVIII, Part 2; (2) Approved by the electorate at the general election held 11-7-2000.

⁴⁶⁶ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Second sentence).

⁴⁶⁷ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Third and fourth sentences).

(5) **Election of Officers**⁴⁶⁸. The Board shall elect from among its members a Chair pro tempore, who shall preside at all meetings of the Board in the absence of the Mayor and a Vice Chair. Members shall also be elected by the Board to serve as Secretary, who shall keep a record of all votes, acts and transactions of the Board. The Chair vice Chair and Secretary shall perform all duties imposed by the Board or by Law.

Commented [S66]: 032923: Modification based upon edit recommended by Counsel to the Board of Education.

(6) **Election of Superintendent**⁴⁶⁹. The Board shall elect a Superintendent of Schools, in accordance with the General Statutes, and acting through the Superintendent of Schools or otherwise, shall employ such number of assistants, principals and teachers as it may deem necessary and prescribe their respective terms of office and duties.

Commented [S67]: 032923: Modification based upon edit recommended by Counsel to the Board of Education.

(7) **Other Appointments**⁴⁷⁰. The Board may make such appointments before any appropriation has been made to cover the salaries of the persons appointed, and § 1-213 of the act of consolidation shall not apply to such obligations.

Commented [S68]: IT IS NOT CLEAR WHAT THIS PROVISION MEANS. BOARD EDUCATION COUNSEL RAISED THE SAME ISSUE.

(8) **Duties of Board**⁴⁷¹. The Board of Education shall have charge and direction of the public schools in the City and of the expenditure of moneys appropriated for the support of the same strictly in accordance with the provision of the applicable General Statutes⁴⁷². This authority shall not include erection of new schools, additions to the present buildings or other capital expenditures. The Board shall keep all the school buildings and apparatus used therein in good condition and repair, and shall have the powers and be subject to the general duties and limitations of Boards of Education, in accordance with the provisions of the applicable General Statutes⁴⁷³. The Board shall make its by-laws, define the duties of its officers and committees and prescribe rules and regulations for discipline in the public schools.

Commented [S69]: 032923: Modification based upon edit recommended by Counsel to the Board of Education. Other edits on the recommended of CRC Counsel.

(9) **Board Reports**⁴⁷⁴. The Board shall at the end of each fiscal year, transmit to the Mayor a full report of its proceedings during the year, with a statement showing the total amount of money received and expended for the support of the schools, and, at least once in each month, shall transmit to the

Commented [S70]: IS THIS HAPPENING?

⁴⁶⁸ 2023 modification and recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Fifth and sixth sentences).

⁴⁶⁹ 2023 Recodification and modification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Seventh sentence).

⁴⁷⁰ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Eighth sentence).

⁴⁷¹ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-517. Derived from Sp. Laws 1931, No. 315, § 1.

⁴⁷² Editor's Note: See also § 1-248, for purchase of commodities by Comptroller.

⁴⁷³ In lieu of current §§1-517 to 1-519.

⁴⁷⁴ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-520. Derived from Sp. Laws 1913, No. 352, §168; Sp. Laws 1921, No. 189, §5.

Mayor a detailed statement of expenses incurred during the preceding month, and the expenses shall be paid in the same manner as other expenses of the City⁴⁷⁵.

§9-2. School Districts⁴⁷⁶.

The territorial limits of the City as herein described shall be one school district, but the Board of Education may divide the same into subdistricts for the purpose of control of attendance of pupils of certain schools.

§9-3. Budget⁴⁷⁷.

The Board of Education and Superintendent shall submit its budget to the Chief Financial Officer and the Mayor at the same time as other Departments. If the Board receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure in accordance therewith and file a copy thereof with the Mayor, Board of Estimate and Taxation and the Common Council. The Board shall report monthly to the Mayor, Chief Financial Officer, Board of Estimate and Taxation and to the Council a comparison of actual and estimated expenditures.

§9-4. Reporting Requirements⁴⁷⁸.

Unless otherwise specifically prohibited by the General Statutes, commencing on the 1st business Day of July and every quarter thereafter, the Board of Education shall file with the Mayor, Board of Estimate and Taxation and Common Council, a report pertaining to all contracts (including, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements) with a multi-year term; or which were procured by means of a competitive process for a multiple year term or option for extension; or, which otherwise contains an extension, option or renewal provision. This provision shall not apply to contracts exempted from public disclosure by Law or otherwise not capable of redaction in order to protect statutory privacy rights of

⁴⁷⁵ 2023 Repeal of (1) Current Article XVIII, entitled "Schools", Part 3. Bonds and Notes. §1-521 through 1-613 (Reserved). Historical Editor's Note: A Charter Amendment, adopted 9-2-1980 and approved by the electorate at the general election held 11-4-1980, repealed the following sections relating to terminated bond issues: §§ ~~1-521~~ through 1-525 (Sp. Laws 1923, No. 137, §§ 1 to 5); 1-526 through 1-530 (Sp. Laws 1925, No. 451, §§ 1 to 5); 1-531 through 1-535 (Sp. Laws 1927, No. 97, §§ 1 to 5); 1-536 through 1-539 (Sp. Laws 1929, No. 192, §§ 1 to 4); 1-540 through 1-543 (Sp. Laws 1929, No. 215, §§ 1 to 4); 1-544 through 1-551 (Sp. Laws 1935, No. 359, §§ 1 to 8); 1-552 through 1-558 (Sp. Laws 1937, No. 74, §§ 1 to 7); 1-559 through 1-565 (Sp. Laws 1939, No. 19, §§ 1 to 7); 1-566 through 1-570 (Sp. Laws 1943, No. 206, §§ 1 to 5); 1-571 through 1-575 (Sp. Laws 1945, No. 165, §§ 1 to 5); 1-576 through 1-581 (Sp. Laws 1947, No. 347, §§ 1 to 6); 1-582 through 1-587 (Sp. Laws 1947, No. 370, §§ 1 to 6); 1-588 through 1-593 (Sp. Laws 1949, No. 206, §§ 1 to 6; Sp. Laws 1951, No. 161, §§ 1 and 2); 1-594 through 1-599, (Sp. Laws 1949, No. 306, §§ 1 to 6); 1-600 through 1-603 (Sp. Laws 1951, No. 536, §§ 1 to 4); 1-604 through 1-608 (Sp. Laws 1953, No. 299, §§ 1 to 5); 1-609 through 1-613 (Sp. Laws 1957, No. 665, §§ 1 to 5). These sections shall be maintained for record purposes in a separate book entitled "Bond Issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts." Copies of such compilation shall be kept in the offices of the City Clerk and Town Clerk and in the Finance Department. Also Repeal of current Article XVIII, entitled "Schools", Part 3. Bonds and Notes. §1-614. Derived from Sp. Laws 1957, No. 665, §§ 6, 7.

⁴⁷⁶ 2023 Recodification of current Article XVIII, entitled "Schools", Part 1. General. §1-508. Derived from Sp. Laws 1913, No. 352, § 165.

⁴⁷⁷ NEW (2023)

⁴⁷⁸ NEW (2023)

individuals. The exemption from this provision should not be construed to prevent the City or their officials from obtaining such documents where permitted under Law.

NORWALK CHARTER DRAFT REPORT.042723

ARTICLE X BUDGET, PUBLIC FUNDS AND FINANCE

§10-1. Annual Budget Estimates⁴⁷⁹.

Commented [S71]: Note: Capital Budget Process has been codified by §30-4 of the Code of Ordinances.

The several committees, officers and departments of the City and of the several taxing districts, under whose control money is expended, shall, on or before the fifteenth (15th) day of January in each year, report to the Director of Finance of the City an estimate of the amount of money required by the committee, officer, department or district for the ensuing fiscal year, giving details as far as practicable.

A. Submission of Annual Budget Proposals to Director of Finance; Then, Board of Estimate and Taxation⁴⁸⁰. Each board, commission, committee, officer and department of the City and of the several taxing districts under whose control money is expended shall submit to the Director of Finance a true copy of its proposed annual budget or any proposed changes or additions on or before the fifteenth (15th) of January in each year, and the Director of Finance shall submit to the Board of Estimate and Taxation at a meeting of the Board to be held on the second (2nd) Monday of February in each year such proposed annual budget for the City, together with such criticisms or recommendations as the Director may deem desirable. Insofar as the provisions of **§1-289 of the Charter** are in conflict with the authority herein granted to the Director of Finance, they are repealed.

(1) Board of Education submission of amount required for salaries; included in budget submitted; appropriation⁴⁸¹.

(a) Salary Estimates. The Board of Education shall submit to a special meeting of the Board of Estimate and Taxation, which shall be held on the third (3rd) Monday of December in each year, an estimate of the amount required for salaries of the Superintendent of Schools and the assistants, principals, teachers, nurses, clerks, janitors and secretary; and

(b) Action of the Board of Estimate. The Board of Estimate and Taxation shall consider such estimate, and, on or before the fifteenth (15th)

⁴⁷⁹ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twelfth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [*Editor's Note: Approved by the electorate at the general election held 11-5-1974.*] Charter Amendment 8-17-1976 [*Editor's Note: Approved by the electorate at the general election held 11-2-1976.*]; Charter Amendment 11-5-1996; Charter

⁴⁸⁰ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.D. Added by Charter Amendment 8-29-1978, §4; Charter Amendment 11-8-2005. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

⁴⁸¹ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-518. Derived from Sp. Laws 1931, No. 315, § 2; Sp. Laws 1933, No. 174; Sp. Laws 1967, No. 197, § 8; Sp. Laws 1969, No. 264, §3; Charter Amendment 8-17-1976 (I); Charter Amendment 8-29-1978 (II). Historical *Editor's Note I: Approved by the electorate at the general election held 11-2-1976.* Historical *Editor's Note II: Approved by the electorate at the general election held 11-7-1978.*

day of March next following, shall determine the total amount it will appropriate for such salaries at its annual sessions in March and April⁴⁸².

(c) **Deferral of Appropriated Salaries.** If the Board of Education, in any year, by a majority vote, shall consent, such determination of the amount to be appropriated for salary purposes for the next year may be deferred until a date not later than the first (1st) Monday of April in such year. If the amount to be appropriated for such salaries has been determined upon, it shall be included by the Board of Education in the budget required to be submitted to the **Treasurer of the City** annually, but, if such amount has not been determined when such budget shall be submitted, the amount of the estimate submitted to the Board of Estimate and Taxation shall be included in such budget. The amount determined upon by the Board of Estimate and Taxation shall be appropriated by it for school salary purposes at its regular meeting in April⁴⁸³.

(2) **Board of Education Salaries**⁴⁸⁴. The salaries of all persons appointed by the Board of Education under the provisions of an act concerning the Board of Education of the City of Norwalk, approved April 18, 1929, shall be as fixed by the Board, but the aggregate amount of such salaries, together with the salaries of persons thereafter appointed, shall not exceed the amount determined by the Board of Estimate and Taxation under § **1-518**, unless an additional amount shall be appropriated for that purpose.

B. **Furnishing of Information**⁴⁸⁵. The Board shall have power to require the several officers of the City, town and several districts to furnish all the information which they may possess and to exhibit to them all books, papers and documents in their respective departments or in their possession, requisite, in the opinion of the Board, to enable it to discharge the duties imposed upon it by this act.

C. **The Power to Levy Taxes; Fiscal Year**⁴⁸⁶. The Board, in legal meeting convened, shall have power to levy taxes on the polls and ratable estate within the limits of the City, subject to the maximum limit on total appropriations as set by the Council of

⁴⁸² Historical Editor's Note: This date was corrected by resolution of the Common Council 3-8-1977

⁴⁸³ Historical Editor's Note: See also, Art. VI, § **1-289**, for appropriations in general.

⁴⁸⁴ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-519. Derived from Sp. Laws 1931, No. 315, §3.

⁴⁸⁵ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Eighth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.] Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁸⁶ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Ninth through eleventh sentences). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.] Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

the City as hereinafter provided. Every tax laid by the Board shall be laid upon the assessment list of the City last completed. The fiscal year of the City and the several taxing districts shall begin on the first day of July and end on the thirtieth day of June following.

§10-2. Estimates of Department Requests Submitted to Board and Common Council⁴⁸⁷.

The Director of Finance shall prepare and submit to the Board of Estimate and Taxation, at a meeting thereof to be held on the second Monday of February in each year, and to the Common Council, the immediately following Tuesday of each year an estimate of the amounts required by each department of the City government and of the several taxing districts for the ensuing fiscal year, giving the particulars as far as possible and recommending appropriations for all the expenses of the City, and of the several taxing districts for the year, and recommending such tax on the polls and ratable estate within the limits of the City and of the several taxing districts as the Director deems necessary to meet such expenses, after deducting the amount of the available revenue for the fiscal year. The Director of Finance shall cause such estimate to be published in a daily paper published in the City at least five days before the fourth Monday of February in each year.

Commented [S72]: NEWS PAPER PUBLICATION?

§10-3. Maximum Limit on Total Appropriations⁴⁸⁸.

The Common Council shall, at a meeting thereof to be held on the immediately following Tuesday in each year, adopt by a resolution approved by a vote of a majority of the entire membership of the Council, a maximum limit on total appropriations for the City for the ensuing fiscal year and cause the same to be communicated to the Board of Estimate and Taxation.

Commented [S73]: VOTING STANDARD.

A. Exemption from Sec. 1-669⁴⁸⁹. The Common Council resolution shall be exempt from the application of §1-669 of this Charter.

⁴⁸⁷ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirteenth and fourteenth sentences). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁸⁸ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Fifteenth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁸⁹ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Sixteenth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

B. Exemption of Grants from Maximum Taxation⁴⁹⁰. Any grants from private, state or federal sources received after the adoption of any maximum taxation by the Common Council under this section shall be exempt from the maximum limitation.

§10-4. The Budget Process - Deliberations of the Board of Estimate and Taxation⁴⁹¹.

The Board of Estimate and Taxation shall hold a meeting on the fourth (4th) Monday in February in each year, and may adjourn the same from time to time to a day not later than the first (1st) Monday of April in each year and at the meeting or any adjournments thereof within the time hereinbefore specified; it shall hear all the parties who may desire to be heard relative to any alterations in the estimates, and may make any alterations in the estimates, appropriations and tax rates, and make such additional appropriations, as it deems proper.

§10-5. Submission of Statement of Appropriations and Taxes Rates to Common Council⁴⁹².

The Board, having made such alteration, if any, shall prepare a statement of appropriations and tax rates which it proposes to make and levy, and cause the same to be forwarded to the Common Council in the City not later than the first Monday in April in each year.

§10-6. The Budget Process – Deliberations of the Common Council⁴⁹³.

The Common Council may, at a regular or special meeting to be held not later than the third (3rd) Tuesday in April of each year, amend the maximum limit of total appropriations

⁴⁹⁰ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Seventeenth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁹¹ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Eighteenth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁹² 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Nineteenth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁹³ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twentieth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

for the City for the ensuing fiscal year by a two-thirds (2/3^{rds}) affirmative vote of the entire membership of the Council.

A. Exemption from §1-669⁴⁹⁴. The Common Council vote shall be exempt from the application of §1-669 of this Charter.

§10-7. Alterations of Common Council Limits: Newspaper Publication⁴⁹⁵.

The Board of Estimate shall thereupon make such alterations in appropriations and tax rates as are necessary to comply with the limit set by the Common Council, and shall prepare a statement of appropriations and tax rates which it proposes to make and levy in accordance therewith, and cause the same to be published in a daily newspaper published in the City no less than three days before the fourth Wednesday of April in each year.

A. Final Alterations of Estimates, Appropriations and Tax Rates; No Further Action by Common Council; Actions Subject to Sec. 1-669⁴⁹⁶. The Board shall hold a meeting on the first Monday in May in each year, and at the meeting may make such further alterations in such estimates, appropriations and tax rates as it shall deem proper, and shall have power to make appropriations and lay taxes, and the Board may fix the time or times when any tax laid by it shall become due and payable, and may divide such tax and make the same payable in two or more installments. No appropriation made at such meeting shall require the approval of the Common Council; provided, however, that the total amount of such appropriations shall not exceed the maximum limit established by the Council as hereinabove provided. The actions of the Board at such meeting shall be subject to the provisions of **§1-669 of this Charter**.

B. Appropriations Shall Not Exceed Estimate of Revenues⁴⁹⁷. The Board of Estimate and Taxation shall have no power to make appropriations in excess of the

⁴⁹⁴ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-first sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁹⁵ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-second sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁹⁶ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-third through twenty-fifth sentences). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.]; Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter

⁴⁹⁷ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-sixth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the

estimate of revenues made by it for any year, and in no case shall the expenses of the City or district exceed their respective estimated revenues for any year except for the purpose for which the City is authorized to issue bonds, and when bonds are so issued.

C. Limits on Expenditures; Special Appropriations and Exemption from Maximum Limit⁴⁹⁸. No money other than that appropriated as aforesaid by the Board at the meeting on the first Monday of May shall be expended unless a special appropriation therefor has been provided by the Board of Estimate and Taxation at a special meeting called for that purpose and has been approved by a two-thirds vote, taken by yeas and nays, of all members of the Common Council. Any special appropriation approved in such manner shall be exempt from the maximum limit established by the Council as hereinabove provided.

§10-8. Special Appropriations⁴⁹⁹.

If a special appropriation in excess of the unappropriated revenues of the City is required, an estimate of the same shall be prepared by the Director of Finance and submitted to the Board of Estimate and Taxation at a special meeting called for that purpose; and the Board, at the meeting or an adjournment thereof, shall have power to make any such appropriation, and to lay a special tax to meet the same, but no such appropriation shall be made unless a special tax laid is sufficient to cover the amount when such appropriation is in excess of the unappropriated revenues of the City, and unless such special tax has been approved by a two-thirds vote, taken by yeas and nays, of all the members of the Common Council.

§10-9. Specific Purpose Appropriations⁵⁰⁰.

Any appropriation, regular or special for any specific purpose, shall not be expended for any other purpose and, if unexpended, shall be covered back into the treasury thirty days after the expiration of the fiscal year for which it is made. All appropriations so made shall remain on the books of the City to the credit of the specific purposes for which they are made for thirty days after the expiration of the fiscal year for which they are made, for the

general election held 11-5-1974.] Charter Amendment 8-17-1976 [*Editor's Note: Approved by the electorate at the general election held 11-2-1976.*]; Charter Amendment 11-5-1996; Charter

⁴⁹⁸ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-seventh and twenty-eighth sentences).

⁴⁹⁹ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirtieth sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [*Editor's Note: Approved by the electorate at the general election held 11-5-1974.*] Charter Amendment 8-17-1976 [*Editor's Note: Approved by the electorate at the general election held 11-2-1976.*]; Charter Amendment 11-5-1996; Charter

⁵⁰⁰ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirty-first and thirty-second sentences). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [*Editor's Note: Approved by the electorate at the general election held 11-5-1974.*] Charter Amendment 8-17-1976 [*Editor's Note: Approved by the electorate at the general election held 11-2-1976.*]; Charter Amendment 11-5-1996; Charter

purpose of paying bills lawfully contracted during the fiscal year which are properly chargeable to such appropriations.

§10-10. Power of the Mayor and Council to Borrow Upon the Credit to the City⁵⁰¹.

The Mayor and Common Council are empowered to borrow upon the credit of the City, during any fiscal year of the City, by note or notes of the City, signed by the Mayor thereof, such sum or sums of money as may be necessary to pay any judgment tendered against the City and all expenses incurred by the City in connection with any such judgment.

§10-11. Approval by the Board of Estimate and Taxation for Borrowed Funds⁵⁰².

No such borrowing shall be made by the Mayor and Council, nor shall any note or notes be issued as aforesaid, until the amount and purpose thereof shall be approved by the Board of Estimate and Taxation of the City at a meeting duly called and held therefor.

§10-12. Appropriation to pay notes and paying of notes⁵⁰³.

The Board of Estimate and Taxation, at its regular meeting held in the fiscal year in which such note or notes are issued, shall make a sufficient appropriation to pay all notes so issued during such fiscal year, and such notes shall be paid from such appropriation when it shall become available.

§10-13. Miscellaneous Bond Issues [Repealed Provision]⁵⁰⁴.

No content.

§10-14. Referendum Procedure.

See, §4-14, above.

⁵⁰¹ 2023 Recodification of current Article IV. The Common Council. §1-200. Derived from Sp. Laws 1929, No. 101, §1. Historical editor's Note: See also § 1-189; § 1-226.

⁵⁰² 2023 Recodification of current Article IV. The Common Council. §1-201. Derived from Sp. Laws 1929, No. 101, §2. Historical editor's Note: See also Art. VI.

⁵⁰³ 2023 Recodification of current Article IV. The Common Council. §1-202. Derived from Sp. Laws 1929, No. 101, §3.

⁵⁰⁴ Historical Editor's Note: A Charter Amendment, adopted 9-2-1980 and approved by the electorate at the general election held 11-4-1980, repealed former Article XX, Miscellaneous Bond Issues, which was comprised of the following sections: §§ 1-616 (Sp. Laws 1919, No. 123); 1-617 through 1-619 (Sp. Laws 1921, No. 297, §§ 1 to 3); 1-620 through 1-624 (Sp. Laws 1921, No. 222, §§ 1 to 5); 1-625 through 1-631 (Sp. Laws 1937, No. 73, §§ 1 to 7); 1-632 through 1-637 (Sp. Laws 1945, No. 202, §§ 1 to 6); 1-638 through 1-644 (Sp. Laws 1947, No. 326, §§ 1 to 7); 1-645 through 1-648 (Sp. Laws 1951, No. 523, §§ 1 to 4); 1-649 through 1-653 (Sp. Laws 1953, No. 209, §§ 1 to 5); 1-654 through 1-658 (Sp. Laws 1953, No. 300, §§ 1 to 5). These sections shall be maintained for record purposes in a separate book entitled "Bond Issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts." Copies of such compilation shall be kept in the offices of the City Clerk and Town Clerk and in the Finance Department. § 1-616. through § 1-658. (Reserved)

NORWALK CHARTER DRAFT REPORT.042723

ARTICLE XI: TRANSITION AND MISCELLANEOUS PROVISIONS

§11-1. Existing Laws and Ordinances⁵⁰⁵.

All special acts of the legislature and Ordinances of the City, except as the same are in conflict with this Charter, shall continue in full force and effect until amended or repealed.

§11-2. Constitutionality. Savings Clause⁵⁰⁶.

If any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which a section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

§11-3. Transition provisions⁵⁰⁷.

All Departments, Boards, Commissions and other units of the City government previously provided for in the Charter but not provided for in this amended Charter and in existence as of the effective date of this amended Charter, and the positions associated therewith, shall remain in existence unless and until they are altered or abolished by Ordinance. The Department Heads, deputies and assistants of the Departments, shall continue until replaced by the Mayor.

§11-4. Periodic Review of the Charter and Amendment of Charter⁵⁰⁸.

A. No later than September of 2024, the Council shall appoint a Charter Revision Commission pursuant to the General Statutes in order to review the work of the 2023 Charter Commission and to address issues that were not examined during at that time. Thereafter, no later than September of 2029 and no more than every five (5) years thereafter, the Council shall appoint a Charter Revision Commission, pursuant to the General Statutes. Nothing in this section limits the right of the Council to appoint one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Council from appointing a Commission as required by this section.

B. This Charter may be amended in the manner prescribed by Law and shall take effect as set forth by the General Statutes.

§11-5. Effective Date.

⁵⁰⁵ NEW (2023)

⁵⁰⁶ NEW (2023)

⁵⁰⁷ NEW (2023)

⁵⁰⁸ NEW (2023)

The provisions of this Charter and amendments thereto, as to the administration of the City, shall become effective upon adoption by the voters of the City of Norwalk; unless otherwise set forth in the Charter.

SECTION 11-7: "TRANSITION PROVISION A" PERTAINING TO §3-3.B (2) OF THIS CHARTER --- THE GENERAL ELECTION SCHEDULED FOR 2012.

On the first Tuesday after the first Monday in November 2012, the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, Registrars of Voters for the term two years as set forth in "Transition Provision D" applicable to § 3-3.B (2) of this Charter.

NORWALK CHARTER DRAFT REPORT.04.2013

NORWALK CHARTER DRAFT REPORT 042723

PART 2 – THE TAXING DISTRICTS

NORWALK CHARTER DRAFT REPORT.042723

+ARTICLE XIII: TAXING DISTRICTS

§12-1. General.

Commented [S74]: 042723

A. Division into six taxing districts⁵⁰⁹. The City is divided into six taxing districts. The First and Second Wards⁵¹⁰ shall be the First and Second Taxing Districts⁵¹¹. So much of the territory of the City as is included within the boundaries of the East Norwalk Fire District, as the same existed at the passage of the consolidation act, shall be the Third Taxing District⁵¹². So much of the territory of the City as is included in the First, Second and Third Wards, together with such additional territory situated in the Fourth or Fifth Wards as may at any time hereafter be designated, defined and specified by the Common Council, as provided in § 1-17 shall be the Fourth Taxing District. The Fifth Taxing District shall be the entire City.

B. Division of City into Wards⁵¹³. For the purposes of the Taxing Districts and other reason as may be stated by Law, the City is divided into five (5) wards: So much of the territory of said city as is included within the boundaries of the former City of Norwalk as the same existed prior to its consolidation with the City of South Norwalk and the East Norwalk Fire District in 1913 shall be the First Ward. So much of the territory of said city as is included within the boundaries of the former City of South Norwalk as the same existed at its consolidation with the City of Norwalk and the East Norwalk Fire District in 1913 shall be the Second Ward. So much of the territory of said city as is included within the following boundaries: Commencing at a point on the boundary line between said city and the Town of Westport where the center line of the New York, New Haven and Hartford Railroad intersects the same, thence southerly along said boundary line to the southeast corner of said city, thence westerly along the southerly line of said city to the southeast corner of the Fifth Ward, thence northerly along the easterly line of said Fifth Ward to the intersection of the same with the southerly line of the Second Ward, thence northerly along the easterly line of said Second Ward to the intersection of the same with the southerly line of the First Ward, thence easterly along the southerly line of the First Ward to the southeast corner of said First Ward, and thence easterly in a straight line to the point or place of beginning, shall be the Third Ward. So much of the territory of said city as lies southerly and westerly of a line commencing at the intersection of the center line of Connecticut Avenue and the boundary line between said city and the Town of Darien, thence running easterly along the center line of said Connecticut Avenue to the westerly line of said Second Ward, thence running southerly along the westerly line of said Second Ward and easterly along the southerly line of said Second Ward to the intersection of the same with the westerly line of the former East Norwalk Fire District,

⁵⁰⁹ 2023 Recodification of current Article II, Part 1. General, §1-16. Derived from Sp. Laws 1913, No. 352, §4; Sp. Laws 1929, No. 82, §1.

⁵¹⁰ Editor's Note: For descriptions of Wards refer to Art. I, § 1-3

⁵¹¹ Editor's Note: For First Taxing District see Art. II, Part 2. For Second Taxing District see, Art. II, Part 3.

⁵¹² Editor's Note: For Third Taxing District see Art. II, Part 4.

⁵¹³ 2023 Recodification of current Article I - General, §1-3. Derived from Sp. Laws 1969, No. 186, §2. Historical Editor's Note 1: Editor's Note: See Art. II, § 1-16, for division of city into taxing districts. Historical Editor's Note #2.: Former § 1-3 adopted as § 55 of Sp. Laws 1913, No. 352, as amended, was repealed by Sp. Laws 1969, No. 186, §3.

and thence southerly in a direct north and south line along the westerly line of the former East Norwalk Fire District to the southerly line of said city, shall be the Fifth Ward. All the remaining portion of the present City of Norwalk not included in the description of the First, Second, Third and Fifth Wards shall be the Fourth Ward.

C. Taxing District Officers.

(1) **Board of Commissioners and Treasurer in First Taxing District**⁵¹⁴. At the election for the choice of City and town officers in 1913, there shall be elected in the First Ward by the electors of the First Taxing District three Commissioners for the terms of office of two, four and six years, respectively, who shall hold office for the terms and until their successors are elected and qualified and there shall be elected a Treasurer of the First Taxing District who shall hold office for the term of two years and until successor is elected and qualified. Biennially thereafter there shall be elected in the First Ward by the electors of the First Taxing District one Commissioner who shall hold office for the term of six years and until A successor is elected and qualified, and a Treasurer of the First Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

Commented [S75]: Moved from Article III.

(2) **Board of Commissioners, Board of Electrical Commissioners and Treasurer in Second Taxing District**⁵¹⁵. At the election for the choice of City and town officers in 1913, there shall be elected in the Second Ward by the electors of the Second Taxing District three Commissioners for the terms of office of two, four, and six years, respectively, who shall hold office for the terms and until their successors are elected and qualified, and there shall be elected in the Second Ward by the electors of the Second Taxing District three members of the Board of Electrical Commissioners, which members shall hold office for the terms of two, four and six years, respectively, and until their successors are elected and qualified, and there shall be elected a Treasurer of the Second Taxing District who shall hold office for a term of two years and until a successor is elected and qualified. Biennially thereafter there shall be elected in the Second Taxing District one Commissioner and one member of the Board of Electrical Commissioners, each of whom shall hold office for the term of six years and until a successor is elected and qualified, and a Treasurer of the Second Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

Commented [S76]: Moved from Article III.

⁵¹⁴ 2023 Recodification of current Article III – Part 1. In General, §1-175. Derived from Sp. Laws 1913, No. 352, §56. Historical editor's Note: See § 1-24.

⁵¹⁵ 2023 Recodification of current Article III – Part 1. In General, §1-176. Derived from Sp. Laws 1913, No. 352, §57. Historical Editor's Note: See also § 1-78.

(3) Board of Commissioners and Treasurer in Third Taxing District⁵¹⁶. At the election for the choice of City and town officers in 1913, there shall be elected in the Third Ward by the electors of the Third Taxing District three Commissioners for the terms of office of two, four, and six years, respectively, who shall hold office for the terms and until their successors are elected and qualified, and there shall be elected a Treasurer of the Taxing District⁵¹⁷ who shall hold office for the term of two years and until a successor is elected and qualified. Biennially thereafter there shall be elected in the Third Taxing District by the electors of the district, a Commissioner who shall hold office for the term of six years and until a successor is elected and qualified, and a Treasurer of the Third Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

Commented [S77]: Moved from Article III.

D. Vacancies in Elected Offices of the First, Second, Third or Sixth Taxing Districts⁵¹⁸. If a vacancy occurs in any elected office of the First, Second, Third or Sixth Taxing District of the City, the vacancy shall be filled by the Commissioners of the district in which the same occurs.

Commented [S78]: Moved from Article III.

E. Extensions and exclusions of taxing districts⁵¹⁹.

(1) Authority of the Council to Extend Limits of the Fourth Taxing District⁵²⁰. The Common Council is empowered to extend the limits of the Fourth Taxing District to include any part or parts of the Fourth or Fifth Wards of the City. Notice of such proposed action by the Council shall be given by publication thereof, at least ten days prior to any such meeting, in a newspaper published in the City, which notice shall describe the territory so to be included. If the territory of the Fourth or Fifth Wards to be included in the extension of the limits of the Fourth Taxing District shall be connected by sewer or sewers with the Fourth Taxing District, such extension may be made at the will of the Council after notice as aforesaid. In case the territory so to be included shall not be connected by sewer or sewers with the Fourth Taxing District, the limits of the Fourth Taxing District shall not be extended by the Council to include such proposed additional territory unless a petition for such extension and inclusion, signed by a majority of the electors of the City residing in the territory so to be included, shall be filed with the City Clerk of the City .

⁵¹⁶ 2023 Recodification of current Article III – Part 1. In General, §1-177. Derived from Sp. Laws 1913, No. 352, §58. Historical Editor's Note: For further provisions see § 1-117 supra.

⁵¹⁷ Historical Editor's Note: The Third Taxing District is meant.

⁵¹⁸ 2023 Recodification of current Article III – Part 1. In General, §1-174. Derived from Sp. Laws 1913, No. 352, § 55; Sp. Laws 1915, No. 367, § 2; Sp. Laws 1921, No. 334, § 3; Sp. Laws 1969, No. 186, No. 283, § 3; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: (1) This §1-174 was amended pursuant to the court decision in the First Taxing District et al v. City of Norwalk case; and, (2) Editor's Note: Approved by the electorate at the general election held 11-7-1978..

⁵¹⁹ 2023 Recodification of current Article II, Part 1. General, §1-17. Derived from Sp. Laws 1913, No. 352, § 4; Sp. Laws 1929, No. 82, § 2; Sp. Laws 1949, No. 399.

⁵²⁰ 2023 Recodification of current Article II, Part 1. General, §1-17 (First paragraph).

(2) Authority of the Council to Exclude Territory from the Fourth Taxing District⁵²¹. The Common Council is empowered to exclude from the Fourth Taxing District any territory of the Fourth and Fifth Wards of the City , if such territory shall not be connected by sewer or sewers of the Fourth Taxing District. Notice of such proposed action by the Council shall be given by publication thereof, at least ten (10) days prior to such meeting, in a newspaper published in the City , which notice shall describe the territory so to be excluded.

F. Proportioning of former expenses and burdens⁵²². All inhabitants and property within the limits of the Fifth Taxing District shall be liable to the burdens and expenses heretofore borne by the Town of Norwalk and herein imposed upon the City by this act to the same extent as they would be liable if the burdens, expenses, duties, and powers had not been transferred from the Town of Norwalk to the City, and in addition thereto, for the expenses of the Board of Health, and the salaries of all elective officials of the City, and the clerical and incidental expenses of their respective offices, except the Commissioners and Treasurer elected in the First, Second, and Third Taxing Districts of the City . All expense of permanent improvement of the highways in the Fourth Taxing District, including paving and the care of the same, shall be borne by the Fourth Taxing District. All other burdens and expenses of the City shall be met by taxes levied upon the inhabitants and property within the limits of the Fourth Taxing District, and it shall be the duty of the assessors to indicate in the completed list of the City, and by separate lists, the property and amount thereof taxable in each of the several taxing districts herein created, and the money derived from the taxation of the inhabitants and property of each of the aforesaid taxing districts shall not be used for any other purpose than to defray the burdens and expenses of such taxing districts as herein imposed.

G. Fiscal year and annual meeting of First, Second and Third Taxing Districts⁵²³. The fiscal year⁵²⁴ of the First Taxing District, of the Second Taxing District and of the Third Taxing District, respectively, of the City of Norwalk shall begin on the first (1st) day of January and terminate on the last day of December. Beginning in the year 1956, the annual meeting of each of the districts shall be held on the first (1st) Wednesday of March, and notice of each such meeting shall be given in the same manner as is provided in the Charter of the City.

H. Repeal of inconsistent, former provisions⁵²⁵. Any provisions of §§ 1-23, 1-77 or 1-116⁵²⁶ of an act, approved June 6, 1913, entitled "An Act consolidating the Town of Norwalk with the Cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk," inconsistent with the provisions of this act, is [are] repealed.

⁵²¹ 2023 Recodification of current Article II, Part 1. General, §1-17 (Second paragraph).

⁵²² 2023 Recodification of current Article II, Part 1. General, §1-18. Derived from Sp. Laws 1913, No. 352, §10; Sp. Laws 1915, No. 367, §1.

⁵²³ 2023 Recodification of current Article II, Part 1. General, §1-19. Derived from Sp. Laws 1937, No. 283, §1; Sp. Laws 1939, No. 183; Sp. Laws 1945, No. 265, §§ 1, 2; Sp. Laws 1955, No. 438, §1.

⁵²⁴ Historical Editor's Note: See also, § 1-289.

⁵²⁵ 2023 Recodification of current Article II, Part 1. General, §1-20. Derived from Sp. Laws 1937, No. 283, §2.

⁵²⁶ Editor's Note: See § 1-23; § 1-77; § 1-116.

I. Appropriation and acquisition of land for parking⁵²⁷. To relieve congestion on the highways of the First, Second and Third Taxing Districts of the City of Norwalk, the taxing districts are authorized to acquire, by lease, deed or gift, such real estate in the districts as to the Commissioners of the districts shall appear necessary to provide suitable spaces or places for the parking of automobiles and other vehicles, and¹²⁻ to make any necessary appropriation of funds for such purposes. In the event that the districts, acting through their the Commissioners, shall be unable to agree with any property owners whose land shall be deemed necessary for such parking spaces or places, on the price to be paid therefor, the Commissioners, for and in the name of the districts, may acquire the same by condemnation proceedings, in which case the districts shall follow the same procedure for acquiring the land as is prescribed and set forth in this Charter to be followed by the First and Second Districts for the acquisition of land for the uses of the water department of the First and Second Districts.

J. Vacancies in Elective Offices of the First, Second, Third or Sixth Taxing Districts⁵²⁸. If a vacancy occurs in any elective office of the First, Second, Third or Sixth Taxing District of the City , such vacancy shall be filled by the Commissioners of the district in which the same occurs.

Commented [S79]: Move to Taxing District Article.

⁵²⁷ 2023 Recodification of current Article II, Part 1. General, §1-21. Derived from Sp. Laws 1941, No. 445; Sp. Laws 1959, No. 93.

⁵²⁸ 2023 Recodification of current Article III – Part 1. In General, §1-174. Derived from Sp. Laws 1913, No. 352, § 55; Sp. Laws 1915, No. 367, § 2; Sp. Laws 1921, No. 334, § 3; Sp. Laws 1969, No. 186, No. 283, § 3; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978. Historical Editor's Note: (1) This ~~§1-174~~ was amended pursuant to the court decision in the First Taxing District et al v. City of Norwalk case; and, (2) Editor's Note: Approved by the electorate at the general election held 11-7-1978..

§12-2. Powers of the Common Council⁵²⁹.

The Council shall have power for the following purposes:

A. to authorize the Mayor, upon the vote of the Council, to borrow in the name of the City, and upon the responsibility of the Fourth or Fifth District, as the case may be, for the purpose of paying the running expenses of the City, money in anticipation of the collection of taxes⁵³⁰;

B. to define, designate and specify additional territory situated in the Fourth or Fifth Wards of the City to be included at any time hereafter in the Fourth Taxing District thereof; to regulate the construction, erection and maintenance of billboards, advertising signs and other structures; to establish building lines beyond which no building, step, stoop, veranda, billboard, advertising sign or other structure may be erected⁵³¹;

C. to maintain an efficient police force in the Fourth Taxing District at the expense of the district;

D. to protect the City from fire; to maintain a Fire Department in the Fourth Taxing District and to provide apparatus therefor;

E. to purchase necessary fire engines, hose carriages, horses, and other fire apparatus at the expense of the Fourth District; to make rules and regulations for the safekeeping and preservation of all apparatus connected with and used by the Fire Departments;

F. to provide for the collection, removal, and disposal of garbage, ashes, and refuse in the Fourth Taxing District at the expense of the district;

⁵²⁹ 2023 Recodification of current Article IV. The Common Council. §1-189 (Items (1) – (56). Derived from Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3. Historical editor's Note: (1) See §§ **1-200** to **1-202** for power to borrow money. (2) Editor's Note: A resolution adopted 10-10-1989 reads as follows: Whereas Article **IV**, § **1-189**, of the Code of the City of Norwalk authorizes the Common Council "to establish building lines beyond which no building, step, stoop, veranda, billboard, advertising sign or other structure may be erected," and over time the Council has established such setbacks; and Whereas these setbacks are in conflict with those that are established by the Zoning Regulations, the following resolution is recommended: Resolved by the Common Council that all building setback lines established by the Common Council are hereby repealed and the setback lines as defined in the Zoning Regulations, as amended, be adopted; and Be it further resolved that all structures that conform to the Council setback lines as they exist on this date are declared to be conforming and may be rebuilt in accordance with the Council setback should they be damaged by accident or natural disaster; and (3) See Art. **XV**, Streets, Sidewalks and Building Lines; Ch. **101**, Streets and Sidewalks.

⁵³⁰ Historical editor's Note: (1) See §§ **1-200** to **1-202** for power to borrow money.

⁵³¹ (2) Editor's Note: A resolution adopted 10-10-1989 reads as follows: Whereas Article **IV**, § **1-189**, of the Code of the City of Norwalk authorizes the Common Council "to establish building lines beyond which no building, step, stoop, veranda, billboard, advertising sign or other structure may be erected," and over time the Council has established such setbacks; and Whereas these setbacks are in conflict with those that are established by the Zoning Regulations, the following resolution is recommended: Resolved by the Common Council that all building setback lines established by the Common Council are hereby repealed and the setback lines as defined in the Zoning Regulations, as amended, be adopted; and Be it further resolved that all structures that conform to the Council setback lines as they exist on this date are declared to be conforming and may be rebuilt in accordance with the Council setback should they be damaged by accident or natural disaster.

§12-3. Powers of the Council: Public Lighting⁵³².

The Common Council shall have and exercise general supervision over the public lighting of streets, highways, sidewalks and public grounds within the limits of the entire City. The schedule of public lighting hours and the kind, size and capacity of lamps to be used for supplying such public lighting in the First, Second, Third and Sixth Districts shall be arranged or contracted for, as may be required, by the District Commissioners of such several districts, subject to the approval of the Council. The cost of public lighting shall be met by taxes levied upon the inhabitants and property within the limits of the First Taxing District in the following manner: the inhabitants and property within the limits of the First Taxing District shall be taxed for and such First Taxing District shall pay the cost of the public lighting within such First District; the inhabitants and property within the limits of the Second Taxing District shall be taxed for and such Second Taxing District shall pay the cost of the public lighting within such Second Taxing District; the inhabitants within the limits of the Third Taxing District shall be taxed for and such Third Taxing District shall pay the cost of the public lighting within such Third Taxing District, and the inhabitants within the limits of the Sixth Taxing District shall be taxed for and such Sixth Taxing District shall pay the cost of the public lighting within such Sixth Taxing District. In the event that the First Taxing District or Sixth Taxing District shall, at any time, neglect or fail to light the streets, highways, sidewalks and public grounds within the limits of such respective districts, the Council shall arrange and contract for the lighting thereof, and the expense of such lighting shall be borne by the district within which the Council shall furnish such public lighting and shall be paid for by taxes levied for such purpose on the inhabitants and property within the limits of such district. The inhabitants and property outside the limits of the First Taxing District, the Second Taxing District, the Third Taxing District and the Sixth Taxing District shall pay the cost of the public lighting outside the taxing districts.

§12-4. Powers of the Council: Paving Streets in the Fourth Taxing District⁵³³.

The Council shall have power, whenever specific appropriations are made therefor, to pave any street or highway in the Fourth Taxing District of the City at the expense of the district, or may assess not to exceed 1/4 of such expense of paving each of the streets, except the intersections thereof with other streets or parts of streets so paved, upon the persons whose property abuts upon such street or part of street upon one side thereof, and 1/4 of such expense upon the persons whose property abuts upon such street or part of street upon the other side thereof, in such amounts as shall, in the judgment of the Council, be proportionate to the benefits accruing to the property from the work, and the Council shall estimate and assess, in the manner herein provided, the particular amount of such expense to be paid by every person, designating the land belonging to each person assessed which will be so benefited. Before the Council shall undertake any such improvement to be followed by an assessment of benefits it shall give notice to all persons in interest, as provided in §1-439, in cases of layouts or highways, of a hearing as to the

⁵³² 2023 Recodification of current Article XV, Part 1. General, §1-428. Derived from Sp. Laws 1957, No. 527. Historical editor's Note: See Ch. 86, Public Lighting, *supra*..

⁵³³ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-441. Derived from Sp. Laws 1913, No. 352, §116. Historical Editor's Note: For Fourth Taxing District see Art. II. . Historical editor's Note: See Ch. 101, Streets and Sidewalks.

public necessity of such proposed improvement, and at such hearing shall submit an estimate of the cost of such work. If after such hearing the Council shall determine to proceed with the contemplated work and to make thereon assessment of benefits and damages such assessment shall be made in the manner provided in §1-439, so far as the same shall apply. All persons aggrieved by the assessment so made by the Council shall have the right to appeal in the manner provided by §1-440, provided no property assessed under this section shall be again assessed for a similar purpose for a period of ten (10) years from the date of the first (1st) assessment.

§12-5. Powers of the Council: Designation of Courses, width, height and level of sidewalks and gutters in the Fourth Taxing District⁵³⁴.

The Council shall have power, as public necessity and convenience may require, to designate the course, width, height, and level of all sidewalks and gutters in and upon the streets and highways of the Fourth Taxing District of the City, and may, at the expense of the City, lay out, construct, raise, flag, or make in a suitable manner any crosswalk in the Fourth Taxing District of the City. The Council may order the owner or owners of the lands and buildings fronting on sidewalks to repair or make such sidewalks on their several frontages according to the course, width, height, and level designated as aforesaid, to flag, concrete, or pave the same in such manner as the Council shall direct, and to provide such safeguards thereon as public safety shall require, and may limit such time as may be deemed reasonable for the carrying out of any such order, notice of which shall be given by leaving a true and attested copy of such order personally with or at the place of abode of such owner within five days after the passage of same; and if such owner be a nonresident of the City, a true and attested copy of the order deposited in the post office in the City, postage paid, addressed to owner at the owner's place of residence, if the same be known, and a like true and attested copy left with the owner's agent or the person having charge of such property or occupying the same shall be a legal notice to such owner. A statement of the width height, courses, and levels, certified to by the City Engineer (u) shall be kept on file in the office of the Clerk, and whenever any sidewalk has been laid by order of the Council, in accordance with the grade established and recorded as prescribed and it is deemed necessary by the Council at any time within ten (10) years thereafter, to alter the grade or relay the sidewalk, such alteration or relaying shall be done at the expense of the City, provided, where such an alteration, change of grade, or relaying of any sidewalk is made necessary by the alterations of any street line, the expense thereof shall be borne by the City, and provided the provisions of this section shall extend and apply to sidewalks already made, paved, concreted, and flagged in accordance with the orders of the Council.

⁵³⁴ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-442. Derived from Sp. Laws 1913, No. 352, §126. Historical Editor's Note: See §1-363.
. Historical editor's Note: See Ch. 101, Streets and Sidewalks.

§12-6. Care and Maintenance of Sewer Systems; continuance of former Municipality Police and Fire Departments⁵³⁵.

Commented [S80]: 042723

The City at the expense of the Fourth Taxing District shall care for and maintain the sewer systems of the First, Second, and Third Districts, and the ordinances, by-laws, rules, and regulations of the several districts respecting the sewers shall continue in force until the City shall repeal or alter the same. The City shall maintain the Police and Fire Departments existing at the passage of this provision of the Charter the Cities of Norwalk and South Norwalk, and the Fire Department of the East Norwalk Fire District, as provided by the charters of the cities, and under the ordinances, by-laws, rules, and regulations of the former municipalities, until the same are modified or revoked by the Council and until under authority of this act the City shall establish and maintain a police force and a fire department for the Fourth District. The members of the Police and Fire Departments at the passage of this provision of the Charter shall remain members of the respective Police and Fire Departments as the same are maintained by the City under the provisions of this section and shall hold office until removed by the Council.

§12-7. Maintenance of Garbage Disposal Plant⁵³⁶.

Commented [S81]: 042723

The City shall maintain the garbage-disposal plant of the Second Taxing District at the expense of the district until the City shall establish and maintain a like plant for the Fourth District.

§12-8. Building Lines in Fourth Taxing District; and removal of buildings⁵³⁷.

Commented [S82]: 042723

The Council shall have power to designate a line or lines on the land adjoining any highway or street in the Fourth Taxing District of the City between which line or lines and the highway or street no building or part thereof, not any stoop or part thereof, shall be erected.^[1] Any person violating either provision of this section shall be fined not more than \$100. Any building erected in violation of the provisions of this section may be removed by order of the Council at the owner's expense.

§12-9. First Taxing District.

⁵³⁵ 2023 Recodification of current Article I - General. §1-12. Derived from Sp. Laws 1913, No. 352, §44. Historical Editor's Note: For sewers and sewage disposal see Art. XVI, of Charter; and Ch. 94. As to sewer assessments refer to the appendix, Part III. For Police Department, see also, Art. VIII. For Fire Department, see also, Art. IX, and Ch. 41, Fire Department.

⁵³⁶ 2023 Recodification of current Article I - General. §1-13. Derived from Sp. Laws 1913, No. 352, §45. Historical Editor's Note: See §§ 1-625 through 631 of the "Bond Issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts" book. Copies kept in the offices of the City Clerk and Town Clerk and in the Finance Department.

⁵³⁷ 2023 Recodification of current Article I - General. §1-15. Derived Sp. Laws 1913, No. 352, § 140. Historical Editor's Note: See § 1-439, for Council procedure in designating building lines.

A. Body Politic and Corporate; Rights and Liabilities⁵³⁸. All electors of this state dwelling within the territorial limits of the First Taxing District are hereby constituted a body politic and corporate by the name of the First Taxing District of the City of Norwalk, and by that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling and conveying any estate, real or personal, and of having a common seal, and as such corporation shall succeed to and possess all the property, both real and personal, of the City of Norwalk and all the rights, powers, franchises, privileges and immunities heretofore granted to the City of Norwalk and the Water Commissioners of the City in relation to the taking of water, the construction, maintenance and operation of waterworks, and supplying water for the use of the City of Norwalk and the inhabitants thereof, and any other persons or corporations, and all property, rights and interests heretofore acquired by the City of Norwalk or the Water Commissioners of the City for the purpose of supplying water as aforesaid, and the same are hereby vested and confirmed in the First Taxing District. The First Taxing District is hereby authorized to manage, operate and control the water system, with the same authority, rights and liabilities, and in the same manner as the former City of Norwalk, and, except as herein otherwise provided, to care for, maintain and keep in repair all estate, both real and personal, which the district may acquire, to sell and convey any of the property, and property held by the former city in trust excepted, and apply the proceeds to the reduction of the indebtedness of the district. The First Taxing District shall succeed to and possess all the rights and privileges heretofore possessed by the City of Norwalk in respect to the public library of the City, and shall continue to support and maintain the same. All the inhabitants and property within the limits of the First Taxing District shall be liable to taxation to defray any burdens, expenses and liabilities of the former City of Norwalk at the passage of this act and such other liabilities as the taxing district may incur under the provisions of this act. The First Taxing District is hereby authorized to use the water of any stream, lake or pond in whole or in part within the limits of the Towns of Norwalk, Weston, New Canaan, Wilton and Ridgefield, to hold, convey and distribute such water to the persons and corporations whom it may supply by means of any necessary reservoirs, pipes, aqueducts, pumps and other suitable works, in such quantities as the necessities of the district may require, to take and hold any lands, property or privileges, and to exercise any powers that may be necessary or convenient for the district in order that a satisfactory supply of water may be obtained, and the same stored and distributed to the persons and corporations the district may supply. To the extent not already provided by law, the First Taxing District is authorized to use the water from any subsurface body of water within the limits of the towns in order that a satisfactory supply of water may be obtained. In addition to any rights, franchises, privileges and immunities granted hereunder, the First Taxing District is hereby authorized to supply water to any person or corporation within or without the geographical limits of the district.

B. Purpose and holding of annual and special meetings⁵³⁹. The annual meeting of the electors residing in the taxing district shall be held on the third (3rd)

⁵³⁸ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-22. Derived from Sp. Laws 1913, No. 352, § 11; Public Act 1972, No. 277, § 1; amendment approved 11-5-1985. Historical Editor's Note: For authority of First Taxing District as to the acquisition of land for parking purposes, refer to § 1-21. As to taxing districts in general, see Art. II. See also Ch. 5, Special Acts.

⁵³⁹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-23. Derived from Sp. Laws 1913, No. 352,

Wednesday of November⁵⁴⁰ for the purpose of hearing the reports of the Commissioners of the district, making annual appropriations, and action on such matters as may be properly brought before the meeting. Notice of the time and place of the meeting shall be given by the Board of Commissioners by publishing in a newspaper having a circulation in the district at least ten (10) days before the meeting, which notice shall set forth all matters to be considered at such meeting. The Commissioners shall deliver the proposed budgets for the district and the Water Department to the office of the District Clerk and make them available for public inspection at least one week before the annual meeting. Special meetings of the district may be called in like manner by the Board, and shall be called upon written petition of twenty-five electors of the district, to consider and act upon the matters set forth in the notice and petition. No appropriation or expenditure of money may be authorized at a special meeting unless announcement of the proposed appropriation or expenditure is made in the published notice of the meeting and the amount authorized is equal to or less than the amount appearing in the notice. In addition, no authorization at a special meeting to appropriate or expend more than \$25,000 shall be valid or final until ratified by a majority of electors present at a second special meeting called for the purpose of ratifying the authorization. The second (2nd) special meeting shall be called by the Board of Commissioners and held within thirty days of the meeting at which the authorization was first made.

C. Board of Commissioners and Treasurer in First Taxing District⁵⁴¹. At the election for the choice of City and town officers in 1913, there shall be elected in the First Ward by the electors of the First Taxing District three Commissioners for the terms of office of two, four and six years, respectively, who shall hold office for the terms and until their successors are elected and qualified and there shall be elected a Treasurer of the First Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. Biennially thereafter there shall be elected in the First Ward by the electors of the First Taxing District one Commissioner who shall hold office for the term of six years and until a successor is elected and qualified, and a Treasurer of the First Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

Commented [S83]: Move to Taxing Districts Article. Does this belong here?

D. Board of Commissioners.

(1) Treasurer, Clerk, Mechanics and Laborers⁵⁴². The district shall elect a Board of Commissioners and a Treasurer of the district, all of whom shall be, at the time of their election and throughout their term, electors of the district and domiciled therein, and all of whom shall be sworn to a faithful discharge of their duties, shall hold office as hereinafter provided and shall receive such

⁵⁴⁰ §12; amendment approved 11-5-1985.

⁵⁴¹ Historical *Editor's Note: See also § 1-19.*

⁵⁴¹ 2023 Recodification of current Article III – Part 1. In General, §1-175. Derived from Sp. Laws 1913, No. 352, §56. Historical editor's Note: See § 1-24.

⁵⁴² 2023 Recodification of current Article II, Part 2. First Taxing District, §1-24. Derived from Sp. Laws 1913, No. 352, §13; amendment approved 11-5-1985.

compensation as the district shall determine. The Commissioners shall appoint a Clerk, who shall receive reasonable compensation as determined by the Commissioners⁵⁴³.¹¹ It shall be the duty of the Clerk to keep a record of all transactions of the district and of the Board of Commissioners and discharge such duties as such Board may prescribe. The Commissioners may employ such mechanics and laborers as may be necessary to operate, manage, control and keep in repair the real, personal and mixed estate of the district.

(2) Authorization and Powers of Board of Commissioners⁵⁴⁴. The Commissioners are authorized to purchase and take conveyances in the name of the First Taxing District of all lands, property and privileges necessary or convenient for the purpose of the waterworks of the district; to hold in sufficient quantities the water of any stream, either within or without the district, and in either of the towns as set out in § **1-22** by the construction of suitable dams; to enter upon any lands near such proposed dams and procure earth, stone or other materials for the construction and maintenance thereof; to make suitable wasteways for the surplus water of such streams; to change the location of any road or passway which may be covered by the waters of any reservoirs so formed and take land thereof; to enter upon and use the ground or soil under any railroad, street, private way or public or private grounds; to lay, construct and maintain all necessary pipes, pumps and aqueducts in such manner as least to damage or impede travel thereon; to make contracts for labor and materials for the general purpose of the waterworks; to establish public reservoirs; to erect and maintain hydrants under the direction of the Council of the city; to make rules and regulations regarding the use and distribution of the water and establish the prices to be paid therefor; to collect all water rents and pay the same to the Treasurer of the district; to admit, allow and draw orders on the Treasurer for the payment of all claims against the district on account of the waterworks, including payment of interest on notes issued on account of the works; to attend to the construction, care, supervision and management of the waterworks; to appoint Directors of the public library of the district as vacancies shall occur; to care for, maintain and keep in repair, except as herein otherwise provided, all the property of the district, with power to lease or sell the same or exchange the same for other property; and to execute and deliver on behalf of the district all documents which may be necessary or proper to effectuate any such letting, sale or exchange, delivering the income and proceeds therefrom to the Treasurer of the district and to apply the proceeds therefrom in such manner as the Board may be authorized by the district; and to exercise any powers that may, from time to time, be conferred on them by the district, a majority of the Commissioners shall constitute a quorum for the transaction of business.

⁵⁴³ Historical Editor's Note: See also § **1-175**.

⁵⁴⁴ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-25. Derived from Sp. Laws 1913, No. 352, §14; Sp. Laws 1931, No. 292, §1.

(3) Vacancies⁵⁴⁵. (a) If a vacancy occurs in any elective office of the First Taxing District, such vacancy shall be filled by the Commissioners within sixty (60) days following the occurrence of the vacancy. The Commissioners shall fill the vacancy with an elector of the same political party with which the former incumbent was registered. If the former incumbent was not registered with a political party, then the Commissioners shall fill the vacancy with an unaffiliated elector. Upon failure of the Commissioners to fill the vacancy within the sixty (60) days, the position may be filled with an elector selected by Town Committee members of the party of the former incumbent who reside in the district. If the former incumbent was registered with a party not having a Town Committee, then the position may be filled with an elector selected by a caucus of the registered members of the party who reside in the district. Such appointee shall serve through the remainder of the term of the office left vacant. No Commissioner serving in office may be appointed to fill any vacancy on the Board of Commissioners. The procedure provided under this section shall supersede any vacancy-filling procedure heretofore existing under any special act. (b) The term "political party" or "party," as used in this section, shall mean any political organization whose members appear on the current list or last official list required to be maintained under § 9-66 of the Connecticut General Statutes.

(4) Removal of Officials⁵⁴⁶.

(b) Definitions.

(a) The phrase "formal notice," as used in this section, shall mean receipt by the District Clerk of a written instrument issued by any person having knowledge of the appropriate events attesting to the occurrence of that event.

(ii) The term "official," as used in this section, shall mean any Commissioners or Treasurer of the First Taxing District.

(c) Grounds for removal from office. Any official of the district shall be subject to removal from office upon any of the following grounds:

(i) Conviction of a felony while the official is an official of the district.

(ii) Conviction of a misdemeanor involving misconduct in office while the official holds office in the district.

⁵⁴⁵ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-25.1. Derived from added approved 11-5-1985.

⁵⁴⁶ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-25.2. Derived from added approved 11-5-1985.

(iii) A finding of incapability according to Connecticut General Statutes §45a-650.

(iv) Removal of domicile from the First Taxing District of the City of Norwalk.

Commented [S84]: vacated a domicile

(d) Removal Committee; creation and action.

(i) The Removal Committee shall consist of five (5) electors, excluding Commissioners and the Treasurer of the district, chosen at the annual meeting of the electors. Within thirty days of its election, the Removal Committee shall meet to organize and to elect a Chair, Vice Chair and such other officers as it deems appropriate. The District Clerk shall act as Secretary to the Committee but shall have no vote.

(ii) Within thirty days after receipt of formal notice of the indictment or arrest for a felony, or a misdemeanor involving misconduct in office, or an application for involuntary representation pursuant to C.G.S. §45a-649, or removal of domicile from the First Taxing District of the City of Norwalk of an official of the district, the Committee shall hold a meeting to discuss grounds for suspension or removal as set forth in this section.

Commented [S85]: vacated a domicile

(iii) Notice of all meetings held under this section shall be published in a newspaper having general circulation within the First Taxing District no more than fifteen nor less than five days before the date of each meeting.

(iv) Should the Committee determine that grounds for suspension or removal should be considered or examined, it shall hold a second (2nd) meeting for purposes of such consideration or examination. Written notice of the second (2nd) meeting shall be sent by certified mail to the official who is the subject of the examination to the official's address in the First Taxing District by the Committee not less than five (5) days before the meeting date. The notice shall specify the grounds for suspension and removal; the legal consequences thereof; and the time and place of the meeting. The notice shall further state that the official has a right to be present at the meeting and has a right to be represented by an attorney at the official's own expense.

(v) The Committee shall consider the allegations involving each official so indicted, arrested, subject to incapability hearing or accused of removing his domicile, separate and apart from the

Commented [S86]: vacated a domicile

allegations involving any other official. The Committee shall decide whether there is sufficient evidence based on the facts adduced at the hearing to require suspension of the official: the length of the suspension, if required; and the terms of reinstatement to office. These matters shall be determined by a simple majority vote of the entire Committee.

(vi) Upon a decision by the Committee to suspend an official, the official shall be forthwith suspended from all duties, authority and compensation relating to the official's office until reinstatement. Upon reinstatement, all compensation due the official that would have earned had the official had not been suspended shall become due and payable. No term of office shall be extended by any action of the Committee.

(vii) Within ten days of receipt of formal notice of a plea of guilty, an entry of a plea of nolo contendere or verdict finding the official guilty of a felony or misdemeanor involving misconduct in office or upon a finding by court of competent jurisdiction that the official is incapable of managing affairs of office or is deemed a protected person pursuant to C.G.S. §45a-650 or upon a finding by the Special Committee that the official has removed his or her domicile from the First Taxing District of the City of Norwalk, the Committee shall declare the office of the official vacant and so notify the official. After the vacancy has been declared, it shall be filled as provided in this Charter.

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(viii) Within seven days of receipt of notice of a verdict finding the official not guilty or upon the entering of a nolle prosequi by the state's Attorney or dismissal of a felony or misdemeanor involving misconduct in office or upon the dismissal of the application to appoint a conservator or similar petition or upon a finding that the official has not removed his or her domicile from the First Taxing District of the City of Norwalk, the Special Committee shall be reconvened by its Chair for the purpose of declaring the suspension revoked and the official reinstated to office.

Commented [S88]: vacated a domicile

(ix) The Committee may hold as many meetings as it deems appropriate during its consideration of grounds for suspension or removal. The Committee may employ an attorney of its choice, whose reasonable fee shall be paid out of district funds.

(e) Each paragraph, subparagraph and each provision of each paragraph and subparagraph of this section shall be separable, and the invalidity of any portion of any paragraph or subparagraph shall not affect the validity or enforcement of any other portion. Should any provision be

found to be invalid as to any circumstance, such provision shall apply to all other circumstances to which such provision may lawfully apply.

(5) Code of Ethics⁵⁴⁷. Disclosure and use of confidential material. No member of the Board of Commissioners, Treasurer or employee of the district shall improperly disclose confidential information concerning the property, government or affairs of the district, nor shall be knowingly use such information to advance the financial or other private interests of himself or others.

(a) Conflict of interest.

(i) No member of the Board of Commissioners, Treasurer or employee of the district shall participate in hearings, deliberations or decisions connected with holding office, commission or department upon any matter in which the official is directly or indirectly interested in a personal or financial sense.

(ii) No member of the Board of Commissioners, Treasurer or employee of the district shall have any financial interest, direct or indirect, in any contract with the district or in the sale to the district of any supplies, materials, services, land, buildings or equipment unless the official shall have filed with the District Clerk, at least seven days prior to entering upon such contract or selling such item, a written statement setting forth fully the nature and extent of the official's interest therein. To comply with this provision, it shall be the duty of any member of the Board of Commissioners, Treasurer or employee of the district owning stock in a corporation engaged or seeking to be engaged in any financial transaction between such corporation and the district to make a full disclosure of the amount of stock owned by him by filing a written statement thereof with the District Clerk at least seven days prior to the commencement of the financial transaction; provided, however, that such filing shall be unnecessary for shareholders of a publicly held corporation engaged in any of the aforementioned transactions within the district in the usual course of the corporation's business. It shall also be the duty of any member of the Board of Commissioners, Treasurer or employee of the district having any interest in a proprietorship or partnership engaged or seeking to be engaged in any financial transaction between such entity and the district to make a full disclosure of the nature and degree of the official's interest in such entity by filing a written statement thereof with the District Clerk at least seven days prior to the commencement of the financial transaction.

⁵⁴⁷ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-25.3. Derived from added approved 11-5-1985.

(b) Committee of Ethics. The administration of this code shall be charged to the members of the Removal Committee elected at the annual meeting, who shall act as a Committee of Ethics for purposes of this section. Any member of the Committee shall disqualify himself and not participate in Committee functions where a complaint or investigation under this section pertains to any employee or official who is a relative of such Committee member. The principal duties of the Committee of Ethics shall be as follows:

(i) To receive and initiate complaints regarding violations of the code of ethics.

(ii) To conduct investigations and/or hearings regarding alleged violations of this code. In conducting its investigation, the Commission shall have complete access to all necessary and relevant district agencies, officers, officials and employees.

(iii) To transmit the findings of such investigations and/or hearings to the Board of Commissioners, to the district and/or to individuals directly involved.

(iv) To render advisory opinions to the officers, employees, officials and Board of Commissioners or any of its committees pursuant to written request or upon its own initiative.

(c) Responses to the Committee of Ethics. The Board of Commissioners, upon receiving any finding indicating a violation of the code of ethics by the Committee of Ethics, shall, within thirty (30) days, take action on the finding of the Committee and give written notification of such action to the Committee of Ethics.

E. The Waterworks.

(1) Liability for damages of injuries incurred in construction or maintenance of waterworks⁵⁴⁸. The district shall be liable to pay all damages that shall be sustained by any person or corporation by the taking of any land or estate as aforesaid or by the construction or laying of any reservoirs, pipes, pumps, aqueducts or other works for the purposes of the waterworks. If at any time it shall appear that any damage has occurred or may be likely to occur to any person or corporation by reason of taking or using their land or estate for the purposes of the waterworks or in the construction of the waterworks, and the Board or Commissioners cannot agree with the owners of such property or privileges as to

⁵⁴⁸ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-26. Derived from Sp. Laws 1913, No. 352, §15.

the amount of compensation or damages to be paid to them, such compensation or damages may be assessed by three disinterested persons under oath, to be appointed by a Judge of the Superior Court, on application by either party, upon such notice as the Judge shall prescribe. The appraisers shall report their doings and the amount of their assessments to the Superior Court for Fairfield County. The court may set aside such report for any irregular or improper conduct and may appoint another committee, but, if the report is accepted, it shall be recorded, and such assessments shall be a final adjustment of the compensation and damages between the parties, and payment thereof or a deposit of the amount thereof with the Treasurer of the county for the use of such owner shall release the district from liability to further claims for compensation or damages.

(2) Water-rent income and disposal thereof⁵⁴⁹. All income from water rents shall be applied to defraying the current expenses of the waterworks and to paying the principal of and interest on notes, bonds or certificates of indebtedness incurred in relation to the waterworks. If there shall be a surplus, the Commission shall make report thereof to the next annual or special meeting of the district, which may direct the same to be applied to the payment of the principal of or interest on bonds, notes, certificates or other indebtedness of the district or to any other lawful purpose for which the district is authorized to appropriate money.

(3) Taxation⁵⁵⁰. In case the income from water rents is inadequate to meet the current expenses of the waterworks and the interest of the notes, bonds, or certificates, a tax on all property and persons liable to taxation in the district shall be laid to supply such deficiency by the Board of Estimate and Taxation of the city at any meeting called for that purpose upon application of the Board of Commissioners, and the tax shall be collected in the same manner as other city taxes. The Board of Estimate and Taxation may lay and collect taxes for the purpose of paying the debts of the district or any part thereof and of establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of the district for application for the purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the public library of the district to the amount appropriated by the district at any annual or special meeting⁵⁵¹.

(4) Liens and warrants for water rents⁵⁵². Any claim of the district for the use of water, or for rent of hydrants, shall be a lien upon the real estate or property wherein or in connection with which such water was used, or on which such rent was assessed and such lien shall have the same effect as a lien for taxes

⁵⁴⁹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-27. Derived from Sp. Laws 1913, No. 352, §16; Sp. Laws 1957, No. 362.

⁵⁵⁰ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-28. Derived from Sp. Laws 1913, No. 352, §17; Sp. Laws 1921, No. 189, §1.

⁵⁵¹ Historical *Editor's Note: As to appropriations for libraries see Art. XIX.*

⁵⁵² 2023 Recodification of current Article II, Part 2. First Taxing District, §1-29. Derived from Sp. Laws 1913, No. 352, §18; Sp. Laws 1933, No. 340, §1.

under the provisions of the general statutes and shall have precedence over any prior encumbrance on such property except a tax lien. Such lien may be foreclosed by the district before any court having jurisdiction in the same manner as a mortgage may be foreclosed. The Board of District Commissioners shall have power to issue warrants for the collection of all such claims in the form prescribed by law for the collection of taxes, which warrants shall be signed by the Commissioners and directed to the Collector of city taxes, or to some indifferent person named therein, who shall have the same power to levy and collect as have Collectors of town taxes.

(5) Accounts and reports of the Board of Commissioners⁵⁵³. It shall be the duty of the Board of Commissioners to keep a record of its proceedings and an accurate account of its receipts and disbursements appertaining to the waterworks, and a like account of its receipts and disbursements in connection with all other properties of the district, verified by proper vouchers, which accounts shall be open at all reasonable times to inspection by any taxpayer of the district. The Board shall annually render to the district a statement of the accounts, which shall be sworn to by a majority of the Commissioners and recorded in the records of the district. The Board shall include in its annual report a statement of its doings, and a general statement of the condition of the waterworks and the property of the district, with an estimate of all sums required for the works and other purposes of the district, and a detailed statement of all claims outstanding against the district. The Treasurer of the district shall render annually to the district a statement of the Treasurer's account as a part of the report of the Board of Commissioners, and the Treasurer shall render at all times such statements and reports as the district may require.

(6) Supplying water to any person or corporation⁵⁵⁴. The Board of Commissioners may, with the consent of the district, supply water from the waterworks of the district to person or corporation.

(7) Unlawful destruction of waterwork property; violations and penalties⁵⁵⁵. Any person who shall willfully injure the water of any reservoir, aqueduct, hydrant, pipe, pump, or other portion of the waterworks, or destroy or injure any portion of such works, or any material or property used in connection therewith, shall be fined not more than \$500 or imprisoned not more than one year, or both. Such district shall have power to enact by-laws at any annual or special meeting imposing penalties and forfeitures for the violation of any of the rules and regulations of the Board of Commissioners of the district, provided such penalties

⁵⁵³ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-30. Derived from Sp. Laws 1913, No. 352, §19.

⁵⁵⁴ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-31. Derived from Sp. Laws 1913, No. 352, §20.

⁵⁵⁵ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-32. Derived from Sp. Laws 1913, No. 352, §21.

or forfeitures shall not exceed \$20 for each offense. The by-laws shall not become effective until published in a newspaper having a circulation in the district.

(8) Authorization of New Canaan Water Company and First Taxing District as to the purchase and selling of water⁵⁵⁶. The New Canaan Water Company is authorized to purchase water from or to sell water to the First Taxing District of the City of Norwalk. The First Taxing District of the City of Norwalk is authorized to purchase water from or sell water to the New Canaan Water Company.

(9) Federal Social Security System⁵⁵⁷. Section 3 Number 408 of the Public Acts of 1955 is inapplicable to the First Taxing District of the City of Norwalk so far as the section may prevent the taxing district from participating in the Federal Old Age and Survivor's Insurance System while the taxing district is participating in the Connecticut Municipal Employees' Retirement Fund.

F. Authorization to Issue Bonds: The Waterworks.

(1) Authorization to issue bonds, notes and other certificates of indebtedness and purpose; funding and refunding bond issue of 1917⁵⁵⁸. The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or other certificates of indebtedness, to an amount not exceeding two hundred fifty thousand (\$250,000) dollars for the purpose of funding any floating debt of the district, refunding at their maturity any bonds, notes or other certificates of indebtedness issued by the district or by the former City of Norwalk or providing moneys to pay any expenses incurred in increasing and extending the water supply or system of the district.

(a) Funding and refunding bond issue of 1917; details⁵⁵⁹. The district, at a special meeting called for that purpose, shall determine the several and aggregate amounts of such bonds, notes or other certificates which may be issued for any of the foregoing purposes, the annual rate of interest, the time and place of payment of the principal and interest, the dates and times of issue and maturity of the same, the manner in which such bonds, notes or other certificates shall be issued and the person or persons by whom such bonds, notes or other certificates shall be executed, sold and delivered for and in behalf of the district.

⁵⁵⁶ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-33. Derived from Sp. Laws 1947, No. 432, §§ 1, 2.

⁵⁵⁷ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-34. Derived from Sp. Laws 1955, No. 40.

⁵⁵⁸ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-35. Derived from Sp. Laws 1917, No. 337, §1.

⁵⁵⁹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-36. Derived from Sp. Laws 1917, No. 337, §2.

(b) Funding and refunding bond issue of 1917; obligation⁵⁶⁰.

Such bonds, notes or other certificates, when executed and delivered by the district, or its officers duly authorized, shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same, provided the bonds, notes or other certificates issued to provide moneys for the increase of the water supply or system shall not exceed in amount \$250,000.

(c) Funding and refunding bond issue of 1917; limitation⁵⁶¹.

No bonds shall be so issued under the provisions of this act¹¹ as to permit the net bonded indebtedness of the district at any time to exceed 5% of the grand list of the district as the same may be compiled for the year of such issue, provided in computing the debt limitation, bonds issued or to be issued for the construction or maintenance of municipal waterworks or lighting plants shall not be included.

(2) Authorization to issue bonds, notes or certificates of indebtedness; water refunding bond issue of 1929⁵⁶².

The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or certificates of indebtedness to an amount not exceeding three hundred-fifty thousand (\$350,000) dollars, in coupon form or otherwise and registered or not registered, bearing interest at a rate not greater than five percent per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be serial in form, payable in substantially equal annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period not more than forty (40) years from their date. It may be stipulated therein that the principal and interest shall be payable in gold coin of the present standard of weight and fineness. The proceeds of such bonds shall be used for refunding two hundred thousand (\$200,000) dollars of City of Norwalk refunding gold bonds maturing July 1, 1929, for reimbursing the district sinking fund, the sum of forty-six thousand (\$46,000) dollars advanced therefrom for the payment of forty-six thousand (\$46,000) dollars of City of Norwalk water bonds which matured June 1, 1928, and one hundred four thousand (\$104,000) dollars for payment of water department floating debt and extensions, enlargements and improvements of the water system of the district.

(a) Water refunding bond issue of 1929; details⁵⁶³. The district, at any meeting called for that purpose, shall determine, subject to

⁵⁶⁰ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-37. Derived from Sp. Laws 1917, No. 337, §3.

⁵⁶¹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-38. Derived from Sp. Laws 1917, No. 337, §4. **Historical Editor's Note: §§ 1-35 to 1-38.**

⁵⁶² 2023 Recodification of current Article II, Part 2. First Taxing District, §1-39. Derived from Sp. Laws 1929, No. 220, §1.

⁵⁶³ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-40. Derived from Sp. Laws 1929, No. 220, §2.

the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

(b) **Water refunding bond issue of 1929; payment provisions⁵⁶⁴.** The district shall, at the time of authorizing such bonds, provide for the payment thereof in accordance with the provisions of §1-39 and, when a vote to that effect shall have been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating the waterworks and interest as it accrues on such bonds and other water debt of the district and to make such payments on the principal as may be required under § 1-39 to § 1-43, shall be assessed upon the district annually until the debt incurred by such bonds shall be paid.

(c) **§ 1-42. Water refunding bond issue of 1929; obligations of district⁵⁶⁵.** Such bonds, when executed and delivered, shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

(d) **§ 1-43. Water refunding bond issue of 1929; issuance for water purposes⁵⁶⁶.** Such bonds shall be deemed to be issued for water purposes and to be outside all statutory debt limits.

(3) **Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1931⁵⁶⁷.** The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or certificates of indebtedness to an amount not exceeding forty thousand (\$40,000) dollars in coupon form or otherwise, and registered or not registered, bearing interest at a rate not greater than five percent per annum, payable semiannually, which bonds shall be sold at not less than per and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than twenty years from their date. It may be stipulated therein that the principal and interest may be payable in gold coin of the present standard of weight and fineness. The proceeds of such bonds shall be used for the payment of lands acquired by the First Taxing District, in condemnation proceedings for

⁵⁶⁴ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-41. Derived from Sp. Laws 1929, No. 220, §3.

⁵⁶⁵ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-42. Derived from Sp. Laws 1929, No. 220, §4.

⁵⁶⁶ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-43. Derived from Sp. Laws 1929, No. 220, §6.

⁵⁶⁷ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-44. Derived from Sp. Laws 1931, No. 237, §1.

water purposes, and for extensions, enlargements and improvements of the water system of the district.

(a) **Water bond issue of 1931; details**⁵⁶⁸. The district, at any meeting called for that purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

(b) **Water bond issue of 1931; obligations**⁵⁶⁹. Such bonds, notes or certificates of indebtedness, when executed and delivered, shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

(4) **Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1933**⁵⁷⁰. The First Taxing District of the City of Norwalk is authorized to issue, without vote of its electors, but by and through the action of the Commissioners and the Treasurer of the district, bonds, notes or certificates of indebtedness to an amount not exceeding one hundred forty thousand (\$140,000) dollars, in coupon form or otherwise, and registered or not registered, bearing interest at a rate not greater than six percent per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two years from date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than twenty years from their date. The proceeds of such bonds shall be used for the payment for lands and rights-of-way to be acquired by the district for water purposes, by condemnation proceedings or otherwise, and for extensions, reinforcements, enlargements and improvements of the water system of the district. Such bonds may be issued from time to time and nothing herein contained shall require the whole amount of such bonds to be issued or prevent their issuance in amount less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each such loan shall be payable in annual installments and within the period of time specified herein from its date.

⁵⁶⁸ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-45. Derived from Sp. Laws 1931, No. 237, §2.

⁵⁶⁹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-46. Derived from Sp. Laws 1931, No. 237, §3.

⁵⁷⁰ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-54. Derived from Sp. Laws 1933, No. 383, §1.

(a) **Water bond issue of 1933; details**⁵⁷¹. The Commissioners and Treasurer of the district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the annual rate of interest and other particulars of the form of such bonds and the manner of issuance not determined hereby.

(b) **Water bond issue of 1933; payment provisions**⁵⁷². The district, by its Commissioners, shall, at the time of authorizing such bonds, provide for the payment thereof in accordance with the provisions of § **1-54**, and, when a vote to that effect shall have been passed, a sum which, with income derived from water rates, will be sufficient to pay the annual expense of operating the waterworks and interest as it accrues on such bonds and other water debt of the district and to make such payments on the principal as may be required under § **1-54** to § **1-58**, shall be assessed upon the district annually until the debt incurred by such bonds shall be paid.

(c) **Water bond issue of 1933; obligations**⁵⁷³. Such bonds, when executed and delivered, shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

(d) **Water bond issue of 1933; issuance**⁵⁷⁴. Such bonds shall be deemed to be issued for water purposes and to be exempt from any limitations imposed by Statute.

(5) **Bond issue of 1945 for extending and enlarging waterworks system; authorization**⁵⁷⁵. The electors of the First Taxing District of the City of Norwalk having, on September 19, 1944, authorized the issuance of bonds in an amount not to exceed \$750,000 for the purpose of financing the construction of a dam and reservoir in the Town of New Canaan, and suitable connections to the dam and reservoir, as a part of the waterworks system of the district, the district is authorized to issue, without a further vote of its electors, bonds of the district in an amount not exceeding seven hundred fifty thousand (\$750,000) dollars for the purpose of extending and enlarging the waterworks system of the district by constructing, installing, erecting and completing a dam and reservoir in the Town of New Canaan, and suitable connections to the dam and reservoir as part of the waterworks system of the district, including the acquisition of any and all real estate

⁵⁷¹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-55. Derived from Sp. Laws 1933, No. 383, §2.

⁵⁷² 2023 Recodification of current Article II, Part 2. First Taxing District, §1-56. Derived from Sp. Laws 1933, No. 383, §3.

⁵⁷³ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-57. Derived from Sp. Laws 1933, No. 383, §4.

⁵⁷⁴ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-58. Derived from Sp. Laws 1933, No. 383, §5.

⁵⁷⁵ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-59. Derived from Sp. Laws 1945, No. 91, §1.

and flowage or other rights therein necessary or suitable for such purpose. The bonds shall be issued in the name of the First Taxing District of the City of Norwalk and shall be signed by the Commissioners of the district and by the Treasurer of the district. The bonds shall bear interest at a rate not exceeding four percent per annum, and shall be payable, as to principal, serially in annual installments commencing four years from the date of the bonds in amounts as follows: five thousand (\$5,000) dollar bonds in each of the first three years, fifteen thousand (\$15,000) dollar bonds in the fourth year, twenty thousand (\$20,000) dollar bonds in each of the fifth and sixth years, twenty-five thousand (\$25,000) dollar bonds in each of the seventh and eighth years, thirty thousand (\$30,000) dollar bonds in each of the ninth through fourteenth years, thirty-five thousand (\$35,000) dollar bonds in each of the fifteenth through eighteenth years, forty thousand (\$40,000) dollar bonds in each of the nineteenth through twenty-second years and fifty thousand (\$50,000) dollar bonds in each of the twenty-third through twenty-fifth years, of such maturities. The bonds shall be authorized by a resolution to be adopted by the Commissioners of the district and shall be sold in such manner as the Commissioners shall determine, at either public or private sale, but none of the bonds shall be sold for less than the par value thereof and accrued interest to date of delivery. In the event that less than the total amount of bonds authorized to be issued shall be sold at any one time, the Commissioners shall, by resolution, designate the particular bonds of the maturities aforesaid which shall be sold at any one time.

(a) **Bond issue of 1945; payment provisions⁵⁷⁶.** The bonds shall be payable, both principal and interest, from the revenues derived from the operation of the waterworks system of the district, and if such revenues are insufficient for that purpose, taxes shall be levied upon all the taxable property of the district without limitation as to rate or amount, sufficient for the payment of the principal of and interest on the bonds.

(b) **Bond issue of 1945; fixing water rates⁵⁷⁷.** The Commissioners of the district are authorized to fix rates for water which shall be sufficient for the maintenance and operation of the water system of the district and the payment of the principal of and interest on the indebtedness of the district, including the bonds.

(c) **Bond issue of 1945; obligations of district⁵⁷⁸.** The bonds when executed and delivered, shall be the general obligations of the district and obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

⁵⁷⁶ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-60. Derived from Sp. Laws 1945, No. 91, §2.

⁵⁷⁷ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-61. Derived from Sp. Laws 1945, No. 91, §3.

⁵⁷⁸ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-62. Derived from Sp. Laws 1945, No. 91, §4.

(d) **Bond issue of 1945; issuance for water purposes**⁵⁷⁹. The bonds shall be deemed to be issued for water purposes and shall be exempt from any limitation of indebtedness imposed by statute.

(e) **Bond issue of 1945; authority and repeal of conflicts**⁵⁸⁰. §§ **1-59** to **1-64** shall constitute full and complete authority for the issuance of the bonds, and all acts or parts of acts in conflict herewith are hereby declared inoperative so far as in conflict herewith.

(6) **Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1951**⁵⁸¹. The First Taxing District of the City of Norwalk, acting through the Commissioners and Treasurer of the district, is authorized to issue, upon approval by the electors of the district at a meeting of the district, bonds, notes or certificates of indebtedness of the district to an amount not exceeding one hundred seventy-five thousand (\$175,000) dollars, in coupon form, or otherwise, with privilege of registration and reconversion into coupon form, bearing interest at a rate or rates not greater than six percent per annum, payable semiannually, which bonds, notes or certificates of indebtedness shall be sold at not less than par and accrued interest and shall be in serial form payable in substantially equal installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than fifteen years from their date. The proceeds of such bonds, notes, or certificates of indebtedness shall be used for the cost of lands and rights-of-way to be acquired by the district for water purposes, by condemnation proceedings or otherwise and for extensions, additional installations, reinforcements, enlargements and improvements of the water system of the district. Such bonds, notes, or certificates of indebtedness may be issued from time to time, and nothing herein contained shall require the whole amount of such bonds, notes or certificates of indebtedness to be issued or prevent their issuance in amounts less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each loan shall be payable in annual installments and within the period of time specified from the date of issue.

(a) **Water bond issue of 1951; details**⁵⁸². The Commissioners and Treasurer of the district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds, notes or certificates of indebtedness, and the annual rate of interest and other

⁵⁷⁹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-63. Derived from Sp. Laws 1945, No. 91, §5.

⁵⁸⁰ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-64. Derived from Sp. Laws 1945, No. 91, §6.

⁵⁸¹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-65. Derived from Sp. Laws 1951, No. 108, §1.

⁵⁸² 2023 Recodification of current Article II, Part 2. First Taxing District, §1-66. Derived from Sp. Laws 1951, No. 108, §2.

particulars of the form of such bonds, notes or certificates of indebtedness and the manner of issuance not determined hereby.

(b) **§ 1-67. Water bond issue of 1951; notes for water; payment provisions**⁵⁸³. The Commissioners of the district are authorized to fix rates for water which shall be sufficient for the maintenance and operation of the water system of the district and the payment of the principal of and interest on the indebtedness of the district, including the obligations authorized hereby. The bonds, notes or certificates of indebtedness authorized shall be general obligations of the district, and for the payment of principal of and interest on the bonds, notes or certificates of indebtedness, taxes may be levied upon all of the taxable property in the district without limitation as to rate or amount; provided, to the extent revenues derived from the operation of the water system of the district are available, sufficient for the payment of the principal of and interest on the bonds, notes or certificates of indebtedness when the same become due, it shall not be necessary that taxes be levied for that purpose.

(c) **§ 1-68. Water bond issue of 1951; obligations**⁵⁸⁴. Such bonds, notes or certificates of indebtedness, when executed and delivered shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

(d) **§ 1-69. Water bond issue of 1951; issuance for water purposes**⁵⁸⁵. Such bonds, notes or certificates of indebtedness shall be deemed to be issued for water purposes and to be exempt from any limitations imposed by statute.

(7) **Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1955**⁵⁸⁶. The First Taxing District of the City of Norwalk, acting through the Commissioners and Treasurer of the district, is authorized to issue, upon approval by the electors of the district at a meeting of the district, bonds, notes or certificates of indebtedness of the district, to an amount not exceeding two hundred fifty thousand (\$250,000) dollars, in coupon form, or otherwise, with privilege of registration and reconversion into coupon form, bearing interest at a rate or rates not greater than six (6%) percent per annum, payable semiannually, which bonds, notes or certificates of indebtedness shall be sold at not less than par and accrued interest and shall be in serial form payable in

⁵⁸³ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-67. Derived from Sp. Laws 1951, No. 108, §3.

⁵⁸⁴ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-68. Derived from Sp. Laws 1951, No. 108, §4.

⁵⁸⁵ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-69. Derived from Sp. Laws 1951, No. 108, §5.

⁵⁸⁶ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-70. Derived from Sp. Laws 1955, No. 136, §1.

substantially equal installments beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than fifteen years from their date. The proceeds of such bonds, notes or certificates of indebtedness shall be used for the cost of lands and rights-of-way to be acquired by the district for water purposes, by condemnation proceedings or otherwise and for extensions, additional installations, reinforcements, enlargements and improvements of the water system of the district. Such bonds, notes or certificates of indebtedness may be issued from time to time, and nothing herein contained shall require the whole amount of such bonds, notes or certificates of indebtedness to be issued or prevent their issuance in amounts less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each loan shall be payable in annual installments and within the period of time specified from the date of issue.

(a) **Water bond issue of 1955; details**⁵⁸⁷. The Commissioners and Treasurer of the district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds, notes or certificates of indebtedness, and the annual rate of interest and other particulars of the form of such bonds, notes or certificates of indebtedness and the manner of issuance not determined thereby.

(b) **Water bond issue of 1955; notes; payment provisions**⁵⁸⁸. The Commissioners of the district are authorized to fix rates for water which shall be sufficient for the maintenance and operation of the water system of the district and the payment of the principal of and interest on the indebtedness of the district, including the obligations authorized hereby. The bonds, notes or certificates of indebtedness authorized hereby shall be general obligations of the district, and for the payment of principal of and interest on the bonds, notes or certificates of indebtedness, taxes may be levied upon all of the taxable property in the district without limitation as to rate or amount, provided, to the extent revenues derived from the operation of the water system of the district are available, sufficient for the payment of the principal of and interest on the bonds, notes or certificates of indebtedness when the same become due, it shall not be necessary that taxes be levied for that purpose.

(c) **Water bond issue of 1955; obligations**⁵⁸⁹. Such bonds, notes or certificates of indebtedness when executed and delivered shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

⁵⁸⁷ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-71. Derived from Sp. Laws 1955, No. 136,

§2.

⁵⁸⁸ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-72. Derived from Sp. Laws 1955, No. 136,

§3.

⁵⁸⁹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-73. Derived from Sp. Laws 1955, No. 136,

§4.

(d) **Water bond issue of 1955; issuance for water purposes**⁵⁹⁰. Such bonds, notes or certificates of indebtedness shall be deemed to be issued for water purposes and to be exempt from any limitations imposed by statute.

G. Authorization to Issue Bonds: Paving Refunding.

(1) **Authorization to issue bonds, notes or certificates of indebtedness; paving refunding bond issue of 1931**⁵⁹¹. The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or certificates of indebtedness to an amount not exceeding forty thousand (\$40,000) dollars, in coupon form or otherwise and registered or not registered, bearing interest at a rate not greater than five percent per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than fifteen years from their date. It may be stipulated therein that the principal and interest may be payable in gold coin of the present standard of weight and fineness. The proceeds of such bonds shall be used for refunding paving bonds in the amount of forty thousand (\$40,000) dollars, due July 1, 1931.

(a) **Paving refunding bond issue of 1931; details**⁵⁹². The district, at any meeting called for that purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

(b) **Paving refunding bond issue of 1931; obligations**⁵⁹³. Such bonds, notes or certificates of indebtedness, when executed and delivered, shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

(c) **Paving refunding bond issue of 1931; limitations**⁵⁹⁴. The amount of bonds issued the provisions of § 1-47 to § 1-50, together with the amount of the aggregate outstanding indebtedness of the consolidated town and city, the area of which consolidated town and city is occupied in

⁵⁹⁰ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-74. Derived from Sp. Laws 1955, No. 136, §5.

⁵⁹¹ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-47. Derived from Sp. Laws 1931, No. 238, §1.

⁵⁹² 2023 Recodification of current Article II, Part 2. First Taxing District, §1-48. Derived from Sp. Laws 1931, No. 238, §2.

⁵⁹³ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-49. Derived from Sp. Laws 1931, No. 238, §3.

⁵⁹⁴ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-50. Derived from Sp. Laws 1931, No. 238, §4.

part by the First Taxing District and of each independent and dependent political or territorial division or subdivision coterminous with or within the consolidated town and city, shall not exceed, exclusive of the amount of bonds issued for the supply of water, gas or electricity or the construction of subways or underground conduits for cables, wires and pipes and exclusive of the value of bonds, notes and other intangible assets placed in the sinking fund of the consolidated town and city and placed in the sinking fund of each such political or territorial division or subdivision, 5% of the last completed grand list of the consolidated town and city as "grand list" is defined in §470 of the General Statutes.

H. Authorization to Issue Bonds: Firehouse Bond Issue.

(1) Fire house bond issue of 1933; purpose⁵⁹⁵. A new fire house and appurtenances in the First Taxing District of the City of Norwalk in substitution for the present leased buildings of the former City of Norwalk used as fire houses by the present City of Norwalk is declared to be of public convenience and necessity.

(a) Authority to erect and construct firehouse⁵⁹⁶. The Commissioners of the First Taxing District of the City of Norwalk are authorized to erect and construct a fire house and appurtenances in the district, and the powers of the former City of Norwalk for that purpose are continued and vested in the First Taxing District and its Commissioners, any provisions in the laws or charter of the present City of Norwalk notwithstanding, until the fire house and appurtenances herein provided for shall be acquired and taken over by the City of Norwalk or a Fourth Taxing District thereof, if the same shall be authorized.

(b) Fire house bond issue of 1933; authorization and details⁵⁹⁷. For the purposes aforesaid, the First Taxing District of the City of Norwalk by its Commissioners is authorized to borrow in the name of the district not exceeding the sum of sixty-five thousand (\$65,000) dollars and to issue bonds or other evidences of indebtedness therefor. Such bonds shall be designated "Fire House Bonds," shall be in coupon form or otherwise and registered or not registered, bearing interest at a rate not greater than six (6%) percent per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two (2) years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than fifteen (15) years from their date. The district, at any meeting called for that

⁵⁹⁵ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-51. Derived from Sp. Laws 1933, No. 382, §1.

⁵⁹⁶ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-52. Derived from Sp. Laws 1933, No. 382, §2.

⁵⁹⁷ 2023 Recodification of current Article II, Part 2. First Taxing District, §1-53. Derived from Sp. Laws 1933, No. 382, §3.

purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

§12-10. Second Taxing District⁵⁹⁸.

A. Body Politic and Corporation; Rights and Liabilities⁵⁹⁹. All electors of this state dwelling within the territorial limits of the Second Taxing District are hereby constituted a body politic and corporate by the name of the "Second Taxing District of the City of Norwalk" and, by that name, shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling and conveying any estate, real or personal, and of having a common seal, and as such corporation shall succeed to and possess all the property, both real and personal, of the City of South Norwalk, together with all the rights, powers, franchises, privileges and immunities heretofore granted to the City of South Norwalk and to the Water Commissioners of the City in relation to the taking of water, the construction, maintenance and operation of waterworks and supplying water for the use of the City of South Norwalk and the inhabitants thereof and any other persons or corporation as the Second Taxing District shall determine, together with all property, rights and interest hereto acquired by the City or the Water Commissioners of the City for the purpose of supplying water as aforesaid and all the rights, privileges and powers the City has acquired by virtue of having complied with the requirements of §2 of Chapter CCXXXI of the Public Acts of 1893 and all property acquired by the City as a part of its electric light and power plant and all of the property, rights, powers, franchises, privileges and immunities are hereby vested in and confirmed to the Second Taxing District. The Second Taxing District is hereby authorized to manage, operate and control the water system and electric light plant with the same authority, rights and liabilities and in the same manner as the City of South Norwalk, whether within the limits of the Second Taxing District or beyond, and, except as herein otherwise provided, to care for, maintain and to keep in repair all estate, both real and personal, which the district may possess wherever located and to sell and convey any of the property, any property held by the City in trust excepted, and apply the proceeds to the reduction of the indebtedness of the district only. The Second Taxing District shall succeed to and possess all the rights and privileges heretofore possessed by the City of South Norwalk in respect to the public library of the City and shall continue to support and maintain the same. The District Commissioners shall have the authority to provide for public library services by the lease of District property and/or by contracting with the City of Norwalk or other qualified library service entity; provided no lease or contract shall be executed unless the District Commissioners conduct a duly noticed public hearing prior to the execution of any such lease or contract.

⁵⁹⁸ Editor's Note: See § 121 for authority of Second Taxing District as to appropriations for parking purposes. For taxing districts in general, see Art. II.

⁵⁹⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-75. Derived from Sp. Laws 1913, No. 352, § 22; Charter Amendment 11-8-1983; Charter Amendment 11-4-2003, effective 12-4-2003.

B. Expenses, liabilities, powers, privileges, duties with regard to the supply and distribution of water and electricity⁶⁰⁰. All the inhabitants and property within the limits of the Second Taxing District shall be liable to taxation by the city to defray the burdens, expenses and liabilities of all kinds existing against the former City of South Norwalk at the passage of this act and such liabilities as the taxing district may become liable for under the provisions of this act.

The Second Taxing District is hereby authorized to use the water of any stream, lake or pond, either surface or subsurface, in whole or in part, within the limits of the towns named in an act entitled "An Act to Provide a Supply of Pure and Wholesome Water to the City of South Norwalk," approved July 22, 1874, and, with the restrictions expressed in the act, to hold, convey and distribute such water to the persons and corporations whom it may supply by means of any necessary reservoirs, pipes, aqueducts, pumps and other suitable works, in such quantities as the necessities of the district may require; to purchase water from, sell water to or exchange water with any other community, public or private water company, as may be necessary or advisable; to take and hold any lands, property or privileges; and to exercise any powers, including the power of eminent domain, that may be necessary or convenient for the district in order that a satisfactory supply of water may be obtained and the same stored and distributed to the persons and corporations the district may supply; and in like manner, the district may take and hold any lands, property or privileges and to exercise any power, including the power of eminent domain, necessary for the district in order to maintain an adequate supply and for appropriate installations for and transmission of electric power to the persons and corporations the district may supply.

C. Board of Commissioners, Board of Electrical Commissioners and Treasurer in Second Taxing District⁶⁰¹. At the election for the choice of City and town officers in 1913, there shall be elected in the Second Ward by the electors of the Second Taxing District three Commissioners for the terms of office of two, four, and six years, respectively, who shall hold office for the terms and until their successors are elected and qualified, and there shall be elected in the Second Ward by the electors of the Second Taxing District three members of the Board of Electrical Commissioners, which members shall hold office for the terms of two, four and six years, respectively, and until their successors are elected and qualified, and there shall be elected a Treasurer of the Second Taxing District who shall hold office for a term of two years and until a successor is elected and qualified. Biennially thereafter there shall be elected in the Second Taxing District one Commissioner and one member of the Board of Electrical Commissioners, each of whom shall hold office for the term of six years and until a successor is elected and qualified, and a Treasurer of the Second Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

Commented [S89]: Move to Taxing Districts Article

⁶⁰⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-76. Derived from Sp. Laws 1913, No. 352, §23; Charter Amendment 11-8-1983.

⁶⁰¹ 2023 Recodification of current Article III – Part 1. In General, §1-176. Derived from Sp. Laws 1913, No. 352, §57. Historical Editor's Note: See also § 1-78.

D. Authorization of the Board of Commissioners⁶⁰². The District Commissioners are hereby authorized to purchase and take conveyances in the name of the Second Taxing District of all lands, property and privileges necessary or convenient for the purposes of this act; to hold in sufficient quantities the water of any stream, either within or without the district, and in either of the towns as set out in § 1-76, by the construction of suitable dams; to enter upon any lands near such proposed dams and procure earth, stone or other material for the construction and maintenance thereof and to make suitable wasteways for the surplus water of such streams; to change the location of any road or pathway which may be covered by the waters of any reservoirs so formed and to take land therefor; to enter upon and make use of the ground or soil under any railroad, street, private way or public or private grounds; to lay, construct and maintain all necessary pipes, pumps and aqueducts in such manner as least to damage or impede travel thereon; to make contracts for labor and materials for the general purpose of the waterworks; to establish public reservoirs; to erect and maintain hydrants under the direction of the Council of the city; to make rules and regulations regarding the use and distribution of the water and establish the prices to be paid therefor; to collect all water rents and pay the same to the Treasurer of the district; to admit, allow and draw orders on the Treasurer for the payment of all claims against the district on account of the waterworks, including payment of interest on notes and bonds issued on account of such works; to attend to the construction, care, supervision and management of the waterworks; to appoint Directors of the public library of the district as vacancies in the Board shall occur; to care for, maintain and keep in repair, except as herein otherwise provided, all the property of the district, with the power to lease or sell the same, delivering the income and proceeds of such sales to the Treasurer of the district and to apply the proceeds therefrom in such manner as the District Commissioners may be authorized by the district; and to exercise any powers that may from time to time be conferred upon them by the district. A majority of the Commissioners shall constitute a quorum for the transaction of any of the business of the Board.

E. Ordinance procedure⁶⁰³. The Second Taxing District may enact, modify, amend or repeal ordinances which it deems necessary to operate the district, including such rules, regulations, policies and procedures it deems necessary to define and govern the powers, duties, responsibilities, administration and operations of the district; provided, however, no ordinance, inconsistent with the scope of the district's power, duties and responsibilities, as specified in the District Charter, Special Acts of the Legislature or the Connecticut General Statutes shall be enacted.

Ordinances shall be enacted, altered or repealed, by a majority vote of the electors present and voting, at a special, regular or annual meeting of the district electors, duly noticed and warned for that purpose. Ordinances so enacted shall become effective fifteen (15) days after publication in a daily paper of circulation in the City of Norwalk.

⁶⁰² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79. Derived from Sp. Laws 1913, No. 352, §26.

⁶⁰³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-76.A. No citation re – derivation.

Ordinances shall be proposed by a majority vote of the District Commissioners, at a regular or special meeting of the Commission, or by written petition of at least ten (10%) percent of the electors of the district, as determined by the then current list of electors. A petition for ordinance shall include the proposed ordinance, or a summary of the proposed ordinance, prepared by the District Clerk, where the full text of the proposed ordinance has been filed with the Clerk, by an elector of the district, in which case the Clerk shall make available the full text of the proposed ordinance to any person requesting a copy. The District Clerk shall, upon receipt of a petition, verify that each petitioner is an elector and that ten (10%) percent of the electors have signed a valid petition. After certification of a valid petition, the district clerk shall forward the petition for ordinance to the District Commissioners.

When a valid proposed ordinance is before the district either through electors' petition or an action of the District Commission, the Commissioners will schedule an electors' meeting to act on the proposed ordinance within thirty (30) days. The electors' meeting shall be noticed and warned in a daily paper of circulation in the City of Norwalk at least ten (10) days before the meeting.

F. Meetings⁶⁰⁴. The notice of the time, place and agenda of all meetings of the electors residing in the taxing district shall be given by the Board of Commissioners by publishing in a newspaper having a circulation in the district at least ten (10) days before the meeting.

The notice of the time, place and agenda of all regular and special meetings of commissions, boards or committees of the district shall be published in a newspaper having a circulation in the district at least twenty-four (24) hours before the meeting. In the case of an emergency, a special meeting may be held without the notice specified by this section, provided the minutes of such emergency meeting adequately sets forth the nature of the emergency and the business transacted at such meeting, and the minutes shall be filed with the District Clerk not later than seventy-two (72) hours following the holding of the emergency meeting.

The Board of District Commissioners shall file with the Clerk of the district, by December 31, a schedule of the regular meeting of the Board for the ensuing year. All meetings of the Board not filed as a regular meeting shall be considered a special meeting.

All meetings, notices, agendas, record of meetings and procedures shall comply with the requirements and provisions of the Connecticut General Statutes, as amended, in addition to the requirements included herein.

The annual meeting of the electors residing in the taxing district shall be held on the third (3rd) Tuesday of November for the purpose of hearing the reports of the

⁶⁰⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-77. Derived from Sp. Laws 1913, No. 352, § 24; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.

Commissioners of the district and acting on such matters as may properly be brought before the meeting. Special meetings of the electors of the district may be called by the Board and shall be called upon written petition of at least ten (10%) percent of the electors of the district as determined by the then current list of electors maintained by the Registrar of Voters of the City of Norwalk to consider and act upon the matters set forth in such notice of petition. The right of electors to vote at all district meetings shall be determined by the then current voting list so maintained. The notice and agenda of all meetings of the district and its commissions, boards and committees and all notifications and postings of the District Clerk shall be posted on a public meeting board outside the office of the district.

Not fewer than fifteen (15) electors of the district shall constitute a quorum for the transaction of business at any meeting of the district, and, if fifteen (15) electors are not present at such meeting, any District Commissioner, or the District Clerk, shall adjourn the meeting to a time and place certain. At any meeting of the district where a quorum is present, the meeting may be adjourned to a time and place certain by a majority vote of the electors present and voting. Any such adjourned meeting, which is rescheduled shall be warned and noticed in a newspaper having circulation in the district, at least five (5) days before the rescheduled meeting. A copy of the notice of adjournment, including the time, date and place of the adjourned meeting, shall be conspicuously posted on or near the door of the place where the regular or special meeting was held, within twenty-four (24) hours after the time of adjournment.

G. Board of Commissioners and Treasurer. The district shall elect a seven-member Board of District Commissioners, who shall also serve as Water Commissioners and Electrical Commissioners, and a Treasurer of the district, all of whom shall be, at the time of their election and throughout their term, electors of the district and domiciled therein; and all of whom shall be sworn to a faithful discharge of their duties, shall hold their office as hereinafter provided and shall receive such compensation as the district determine at each annual meeting.

(1) Clerk; Personnel⁶⁰⁵. The Commissioners shall appoint a Clerk, who shall receive reasonable compensation as determined by the Commissioners. It shall be the duty of the Clerk to keep a record of all the transactions and meetings of the district and all of its commissions, boards and committees and discharge such duties as the Commission may prescribe or as prescribed by ordinances of the district. The District Clerk shall perform all duties as prescribed in the General Statutes to be performed by the Clerk of the municipality, or the Clerk of the district, or the Clerk as to the extent such specific statutes are applicable to the district. The District Clerk, for the purpose of keeping a record of meetings, may designate assistant(s) to assist with the discharge of the duties of the Clerk.

⁶⁰⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(a). Derived from Sp. Laws 1913, No. 352, § 25; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.

(2) **Meetings**⁶⁰⁶. All meetings of the district shall be electronically recorded, and suitable means to electronically record all meetings shall be provided by the clerk.

(3) **Legal Counsel**⁶⁰⁷. The Commissioners shall appoint District Legal Counsel, who shall serve as sole legal counsel to the district and all of its commissions, elected officials, district officers, agencies, boards, water and electric utilities and other operations. District Legal Counsel shall be appointed for a one-year term commencing each July 1. However, the Commissioners may replace District Legal Counsel at their discretion during a term. District Legal Counsel shall advise the district and all of its commissions, elected officials, district officers, agencies boards, water and electric utilities and other operations, on all matters of law, pertaining to their respective offices and/or duties. The Commissioners may also make specific appointments of special legal counsel as necessary, to provide specialized legal counsel at the recommendation of District Legal Counsel or on their own motion.

(4) **Personnel**⁶⁰⁸. The Commissioners may employ such personnel as may be reasonably necessary to manage, operate, control and keep in repair the real, personal and mixed estate of the district.

(5) **Power Akin to Selectmen**⁶⁰⁹. The Commissioners, with regard to all of the affairs of the district shall have all the powers and discharge all the duties as given to and required of Selectmen of towns as set forth in §7-12 of the General Statutes, as amended, and shall be generally responsible for the conduct of the affairs of the district.

(6) **Duties Akin to the Board of Electrical Commissioners**⁶¹⁰. The Board of Commissioners shall have all the powers and the duties of the Board of Electrical Commissioners as set forth in Connecticut General Statutes Chapter 101, §§7-213 through and including 7-233hh and with respect to the Waste Department Chapter 102, §§7-234 through and including 7-244a, as amended, except where those sections are inconsistent with this Charter.

(7) **Term of Office**⁶¹¹. The Board of District Commissions shall appoint for terms of three years each two (2) members of the Norwalk Public Library Board, in accordance with Chapter 87 of the Code of the City of Norwalk, Connecticut. The members shall, at the time of their appointment and throughout their terms be electors of the Second Taxing District and be domiciled therein.

⁶⁰⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(b).

⁶⁰⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(c).

⁶⁰⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(d).

⁶⁰⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(e).

⁶¹⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(f).

⁶¹¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(g). Derived from Sp. Laws 1913, No. 352, § 25; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995

(8) Chairperson and Vice Chairperson⁶¹². The Board of District Commissioners shall elect from their members a Chairperson and a Vice Chairperson who will serve for a period of two years from the date of election by the Board of Commissioners at the first meeting after each regular biennial municipal election in November of the odd numbered years, in the following manner:

(a) At the first meeting of the Board of District Commissioners, after the combination of the Board of Electrical Commissioners and the Board of District Commissioners, and the election of a seventh commissioner, as provided in § **1-78A**, on or before January 31, 2004, the Board of District Commissioners shall elect from its members one person to serve as Chairperson and one person to serve as Vice Chairperson until the first meeting of the District Commissioners after the regular biennial municipal election in November, 2005 or until successors have been duly elected and qualified.

(b) Thereafter, at the first meeting of the Board of District Commissioners after the regular biennial municipal election, the Board shall select a person to act as Chairperson and one person to serve as Vice Chairperson from among its members for a term of two years or until successors have been duly elected and qualified.

The Chairperson shall preside at all meetings of the electors and Board of District Commissioners; present a report of the condition and operations of the District at the annual meeting; present a report on the proposed budget at the annual budget meeting; cause to be called all regular and special meetings of the electors and Board of District Commissioners; set the agenda for all meetings of the electors and Board of District Commissioners after the consultation with the Vice Chairperson; appoint such committees and/or subcommittees of the Board of District Commissioners as may be required or desirable from time to time; perform all of the duties incident to the office and which are required by law; and perform such duties and functions as the electors or Board of District Commissioners may assign from time to time. The Chairperson shall call a special meeting of the electors or Commissioners upon written petition by a majority of the Board of Commissioners, which petition shall include the agenda for such meeting. During the absence or incapacity of the Chairperson, the Vice Chairperson shall preside over meetings and shall perform the duties of the Chairperson.

(9) Election of District Commissioners⁶¹³.

⁶¹² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78(h).

⁶¹³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78A. Derived from Charter Amendment 11-4-2003, effective 12-4-2003.

(a) The members of the Board of Electrical Commissioners in office on December 1, 2003, shall be combined with the members of Board of District Commissioner in office on December 1, 2003, to form a six-member Board of District Commissioners. Each Commissioner shall remain in office for the remainder of their current six-year elected term and until their successor is elected at a regular biennial municipal election. The six-member Board of Commissioners shall call on or before January 31, 2004, a special elector's meeting for the purpose of electing a seventh (7th) Commissioner. The seventh (7th) Commissioner shall be elected by the electors of the District at duly warned and noticed meeting with due regard for §9-167a of the Connecticut General Statutes, Minority Representation, until a successor is elected for a six (6) year term at the regular biennial municipal election of city and town officers of 2005⁶¹⁴.

Commented [S90]: Electrical Commissioners?

(b) **Method of election: 2005**⁶¹⁵. At the regular biennial municipal election in 2005, three persons shall be elected as members of the Board of District Commissioners for a term of six years, or until their successors are duly elected and qualified. Thereafter, three members of the Board will be elected every six years.

(c) **Method of Election: 2007 and 2009**⁶¹⁶. At the regular biennial municipal election in 2007 and 2009, two persons shall be elected as members of the Board of District Commissioners for a term of six years, or until their successors are duly elected and qualified. Thereafter, two members of the Board will be elected every six years.

H. Duties of the Treasurer⁶¹⁷. The Second Taxing District shall elect a District Treasurer, who shall perform the following duties:

(1) Maintain the financial records and accounts of the General Second Taxing District Government, and approve all payments from the General Second Taxing District accounts to be made by the District Commissioners⁶¹⁸.

(2) Periodically, but not less than annually, review records and accounts of the Second Taxing District General Government, including the cash receipts and disbursements of each, and report to the electors at the annual meeting the results of such examination⁶¹⁹.

(3) Periodically, but not less than annually, review records and accounts of the Second Taxing District Electric Water Departments, including the cash

⁶¹⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78A.1.

⁶¹⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78A.2(a).

⁶¹⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78A.2(b).

⁶¹⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B. Derived from Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.

⁶¹⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.1

⁶¹⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.2

receipts and disbursements of each, and report to the electors at the annual meeting the results of such examination⁶²⁰.

(4) Coordinate with the auditors during the auditing process, and review the final audit report, prior to its presentation to the electors, at the annual meeting of the Second Taxing District. At the annual meeting, report on the financial condition of the Second Taxing District; and make any recommendations to the electors concerning the accounts and operations of the finances of the district deemed appropriate by the Treasurer⁶²¹.

(5) Perform such other duties customarily performed by the Treasurers of municipalities in appropriate cases, and as may be assigned from time to time by the electors at the annual meeting or at a special meeting called for that purpose⁶²².

(6) In the event that a district tax shall be necessary, the Treasurer shall certify the financial condition of the district and the amount to be raised by taxation to the District Commissioners and to the Norwalk Board of Estimate and Taxation⁶²³.

(7) Execute such certifications as may be required by law or for the management of the financial affairs of the Second Taxing District⁶²⁴.

Any provisions of the Charter of the Second District which require the Treasurer to directly and personally receive the funds raised by taxation or otherwise by the district, or to receive monies collected by the Water Department or the Electric Department are superseded by this section.

I. Removal of Elected Officials⁶²⁵.

(1) **Grounds for Removal⁶²⁶.** Grounds for removal from elected office. Any elected official of the district shall be subject to removal from office upon any of the following grounds:

- (a) Conviction of a felony;
- (b) Conviction of a misdemeanor involving misconduct in office;

⁶²⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.3

⁶²¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.4

⁶²² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.5

⁶²³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.6

⁶²⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-78B.7

⁶²⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79A. Derived from Charter Amendment 11-8-1983.

⁶²⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79A.1a-d.

(c) A finding of incompetency according to Connecticut General Statutes §45a-650;

(d) Removal of domicile from the Second Taxing District of the City of Norwalk.

Commented [S91]: vacated a domicile

(2) **Special Committee; creation and action**⁶²⁷. Within ten days after receipt of formal notice of the indictment or arrest for a felony or a misdemeanor involving misconduct in office or of competency hearing pursuant to C.G.S. §45a-649 or removal of domicile from the Second Taxing District of the City of Norwalk of an elected official of the district, a Special Committee shall be selected by the District Commissioners. The purpose of the Special Committee shall be to consider those matters set forth in Subpart (e) of this Article. In the event the District Commissioners fail to select those electors as members of the Special Committee within the ten day period, the electors, at a special meeting called for that purpose in accordance with § 1-77, shall elect three persons to be members of the Committee.

Commented [S92]: vacated a domicile

(a) The Special Committee shall consist of the following: (i) all elected officials of the District serving in office at the time of formal notice, excluding those elected officials who are the subject of the Special Committee's examination; and (ii) three electors of the district chosen by those District Commissioners serving in office at the time of formal notice, excluding those subject to the Special Committee review. The Special Committee shall continue as so constituted until it takes final action notwithstanding intervening elections.

(b) A meeting of the Special Committee shall be held within thirty days following receipt of the formal notice of indictment, arrest or application for a hearing to determine competency or removal of domicile all as set forth in the opening paragraph of this section. The senior District Commissioner, and, if there be none, the senior Electrical Commissioner, shall preside over the meetings of the Committee. If there are no elected officials eligible to sit on the Committee, a Chair shall be elected from among the members of the Committee. The District Clerk shall act as secretary to the Committee, but shall have no vote.

Commented [S93]: vacated a domicile

(c) The phrase "formal notice," as used in this Article, shall mean receipt by the District Clerk of a written instrument issued by any public official having knowledge of the appropriate events attesting to the occurrence of that event.

(d) Written notice of the meeting of the Special Committee shall be sent by certified mail to the elected official who is the subject of the examination of the official's address in the Second Taxing District or last

⁶²⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79A.2a-i.

known address by the Committee not less than fifteen days before the meeting date. The notice shall specify (i) the nature of the grounds for suspension and removal; (ii) the legal consequences thereof; (iii) the time and place of the meeting. The notice shall further state that the elected official has a right to be present at the meeting and has a right to be represented by an attorney at the official's expense.

Notice of the meeting shall also be given by publication thereof in a newspaper having a general circulation within the Second Taxing District no more than) nor less than seven days before the date of the meeting

(e) The Special Committee shall consider the allegations involving each elected official so indicted, arrested, subject to competency hearing or accused of removing **his domicile**, separate and apart from the allegations involving any other elected official. The Special Committee shall decide (i) whether there is sufficient evidence based on the facts adduced at the hearing to require suspension of the elected official; (ii) the length of the suspension if required; and (iii) the terms of reinstatement to office. These matters shall be determined by a simple majority vote of the entire Special Committee.

(f) Upon a decision by the Special Committee to suspend an elected official, the elected official shall be forthwith suspended from all duties, authority and compensation relating to the official's office until reinstatement. Upon reinstatement, all compensation due the elected official that would have been earned had the official not been suspended shall become due and payable. No term of office shall be extended by any action of the Special Committee.

(g) Within ten days of receipt of formal notice of a plea of guilty, an entry of a plea of nolo contendere or verdict finding the elected official guilty of a felony or misdemeanor involving misconduct in office or upon a finding by court of competent jurisdiction that the official is incapable of managing one's affairs or deemed to be a protected person pursuant to C.G.S. §45a-650 or upon a finding by the Special Committee that the official has removed **his or her domicile** from the Second Taxing District of the City of Norwalk, the Special Committee shall declare the office of the official vacant and so notify the District Commission. The District Commission shall, after receiving the notice, fill the vacancy as provided in §1-174 of this Charter unless within a ten (10) day period after the action of the Special Committee a referendum is requested pursuant to Section A.3 of this Charter.

Commented [S94]: vacated a domicile

(h) Within seven (7) days of a receipt of formal notice of a verdict finding the elected official not guilty or upon the entering of a nolle prosequi by the State's Attorney or dismissal of a felony or misdemeanor involving

misconduct in office or upon the dismissal of the application to appoint a conservator or similar petition or upon a finding that the official has not vacated a domicile in the Second Taxing District of the City of Norwalk, the Special Committee shall be reconvened by its Chair for the purpose of declaring the suspension revoked and the official reinstated to office; the reinstatement to be in accordance with the provisions of Section A.2.

Commented [S95]: vacated a domicile

(3) Electors' right to referendum⁶²⁸. Any provision of the Charter of the Second Taxing District of Norwalk to the contrary notwithstanding, the final action of the Special Committee in declaring an elected official suspended pursuant to Section A.2h or an office vacant pursuant to Section A.2g, unless otherwise provided by the Acts of the General Assembly or Constitution of the State of Connecticut, shall be subject to referendum as set out herein.

(a) The electors of the Second Taxing District may petition for a referendum on any action taken by the Special Committee. The action of the Special Committee shall not be subject to referendum unless a petition in a form similar to that set out in A.3b of this Article and signed by not less than a number of electors equal to ten (10%) percent of the total number of persons entitled to vote at the previous election is filed with the District Clerk within thirty (30) days of the action of the Special Committee. Failure to so file will result in the action of the Special Committee being final for all purposes.

(b) The form of petition shall be substantially as follows:

The undersigned electors of the Second Taxing District of the City of Norwalk hereby request that action of the Special Committee (removing) (suspending) (not removing) (not suspending) (failing to remove/suspend) from the office of be disapproved by means of a referendum election to be held thereon.

(Lines for the signature and addresses of 20 electors shall follow the above)

The undersigned circulator hereby attests that:

1. Each person whose name appears on this page personally signed the same in my presence.
2. Each person whose name appears on this page is either personally known to me or has satisfactorily identified himself to me.
3. I the signatures on this page were obtained no earlier than six (6) months prior to the filing of this petition with

⁶²⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79A.3a-j.

the District Clerk for the Second Taxing District of the
City of Norwalk

I recognize that the above statement is made by me subject
to the penalties of false statement

Signature of Circulator

Date

Name of Circulator

(to be typed or printed)

(c) The District Clerk shall review all petitions returned hereunder
within five (5) days of their receipt by him and shall certify to the District
Commissioners:

(i) The number of validated signatures necessary to equal
the signatures of ten (10%) percent of the electors of the district
entitled to vote at the last election.

(ii) On each page of the petitions the number of valid
signatures.

(iii) The total number of valid signatures.

(iv) Either a. verifying the timely receipt of petitions and that
they are in proper order and contain the necessary number of
signatures; or b. shall so issue a statement that such petitions were
not timely received by him or were not in proper order or contained
less than the necessary number of signatures.

(d) No action upon the decision of the Special Committee shall
be implemented regarding any matter which is subject to referendum until
thirty (30) days shall have passed after the date of the action by the Special
Committee. In the event that the District Clerk issues a statement verifying
the timely receipt of petitions in proper order containing the signatures of
10% of the electors of the district, then no such suspension or vacancy shall
be effective until the referendum election on such action is held and the
action is upheld.

(e) The referendum election shall be held not earlier than thirty
(30) days nor later than forty-five (45) days after the aforesaid verification.

(f) No decision of the Special Committee as set forth above shall
be invalidated unless at the election thereon at least twenty-five (25%)
percent of the electors of the Second Taxing District of the City of Norwalk

cast a written ballot at a special meeting of electors called for that purpose with respect to such action, and a majority thereof disapprove the action. A majority of the vote cast shall decide the referendum.

(g) Every referendum pursuant to this Article and the removal from office of any elected official of the Second Taxing District of the City of Norwalk pursuant thereto shall be binding upon the District Commissioners, the Electrical Commissioners and the Treasurer of the district.

(h) If upon the official determination of the result of the referendum, the suspension or removal of an elected official from office is affirmed by the electors, the District Commission shall forthwith continue the suspension or fill the vacancy created by the action of the Special Committee.

(i) If upon the official determination of the result of the referendum, the suspension or removal of the elected official is disapproved by the electors, then the elected official shall immediately resume the duties and emoluments of office, including compensation for such period of time as has been withheld by reason of the official's suspension. In no way shall any suspension extend the original term of office.

(j) (i) Each paragraph, subparagraph and each provision of each paragraph and subparagraph of this Article shall be separable, and the invalidity of any portion of any paragraph or subparagraph shall not affect the validity or enforcement of any other portion. Should any provision be found to be invalid as to any circumstance, such provision shall apply to all other circumstances to which such provision may lawfully apply.

(ii) Should any provision of this Article conflict with any other provision of any other section of this Article or any other Article of this Charter, the provision of this Section A.3 shall apply, take precedence over and supersede such other provision.

J. Code of Ethics⁶²⁹. The following Code of Ethics shall apply to all elected officials, appointed members of committees ("public officials") and all employees of the Second Taxing District.

(1) A public official or employee shall not participate in any matter in which the public official or employee has a personal or financial interest, nor shall such person participate in any matter in which a business that the person is associated with, or in which a member of the person's immediate family has a personal or financial interest. If the matter is within the public official's or

⁶²⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79B. Derived from Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.

employee's duties and responsibilities, the public official or employee shall disclose the nature of the personal and financial interest, and shall be disqualified from participation in such matter.

(2) A public official or employee shall not participate in any business or transaction, including employment with a private or public business, which is incompatible with the proper discharge of the public official's or employee's duties and responsibilities.

(3) A public official or employee shall not use, directly or indirectly, for personal gain, any confidential information concerning the business of the Second Taxing District, which is obtained solely by virtue of the public position or employment held by such person, and is of such nature that it is not, at the time of the use of such information, a matter of public knowledge or public record, or required to be disclosed to the public by law.

(4) A public official or employee shall not seek, solicit or accept any compensation from any person, firm or corporation which transacts business with the Second Taxing District, or from any person, firm or corporation which has a direct personal or financial interest in any matter pending before any commission, committee or department of the Second Taxing District, or concerning a matter within the official responsibility of the public official or employee.

K. **Ethics Commission**⁶³⁰

(1) Election:

(a) An Ethics Commission consisting of seven electors, no more than four of whom shall be members of the same political party, shall be elected at the annual meeting of the Second Taxing District, each member to serve for a term of one year, commencing upon election at the annual meeting and serving until the next annual meeting. If a vacancy occurs during the one year term, the vacancy shall be filled by the District Commission at a regular or special meeting called for that purpose. The vacancy shall be filled with an elector from the same political party of the vacating member. If the vacating member was not registered with a political party, the vacancy shall be filled with an unaffiliated elector.

(b) The Moderator of the annual meeting shall accept nominations for candidates from the electors of the District, which nominations will not require a second. Each elector so nominated shall affirm on the record their willingness to serve or a written statement signed by the elector of willingness to serve may be provided to the Clerk prior to the nomination. The District Clerk shall prepare a list of the candidates

⁶³⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79C. Derived from Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.

including their official political party affiliation ranked from the highest to the lowest according to the number of votes each receives; when the number of any one political party exceeds four, only candidates of such political party with the highest number of votes up to the limit of four shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest-ranking candidates shall be elected up to the number of seven.

(2) Duties of Commission: The principal duties of the Ethics Commission shall be:

(a) To receive and/or initiate complaints of violations of the Code of Ethics.

(b) To conduct investigations and private hearings on alleged violations with complete access to all necessary and relevant district records, and to obtain the full cooperation of all district agencies, officers, officials and employees in connection therewith.

(c) To transmit the written findings of such hearings and/or investigations to the District Commissioners, the electors and the individual(s) directly involved.

(d) To render advisory opinions to the officer, employees, officials and Commissioners of the district, or any of its committees pursuant to written request or upon its own initiative.

(e) To make recommendations to the district for changes to the Code of Ethics by ordinance.

(3) Procedures: The following procedures shall be followed by the Ethics Commission:

(a) The Commission shall convene only upon:

(i) Written notice from the District Clerk of the receipt of a written ethics complaint by an elector of the district.

(ii) A request for a meeting, containing a statement for the purpose of the meeting, submitted to the District Clerk by at least four members of the Commission.

(iii) Upon the request of the District Commissioners for a specific purpose.

(b) A meeting of the Commission shall convene within seven days after the receipt of the request for a meeting. The Commission shall provide written notice of the date, time and place of the meeting and the nature of the complaint to any person who is the subject of an ethics complaint, or concerning whom an ethics investigation has been requested.

(c) The Commission may interview any persons who have any relevant information, may receive any written documents, including financial information, and may receive any information which they deem appropriate.

(d) Any person who appears before the Commission shall have the right to be represented by an attorney. The Commission shall have the right to seek legal advice from the District Counsel.

(e) All meetings of the Ethics Commission concerning the investigation of a complaint shall be conducted in executive session, convened by two-third (2/3rd) vote of the Commission, for the purpose of a discussion concerning the employment, performance or dismissal of a public officer, or an employee, provided that the individual who is the subject of the investigation may require that the discussion be held at an open meeting.

(f) At the conclusion of each investigation, the Commission shall issue a written report setting forth the purpose of the investigation, its findings and recommendations. If the Commission shall find probable cause of a violation of the Code of Ethics, the Commission shall:

(i) In the case of an elected official, refer the written report to the District Clerk for the initiation of appropriate action in accordance with § 1-79a of the Charter.

(ii) In the case of any other public official, such as a member of a committee, the written report shall be sent to the appointing authority for appropriate action.

(iii) If the person involved is an employee, the written report shall be delivered to the District Commission.

(iv) The individual concerned with the investigation shall be given written notice of the findings and recommendations of the Commission.

(g) A quorum of the Commission shall consist of not less than five (5) members. No finding of probable cause shall be made except upon clear and convincing evidence of a violation of the Code of Ethics, or other

relevant law, and upon the vote of at least five (5) members of the Commission.

L. Vacancies⁶³¹. Whenever any elective officer of the Second Taxing District shall die, resign or remove their residence from the district or, by reason of permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of the office or shall be convicted of malfeasance in office or any infamous crime, or is removed from office as provided in § 1-79A, or when any vacancy shall occur in any elective office from any cause, the Clerk of the district shall give notice of the vacancy and convene a special meeting of the District Commissioners, upon at least ten days' notice of such vacancy.

(1) At the special meeting, the District Commissioners shall declare such office vacant and shall give written notice within seven days of the meeting to the chair of the Town and City Committee of the political party from which the former incumbent was chosen of the existence of the vacancy and that the vacancy is to be filled by an elector selected by the members of the Town and City Committee of the political party of the former incumbent who resides in the Second Taxing District. The members of the Town and City Committee residing in the Second Taxing District shall fill the vacancy with an eligible elector within sixty (60) days of the date on which the District Commissioners declared the office vacant. If the former incumbent was registered with a political party not having a Town Committee, the position may be filled by an elector selected by a caucus of the registered members of the political party, who resides in the district, within sixty (60) days of the date on which the position was declared vacant by the District Commissioners. Written notice of such appointment shall be given by the political party to the District Commissioners, who shall declare such vacancy filled at the next regular or special meeting of the District Commissioners. The appointee, so designated, shall serve through the remainder of the term of the office left vacant.

Commented [S96]: Political Party Appointments

Commented [S97]: Political Party Appointments

(2) Upon the failure of the appropriate Town and City Committee or political party caucus to fill the vacancy with a qualified elector within sixty (60) days of the date on which the position was declared vacant by the District Commissioners, the position shall be filled by the District Commissioners with an eligible elector who is a member of the same political party of the former incumbent and who resides in the Second Taxing District and meets all qualifications for office as set forth below.

(3) If the former incumbent was not registered with a political party, the District Commissioners shall fill the vacancy with an unaffiliated elector, who shall serve until the next municipal election, at which time a person shall be elected to serve through the remainder of the term of the office left vacant.

⁶³¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-79D. Derived from Charter Amendment 11-7-1995, effective 12-7-1995.

(4) The vacancy shall be filled by an elector residing in the Second Taxing District. No Commissioner serving in office may be appointed to fill any vacancy. If the vacancy is filled by the District Commission, no elector who is related by blood or marriage, to wit: spouse, parent, child, sibling or in-law of these degrees of relationship, to a District Commissioner shall be appointed to fill a vacancy on the District Commission.

(5) The term "political party" or "party," as used in this section, shall mean any political organization whose members appear on the current list or last official list required to be maintained under § 9-66 of the Connecticut General Statutes.

I. The Waterworks and Electrical Power.

(1) **Liability for waterwork construction and maintenance**⁶³². The district shall be liable to pay all damages that shall be sustained by any person or corporation by the taking of any land or estate as aforesaid or by the construction or laying of any reservoirs, pipes, pumps, aqueducts or other works for the purposes of the waterworks. If at any time it shall appear that any damage has occurred or may be likely to occur to any person or corporation by reason of taking or using their land or estate for the purposes of this act or in the construction of the waterworks, and the Board of District Commissioners cannot agree with the owners of such property or privilege as to the amount of compensation or damages to be paid to them, such compensation or damages may be assessed by three disinterested persons under oath, to be appointed by a Judge of the Superior Court on application by either party, upon such notice as the Judge shall prescribe. The appraisers shall report their doings and the amount of their assessments to the Superior Court for Fairfield County. The Court may set aside such report for any irregular or improper conduct and may appoint another committee, but if the report is accepted, it shall be recorded, and such assessments shall be a final adjustment of the compensation and damages between the parties, and payment thereof or a deposit of the amount thereof with the Treasurer of the county for the use of such owners shall release the district from liability to further claims for compensation or damages.

(2) **Obligation of the Commissioners**⁶³³. The Commissioners shall recognize at all times, as their primary obligation, the duty to provide a supply of pure and wholesome water to the inhabitants of the Second Taxing District and to provide an adequate supply of electrical power to the inhabitants of the Second Taxing District, both at the lowest, reasonable cost, always considering the long-term needs of the utilities. Any expansion outside the district should be undertaken

⁶³² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-80. Derived from Sp. Laws Sp. Laws 1913, No. 352, §27.

⁶³³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-80A. Derived from Charter Amendment 11-8-1983.

only if it is calculated to benefit the inhabitants of the Second Taxing District and without putting them at unneeded risk or expense.

(3) Budgets and Finance⁶³⁴.

(a) Fiscal year: The fiscal year for the Second Taxing District shall be for a period commencing on July 1 of each year and ending on June 30 of the following year.

(b) Accounts and procedure: The accounting for the funds and operations of the district shall consist of three components: General District Government, Water Department and Electric Department.

The accounting and bookkeeping for each utility shall be maintained separately and distinctly from the accounting and bookkeeping of the taxing district.

(c) General District Government: The General District Government accounts shall be used to manage, operate and control the taxing district, to maintain and keep in repair all property, both real and personal, which the district may possess and to perform all such duties as directed by the electors of the district at a regular or special meeting of the district, except the general accounts shall not include funds used for the purpose of managing, operating, controlling or maintaining and keeping in repair all property, both real and personal, utilized for the purposes of supplying electricity or water. Separate accounts shall be maintained in the budget for each utility.

(d) Water Department: All income from water service rates and charges shall be applied to defray the current expenses of the Water Department and to pay the current interest on notes, bonds or certificates of indebtedness incurred in relation to the Water Department and to the extinction of principal on the notes, bonds and certificates of indebtedness, as required by holders. After the payment of current expenses, interest and debt principal, funds shall be used for the purpose of funding **current capital projects**, including replacement of facilities or the purchase of new facilities, all for the purposes of constructing appropriate facilities necessary for the Water Department. If a surplus exists for the current year, funds shall be transferred to the Water Department reserve fund for future use by the Water Department or, if a deficit exists, funds shall be transferred from the Water Reserve Fund to provide for **current operating or capital expenses**. Transfers to or from the district account shall be made to or from the Water Reserve Fund, as recommended by the District Commission and approved

⁶³⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-81. Derived from Charter Amendment 11-4-2003, effective 12-4-2003.

by the electors at the annual budget meeting, or any regular or special meeting noticed and warned for that purpose.

The District Commissioners, acting as Water Commissioners, shall adopt the budget of the Water Department, consisting of income from water service, expenses, capital appropriations and the changes to the Water Department Reserve Fund for the ensuing year no later than the third (3rd) Wednesday in February, which budget shall be approved by a majority of the District Commissioners. The budget shall then be provided to the district for the purpose of inclusion in the annual district budget. Any request by the District Commission for transfer of funds from the district reserve account to the Water Department Reserve Fund, for use in the operating or capital budget of the Water Department, shall be submitted as part of the district budget.

(e) Electric Department. All income from electric service, rates and charges shall be applied to defray the current expenses of the Electric Department and to pay the current interest on notes, bonds or certificates of indebtedness incurred in relation to the Electric Department and to the extinction of principal on the notes, bonds and certificates of indebtedness, as required by holders. After payment of current expenses, interest and debt principal, funds shall be used for the purpose of funding current capital projects, including replacement of facilities or the purchase of new facilities, all for the purposes of constructing appropriate facilities necessary for the Electric Department. If a surplus exists for the current year, funds shall be transferred to the Electric Department Reserve Fund for future use by the electric Department or, if a deficit exists, from the Electric Reserve Fund to provide for current operating or capital expenses. Transfers to or from the district account shall be made to or from the Electric Reserve Fund, as recommended by the District Commissioners, and approved by the electors at the annual budget meeting, or any regular or special meeting noticed and warned for that purpose.

The District Commissioners shall adopt the budget of the Electric Department, consisting of income from electric service, expenses, capital appropriations and the changes to Electric Department Reserve Fund for the ensuing year, no later than the third (3rd) Wednesday in February, which budget shall be approved by a majority of the District Commissioners. The budget shall then be provided to the district for the purpose of inclusion in the annual district budget. Any request by the District Commission for transfer of funds from the district to the Electric Department Reserve Fund, for use in the operating or capital budget of the Electric Department, shall be submitted as part of the district budget.

(f) Procedure for adoption of budget. On or before the first (1st) Wednesday in March, the District Commissioners shall prepare a general district government budget, which shall include all sources of revenue to the

district, the transfer of funds between the Water or Electric Reserve Fund and the District Reserve Fund, all expenses of the district, including the interest and principal due on notes, bonds or certificates of indebtedness of the district, not related to the Water Department or Electric Department, any capital appropriations of the district, not related to the Water Department or Electric Department, any amount to be transferred to a special reserve fund and any amount necessary to be collected through a tax and the application of any surplus or deficit to the General Fund Reserve. The general water and electric budgets shall be combined into a single district budget for adoption by the District Commission. The district budget shall be submitted for the approval of the electors of the district at the annual budget meeting.

The Clerk of the district shall publish a summary of the district budget as adopted by the District Commission in a newspaper of general circulation in the City of Norwalk no later than the second (2nd) Wednesday in March, which notice shall inform the electors of the district that the entire budget document is available for inspection at the district office.

(g) Annual budget meeting. The annual budget meeting of the electors of the Second Taxing District shall be held on the third (3rd) Tuesday in March of each year. At which meeting, the District Commissioners shall present the annual budget for the ensuing fiscal year to the electors for approval. The electors may approve, reject or reject with comment the proposed budget as adopted by the District Commissioners by a majority vote of the electors present and voting at the meeting. If the budget is rejected by the electors, it shall be sent back to the District Commissioners who shall modify the budget as they deem appropriate by reconsidering the general district budget, the Electric Department and the Water Department budget. The District Commissioners, after making alterations to the general fund, Electric Department and Water Department budgets as they deem appropriate, shall adopt a revised budget for presentation to the electors for approval. The District Commission shall call a special meeting of the electors for approval of the budget as revised or resubmitted. In the event that the electors have not approved an annual budget by July 1, the start of the fiscal year, the prior year's budget shall be used for a period of up to ninety (90) days for the purpose of continuing the business of the taxing district and its utilities. If after ninety (90) days a budget is not approved by the electors, the prior year's budget will be used on a month-to-month basis for the purpose of continuing the operations of the district and the Water Department and Electric Department, until such time as a budget is approved by the electors.

(h) Reserve fund: The district is empowered to establish special district reserve funds, to be set aside in special reserve accounts, which shall be used only for the purpose for which the fund was approved. The reserve funds shall be approved by a majority of the electors present and voting at the annual budget meeting, the annual meeting or a special

meeting of the electors, duly warned and noticed for that purpose. Transfers from a special district reserve fund for other purposes may be made only by a two-thirds (2/3rds) majority of the electors present at the annual budget meeting, the annual meeting or any special meeting of the electors called for that purpose.

(4) Taxation⁶³⁵. In case the income from water rents is inadequate to meet the current expense of the waterworks and the interest of the notes, bonds or certificates, or the income from the electric light and power plant is at any time inadequate to meet the current expenses of the electric light and power plant and the interest of all indebtedness incurred on account of the electric light and power plant, a tax on all property and persons liable to taxation in the district shall be laid to supply such deficiency by the Board of Estimate and Taxation of the city at any meeting called for that purpose upon application of the Board of District Commissioners, and the tax shall be collected in the same manner as other city taxes. The Board of Estimate and Taxation may lay and collect taxes for the purpose of paying any and all debts of the district and establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of the district for the purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the public library of the district to the amount appropriated by the district at any annual or special meeting⁶³⁶.

(5) Liens and warrants for water rents⁶³⁷. Any claim of the district for use of water or for rent of hydrants shall be a lien upon the real estate or property wherein or in connection with which water was used or on which such rent was assessed, and such lien shall have the same effect as a lien for taxes under the provisions of the General Statutes and shall have precedence over any prior encumbrance on such property except a tax lien. Such lien may be foreclosed by the district before any court having jurisdiction in the same manner as a mortgage may be foreclosed. The Board of District Commissioners shall have power to issue warrants for the collection of all such claims in the form prescribed by law for the collection of taxes, or to some indifferent person named therein, who shall have the same power to levy and collect the same as have collectors of town taxes.

(6) Accounts and reports of the Board of Commissioners⁶³⁸. The Board of District Commissioners shall keep a record of its proceedings and an accurate account of its receipts and disbursements appertaining to the Water and Electric Department and a like account of its receipts and disbursements in

⁶³⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-82. Derived from Sp. Laws 1913, No. 352, §29; Sp. Laws 1921, No. 189, §2.

⁶³⁶ Historical Editor's Note: See Art. XIX, Library Appropriations.

⁶³⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-83. Derived from Sp. Laws 1913, No. 352, § 30; Sp. Laws 1933, No. 340, § 2; Sp. Laws 1951, No. 572.

⁶³⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-82. Derived from Sp. Laws 1913, No. 352, § 31; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.

connection with all other properties of the district, verified by proper vouchers, which accounts shall be open at all reasonable time to inspection by any taxpayer of the district. The Board shall annually render to the district a statement of the accounts, and which statement shall be approved by a majority of the District Commissioners and recorded in the records of the district. The Board shall include in its annual report a statement of its doings and a general statement of the condition of the Water Department, the Electric Department and the property of the district, with an estimate of all sums required for the Water Department, the Electric Department and other purposes of the district, a detailed estimate of all income expected to be received and an estimate of the surplus or deficit, the amount needed to be raised by taxation and a detailed statement of all claims outstanding against the district.

The Treasurer of the district shall keep a record of proceedings and an accurate account of receipts and disbursements, verified by proper vouchers, which accounts shall be open at all reasonable time to inspection by any taxpayer of the district. The Treasurer shall render annually to the district a statement of the accounts, and which statement shall be sworn to by the Treasurer and recorded in the records of the district.

All financial reports, statements and accounts of the district and its Treasurer, commissions, boards and committees shall be audited at least annually by an independent auditor who shall be a public accountant, certified as such, by the State of Connecticut. The independent auditor shall be appointed by the Board of District Commissioners, which appointment shall be ratified by the electors of the district at the annual budget meeting.

(7) Supplying water or electricity to any person or corporation⁶³⁹.

The Board of District Commissioners may, with the consent of the electors of the district, supply water from the Water Department or electricity from the Electric Department of the district to any person or corporation within or without the geographical limits of the district.

(8) Unlawful destruction of waterwork property; violations and penalties⁶⁴⁰. Any person who shall willfully injure the water in any reservoir, aqueduct, hydrant, pipe or pump or destroy or injure any portion of the works or any material or property used in connection therewith shall be fined not more than \$500 or imprisoned not more than one year, or both. The district shall have power to enact bylaws at any annual or special meeting imposing penalties and forfeiture for the violation of any of the rules and regulations of the Board of Commissioners of the district, provided such penalties or forfeitures shall be in accordance with those prescribed for Class C misdemeanors in the State of Connecticut for each

⁶³⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-85. Derived from Sp. Laws 1913, No. 352, § 32; Charter Amendment 11-8-1983; Charter Amendment 11-4-2003, effective 12-4-2003.

⁶⁴⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-86. Derived from Sp. Laws 1913, No. 352, § 33; Charter Amendment 11-8-1983.

offense. The bylaws shall not become effective until ten days after the date of publication in a newspaper having a circulation in the district.

(9) Brooks and streams⁶⁴¹. The Second Taxing District of the City of Norwalk, successor to the City of South Norwalk, shall have the full and exclusive right, privilege and power to take, acquire and use the waters of the "Wilton Branch," so-called, of the Silvermine Stream, emptying into the Norwalk River and of the North Wilton Brook, Barrett's Brook or Comstock's Brook, as the brook is locally known, also emptying into the Norwalk River, to and including the headwaters of the stream and brook and the tributaries thereof, all to be used and employed by the district in accordance with the provisions of An Act to Provide a Supply of Pure and Wholesome Water to the City of South Norwalk, approved July 22, 1874, and any and all acts amendatory thereof.

(10) Providing and selling water⁶⁴². The exclusive right and privilege to provide and sell water by means of reservoirs, conduits and pipes within the limits of the City of Norwalk is granted to the First Taxing District of the City and to the Second Taxing District of the City; the area to be supplied by the districts, respectively, to be as agreed upon by and between the respective Boards of Commissioners of the districts.

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(11) Authorization to erect loft or factory building⁶⁴³. The Second Taxing District of the City of Norwalk is authorized to erect on land now owned by the district, or on land contiguous thereto which shall hereafter be acquired by the district, a suitable loft or factory building, or buildings, and to rent or lease the same to manufacturers who shall desire to locate and conduct business therein. Any loft or factory building erected by the district shall be managed and rented or leased on behalf of the district by its District Commissioners.

(12) Obtaining land for factory building⁶⁴⁴. For the purpose of erecting such building or buildings the district is authorized to obtain such additional land by gift or purchase as shall be necessary therefor, and to borrow money for the purchase of such land and the erection of such building or buildings, and to secure the money so borrowed by mortgage on the land, or on the land and building or buildings.

(13) District meeting for proposed factory building⁶⁴⁵. Before purchasing any additional land or erecting any loft or factory building, the District

⁶⁴¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-87. Derived from Sp. Laws 1929, No. 471, § 1.

⁶⁴² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-88. Derived from Sp. Laws 1929, No. 471, § 2.

⁶⁴³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-89. Derived from Sp. Laws 1919, No. 306, § 1.

⁶⁴⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-90. Derived from Sp. Laws 1919, No. 306, § 2.

⁶⁴⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-91. Derived from Sp. Laws 1919, No. 306, § 3.

Commissioners shall submit the proposition to purchase any land or to erect any such building at a regular or special meeting of the district; and such meeting shall determine the advisability of such proposed purchase of land or erection of building or buildings, the amount of money to be expended and the amount to be borrowed therefor, the amount of mortgage to be executed and delivered to secure such borrowed money, and the terms of such mortgage; and the District Commissioners shall not purchase any land, erect any loft or factory building or buildings or borrow any money for such purpose or purposes unless instructed by the district so to do.

(14) Sale of land⁶⁴⁶. The Second Taxing District is authorized to sell and convey any land owned or which shall hereafter be owned by the district which is not or at any time shall not be required for the purposes of the district, but no such sale or conveyance shall be made unless the District Commissioners have been authorized by regular or special meeting of the district to sell and convey the same.

(15) Pensions for employees of Board of Electrical Commissioners; repeal of 1937 act⁶⁴⁷. Number 244 of the Special Acts of 1937 is repealed.

(16) Fund distribution and liquidation⁶⁴⁸. The Board of Electrical Commissioners of the Second Taxing District of the City of Norwalk is authorized to provide suitably for any persons now receiving the benefits of the act out of monies now in the pension fund therein provided for in the same manner and the same amount as provided under the act, and, after making provision for the persons, to administer and liquidate the balance of any monies remaining in the the fund in a manner fair and equitable to those contributing thereto.

J. Authorization to Issue Bonds: Water or Electric Works.

(1) Authorization to issue bonds; Water or Electric Works bond issue of 1917⁶⁴⁹. The Second Taxing District of the City of Norwalk is authorized to issue serial bonds to an amount not exceeding four hundred thousand (\$400,000) dollars registered or with coupons attached, bearing interest at a rate not greater than four and one-quarter percent per annum, payable semiannually, the first installment of such bonds to mature within three years from the date of issue and the remainder of the principal thereof to be payable at some certain time or times not later than thirty years from the date thereof. Such bonds shall be sold at not less than par and the avails thereof used only for the extension, improvement

⁶⁴⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-92. Derived from Sp. Laws 1919, No. 306, § 4.).

⁶⁴⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-93. Derived from Sp. Laws 1949, No. 19, § 1.

⁶⁴⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-94. Derived from Sp. Laws 1949, No. 19, § 2.

⁶⁴⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-95. Derived from Sp. Laws 1917, No. 176, §1.

and enlargement of the water or electric works, or both, of the district, including the building and equipping of a new plant.

(a) Water or Electric Works bond issue of 1917; details⁶⁵⁰.

The district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued, and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of the district; and such bonds, when so signed, executed, issued and delivered, shall be obligatory upon the district and upon the inhabitants thereof according to the tenor of the same.

(2) Authorization to issue bonds; Water Bond Issue of 1923⁶⁵¹. The Second Taxing District of the City of Norwalk is authorized to issue bonds to an amount not exceeding three hundred thousand (\$300,000) dollars, registered or with coupons attached, bearing interest at a rate not greater than five (5%) percent per annum, payable semiannually. Such bonds shall be issued in serial form, payable, as consecutively numbered, in such equal amounts each year, beginning five (5) years after their date, that the whole amount thereof shall be paid within a time not exceeding forty (40) years from their date. Such bonds shall be sold at not less than par and the avails thereof used only for the extension, improvement and enlargement of the waterworks of the district including a new or additional filtration plant.

(a) Water Bond issue of 1923; details⁶⁵². The district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued, and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of the district; and such bonds, when so signed, executed and delivered, shall be obligatory upon the district and upon the inhabitants thereof according to the tenor and purport of the same.

(b) Water Bond issue of 1923; payment provisions⁶⁵³. After the issue of the bonds hereby authorized, or of any part thereof, the Board

⁶⁵⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-96. Derived from Sp. Laws 1917, No. 176, §2.

⁶⁵¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-101. Derived from Sp. Laws 1923, No. 126, §1.

⁶⁵² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-102. Derived from Sp. Laws 1923, No. 126, §2.

⁶⁵³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-103. Derived from Sp. Laws 1923, No. 126, §3.

of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate, and levy taxes to raise, such sum or sums of money as shall be requested by the Commissioners of the district for the purpose of paying such bonds at maturity, which money, when so raised, shall be deposited at interest in the sinking fund of the Second Taxing District and, with its increase, shall be used and expended only for the payment of such bonds.

K. Authorization to Issue Bonds: Street Paving Bonds.

(1) Authorization to issue bonds; Street Paving Bonds of 1923⁶⁵⁴. The Second Taxing District of the City of Norwalk is authorized to issue serial bonds to an amount not exceeding seventy-eight thousand (\$78,000) dollars registered or with coupons attached, bearing interest at a rate not greater than five percent per annum, payable semiannually, the first installment of such bonds to mature four years from the date of issue, the second installment of such bonds to mature seven years from the date of issue and the third installment of such bonds to mature ten years from the date of issue. Such bonds shall be sold at not less than par and the avails thereof used only for the purpose of paying, canceling and retiring notes in equal amount issued by the district for the purpose of paying and retiring certain street paving bonds which matured August 1, 1922.

(a) Street paving bonds of 1923; details⁶⁵⁵. The district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of the district; and such bonds, when so signed, executed, issued and delivered, shall be obligatory upon the district and upon the inhabitants thereof according to the tenor and purport of the same.

(b) Street paving bonds of 1923; payment provisions⁶⁵⁶. After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be required to pay such bonds at maturity, which money,

⁶⁵⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-97. Derived from Sp. Laws 1923, No. 157, §1.

⁶⁵⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-98. Derived from Sp. Laws 1923, No. 157, §2.

⁶⁵⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-99. Derived from Sp. Laws 1923, No. 157, §3.

when so raised, shall be deposited at interest in the sinking fund of the Second Taxing District and, with its increase, shall be used and expended only for the payment of such bonds.

(c) **Street paving bonds of 1923; limitation on amount**⁶⁵⁷. The amount of the bonds issued under §§ **1-97** to **1-100** with the amount of the outstanding indebtedness of the City, shall not exceed, exclusive of the amount of bonds issued for water supply and of notes or other evidences of indebtedness placed in the sinking fund, five (5%) percent of the grand list of the City.

L. Authorization to Issue Bonds: Public Improvement Bonds.

(1) **Authorization to issue bonds; Public Refunding of Bonds of 1925**⁶⁵⁸. The Second Taxing District of the City of Norwalk is authorized to issue bonds to an amount not exceeding thirty thousand (\$30,000) dollars registered or with coupons attached, bearing interest at a rate not greater than five (5%) percent per annum, payable semiannually, which bonds shall be sold at less than par and shall be serial in form, payable, as consecutively numbered, so that the whole amount shall be paid within a time not exceeding thirty (30) years from their date. The avails of such bonds shall be used only to refund certain public improvement bonds issued by the district under its former name of the City of South Norwalk which are to mature July 1, 1925.

(a) **Public refunding bonds of 1925; details**⁶⁵⁹. The district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of the district.

(b) **Public refunding bonds of 1925; payment provisions**⁶⁶⁰. After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be determined by the district, which money shall be

⁶⁵⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-100. Derived from Sp. Laws 1923, No. 157, §4.

⁶⁵⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-104. Derived from Sp. Laws 1925, No. 447, §1.

⁶⁵⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-105. Derived from Sp. Laws 1925, No. 447, §2.

⁶⁶⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-106. Derived from Sp. Laws 1925, No. 447, §3.

deposited at interest in the sinking fund of the Second Taxing District and, with its increase, shall be used and expended only for the partial or complete payment of such bonds at maturity.

(c) **Public refunding bonds of 1925; limitations⁶⁶¹.** The amount of the bonds issued under the provisions of this act, with the amount of the outstanding indebtedness of the district and the City, shall not exceed, exclusive of the amount of bonds issued for water supply and of notes or other evidences of indebtedness placed in the sinking fund, 5% of the grand list of the City.

M. Authorization to Issue Bonds: Water Refunding Bonds.

(1) **Authorization to issue bonds; Water Refunding Bond Issue of 1925⁶⁶².** The Second Taxing District of the City of Norwalk is authorized to issue bonds to an amount not exceeding ninety thousand (\$90,000) dollars, registered or with coupons attached, bearing interest at a rate not greater than five (5%) percent per annum, payable semiannually, which bonds shall be sold at not less than par and shall be in serial in form, payable, as consecutively numbered, so that the whole amount shall be paid within a time not exceeding thirty (30) years from their date. The avails of such bonds shall be used only to refund certain water bonds issued by the district under its former name of the City of South Norwalk which are to mature July 1, 1925.

(a) **Water refunding bond issue of 1925; details⁶⁶³.** The district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of the district.

(b) **Water refunding bond issue of 1925; payment provisions⁶⁶⁴.** After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be determined by the district, which money shall

⁶⁶¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-107. Derived from Sp. Laws 1925, No. 447, §4.

⁶⁶² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-108. Derived from Sp. Laws 1925, No. 471, §1.

⁶⁶³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-109. Derived from Sp. Laws 1925, No. 471, §2.

⁶⁶⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-110. Derived from Sp. Laws 1925, No. 471, §3.

be deposited at interest in the sinking fund of the Second Taxing District and, with its increase, shall be used and expended only for the partial or complete payment of such bonds at maturity.

N. Authorization to Issue Bonds: Water Bond Issue of 1953⁶⁶⁵. The Second Taxing District of the City of Norwalk is hereby authorized to issue bonds to an amount not exceeding five hundred thousand (\$500,000) dollars, registered or with coupons attached, bearing interest at a rate not greater than five (5%) percent per annum, payable semiannually. Such bonds shall be issued in serial form, payable as consecutively numbered, in such approximately equal amounts each year, beginning two (2) years after their date, that the whole amount thereof shall be paid within a time not exceeding twenty (20) years from their date. Such bonds shall be sold at not less than par and the avails thereof used only for the extension, improvement and enlargement of the waterworks of the district, including a new or additional filtration plant.

(1) Water bond issue of 1953; details⁶⁶⁶. The district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued, and the person or person by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of the district; and such bonds, when so signed, executed, issued and delivered, shall be obligatory upon the district and upon the inhabitants thereof according to the tenor of the same.

(2) Water bond issue of 1953; payment provisions⁶⁶⁷. After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall, if requested by the Commissioners of the district, annually make an appropriation and levy taxes to pay the interest on the bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be requested by the Commissioners of the district for the purpose of paying such bonds at maturity and the money shall be deposited at interest in the sinking fund of the Second Taxing District and, with its increase, shall be used and expended only for and in the payment of such bonds.

§12-11. Third Taxing District⁶⁶⁸.

A. Body politic and corporate; rights in general⁶⁶⁹. All the electors of this state dwelling within the territorial limits of the Third Taxing District as hereinbefore

⁶⁶⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-111. Derived from Sp. Laws 1953, No. 179, §1.

⁶⁶⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-112. Derived from Sp. Laws 1953, No. 179, §2.

⁶⁶⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-113. Derived from Sp. Laws 1953, No. 179, §3.

⁶⁶⁸ Historical Editor's Note: For taxing districts, in general, see Art. II.

⁶⁶⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-114. Derived from Sp. Laws 1913, No. 352, § 34; Sp. Laws 1921, No. 189, §3.

established are hereby constituted a body politic and corporate by the name of the Third Taxing District of the City of Norwalk, and by that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling, and conveying any property, real or personal, and of having a common seal, and as such corporation shall succeed to and possess all the property, both real and personal, of the East Norwalk Fire District of the Town of Norwalk, and all the rights, powers, franchises, privileges, and immunities heretofore granted to the East Norwalk Fire District in relation to the construction of electric light works, and the generation and purchase of electricity for the use of the district and the inhabitants thereof, and the erection, placing, and maintenance of poles, wires, and all other necessary fixtures within the district for receiving and distributing electricity, and the same are hereby vested in the Third Taxing District, and the Third Taxing District is hereby authorized to manage, operate, and control its electric light works with the same authority, rights and liabilities, and in the same manner as the East Norwalk Fire District and except as herein otherwise provided, to care for, maintain, and keep in repair, all estate, both real and personal, which the district may acquire, to sell and convey any of the property, any property held in trust excepted, and apply the proceeds in the reduction of the indebtedness of the district. The district shall pay \$100 or more yearly toward the support of the East Norwalk Improvement Association, Incorporated, Public Library.

B. Taxation liability⁶⁷⁰. All the inhabitants and property within the limits of the Third Taxing District shall be liable to taxation to defray any burdens, expenses, and liabilities of the former East Norwalk Fire District at the time of the passage of this act and such other liabilities as the taxing district may incur under the provisions of this act.

C. Meetings⁶⁷¹. The annual meeting of the electors residing in the taxing district shall be held on the third Wednesday of September⁶⁷²~~11~~ for the purpose of hearing the reports of the Commissioners of the district, and acting on such matters as may be properly brought before the meeting. Notice of time and place of the meeting shall be given by the Board of Commissioners by publishing in a newspaper having a circulation in the district at least ten days before the meeting, which notice shall set forth all matters to be considered at the meeting. Special meetings of the district may be called in like manner by the Board, and shall be called upon written petition of twenty-five electors of the district, to consider and act upon the matters set forth in such notice or petition.

D. Board of Commissioners and Treasurer in Third Taxing District⁶⁷³. At the election for the choice of City and town officers in 1913, there shall be elected in the Third Ward by the electors of the Third Taxing District three Commissioners for the terms of office of two, four, and six years, respectively, who shall hold office for the terms and until their successors are elected and qualified, and there shall be elected a Treasurer of the

Commented [S99]: Move to Taxing Districts Article

⁶⁷⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-115. Derived from Sp. Laws 1913, No. 352, §35.

⁶⁷¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-116. Derived from Sp. Laws 1913, No. 352, §36.

⁶⁷² Historical Editor's Note: See also § 1-19.

⁶⁷³ 2023 Recodification of current Article III – Part 1. In General, §1-177. Derived from Sp. Laws 1913, No. 352, §58. Historical Editor's Note: For further provisions see § 1-117 supra.

Taxing District⁶⁷⁴ who shall hold office for the term of two years and until a successor is elected and qualified. Biennially thereafter there shall be elected in the Third Taxing District by the electors of the district, a Commissioner who shall hold office for the term of six years and until a successor is elected and qualified, and a Treasurer of the Third Taxing District who shall hold office for the term of two years and until a successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

E. Board of Commissioners, Treasurer, Clerk; mechanics and laborers⁶⁷⁵. The district shall elect a Board of Commissioners and a Treasurer of the district, all of whom shall be sworn to a faithful discharge of their duties, and shall hold their office as hereinafter provided, and shall receive such compensation as the district shall determine⁶⁷⁶. The Commissioners shall appoint a Clerk who shall receive reasonable compensation as determined by the Commissioners. It shall be the duty of the Clerk to keep a record of all transactions of the district and of the Board of Commissioners and discharge such duties as the Board may prescribe. The Commissioners may employ such mechanics, experts, and laborers as may be necessary in the exercise of their powers and duties.

F. Authority and duties of Commissioners⁶⁷⁷. The Commissioners are hereby authorized in all matters pertaining to the electric-light plant of the district to exercise all the authority and discharge all the duties that are granted to Electrical Commissioners by Chapter 122 of the General Statutes, except as the powers and duties may be herein limited, and to care for and keep in repair all the property of the district, with power to lease or sell the same, delivering the income and proceeds of such sales to the Treasurer of the district, and apply the proceeds as the Board may be authorized by the district, and to exercise any additional powers that may, from time to time, be conferred upon them by the district. A majority of the Commissioners shall constitute a quorum for the transaction of any of the business of the Board.

G. Taxation⁶⁷⁸. In case the income from the sales of electricity is inadequate to meet the current expenses of the electric-light plant and the interest on the indebtedness of the district, a tax on all property and persons liable to taxation in the district shall be laid to supply such deficiency by the Board of Estimate and Taxation of the city at any meeting of the Board called for that purpose upon the application of the Board of Commissioners of the district, and the tax shall be collected in the same manner as other city taxes. The Board of Estimate and Taxation may lay and collect taxes for the purpose of paying the debts of the district or any part thereof, and of establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of the district

⁶⁷⁴ Historical Editor's Note: The Third Taxing District is meant.

⁶⁷⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-117. Derived from Sp. Laws 1913, No. 352, §37

⁶⁷⁶ Historical Editor's Note: For further election provisions refer to § 1-177.

⁶⁷⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-122. Derived from Sp. Laws 1913, No. 352, §38.

⁶⁷⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-118. Derived from Sp. Laws 1913, No. 352, §40; Sp. Laws 1921, No. 189, §4

for application for the purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the public library of the East Norwalk Improvement Association, Incorporated, of the district to the amount appropriated by the district at any annual or special meeting⁶⁷⁹.

H. Use-of-electricity liens⁶⁸⁰. Any claim of the district for the use of electricity or for the rent of fixtures shall be a lien upon the real estate or property in connection with which such electricity was furnished or such fixtures used, and the lien may be foreclosed by the district before any court having jurisdiction in the same manner as mortgages.

I. Records and accounts of the Board of Commissioners⁶⁸¹. It shall be the duty of the Board of Commissioners to keep a record of its proceedings and an accurate account of its receipts and disbursements appertaining to the electric-light plant, and a like account of its receipts and disbursements in connection with all other property of the district, verified by proper vouchers, which accounts shall be open at all reasonable times to inspection by any taxpayer of the district.

J. Violations, penalties, and forfeitures⁶⁸². The district shall have power to enact by-laws at any annual or special meeting imposing penalties and forfeitures for the violation of any of the rules and regulations of the Board of Commissioners of the district, providing such penalties or forfeitures shall not exceed \$20 for each offense. The by-laws shall not become effective until published in a newspaper having a circulation in the district.

K. Income from electricity⁶⁸³. All income from the sales of electricity shall first be applied to defraying the current expenses of the electric-light plant, and to paying the interest on notes, bonds, or certificates of indebtedness incurred in relation to the electric-light plant. If there are retained earnings of cash or negotiable securities or an accumulated surplus of cash or negotiable securities, in excess of retirement reserve, the Commissioners shall make report thereof to the next annual or special meeting of the district, which shall direct the same to be applied to the extinction of the principal debt of the district, or to any purpose in connection with the works, and, if there is no such debt or need in connection with the works, the meeting may direct such retained earnings or any portion thereof in excess of a proper retirement reserve to be applied to the district general account for current expenses of the district, including public street lighting, care of parks owned by the district, care of the East Norwalk Cemetery, salaries of district officials, support of the East Norwalk Improvement Association Public Library, and

⁶⁷⁹ Historical *Editor's Note: For appropriations for libraries, see Art. XIX.*

⁶⁸⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-119. Derived from Sp. Laws 1913, No. 352, §41.

⁶⁸¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-120. Derived from Sp. Laws 1913, No. 352, §42.

⁶⁸² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-121. Derived from Sp. Laws 1913, No. 352, §43.

⁶⁸³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-123. Derived Sp. Laws 1913, No. 352, § 39; Sp. Laws 1959, No. 282.

improvements to the library and the building and premises where it is housed and adjoining premises owned by the district.

L. Authorization to issue bonds; funding bond issue of 1917⁶⁸⁴. The Third Taxing District of the City of Norwalk is authorized to issue serial bonds, to an amount not exceeding eighty-five thousand (\$85,000) dollars, registered or with coupons attached, bearing interest at a rate not greater than four and one-half percent per annum, payable semiannually, the first installment of the principal thereof to be payable within three years from the date of issue and the remainder at some certain time or times not later than thirty years after the date thereof. Such bonds shall be sold at not less than par and the avails thereof used only for the funding of the debt of the district and for the extension, improvement and enlargement of the electric-power plant of the district.

(1) Funding bond issue of 1917; details⁶⁸⁵ The district, at a special meeting of its electors, duly warned, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered in behalf of the district. Such bonds, when so signed, executed, issued and delivered, shall be obligatory upon the district and upon the inhabitants thereof, according to the tenor and purport of the same.

(2) Funding bond issue of 1917; limitations⁶⁸⁶ No bonds shall be issued under §§ 1-124 to 1-126 as to permit the net bonded indebtedness of the district at any time to exceed five (5%) percent of the grand list of the district as the same may be compiled for the year of such issue, provided, in computing the debt limitation, bonds issued or to be issued for the construction or maintenance of municipal waterworks or lighting plants shall not be included.

M. Authorization to issue bonds; bond issue of 1949⁶⁸⁷. The Third Taxing District of the City of Norwalk is authorized to issue, by and through the action of the Commissioners and the Treasurer of the district, bonds, notes or other certificates of indebtedness to an amount not exceeding two hundred fifty thousand (\$250,000) dollars, in coupon form or otherwise and registered or not registered, bearing interest to a rate not greater than five (5%) percent per annum, payable in substantially equal monthly or annual installments, beginning not more than two (2) years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than twenty (20) years from their date. The proceeds of such bonds, notes, or other certificates shall

⁶⁸⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-124. Derived from Sp. Laws 1917, No. 259, §1.

⁶⁸⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-125. Derived from Sp. Laws 1917, No. 259, §2.

⁶⁸⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-126. Derived from Sp. Laws 1917, No. 259, §3.

⁶⁸⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-127. Derived from Sp. Laws 1949, No. 141, §1.

be used for the extension, improve and facilities of the district. Such bonds, notes or other certificates may be issued from time to time, and nothing herein contained shall require the whole amount of such bonds, notes or other certificates to be issued or prevent their issuance in amounts less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each such loan shall be payable in monthly or annual installments and within the period of time specified herein from its date. Such Commissioners and Treasurer may borrow on short-term notes within the limitations of this section and for the purpose herein set forth and may renew the notes from time to time if this manner of borrowing shall be deemed expedient.

(1) Bond issue of 1949; details⁶⁸⁸. The Commissioners and Treasurer of the district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds, notes or other certificates and the annual rate of interest and other particulars of the form of such bonds, notes or other certificates and the manner of issuance.

(2) Bond issue of 1949; obligations⁶⁸⁹. Such bonds, notes or other certificates, when executed, and delivered by the Commissioners and Treasurer of the district, shall be obligatory upon the district and the inhabitants thereof according to the tenor and purport of the same.

(3) Bond issue of 1949; effective date⁶⁹⁰. §§ 1-127 to 1-130 shall be effective upon its ratification by a special meeting of the district called for this purpose.

N. Purchase of Taylor property; maximum expenditures⁶⁹¹. The Third Taxing District of the City of Norwalk may purchase the property, known as the Taylor property, which adjoins the premises of the East Norwalk Community Hall and may improve the newly purchased property, and may improve and enlarge the East Norwalk Community Hall and the East Norwalk Improvement Association Public Library which is housed in the community hall; provided no expenditure of more than twenty thousand (\$20,000) dollars shall be made without the approval of the majority of the electors of the district who are present and voting at a special meeting of the district called for the purpose of such approval.

O. Cash surplus⁶⁹². The purchase and such improvements may be made with the current cash surplus or accumulated cash surplus of the electric-light works owned by the district, in excess of reserve for depreciation.

⁶⁸⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-128. Derived from Sp. Laws 1949, No. 141, §2.

⁶⁸⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-129. Derived from Sp. Laws 1949, No. 141, §3.

⁶⁹⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-130. Derived from Sp. Laws 1949, No. 141, §4.

⁶⁹¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-131. Derived from Sp. Laws 1959, No. 94, §1.

⁶⁹² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-132. Derived from Sp. Laws 1959, No. 94, §2.

P. Borrowing money⁶⁹³. For the purpose of purchasing the property and making such improvements the district is authorized to borrow money and to secure the money so borrowed by mortgage on the land, or on the land and buildings.

§12-12 Sixth Taxing District⁶⁹⁴.

A. Boundaries of the Sixth Taxing District⁶⁹⁵. The territory of the City of Norwalk which is included within the following boundaries shall be the Sixth Taxing District of the City of Norwalk as follows: starting at a point on the boundary line between Darien and Norwalk; thence running east in a direct line to the westerly end of the southerly boundary of Union cemetery, so called; thence running along the southerly boundary of the Union cemetery to the westerly side of Rowayton Avenue; thence running northerly along the westerly side of Rowayton Avenue to a point that is upon a production westerly of a line drawn 200 feet, measured at right angles, northerly from the northerly side of Sheffield Road, so called; thence running easterly upon said line 200 feet, measured at right angles, northerly from the northerly side of Sheffield Road to the westerly side of Lenox Road, so called; thence running easterly across Lenox Road to the corner formed by the intersection of the easterly side of Lenox Road with the southerly side of Winter Street, so called; thence running along said southerly side of Winter Street to the westerly side of Vanderbilt Avenue, so called; thence running upon a production easterly of said southerly side of Winter Street across Vanderbilt Avenue and easterly to a point 200 feet, measured at right angles, from the easterly side of Vanderbilt Avenue; thence running southerly along a line 200 feet easterly from and parallel to said easterly side of Vanderbilt Avenue to land of the New York, New Haven and Hartford Railroad Company; thence running along said land of the New York, New Haven and Hartford Railroad Company to the easterly side of Highland Avenue at Gaynor's Bridge, so called; thence running southerly along said easterly side of Highland Avenue to the southerly boundary of land of the New York, New Haven and Hartford Railroad Company; thence running easterly along said southerly boundary of land of the New York, New Haven and Hartford Railroad Company to a point 600 feet east of the easterly side of Highland Avenue, said distance measured at right angles with the easterly side of Highland Avenue; thence running southeasterly in a straight line to a point which is 100 feet northwest of the most northwesterly side of the twenty-foot strip reserved for highway purposes, measured at right angles, and is 400 feet northeast of the northeasterly side of Witch Lane, measured at right angles; and thence continuing on a prolongation of the aforesaid line to a point 200 feet, measured at right angles, from the northerly side of Witch Lane, so called; thence running easterly along a line 200 feet, northerly from and parallel to said northerly side of Witch Lane to the westerly side of other land of the New York, New Haven and Hartford Railroad Company; thence running southerly along said westerly side of other land of the New York, New Haven and Hartford Railroad Company across said Witch Lane and across Wilson Road, so called, to the mean highwater mark of Wilson's Cove, so called; thence running along the mean high-water mark of the northerly and westerly

⁶⁹³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-133. Derived from Sp. Laws 1959, No. 94, §3.

⁶⁹⁴ Historical Editor's Note: For taxing districts in general, see Art. II.

⁶⁹⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-134. Derived from Sp. Laws 1953, No. 566, §2.

boundary of Wilson's Cove to the mean high-water mark of Long Island Sound; thence running along said mean high-water mark of Long Island Sound to the entrance to Five Mile River; thence running westerly across said entrance to Five Mile River to the boundary line between Darien and Norwalk; thence running in a general northerly direction along said boundary line between Darien and Norwalk to the starting point or place of beginning.

B. Body politic and corporate; rights in general⁶⁹⁶. All electors of this state dwelling within the territorial limits of the Sixth Taxing District are hereby constituted a body politic and corporate by the name of the Sixth Taxing District of the City of Norwalk, and by that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling and conveying any property, real or personal, and having a common seal for the purpose of contracting for street lighting, sewers or any other needed civic improvement voted by such district, including Rowayton Public Library.

C. Taxation liability⁶⁹⁷. All inhabitants and property within the limits of the Sixth Taxing District shall be liable to taxation to defray any expenses or liability the taxing district may incur under §§ **1-135** to **1-141**. The Board of Estimate and Taxation may lay and collect taxes for the purpose of paying the debts of the district or any part thereof and of establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of the Sixth Taxing District for application for the purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the Rowayton Public Library to the amount appropriated by the district at any annual or special meeting of the district.

D. Meetings; fiscal year⁶⁹⁸. Beginning in the year 1956, the annual meeting of the electors residing in the taxing district shall be held on the first (1st) Wednesday of March, for the purpose of hearing the reports of the Commissioners of the district, and acting on such matters as may be properly brought before such meeting. Notice of the time and place of the meeting shall be given by the Board of Commissioners by publishing the same in a newspaper having a circulation in the district at least ten (10) days before the meeting, which notice shall set forth all matters to be considered in the meeting. Special meetings in the district may be called in like manner by the Board and shall be called upon written request of twenty-five (25) electors of the district to consider matters as set forth in *such notice or publication. Beginning in the year 1975, the fiscal year of the Sixth Taxing District of the City of Norwalk shall begin on the first (1st) day of July and terminate on the last day of June.

⁶⁹⁶2023 Recodification of current Article II, Part 3. Second Taxing District, §1-135. Derived from Sp. Laws 1921, No. 289, § 2.

⁶⁹⁷2023 Recodification of current Article II, Part 3. Second Taxing District, §1-136. Derived from Sp. Laws 1921, No. 289, §3.

⁶⁹⁸2023 Recodification of current Article II, Part 3. Second Taxing District, §1-137. Derived from Sp. Laws 1921, No. 289, §4; Sp. Laws 1955, No. 438, § 2; Charter Amendment 6-19-1974.

E. Tax collection⁶⁹⁹. The Collector of Taxes and Assessments of the City of Norwalk shall be Ex Officio Treasurer of the Sixth Taxing District⁷⁰⁰ and all taxes levied upon property in the district shall be collected by the Collector of Taxes and Assessments, and the Collector shall whenever necessary file with the Town Clerk the Tax Collector's certificate for the continuation of any liens for taxes levied upon property located in the district, and may bring suit for the foreclosure of any such tax lien in the name of the Sixth Taxing District in the manner provided by law for the foreclosure of tax liens, and shall have the same powers and duties in relation to the collection of taxes in the Sixth Taxing District as he has under the provisions of this Charter, in relation to all other taxes and assessments of the City.

F. Board of Commissioners; Clerk; mechanics and laborers⁷⁰¹. The district shall elect a Board of Commissioners, all of whom shall be sworn to a faithful discharge of their duties and shall hold their office as hereafter provided and shall receive such compensation as the electors of the district shall decide. The Commissioners shall appoint a Clerk who shall receive reasonable compensation as determined by the Commissioners. It shall be the duty of the Clerk to keep a record of all transactions of the district and of the Board of Commissioners and discharge such duties as the Board may prescribe. The Commissioners may employ such mechanics, experts and laborers as may be necessary in the exercise of their powers and duties.

(1) Duties of Commissioners; quorum⁷⁰².

(a) The Board of Commissioners of the Sixth Taxing District shall manage the affairs and business of the district.

(b) The duties of the Commissioners shall include, but not be limited to, the care, maintenance and repair of all the property of the district. They may lease, alter, improve or move the same, and sell personal property, and negotiate to sell, exchange or raze real property subject to elector approval. The Commissioners may execute and deliver on behalf of the district all documents which may be necessary or proper to effectuate such letting, sale, other change or exchange, delivering the income and proceeds therefrom in such manner as the electors of the district may authorize, and may exercise any other powers necessary to carry out the provisions of this act or conferred upon them by the district.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of business.

⁶⁹⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-138. Derived from Sp. Laws 1921, No. 289, §5.

⁷⁰⁰ Historical Editor's Note: See § 1-147 for repeal provision. As to election and duties of Treasurer, see § 1-146.

⁷⁰¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-139. Derived from Sp. Laws 1921, No. 289; § 6; Sp. Laws 1967, No. 175. Historical Editor's Note: See also § 1-142.

⁷⁰² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-139.1. Derived from Sp. Laws 1967, No. 176, §§ 1-3.

(2) Commissioners⁷⁰³. There shall be held on the last Monday of June 1923, a special meeting of the qualified voters of the Sixth Taxing District of the City of Norwalk, to elect three Commissioners for the district, one to serve until a successor shall be elected at the regular biennial election of city and town officers in the year 1925, one to serve until a successor shall be elected at the regular biennial election in the year 1927 and one to serve until a successor shall be elected at the regular biennial election in the year 1929, or until their several successors shall be elected and qualified. The City Clerk of the City of Norwalk shall give due and regular warning of the special election, shall provide printed ballots bearing the names of the candidates for office of Commissioner, which names shall have been daily attested to him as nominated at the party caucuses held prior to the special election, and shall provide a ballot box for the reception of the ballots, which shall be polled under the same regulations as govern elector's meetings in the Town of Norwalk. Such special election shall be held at the Rowayton Hose House in the district, and the ballot box for the reception of ballots shall remain open from 2:00 p.m. until 9:00 p.m., then it shall be closed, the ballots sorted and counted and the result declared. In 1925, and biennially thereafter, at the regular election of town and city officers, there shall be elected by the electors of the Sixth Taxing District, one Commissioner who shall hold office for the term of six years and until a successor shall be elected and qualified. The term of office for each Commissioner shall begin on the Wednesday following the election. The Commissioner shall perform such duties as from time to time shall be required of or imposed upon them by vote of the district.

(3) Validation of election of Commissioners in 1923⁷⁰⁴. The election of three Commissioners of the Sixth Taxing District of the City of Norwalk at the election of the City of Norwalk held on the first Monday of October, 1923, is validated and confirmed.

(4) Validation of acts⁷⁰⁵. All meetings of the Sixth Taxing District held pursuant to call issued by the District Commissioners and all acts, votes and resolutions passed at such meetings and all appropriation made by such meetings are validated and confirmed.

(5) Election and duties of treasurer⁷⁰⁶. At the election to be held in 1925 for town and city officers for the Town and City of Norwalk and the several taxing districts thereof, and biennially thereafter, there shall be elected by the electors of the Sixth Taxing District a Treasurer, who shall hold office for the term of two years and until a successor shall have been elected and qualified. Such

⁷⁰³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-142. Derived from Sp. Laws 1923, No. 410, § 1. Historical Editor's Note: See also § 1-139

⁷⁰⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-144. Derived from Sp. Laws 1925, No. 191, § 1.

⁷⁰⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-145. Derived from Sp. Laws 1925, No. 191, §2.

⁷⁰⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-146. Derived from Sp. Laws 1925, No. 191, §3.

Treasurer shall, in and for the district, have the same authority given to and shall perform the same duties as are required of the Treasurer of the First Taxing District, of the Second Taxing District and of the Third Taxing District of the City of Norwalk under the provisions of the Charter of the City.

(6) Repeal of former act as to Collector of Taxes⁷⁰⁷. So much of § 1-138, amending an act consolidating the Town of Norwalk with the cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved May 19, 1921, as requires the Collector of Taxes and Assessments of the City of Norwalk to be, Ex Officio, Treasurer of the Sixth Taxing District, is repealed.

G. Appropriations toward the support of the public library⁷⁰⁸. The Sixth Taxing District shall annually appropriate one hundred (\$100) dollars or more toward the support of Rowayton Public Library, and the Board of Estimate and Taxation of the City of Norwalk shall appropriate annually the sum of one hundred (\$100) dollars toward the support of such library.

H. Effect and approval of act⁷⁰⁹. §§ 1-135 to 1-141 shall not take effect unless approved by the qualified electors residing within the limits of the Sixth Taxing District at a special meeting to be called on the last Monday of June 1921, and in the warning for the special meeting notice shall be given to the electors of the district that the question of the approval or disapproval of this act will be voted upon. The electors who are in favor of approving this act will give in their ballots with the word "Yes" written or printed thereon, and those opposed will give in their ballots with the word "No" written or printed thereon, and the ballots shall be furnished by the City Clerk of the City of Norwalk. If the majority of the ballots so given have the word "Yes" printed or written thereon, this act shall take effect. A ballot box for the reception of the ballots at the meeting shall be provided by the City Clerk of the City of Norwalk, and shall remain open from 2:00 p.m. until 9:00 p.m. at the Rowayton Hose House in the district, when it shall be closed and the ballots sorted and counted and the result declared. The registry list of the Fifth Ward of the City of Norwalk last made and completed shall be used to determine the electors residing in the Sixth Taxing District, and the ballots shall be polled under the same regulations as govern elector's meetings in the Town of Norwalk. If the majority of the ballots shall be in favor of approving this act, a certificate of the approval signed by the the Clerk of the City of Norwalk shall be forwarded to the Secretary of State, who shall record the same.

I. Listing of taxable property⁷¹⁰. All owners of taxable property in the Sixth Taxing District, in filing lists of taxable property in accordance with the provisions of this

⁷⁰⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-147. Derived from Sp. Laws 1925, No. 191, §4.

⁷⁰⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-140. Derived from Sp. Laws 1921, No. 289, § 7. Historical Editor's Note: As to library appropriations see Art. XIX.

⁷⁰⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-141. Derived from Sp. Laws 1921, No. 289, § 8.

⁷¹⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-143. Derived from Sp. Laws 1923, No.

Charter as contained in §§ 1-273, 1-276 and 1-281,⁷¹¹ shall list such property as in the Sixth Taxing District.

J. Authorization to adopt and enforce rules and regulations as to Bayley Beach⁷¹¹. The Commissioners of the Sixth Taxing District of the City of Norwalk shall have power to formulate and to adopt and enforce rules and regulations in the manner hereinafter provided for governing the frequenting and use of Bayley Beach, so called, the property, buildings and equipment appurtenant thereto. Any person violating any such rule or regulation shall be fined not more than one hundred (\$100) dollars or imprisoned not more than thirty (30) days, or both.

(1) Bayley Beach; hearing on rules and regulations⁷¹². Before passing any rule or regulation, the Commissioners shall hold a hearing thereon, notice of which shall be given by publishing the proposed rule or regulation and the time and place of such hearing in some newspaper having a circulation in the Sixth Taxing District of the City of Norwalk, at least five (5) days before the time fixed for the hearing.

(2) Bayley Beach; passage of rules and regulations⁷¹³. If a majority of the electors of the Sixth Taxing District of the City of Norwalk present and voting at such hearing oppose the adoption of a proposed rule or regulation, the question of its adoption shall be submitted to the electors of the Sixth Taxing District of the City of Norwalk at its next regular or special meeting, and in such event such rule or regulation shall not become effective unless a majority of the electors voting at such meeting shall vote in favor thereof.

(3) Bayley Beach; effective dates of rules and regulations⁷¹⁴. Any rule or regulation adopted as provided in §§ 1-149 to 1-150 shall become effective fifteen (15) days after publication thereof in some newspaper having a circulation in the Sixth Taxing District of the City of Norwalk.

(4) Bayley Beach; effective date of act⁷¹⁵. §§ 1-148 to 1-152 shall take effect upon their approval by the legal voters of the Sixth Taxing District of the City of Norwalk at a special meeting of the district legally called for the purpose, to be held not later than October 1, 1951.

410, § 2. Historical **Editor's Note:** See § 1-273; § 1-276; § 1-281

⁷¹¹2023 Recodification of current Article II, Part 3. Second Taxing District, §1-148. Derived from Sp. Laws 1951, No. 369, §1.

⁷¹²2023 Recodification of current Article II, Part 3. Second Taxing District, §1-149. Derived from Sp. Laws 1951, No. 369, §2.

⁷¹³2023 Recodification of current Article II, Part 3. Second Taxing District, §1-150. Derived from Sp. Laws 1951, No. 369, §3.

⁷¹⁴2023 Recodification of current Article II, Part 3. Second Taxing District, §1-151. Derived from Sp. Laws 1951, No. 369, §4.

⁷¹⁵2023 Recodification of current Article II, Part 3. Second Taxing District, §1-152. Derived from Sp. Laws 1951, No. 369, §5.

K. Authorization to issue bonds; Roton Point Park improvement bond issue of 1943⁷¹⁶. The Commissioner of the Sixth Taxing District of the City of Norwalk are authorized, when in legal meeting assembled, by a majority of votes of the members of the Commission, to issue bonds or notes on behalf of the taxing district to an amount not exceeding in the aggregate fifty thousand (\$50,000) dollars, registered or with coupons attached, or both, bearing interest at a rate not exceeding five (5%) percent per annum, payable semiannually.

(1) Roton Point park improvement bond issue of 1943; nature⁷¹⁷. Such bonds or notes shall be serial in form and payable in such substantially equal annual installments that the entire amount thereof shall be paid with 10 years from the date of issue.

(2) Roton Point park improvement bond issue of 1943; proceeds⁷¹⁸. The proceeds of such bonds or notes shall be used (a) for the purpose of such of Roton Point, so called, as the Commissioners see fit, for a site for a public park for the taxing district and (b) to defray the expense of improving the same for such purpose.

(3) Roton Point park improvement bond issue of 1943; details⁷¹⁹. The Commissioners of the taxing district, subject to the limitations of §§ 1-153 to 1-156, shall determine the form of such bonds or notes, the several and aggregate amounts thereof, the time or times and place or places of payment of both principal and interest, the manner of signing, countersigning, selling, exchanging or otherwise disposing thereof and the person or persons who shall execute, negotiate and deliver the same for the district.

(4) Roton Point park improvement bond issue of 1943; obligations⁷²⁰. The bonds or notes when so executed, issued and delivered, shall be obligatory upon the district, and upon all the inhabitants and property thereof.

L. § 1-158. Authorization to issue bonds; Bayley Beach bond improvement issue of 1955⁷²¹. The Commissioners of the Sixth Taxing District of the City of Norwalk are authorized, when in legal meeting assembled, by a majority of votes of the members of the Commission, to issue bonds or notes on behalf of the taxing district to an amount not exceeding in the aggregate fifty thousand (\$50,000) dollars, registered or with coupons attached or both, bearing interest at a rate not exceeding three (3%) percent per annum, payable semi-annually.

⁷¹⁶ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-153. Sp. Laws 1943, No. 64, §1.

⁷¹⁷ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-154. Sp. Laws 1943, No. 64, §2.

⁷¹⁸ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-155. Sp. Laws 1943, No. 64, §3.

⁷¹⁹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-156. Sp. Laws 1943, No. 64, §4.

⁷²⁰ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-157. Sp. Laws 1943, No. 64, §5.

⁷²¹ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-158. Sp. Laws 1955, No. 67, §1.

(1) Bayley Beach bond improvement issue of 1955; nature of bonds and maturity⁷²². Such bonds or notes shall be serial in form and payable in such substantially equal annual installments that the entire amount thereof shall be paid within 10 years from the date of issue.

(2) Bayley Beach bond improvement issue of 1955; proceeds⁷²³. The proceeds of such bonds or notes shall be used to defray the expense of improvement to Bayley Beach.

(3) Bayley Beach bond improvement issue of 1955; details⁷²⁴. The Commissioners of the taxing district, subject to the limitations of §§ 1-158 to 1-162, shall determine the form of such bonds or notes, the several and aggregate amounts thereof, the time or times and place or places of payment of both principal and interest, the manner of signing, countersigning, selling, exchanging or otherwise disposing thereof and the person or persons who shall execute, negotiate and deliver the same for the district.

(4) Bayley Beach bond improvement issue of 1955; obligation⁷²⁵. The bonds or notes when so executed, issued and delivered, shall be obligatory upon the district, and upon all the inhabitants and property thereof.

⁷²² 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-159. Sp. Laws 1955, No. 67, §2.

⁷²³ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-160. Sp. Laws 1955, No. 67, §3.

⁷²⁴ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-161. Sp. Laws 1955, No. 67, §4.

⁷²⁵ 2023 Recodification of current Article II, Part 3. Second Taxing District, §1-162. Sp. Laws 1955, No. 67, §5.

PART 3 –SUNSET PROVISIONS

NORWALK CHARTER DRAFT REPORT.042723

ARTICLE XIII: HISTORICAL PROVISIONS

§13-1. Historical Council Districts⁷²⁶ (042723).

The following are the Historical Council Districts referred to in §3-4.A of this Charter, above, subject to repeal or sunset upon the conclusion of the reapportionment for the 2025 municipal election:

A. District A. District A, to consist of the First Taxing District in Norwalk and so much of the Fifth Taxing District as lies easterly of the easterly boundary line of District "E" between the center lines of Connecticut Ave. on the south and Eleanor, Ingleside, Spring Hill and Ponus Avenues on the north and so much of the Fifth Taxing District that lies westerly of a certain line beginning at the intersection of Willow Street and the division line between the First and Fifth Taxing Districts and continuing northerly along the center line of Willow Street to the intersection of Tierney Street and continuing easterly along the center line of Tierney Street to the intersection of George Avenue; thence northerly along the center line of George Avenue to the intersection of Westport Avenue; thence westerly along the center line of Westport Avenue to the division line between the First and Fifth Taxing Districts; thence northerly along the division line to the intersection of Dry Hill Road and continuing northerly along the center line of Dry Hill Road to the intersection of Roosevelt Street; thence westerly along the center line of Roosevelt Street to the intersection of Newtown Avenue; and so much of the Fifth Taxing District as lies southerly of a certain line beginning at the intersection of West Rocks Road and Glendenning Street and continuing northerly along the center line of West Rocks Road to the intersection of Jarvis Street and continuing southerly along the center line of Jarvis Street to the intersection of Buttonball Trail and continuing westerly along the center line of Buttonball Trail to the intersection of Rainbow Road and continuing southwesterly along the center line of Rainbow Road to the intersection of the division line between the First and Fifth Taxing Districts; and so much of the Fifth Taxing District as lies southerly of a certain line beginning at the intersection of Main Street and the division line between the First and Fifth Taxing Districts and continuing along the center line of Main Street to the intersection of Broad Street and continuing westerly along the center line of Broad Street to the intersection of the Silvermine River and continuing southerly along the center line of the Silvermine River to the intersection of the division line between the First and Fifth Taxing Districts.

B. District B. District B, to consist of the Second Taxing District of Norwalk and so much of the Fifth Taxing District that lies southerly and easterly of a certain line beginning at the intersection of North Taylor Avenue and the division line between the Second and Fifth Taxing Districts and continuing northerly along the center line of North Taylor Avenue to the intersection of West Cedar Street and continuing westerly along the center line of West Cedar Street to the intersection of Scribner Avenue and continuing southerly along the center line of Scribner Avenue to the intersection of Senga Road and

⁷²⁶ 2023 Recodification and modification of current Article I - General, §1-2.1. Derived from Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972. Comment of the 2023 Charter Revision Commission: These districts should not be confused with the Taxing Districts which are addressed in [Article 1 of this Charter](#).

continuing easterly along the center line of Senga Road to the intersection of Richmond Hill Road and continuing southerly along the center line of Richmond Hill Road to the intersection of McAllister Avenue and continuing easterly along the center line of McAllister Avenue to the intersection of Woodlawn Avenue and continuing southerly along the center line of Woodlawn Avenue to the intersection of Flax Hill Road and continuing easterly along the center line of Flax Hill Road to the division line of the Second and Fifth Taxing Districts; and so much of the Fifth Taxing District as is bounded by a line beginning at the intersection of the boundary line between the Second and Fifth Taxing Districts and the center lines of Glasser Street and Windsor Place; thence in a southerly direction along the center line of Glasser Street to the intersection of Bouton Street; thence in a southerly direction along the center line of Bouton Street to the intersection of Riordan Street; thence continuing easterly along the center line of Riordan Street to its intersection with the Pennsylvania Railroad right-of-way and continuing southerly along the center line of the railroad to the intersection of the division line between the Fifth and Sixth Taxing Districts south of Charcoal Road; thence continuing southeasterly in a straight line to the intersection of the railroad right-of-way; thence continuing northerly along the center line of the railroad to its intersection with the division line between the Second and Fifth Taxing Districts; and so much of the Fifth Taxing District as is bounded by a line beginning at the intersection of Woodward Avenue and the division line between the Second and Fifth Taxing Districts and continuing southerly along the center line of Woodward Avenue to the intersection of Naromake Avenue and continuing easterly along the center line of Naromake Avenue to the intersection of the division line between the Second and Fifth Taxing Districts.

C. District C. District C, to consist of that portion of Norwalk not included in Districts D, E, A, and B.

D. District D. District D, to consist of that portion of Norwalk lying north of a line beginning at the Norwalk-New Canaan town line in the center line of Carter Street and continuing southerly to and along the center line of Ponus Avenue to the intersection of Beau Street and continuing southerly along the center line of Beau Street to the intersection of Ingleside Avenue, and continuing easterly along the center line of Ingleside Avenue to the intersection of Spring Hill Avenue and continuing northerly along the center line of Spring Hill Avenue to the intersection of Ponus Avenue and continuing easterly along the center line of Ponus Avenue to the division line of the First and Fifth Taxing Districts; thence northerly along the center line of the Silvermine River to the intersection of Broad Street; thence easterly along the center line of Broad Street to the intersection of Main Street; thence southerly along the center line of Main Street to the division line of the First and Fifth Taxing Districts; thence easterly along the division line of the taxing districts to the intersection of Rainbow Road and continuing northerly along the center line of Rainbow Road to the intersection of Buttonball Trail; thence easterly along the center line of Buttonball Trail to the intersection of Jarvis Street and continuing northerly along the center line of Jarvis Street to the intersection of West Rocks Road; thence southerly along the center line of West Rocks Road to the intersection of Glendenning Street; thence easterly along the center line of Glendenning Street to the division line of the First and Fifth Taxing Districts; thence still easterly along the division line of the taxing

districts to the center line of Newtown Avenue; thence northerly along the center line of Newtown Avenue to the intersection of Murray Street, thence easterly along the center line of Murray Street to the Westport Town line.

E. District E. District E, to consist of that portion of Norwalk lying south of the District "D" line from the New Canaan town line to a point at the intersections of Beau Street and Ponus Avenue; the district line continuing southerly along the center line of Beau Street to the intersection of Eleanor Lane and continuing westerly along the center line of Eleanor Lane to the intersection of Maher Drive and continuing southerly along the center line of Maher Drive to its intersection with the center lines of Steppingstone Road and Steppingstone Place; thence southwesterly along the center line of Steppingstone Road to the intersection of Fallow Street and continuing southerly along the center line of Fallow Street to the intersection of No. Taylor Avenue; thence southerly along the center line of No. Taylor Avenue to the intersection of Benedict Street; thence northeasterly along the center line of Benedict Street to the intersection of Ferris Avenue; thence southerly along the center line of Ferris Avenue to the intersection of Phillips Street; thence easterly along the center line of Phillips Street to the intersection of Glenwood Avenue; thence southerly along the center line of Glenwood Avenue to the division line of the Second and Fifth Taxing Districts; thence westerly along the division line of the taxing districts to the center line of No. Taylor Avenue; thence northerly along the center line of No. Taylor Avenue to the intersection of West Cedar Street and then continuing westerly along the center line of West Cedar Street to the intersection of Scribner Avenue; thence southerly along the center line of Scribner Avenue to the intersection of Senga Road; thence easterly along the center line of Senga Road to the intersection of Richmond Hill Road and continuing southerly along the center line of Richmond Hill Road to the intersection of McAllister Avenue, thence easterly along the center line of McAllister Avenue to the intersection of Woodlawn Avenue continuing southerly along the center line of Woodlawn Avenue to the intersection of Flax Hill Road and continuing easterly along the center line of Flax Hill Road to the intersection of Arbor Drive and continuing southerly along the center line of Arbor Drive to the intersection of Glasser Street; thence southerly along the center line of Glasser Street to the intersection of Bouton Street and continuing southerly along the center line of Bouton Street to the intersection of Riordan Street; thence easterly along the center line of Riordan Street to the intersection of the Pennsylvania Railroad right-of-way and continuing southerly along the center line of the railroad to the intersection of the division line between the Fifth and Sixth Taxing Districts south of Charcoal Road; thence southeasterly in a straight line to the intersection of the railroad tracks and continuing in a northerly direction along the tracks to the division line between the Second and Fifth Taxing Districts and continuing easterly along the division lines to the intersection of Woodward Avenue; thence continuing southerly along the center line of Woodward Avenue to the intersection of Naromake Avenue and continuing easterly along the center line of Naromake Avenue to the intersection of Neptune Avenue and continuing easterly along the center line of Neptune Avenue to the Norwalk River.

§13-2. Norwalk Harbor.

A. Description of Norwalk Harbor and rules and regulations of boats, vessels and craft in the harbor; passage of ordinances⁷²⁷. Within the area bounded on the east by the line separating the City of Norwalk from the Town of Westport; on the south by a line commencing at the intersection of said town line with a straight line running in a southwesterly direction to number 24B off Hiding Rocks, said intersection being at Copps Rocks just east of Copps Island, thence in a due westerly direction to Green Ledge light; on the west by a line running northerly from Green Ledge light to the flashing light at the entrance of the Five Mile River, thence northerly along the line separating the City of Norwalk from the Town of Darien; and, on the north by the shore line of the City of Norwalk, the Common Council of the City of Norwalk shall have authority to pass ordinances and otherwise regulate the mooring of all vessels, boats and craft and the use of the water, so that they shall not interfere with the free use of the channels and other navigable waters included within said area hereinbefore described, and, subject to the provisions of §4768 of the General Statutes, may make such other reasonable rules, regulations, ordinances or orders respecting the use of said waters by all vessels, boats and craft as may be necessary to protect persons and all other vessels, boats and craft in such waters and other property thereon.\

B. Norwalk Harbor; publication, filing and effective date of ordinances, rules and regulations⁷²⁸. Such ordinances, rules, regulations and orders, when determined and fixed, shall be published at least once in a newspaper having a circulation in the City of Norwalk and shall be filed in the office of the City Clerk of the City and shall become effective ten (10) days after such publication and filing.

C. Norwalk Harbor; penalties⁷²⁹. Any person who violates any such ordinance, rule, regulation or order, when determined or fixed as provided in §§ **1-205** and **1-206**, shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars or as the Council may otherwise provide for each offense.

D. Norwalk Harbor; enforcement⁷³⁰. Any police or peace officer of the City of Norwalk shall have authority to enforce the provisions of this act. The City Court of Norwalk shall have jurisdiction over all violations of this act.

E. Norwalk Harbor; duty of Harbormaster⁷³¹. The Harbormaster of the Harbor of Norwalk, and any deputies shall, from time to time, advise the Common Council with respect to the matters hereinbefore described or provided for and shall, upon the request of the Common Council, confer with the latter and make such reports to said Common Council as they shall from time to time require with respect to any matter hereinbefore referred to.

⁷²⁷ 2023 Recodification of current Article IV. The Common Council. §1-205. Derived from Sp. Laws 1957, No. 368, § 1. Historical *Editor's Note*: See Ch. **69**, *Norwalk Harbor*.

⁷²⁸ 2023 Recodification of current Article IV. The Common Council. §1-206. Derived from Sp. Laws 1957, No. 368, §2.

⁷²⁹ 2023 Recodification of current Article IV. The Common Council. §1-207. Derived from Sp. Laws 1957, No. 368, §3. Charter Amendment 9-2-1980 Historical *Editor's Note*: *Approved by the electorate at the general election held 11-4-1980*.

⁷³⁰ 2023 Recodification of current Article IV. The Common Council. §1-208. Derived from Sp. Laws 1957, No. 368, §4.

⁷³¹ 2023 Recodification of current Article IV. The Common Council. §1-209. Derived from Sp. Laws 1957, No. 368, §5.

§13-3. Streets, Sidewalks and Building Lines.

Commented [S100]: See, Common Council Provisions.

A. West Avenue⁷³². West Avenue in the City of Norwalk from Wall Street to North Main Street is included in the trunk-line system of highways.

B. Abandonment of West Avenue⁷³³. The Highway Commissioner is authorized to abandon, on written notice to the Mayor of Norwalk, either before or after construction or reconstruction, the above-described section of highway when and if he shall substitute another section of highway for relief or as a cut-off for the same.

C. West Avenue; Reversion to City⁷³⁴. The section of highway described in § **1-429** shall, when abandoned by the Highway Commissioner, revert to the City of Norwalk.

D. Glover Avenue⁷³⁵. Glover Avenue from Route 7 to Oakwood Avenue and Oakwood Avenue from Glover Avenue to the Wilton town line, in the Town of Norwalk, shall be included in the trunk-line system of highways.

E. Washington Street Bridge⁷³⁶. Washington Street Bridge in the City of Norwalk and its approaches to the intersection with Water Street and its intersection with Liberty Square shall be in the system of state highways.

F. Cross Street⁷³⁷. The Highway Commissioner is directed to relocate and construct that part of Cross Street in the City of Norwalk from Hoyt Street to Belden Avenue in accordance with a general plan developed by the City of Norwalk and approved by the Highway Commissioner.

G. Cross Street; Acquiring rights-of-way; cost of constructing bridges and approaches⁷³⁸. The City of Norwalk shall acquire all rights-of-way required for the purposes of § **1-434**, at its own expense. The cost of the construction of the bridge over the Norwalk River shall be paid from the flood fund and the cost of the construction of the approaches from the highway fund.

H. Cross Street; Responsibilities⁷³⁹. The City of Norwalk shall be responsible for the maintenance of the part of Cross Street subsequent to the relocation and construction provided in § **1-434**, and the Highway Commissioner shall have no obligation or liability therefor.

⁷³² 2023 Recodification of current Article XV, Part 1. General, §1-429. Derived from Sp. Laws 1933, No. 414, §1.

⁷³³ 2023 Recodification of current Article XV, Part 1. General, §1-430. Derived from Sp. Laws 1933, No. 414, §2.

⁷³⁴ 2023 Recodification of current Article XV, Part 1. General, §1-431. Derived from Sp. Laws 1933, No. 414, §3.

⁷³⁵ 2023 Recodification of current Article XV, Part 1. General, §1-432. Derived from Sp. Laws 1955, No. 402.

⁷³⁶ 2023 Recodification of current Article XV, Part 1. General, §1-433. Derived from Sp. Laws 1949, No. 249. **Historical**

Editor's Note: See § 1-7.

⁷³⁷ 2023 Recodification of current Article XV, Part 1. General, §1-434. Derived from Sp. Laws 1957, No. 419, §1.

⁷³⁸ 2023 Recodification of current Article XV, Part 1. General, §1-435. Derived from Sp. Laws 1957, No. 419, §2.

⁷³⁹ 2023 Recodification of current Article XV, Part 1. General, §1-436. Derived from Sp. Laws 1957, No. 419, §3.

I. **Yankee Doodle Bridge**⁷⁴⁰. The highway bridge of the Connecticut Turnpike to be built across the Norwalk River in Norwalk is named the "Yankee Doodle Bridge."

§13-4 Pensions for Certain Retired Employees⁷⁴¹.

A. **Payment to Widows**⁷⁴². The City of Norwalk shall pay annually to Mary E. Eldridge, widow of James Eldridge, during the term of her natural life, the sum of \$706.80, in equal monthly payments to commence September 1, 1955. The Board of Estimate and Taxation shall include annually in the estimate of expenditures of the City and Town of Norwalk a sum sufficient to pay such pension.

§13-5. The Police Benefit Fund⁷⁴³.

A. **Composition of the Police Benefit Fund**⁷⁴⁴. There shall be in the City of Norwalk a fund to be known as the Police Benefit Fund to consist of: (1) The sums of money as shall be appropriated to the fund from the Treasury of the City by the Council; (2) all property specially devised, bequeathed or given for the benefit of disabled members of the Police Force of the City, and property given to the Police Department of the City on account of services rendered by the Department; (3) all lost, abandoned, unclaimed or stolen money and all money arising from the sale of unclaimed abandoned, lost or stolen property in charge of the **Board of Public Safety of the City** at any time available for that purpose under the provisions of the general statutes; (4) all rewards, fees, gifts, testimonials and emoluments that may be presented to any member of the Police Force of the City on account of special services, except such as the **Board of Public Safety** may allow any member to retain; (5) one percent of all salaries and compensation of the members of the Police Department appointed before July 1, 1945; (6) three percent of all salaries and compensation of the members of the Police Department appointed after July 1, 1945; and (7) an annual appropriation to the fund by the City of Norwalk of an amount not less than three percent of yearly salaries and compensation of the contributing members of the Police Department.

⁷⁴⁰ 2023 Recodification of current Article XV, Part 1. General, §1-437 Derived from Sp. Laws 1957, No. 503.

⁷⁴¹ Historical Editor's Note I: As to pension plan for city employees see Appendix, Part II, Pension Plan.

§ 1-659, through § 1-662. (Reserved). Historical Editor's Note II: Former § 1-659, Payment to Grace Briggs Barrett, and 1-660, Pension from date of retirement included in estimate of expenditures, Sp. Laws 1949, No. 34, §§ 1 and 2, and §§ 1-661, Payment to Charles T. McGovern, and 1-662, Pension included in estimate of expenditures, Sp. Laws 1953, No. 426, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

⁷⁴² 2023 Recodification of current Article XXI "Pensions for Certain Retired Employees," §1-663. Derived from Sp. Laws 1955, No. 298; Charter Amendment 9-2-1980. Historical Editor's Note: Approved by the electorate at the general election held 11-4-1980. § 1-664. (Reserved) Historical Editor's Note: Former § 1-664, Payment to John Mills, Sp. Laws 1957, No. 154, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

⁷⁴³ Editor's Note: Refer to § 1-299 for administration of fund.

⁷⁴⁴ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-319. Derived from Sp. Laws 1931, No. 518, § 1; Sp. Laws 1945, No. 235.

B. Benefit Fund Trustees; Treasurer; Secretary⁷⁴⁵. The Board of Public Safety of the City shall be a Board of Trustees of the Benefit Fund and the Treasurer of the City shall be the Treasurer of the fund. All orders drawn on the fund shall be signed by the Chair of the Board and countersigned by the Secretary of the Board. The Secretary shall keep a record of the proceedings of the Board and of all actions taken by it with regard to the fund.

Commented [S101]: Is there a Board of Public Safety?

C. Investment of Benefit Fund⁷⁴⁶. The Board of Trustees shall have general charge of the fund and may, by a majority vote, including the vote of the Mayor, direct the Treasurer to invest any portion of the same in bonds of the City of Norwalk or in any securities authorized by the laws of the state as investment for trust funds, or to deposit the same or any portion thereof in any savings banks or trust companies of the state. The Board of Trustees shall, annually, or more frequently, if required, report to the Council the condition of the fund, with the items of all the receipts and disbursements on account of same. If the fund shall be found, at any time, to be insufficient to meet the requirements made upon it, the Board of Estimate and Taxation, upon application made to it by the Board of Trustees, or by the Council acting at the instance of the Board of Trustees, shall make an appropriation to supply the deficiency, and any prospective deficiency in the fund may be provided for by the Board of Estimate and Taxation in its annual appropriations for the Police Department.

D. Establishment of the "Veterans Reserve"⁷⁴⁷. In addition to the Regular and Supernumerary Police Force of the City of Norwalk, composed of the permanent men and officers of the Department, there shall be an honorary grade known as "The Veteran Reserve" to which the Board of Trustees may at its discretion, by unanimous vote, transfer any member of the police force who shall, from age or from disability incurred in the discharge of perilous duty or in long and faithful service, become permanently disqualified for the more active duties of the regular grade; provided the pay of any member of the Veteran Reserve shall be regulated by the Board of Trustees in accordance with the amount of duty performed and shall not be less than one-half (1/2) of the compensation previously received by the member while in the regular police force and provided any member of the Veteran Reserve may be removed in the same manner as a member of the regular Police Department and provided no transfer to the Veteran Reserve shall be made except on the certificate of the Medical Examiner as the Board of Trustees may appoint. All members so transferred shall be subject to the orders of the Board of Trustees, which may at any time, require any the member to be reexamined, and, in case the member shall be reported capable of performing duty, may, by an affirmative vote of the majority of its members, including the vote of the Mayor, restore the member to the regular Police Department.

⁷⁴⁵ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-320. Derived from Sp. Laws 1931, No. 518, §2.

⁷⁴⁶ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-321. Derived from Sp. Laws 1931, No. 518, §3.

⁷⁴⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-322. Derived from Sp. Laws 1931, No. 518, §4.

E. Disability and Old Age⁷⁴⁸. The Board of Trustees may, by a unanimous vote, as a reward for conspicuously meritorious service, retire from duty any member of the regular force or the Veteran Reserve Force after twenty-five years of continuous service in the Department, upon the certificate of the Medical Examiner as the Board of Trustees may designate, showing that the member is permanently disabled, physically or mentally, so as to be unfit for any police duty; provided that the Medical Examiner shall opine and further certify that the disability is due either to the natural infirmities of old age or to injury received or exposure endured in the performance of duty in the Police Department. The member shall be entitled to receive from the fund, during the remainder of the member's lifetime, unless removed from the retired list, after notice and hearing, by the unanimous vote of the Board of Trustees, a sum equal to one-half of the yearly compensation received in service before retirement as a regular member of the Police Department, the sum to be payable in monthly installments. The Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Police Department who, while in the actual performance and by reason of the performance of official duty and without fault or misconduct on the part of the member, shall have become permanently disabled, physically or mentally so as to be entirely unfitted to perform the duty; and the member so retired shall be entitled to receive from the fund during the life of the member, unless removed from the retired list, after notice and hearing, by the unanimous vote of the members of the Board of Trustees, a sum equal to one-half (1/2) of the member's previous compensation received per annum, to be paid in monthly installments. Whenever the Board of Trustees shall remove a former member of the Police Department from the retired list, the Board shall make and keep on file a written statement of the causes for having made the removal.

F. Death Benefits⁷⁴⁹. When any member of the Police Department shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received or illness contracted while in the actual discharge of the duty, the Board of Trustees shall direct a sum not exceeding one-half of the yearly compensation received in service as a regular member of the Police Department, to be paid from the fund, in monthly installments to the widow of the police officer, or, if the member leaves no widow, to the child or children of the member not over sixteen years of age, after the death or remarriage of the member's widow; provided the annual payments to the widow shall cease if the widow shall remarry, and the payments to any such child shall cease when the child shall attain the age of sixteen years. In case the deceased member leaves neither widow nor a child under the age of sixteen years, the Board of Trustees shall direct the whole of the sum to be paid to the parents, or dependent of the member, if such parent or parents, or dependent, prior to the death of the member, shall have depended upon such member for support.

G. Reserved Provisions⁷⁵⁰.

⁷⁴⁸ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-323. Derived from Sp. Laws 1931, No. 518, §5.

⁷⁴⁹ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-324. Derived from Sp. Laws 1931, No. 518, § 6; Sp. Laws 1939, No. 255, §1.

⁷⁵⁰ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-325. Historical *Editor's Note: Former § 1-325, Retirement at 60, Sp. Laws 1931, No. 518, § 7; Sp. Laws*

H. Examination by Medical Examiner⁷⁵¹. The Board of Trustees may, at its discretion, order any member of the retired list, except the members as shall have been retired under the provisions of § **1-325**, to be examined by a Medical Examiner to be designated by the Board, and, if the member shall be reported capable of performing police duty, the Board may, by an affirmative vote of a majority of its whole number, including the vote of the Mayor, restore the member either to the regular or to the Veteran Reserve Force.

I. Authorization to Make Rules and Regulations⁷⁵². The Board of Trustees shall have authority to make rules and regulations necessary to carry out the provisions of §§ **1-319 to 1-332**, but the rules and regulations shall not be effectual until ratified by a majority vote of the Council.

Commented [S102]: VOTING STANDARD.

J. Failure to Pay Assessment⁷⁵³. Any person who shall fail to pay an assessment which may be made against him under the provisions of §§ **1-319 to 1-332**, shall not be entitled to any benefits from the fund.

K. Transfer of Funds from Police Benefit Fund⁷⁵⁴. All of the accumulations deposited in the Police Benefit Fund at the time of the passage of §§ **1-319 to 1-322**, from whatever source derived, are transferred to and vested in the Trustees of the Police Benefit Fund, to be held, managed and disposed of as herein set forth, and all acts of the Trustees in reference thereto are ratified and confirmed.

L. Resignation and Reinstatement⁷⁵⁵. The term of service of any member of the permanent force of the Police Department of the City of Norwalk who shall have resigned and shall have been immediately reinstated as a member of the permanent force of the Police Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under any pension law or Police Benefit Fund law effecting the member. Any member of the permanent force of the Police Department who shall have resigned from the Department when no charges were pending against him, and who shall afterwards, at any time, be reinstated as a member of the permanent force of the Police Department, shall be entitled to have the member's two periods of service in the Department considered as a term of continuous service for the purpose of receiving any benefits under any pension law or Police Benefit Fund law affecting the member.

1933, No. 333, § 1, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

⁷⁵¹ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-326. Derived from Sp. Laws 1931, No. 518, § 8.

⁷⁵² 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-327. Derived from Sp. Laws 1931, No. 518, §9

⁷⁵³ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-328. Derived from Sp. Laws 1931, No. 518, 10

⁷⁵⁴ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-329. Derived from Sp. Laws 1931, No. 518, §11.

⁷⁵⁵ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-330. Derived from Sp. Laws 1931, No. 518, §12; Sp. Laws 1933, No. 333, § 2.

M. Death Allowances for Members Eligible for Retirement⁷⁵⁶. When any member of the permanent force of the Police Department who shall be on or shall be eligible to be placed on the retired list, by reason of the provisions of § **1-325**, shall die while on or eligible to be placed on the retired list, the Board of Trustees of the Police Benefit Fund shall direct an allowance out of the fund equal to one-half of the salary of the deceased police officer, to be paid to the widow or dependents of the deceased police officer.

N. Death Allowances for Members with Twenty Years of Service⁷⁵⁷. When any member of the Police Department shall die, after having served continuously for a period of twenty years or more, exclusive of time served as a supernumerary or special police officer, the Board of Trustees shall direct an allowance out of the fund, equal to one-half the salary of the deceased police officer to be paid to the widow until the death or remarriage of the widow and thereafter to the children of the police officer who are under the age of sixteen years, provided, in the case of any police officer who shall have died while a member of the Veteran Reserve, the allowance shall be one-half of the pay which the deceased police officer was receiving immediately prior to being placed on the Veteran Reserve, and provided, in case the police officer leaves neither widow nor child, under the age of sixteen years, the Board of Trustees shall direct the whole of the sum to be paid to the parent or parents or dependent of the deceased member, if such parent or parents or dependent, prior to the member's death, shall have depended upon the police officer for support.

§13-6. The Firemen's Benefit Fund.

A. Composition of the "Firemen's Benefit Fund"⁷⁵⁸. There shall be in the City of Norwalk a fund to be known as the "Firemen's Benefit Fund," which fund shall consist of (1) any property specifically devised or given for the benefit of disabled firemen of the permanent force and so designated; (2) any money derived from entertainments or testimonials conducted under the heading or title of the "Firemen's Benefit Fund"; (3) any rewards, fees, gifts or acknowledgment of service, designated and presented to the Fire Department or any member thereof on account of special service, except as shall be allowed by the Board of Public Safety of the City to be retained by a member or any similar grant by the Council of the City; (4) a monthly assessment of 1% on the salaries of members of the permanent force who were appointed before July 1, 1945; (5) a monthly assessment of three percent on the salaries of the members appointed to the permanent force after July 1, 1945; (6) such as the Board of Estimate and Taxation may, upon recommendation of the Council, appropriate from time to time; (7) any money collected from members of the permanent force by way of a fine or forfeiture of pay imposed or ordered, and all money deducted or withdrawn from the pay of the members on account of lost time or for breach of the rules of the Department; (8) the income and interest from

⁷⁵⁶ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-327. Derived from Sp. Laws 1931, No. 518, §13

⁷⁵⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-332. Derived from Sp. Laws 939, No. 255, §2. **Note: "939 = "1939"?**

⁷⁵⁸ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-338. Derived from Sp. Laws 1931, No. 37, § 1; Sp. Laws 1945, No. 242.).

all property and money belonging to the fund; and (9) an annual appropriation to the fund by the City of Norwalk of an amount not less than three percent of yearly salaries and compensation of the contributing members of the Fire Department. Any property given to the Fire Department on account of services rendered shall, unless otherwise specifically directed, be made part of a fund selected by the Volunteer Fire Company or companies engaged in any special act of the service for which any reward may be given, while the class of volunteer fire service may continue.

B. Abolishment of Volunteer Service⁷⁵⁹. When the Council shall determine that the class of volunteer service shall be abolished and the manual force placed upon an entirely paid basis, § **1-338** shall apply to the members constituting the paid force.

C. Firemen's Benefit Fund; Trustees; Treasurer and Secretary⁷⁶⁰. The Board of Public Safety of the City shall be a Board of Trustees of the Benefit Fund, and the Treasurer of the City shall be the Treasurer of the fund. All orders drawn on the fund shall be signed by the Chair of the Board and countersigned by the Secretary of the Board. The Secretary shall keep a record of the proceedings of the Board and of all action taken by it with regard to the Benefit Fund.

Commented [S103]: BOARD OF PUBLIC SAFETY?

D. Fund Investment; Reports; Appropriations⁷⁶¹. The Board of Trustees shall have general charge of the Relief or Benefit Fund, with the items of all the receipts and disbursements on the majority, direct the Treasurer to invest any portion of the same in bonds of the City of Norwalk or in any securities authorized by the laws of the state as investments for trust funds or to deposit the same or any portion thereof in any savings banks or trust companies of the state. The Board of Trustees shall annually, or more frequently if required, report to the Council the condition of the Benefit Fund, with the items of all the receipts and disbursements on account of the same. If the Benefit Fund shall be found, at any time, to be insufficient to meet the requirements made upon it, the Board of Estimate and Taxation, upon application made to it by the Board of Trustees, or by the Council, acting at the instance of the Board of Trustees, shall make an appropriation to supply the deficiency, and any prospective deficiency in the fund may be provided for by the Board of Estimate and Taxation in its annual appropriations for the Fire Department.

E. The Establishment of Veteran Reserve⁷⁶². In addition to the regular Fire Department of the City, composed of the permanent men and the officers of the Department, there shall be an honorary grade known as "The Veteran Reserve," to which the Board of Trustees may, at its discretion, by unanimous vote, transfer any member of the regular force of the Department who shall, from age or disability incurred in the

⁷⁵⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-339. Derived from Sp. Laws 1931, No. 37, §2).

⁷⁶⁰ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-340. Derived from Sp. Laws 1931, No. 37, §3).

⁷⁶¹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-341. Derived from Sp. Laws 1931, No. 37, §4).

⁷⁶² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-342. Derived from Sp. Laws 1931, No. 37, §5).

discharge of perilous duty or in long and faithful service, become permanently disqualified for the more active duties of the regular grade; provided the pay of any member of the Veteran Reserve shall be regulated by the Board of Trustees in accordance with the amount of duty performed and shall not be less than one-half of the compensation previously received by the member while in the regular Fire Department Service and provided any member of the Veteran Reserve may be removed in the same manner as a member of the regular Fire Department and provided no transfer to the Veteran Reserve shall be made except on the certificate of the Medical Examiner as the Board of Trustees may appoint. All members so transferred shall be subject to the orders of the Board of Trustees, which may, at any time, require any the member to be reexamined, and in case the member shall be reported capable of performing duty, may by an affirmative vote of a majority of its members, including the vote of the Mayor, restore the officer or member to the regular Fire Department.

F. Disability and Old Age⁷⁶³. The Board of Trustees may, by a unanimous vote, as a reward for conspicuously meritorious service, retire from duty any member of the regular force or the Veteran Reserve Force after twenty-five (25) years of continuous service in the Department, upon the certificate of the Medical Examiner as the Board of Trustees may designate, showing that the member is permanently disabled, physically or mentally, so as to be unfit for any fire duty; provided the Medical Examiner shall opine and further certify that the disability is due either to the natural infirmities of old age or to injury received or exposure endured in the performance of duty in the Fire Department. The member shall be entitled to receive from the fund, during the remainder of the member's life, unless removed from the retired list, after notice and hearing, by the unanimous vote of the Board of Trustees, a sum equal to one-half of the yearly compensation received in service before retirement as a regular member of the Fire Department, the sum to be payable in monthly installments. The Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Fire Department who, while in the actual performance and by reason of the performance of the duty and without fault or misconduct on the member's part, shall have become permanently disabled, physically or mentally, so as to be entirely unfitted to perform the duty; and the member so retired shall be entitled to receive from the fund during the member's life, unless removed from the retired list, after notice and hearing, by the unanimous vote of the members of the Board of Trustees, a sum equal to one-half of the member's previous compensation received per annum, to be paid in monthly installments. Whenever the Board of Trustees shall remove a former member of the Fire Department from the retired list, the Board shall make and keep on file a written statement of the causes for having made the removal.

G. Death Benefits⁷⁶⁴. When any member of the Fire Department shall have been killed while in the actual performance of duty, or shall have died from the effects of an injury received or illness contracted while in the actual discharge of such duty, the

⁷⁶³ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-343. Derived from Sp. Laws 1931, No. 37, §6).

⁷⁶⁴ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-345. Derived from Sp. Laws 1931, No. 37, §7; Sp. Laws 1941, No. 419, §1).

Board of Trustees shall direct a sum equal to one-half of the yearly compensation received in service as a regular member of the Fire Department, to be paid from the fund, in monthly installments to the widow of the firefighter, or if the member leaves no widow, or the widow shall thereafter die or remarry, to a member's child or children not over eighteen years of age, after the death or remarriage of the widow; provided the annual payments to the widow shall cease if the widow shall remarry, and such payments to any such child shall cease when the child shall attain the age of eighteen years. In case the deceased member leaves neither widow nor child under the age of eighteen years, the Board of Trustees shall direct the whole of the sum to be paid to the parent or parents or dependent of such member, if the parent or parents or dependent, prior to the member's death, shall have been dependent upon the member for support.

H. Retirement⁷⁶⁵. The Board of Trustees may, of its own volition, and shall, at the request of any member of the permanent force, or any member thereof who shall have served in the class of service continuously for a period of twenty-five years and shall have attained the age of sixty years, place any officer or member on the retired list. Thereafter, the retired officer or member shall be entitled to receive from the fund during the life of the retired officer or member an annual sum, payable monthly, equal to one-half of the pay at the time of retirement.

I. Examination by Medical Examiner; Restoration to Duty⁷⁶⁶. The Board of Trustees may, at its discretion, order any member on the retired list, except the member as shall have been retired under the provisions of § 1-345, to be examined by a Medical Examiner to be designated by the Board, and if the member shall be reported capable of performing fire duty, the Board may, by an affirmative vote of a majority of its whole number, the Mayor to be one of the majority, restore the member either to the regular or to the Veteran Reserve Force.

J. Authorization of Board of Trustees to make Rules and Regulations⁷⁶⁷. The Board of Trustees shall have authority to make rules and regulations necessary to carry out the provisions of §§ 1-338 to 1-352, but such rules and regulations shall not be effectual until ratified by a majority vote of the Council.

Commented [S104]: VOTING STANDARD.

K. Failure to Pay Assessments⁷⁶⁸. Any person who shall fail to pay an assessment which may be made against him under the provisions of §§ 1-338 to 1-352, shall not be entitled to any benefits from the fund.

L. Transfer of Fund and Investment Thereof⁷⁶⁹. All of the accumulations deposited in the firemen's benefit fund at the time of the passage of §§ 1-338 to 1-356,

⁷⁶⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-345. Derived from Sp. Laws 1931, No. 37, §8; Sp. Laws 1933, No. 329, §1).

⁷⁶⁶ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-346. Derived from Sp. Laws 1931, No. 37, §9).

⁷⁶⁷ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-347. Derived from Sp. Laws 1931, No. 37, §10).

⁷⁶⁸ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-348. Derived from Sp. Laws 1931, No. 37, §11).

⁷⁶⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-349.

from whatever source derived, are transferred to and invested in the Trustees of the Firemen's Benefit Fund, to be held, managed and disposed of as herein set forth, and all acts of the Trustees in reference thereto are ratified and confirmed.

M. Resignation and Reinstatement⁷⁷⁰. The term of service of any member of the permanent force of the Fire Department of the City of Norwalk who shall have resigned and shall have been immediately reinstated as a member of the permanent force of the Fire Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under any pension law or fire fighter's fund law affecting such member. Any member of the permanent force of the Fire Department who shall have resigned from the Department where no charges were pending against the member, and who shall, afterwards at any time, be reinstated as a member of the permanent force of the Fire Department, shall be entitled to have the two (2) periods of service in the Department considered as a term of continuous service for the purpose of receiving any benefits under any pension law or firemen's fund law affecting the member.

N. Death Allowances for Member Eligible for Retirement⁷⁷¹. When any member of the permanent force of the Fire Department who shall be on or shall be eligible to be placed on the retired list, by reason of the provisions of § 1-345, shall die while on or eligible to be placed on the retired list, the Board of Trustees of the Firemen's Benefit Fund shall direct an allowance out of the fund equal to one-half of the salary of the deceased fire fighter, to be paid to the widow or dependents of the deceased fire fighter.

O. Death Allowances for Members After Continuous Service⁷⁷². When any member of the Fire Department shall die, after having served continuously for a period of twenty years or more, exclusive of the time served as a volunteer, or callman, the Board of Trustees shall direct an allowance out of the Fireman's Benefit Fund equal to one-half of the yearly salary of the deceased fire fighter to be paid in monthly installments to the widow of the fire fighter or, if the fire fighter leave no widow or the widow thereafter dies or remarries, to the member's child or children not over eighteen years of age; after the death or remarriage of the widow, provided, in case of any fire fighter who shall have died while a member of the Veteran Reserve, such allowance shall be one-half of the pay which such deceased fire fighter was receiving immediately prior to being placed in such Veteran Reserve, and provided in case the fire fighter leaves neither widow nor child under the age of eighteen years, the Board of Trustees shall direct the whole of such sum to be paid to the parents or parent or dependent of such deceased member, if such parent or parents or dependent, prior to the member's death, shall have depended upon the member for support.

Derived from Sp. Laws 1931, No. 37, §12).

⁷⁷⁰ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-350.

Derived from Sp. Laws 1931, No. 37, § 13; Sp. Laws 1933, No. 329, § 2).

⁷⁷¹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-351.

Derived from Sp. Laws 1931, No. 37, §14).

⁷⁷² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-352.

Derived from Sp. Laws 1941, No. 419, §2).

§13-7. Historical Provisions Pertaining to the Comptroller⁷⁷³.

The following provisions shall supplement the provisions of Article VII, §8.4.C and shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance these provisions shall be null and void and may be removed from the Charter; unless the Corporation Counsel determines, in writing, that any provisions should remain intact.

A. maintain and supervise the general accounting system for all Budgeted Entities;

B. keep or cause to be kept complete books of records and accounts showing the financial conditions of the City and all financial transactions, including all districts of the city but more especially those districts which are not under the supervision of District Commissioners as provided in this Charter;

Commented [S105]: Keep Taxing District

C. keep separate accounts for the appropriations in the budget and the allotments thereof and shall encumber immediately each appropriation and each allotment for the amount of any purchase order, payroll or contract upon approval;

D. maintain for each account a record of the amounts paid and remaining unpaid, all encumbrances and unencumbered balances; the Comptroller shall keep a record of accounts payable by the city and accounts receivable by the city;

E. prescribe and control receipts to be used by all departments, offices, agencies and commissions of the City;

F. audit before payment all bills, invoices, payroll and other evidences of claims, demands or charges against the City and approve them only if proper and legal and only if moneys have been appropriated and an unspent and unencumbered balance is available;

G. administer the payroll of the City;

H. subject to the control and supervision of the Chief Financial Officer as aforesaid, manage and invest the excess funds of the city and shall administer the debt of the city;

I. Further Duties of the Controller⁷⁷⁴.

⁷⁷³ 2023 recodification of current Article V, Part 4 – Department of Finance §1-240.A (Sixth sentences, clauses (i) – (x)). With the exception of the following provisions which remain in Article VIII, 8.4.C: "certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each Budgeted entity and officer of the city, and no purchase order or contract shall be a valid obligation of the City of Norwalk unless it shall bear such certification of the Comptroller; and, refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in his or her opinion, will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation."

⁷⁷⁴ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-240.A (Seventh and eighth sentences).

(1) **Methods of Accounting and Reporting.** The Comptroller, under the direction of the Director of Finance, shall supervise the methods of accounting for all departments and offices of the city and shall prescribe such methods of accounting and reporting as will enable him to keep a true record of all financial acts of the city.

(2) **Duties of Town Treasurers.** The Comptroller shall have the same relative powers and duties within the City of Norwalk as the Town Treasurers under the general statutes in their respective towns except as herein provided.

§13-8. Historical Provisions pertaining to the Purchasing Agent⁷⁷⁵. The following provisions shall supplement the provisions of Article VII, §~~13-8~~ and shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance these provisions shall be null and void and may be removed from the Charter; unless the Corporation Counsel determines, in writing, that any provisions should remain intact.

A. Duties of the purchasing Agent. Following the certification by the Comptroller of any requisition from a department head as provided hereinabove, the Purchasing Agent shall proceed to purchase the article, commodity or thing required, including those required by the Board of Education except for items unique to the Board of Education, provided that in all purchases of one thousand (\$1,000) dollars or more the Purchasing Agent shall obtain at least two (2) competitive bids before making the purchase, and further provided that in the case of all purchases of over three thousand (\$3,000) dollars, including a continuing order or contract for the purchase of the same article, commodity or thing over a period of time, competitive bids on the basis of specifications prepared by the department requiring the article, commodity or thing shall be advertised for, and the order shall be awarded in conformity with such regulations as the Common Council may establish by ordinance governing purchasing procedure⁷⁷⁶.

B. Multi-Departmental Purchases⁷⁷⁷. Where any article, commodity or thing is known to the Purchasing Agent to be required during the fiscal year by any two (2) or more departments or agencies of the city, the Purchasing Agent shall have power to require them to file their requests therefor within sixty (60) days from the beginning of such fiscal year.

C. Sole Source Purchases⁷⁷⁸. When the Purchasing Agent receives less than two (2) competitive bids or where the goods or services sought are obtainable from a single source, the Purchasing Agent may purchase from such sole bidder or single

⁷⁷⁵ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing First and second sentences). Added by Charter Amendment 8-29-1978, §6. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978*. The remainder of the historical provision has been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁷⁷⁶ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (First sentence).

⁷⁷⁷ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Second sentence).

⁷⁷⁸ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Third sentence).

source; providing, however, that every such purchase in excess of three thousand (\$3,000) dollars shall be subject to the approval of the Common Council.

D. Special Purchases Permitted by the Council⁷⁷⁹. The Common Council may empower special committees to obtain for the city goods or services, and the requirements for advertising and bidding shall apply to such committees.

§13-9. Historical Provisions Pertaining to the Tax Collector⁷⁸⁰. The following provisions shall supplement the provisions of Article VII, § 1 and shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance these provisions shall be null and void and may be removed from the Charter; unless the Corporation Counsel determines, in writing, that any provisions should remain intact. The Tax Collector is responsible for the following:

A. Powers and Duties of Tax Collector⁷⁸¹. Said Tax Collector shall (1) have the powers and be subject to the duties imposed by law upon Collectors of Town Taxes⁷⁸²; (2) receive and collect all taxes due to said city, all assessments made by said city, and all taxes and assessments which have been laid and assessed, and are unpaid at the passage of this act, by the Town of Norwalk, the City of Norwalk, the City of South Norwalk, and the East Norwalk Fire District, and report to the Council of said city the names and addresses of all persons who, being liable to pay such taxes and assessments on the day when they become due, have neglected to pay the same⁷⁸³. All the amounts due to said city as special benefits or otherwise as herein provided may be collected by warrants under the hand of the Mayor, directed to the Collector who may collect the same in the manner in which tax warrants are collected⁷⁸⁴.

B. Inspections of Tax Book⁷⁸⁵. The tax book of the Collector of Taxes of said city shall at all reasonable times be open to the inspection of any taxpayer and to any auditor of public accounts in said city.

C. Time Annual Taxes Payable⁷⁸⁶. All taxes, annually laid by said Board of Estimate and Taxation shall be payable on the day fixed by the Board of Estimate and Taxation in each year.

⁷⁷⁹ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Fourth sentence).

⁷⁸⁰ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (First and second sentences). Added by Charter Amendment 8-29-1978, §7. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

⁷⁸¹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 Added by Sp. Laws 1913, No. 352, § 95; Sp. Laws 1933, No. 363, §5. *Editor's Note: For duties of the Assistant Tax Collector, see Ch. 9, Administration.*

⁷⁸² 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (First sentence).

⁷⁸³ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (Second sentence).

⁷⁸⁴ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (Third sentence). Historical *Editor's Note: See § 1-226.*

⁷⁸⁵ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-255 (Sp. Laws 1913, No. 352, § 96.)

⁷⁸⁶ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-256 (Sp. Laws 1913, No. 352, § 97.). Historical *Editor's Note: See § 1-289.*

D. Time Special Taxes Payable⁷⁸⁷. All special taxes laid shall be due and payable on such day as said Board of Estimate and Taxation shall designate at the time of laying said tax and upon any special tax being laid the Collector of Taxes shall publish a notice of the time when said tax shall be payable in a newspaper published in said city at least one week preceding said time.

E. Notices for Payable Taxes⁷⁸⁸. The Tax Collector shall include in the notice of the time when the tax shall become payable a notice of the place and the times at which the Collector will receive such taxes.

F. Delinquent Taxes⁷⁸⁹. If any tax laid by said Board of Estimate and Taxation shall remain unpaid for one month after the same shall become payable interest at the rate of nine percent per annum shall be charged from the time when such tax shall become due until the same shall be paid, which shall be collectible as part of said tax, and the Collector of Taxes shall keep an accurate and separate account of all such additions and the time when the same may be received, and shall pay the same as a part of the tax, and said Tax Collector shall immediately pay all moneys collected to the Treasurer of the city or to the Treasurers of the several taxing districts as herein provided.

G. Recovery of Taxes⁷⁹⁰. All taxes assessed by said Board of Estimate and Taxation shall become a debt due from the person or corporation against whom they are assessed to the city, and may, in addition to the other remedies provided by law, be recovered in any proper action in the name of said city; but the bringing of such action shall in no wise affect the life or validity of the lien for said taxes or the right to bring action of foreclosure for the same, provided a substantial recovery by either of such remedies shall bar a recovery by any other remedy.

H. Demands and Levys⁷⁹¹. If any person shall fail to pay any tax said Tax Collector for the city shall, if such person be a resident of said city, make demand of him therefor or leave written demand at his place of abode. If such a person is not a resident of said city the Collector shall make demand of him therefor, or deposit in a post office in said Town of Norwalk a written demand for said tax, postage prepaid, addressed to such person at his last known place of residence. After demand has been made in the manner above provided said Collector may levy for said taxes on any taxable goods or chattels of such person and post and sell the same in the manner provided in case of executions, but if any such goods or chattels belonging to such person cannot be found, after reasonable search on the part of said Collector, the Collector may (a) enforce, by levy

⁷⁸⁷ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-257 (Sp. Laws 1913, No. 352, § 98.)

⁷⁸⁸ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-258 (Sp. Laws 1913, No. 352, § 99.)

⁷⁸⁹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-259 (Sp. Laws 1913, No. 352, § 100.)

⁷⁹⁰ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-260 (Sp. Laws 1913, No. 352, § 101.)

⁷⁹¹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-261 (Sp. Laws 1913, No. 352, § 102.)

and sale, any lien upon real estate assessed for said taxes, or (b) levy upon or sell such interest of the person in any real estate as exists at the date of levy, or he may levy upon the body of such person and commit the person to jail until the tax and the legal costs or be discharged in due course of law are paid.

I. Real Estate Liens⁷⁹². When the Board of Estimate and Taxation shall lay any tax as provided herein the same shall be a lien upon the taxable real estate in the several taxing districts in reference to which such tax was laid, and any lien for taxes annually laid by said Board shall date from the first (1st) day of the preceding October, and the lien for any special tax laid by said Board shall date from the day on which the appropriation therefor was made.

J. Continuance of Tax Liens⁷⁹³. The Tax Collector of said city may continue any tax lien upon any real estate by causing to be recorded in the land records of said Town of Norwalk within the first (1st) year after the tax becomes due his certificate describing the real estate and the amount of such tax at the time when it becomes due, and thereupon such tax, with interest thereon at seven (7%) percent per annum in lieu of nine (9%) percent hereinbefore prescribed, shall remain a lien upon such real estate from the recording of said certificate until paid, and any tax lien so continued may, when the tax has been paid, be discharged by a certificate of the Tax Collector recorded in such land records. The fee of the Town Clerk for recording such tax lien shall be \$0.25 and there shall be allowed in favor of said city the sum of \$0.50 which sums shall be collected in addition to the tax so secured.

K. Notice of filing Certificate for Continuance of Lien⁷⁹⁴. Whenever the Tax Collector of said city shall file with the Town Clerk his certificate for the purpose of continuing a lien of any tax upon real estate as herein provided, the Collector shall, within thirty (30) days thereafter, give notice to the person or persons in whose name such property appears of record that such certificate has been filed, which notice shall contain a statement of the original amount of such tax, and if the person to whom such notice is sent is not the person against whom such tax was assessed such notice shall state the name of the person against whom the tax was assessed. Said notice shall not be required in cases where said Collector, within thirty (30) days prior to the filing of such certificate, has given notice to the person who appears of record to be the owner of his intention to file such certificate of lien. Such notice shall not take the place of other notices herein required, nor shall the failure to give the notice required by this section affect the collection of the tax or invalidate the certificate of lien.

⁷⁹² 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-262 (Sp. Laws 1913, No. 352, § 103; Sp. Laws 1915, No. 367, § 6.)

⁷⁹³ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-263 (Sp. Laws 1913, No. 352, § 104.)

⁷⁹⁴ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-264 (Sp. Laws 1913, No. 352, § 105.)

L. Foreclosure of Any Tax or Other Lien⁷⁹⁵. The Tax Collector of said city may bring suit for the foreclosure of any tax or other lien herein provided for, in the name of said city, in the manner provided by law for the foreclosure of tax liens.

M. Precedence of Liens; Release; Fees for Recording Added to Lien⁷⁹⁶. Assessments of benefits, as provided in § 1-439, § 1-451, § 1-204 and § 1-457⁷⁹⁷, or as otherwise herein provided, shall be a lien upon the land or other property upon which they are respectively made, and shall take precedence of all other liens or encumbrances except taxes due the state, and the land, with the buildings thereon, on which any such lien may exist, shall be liable to be foreclosed in the same manner as in the case of tax liens, provided such lien shall not continue to exist for a period longer than sixty (60) days after the giving of notice as hereinbefore prescribed, unless within said period a certificate, signed by the Mayor or Clerk of said city, describing the premises on which said lien exists and stating the amount claimed by said city as a lien thereon, shall be lodged with the Town Clerk of Norwalk. Said liens shall cease to exist whenever a certificate releasing the same signed by the Mayor or Clerk shall be filed with said Town Clerk. All such certificates shall be recorded by said Town Clerk in the land records of said Town of Norwalk, and the lawful fees for filing such liens shall be added to such assessment. Said assessment may be collected by warrant, under the hand of the Mayor, in the same manner as town taxes are collected, and shall bear interest at legal rate from time to time when the same becomes due.

N. Public Improvement Liens; Duration⁷⁹⁸. In all cases where liens are created on account of public improvements in said city such liens shall, if an appeal is taken from the appraisal of damages or any assessment, continue for a period of sixty (60) days after the passage of the final decree of the Court of Judge having jurisdiction of such appeal, or after termination of the appeal proceedings, but no longer, unless within said period a certificate signed by the Mayor or Clerk of said city, describing the premises on which the lien exists and stating the amount claimed by said city as a lien thereon, shall be lodged with said Town Clerk of Norwalk.

O. Sidewalk Improvements; Building removal⁷⁹⁹. All sums expended or expenses incurred under direction of the Council to level, raise, repair, flag, concrete or pave any sidewalk along the frontage of any property as provided in §§ 1-442 and 1-443, or in the removal of any building erected in violation of §§ 1-14 and 1-15⁸⁰⁰,¹¹ with the expense for filing, shall be a lien upon the lands and buildings with reference to which such expenditures were made or such expense incurred, and such lien shall date from the day when such expenditures were made or expense incurred and shall have the same

⁷⁹⁵ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-265 (Sp. Laws 1913, No. 352, § 106.)

⁷⁹⁶ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-266 (Sp. Laws 1913, No. 352, § 107.)

⁷⁹⁷ Historical *Editor's Note*: § 1-439; § 1-451; § 1-204; § 1-457.

⁷⁹⁸ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-267 (Sp. Laws 1913, No. 352, § 108.)

⁷⁹⁹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-268 (Sp. Laws 1913, No. 352, § 109; Sp. Laws 1921, No. 400, § 7.)

⁸⁰⁰ Historical *Editor's Note*: See §§ 1-14 and 1-15.

validity and be collected in the same manner as tax liens, provided such liens shall not exist for a period longer than sixty (60) days after such expenditure was made or expense incurred unless, within said period, a certificate, signed by the Mayor and Clerk of said city, is filed with the Town Clerk of Norwalk, as provided in § **1-266**, relating to liens for benefits assessed.

P. Reserved Historical Provisions Pertaining to the Collector of Taxes and Assessments⁸⁰¹. Note: Should be repealed. **Repeal of Former Provisions**⁸⁰². So much of § **1-165** of an act consolidating the Town of Norwalk with the cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved June 6, 1913, as amended by an act approved June 14, 1921, as relates to the election and tenure of office of the Collector of Taxes and Assessments is repealed, the same to be effective as of October 4, 1933. Such portion of § **1-254** of said act as relates to the election and tenure of office of the Collector of Taxes and Assessments is repealed, and such repeal shall be effective on October 4, 1933. So much of § **1-224** of said act as amended by acts approved June 16, 1927, and April 18, 1929, as relates to the salary of the Collector of Taxes and Assessments is repealed.

§13-10. Historical Provisions pertaining to Public Works and Operations Functions⁸⁰³.

The following provisions shall supplement the provisions of Article VII, §____ and shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance these provisions shall be null and void and may be removed from the Charter; unless the Corporation Counsel determines, in writing, that any provisions should remain intact. The Division Chief and the Department Heads thereunder are responsible for the following:

A. The maintenance and repair of all accepted streets and appurtenances and of public ways and public grounds not under the supervision of others.

⁸⁰¹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments": (a) Historical Editor's Note: Former § 1-249, Appointment of the Collector of Taxes and Assessments Sp. Laws 1933, No. 363, § 1), was repealed by Charter Amendments 8-29-1978; (b) Historical Editor's Note: Former § 1-250, Collector of Taxes; salary; other offices; bond Sp. Laws 1933, No. 363, § 2; Sp. Laws 1945, No. 135), was repealed by Charter Amendment 8-29-1978; (c) Historical Editor's Note: Former § 1-251, Removal of the Collector of Taxes from office Sp. Laws 1933, No. 363, § 3), was repealed by Charter Amendment 8-29-1978; (d) 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-269 *Editor's Note: Former §§ 1-269, Assessment for street sprinkling as lien upon affected real estate, Sp. Laws 1913, No. 352, § 110; Sp. Laws 1967, No. 197, § 1, and 1-270, Sale of property subject to sprinkling lien; depositing of amount, Sp. Laws 1913, No. 352, § 111, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980; and, (e) 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-270* *Editor's Note: Former §§ 1-269, Assessment for street sprinkling as lien upon affected real estate, Sp. Laws 1913, No. 352, § 110; Sp. Laws 1967, No. 197, § 1, and 1-270, Sale of property subject to sprinkling lien; depositing of amount, Sp. Laws 1913, No. 352, § 111, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.*

⁸⁰² 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-253 Added by Sp. Laws 1933, No. 363, §5)

⁸⁰³ Comment of 2023 Charter revision Commission. Public Works was a mandatory provision under current Article IV. The Common Council. §1-189.2.A (Second sentence). Derived from Charter Amendment 11-3-1970. Historic editor's Note: Former § 1-189.3, Authorization of Council to establish Purchasing Department, added by Charter Amendment 11-3-1970, was repealed by Charter Amendment 8-29-1978. The remainder of the historical provisions have been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

B. The collection and disposal of solid waste in accordance with state statutes.

C. The management and operation of the wastewater treatment plant and collection system. The Chief of Operations, who was formerly known as the "Director of Public Works," shall have responsible charge, jurisdiction, rights and powers to perform all duties relating to the supervision, operation, repair, maintenance and upkeep of the wastewater system of the City. He/she shall, subject to the orders and directions of the Water Pollution Control Authority, have charge of the sewer system of the Fourth Taxing District and of the care and maintenance thereof and of the construction of all new sewers.

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D. The preparation of or assistance in the preparation of plans and specifications for bidding the construction, demolition, repair, renovation or rehabilitation of municipal improvements and all manner of public works projects carried out by the City.

E. The supervision and coordination of public improvements carried out by contract to the City of Norwalk and the performance, direction or inspection of actual conduct of all construction work by or on behalf of the City.

F. The prevention of encroachment and excavations in the public streets and highways, except in accordance with duly adopted law and regulation.

G. The development and administration of a comprehensive program of fleet maintenance services for all City departments, agencies and commissions, with the exception of the Fire Department. The program shall include the acquisition, assignment, disposition, sale and modification of all equipment and related parts and supplies. Acquisition and assignment of police vehicles shall be the responsibility of the Police Department. Acquisition and assignment of parks maintenance vehicles and equipment shall be the responsibility of this Department.

H. The control, development, operation and maintenance of a system of public parks and recreational areas and facilities, including narrow parkways, boulevard strips and small areas along streets, now in existence or that may hereafter be acquired; and the control, development, management, operation and maintenance of the Oak Hills Park and all other matters relating thereto shall be under a separate department, as provided by ordinance. Said Department shall be charged with the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except school buildings and structures under the jurisdiction of the Board of Education, and the water pollution control plants, pump stations and the solid waste transfer station.

I. The maintenance of playgrounds, playfields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities.

J. May plan, set up or place and protect and care for flowers, vines, shrubs and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the City.

K. Shall recommend to the Common Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the City for the purposes of the Department.

L. Shall have the right to call upon any other department of the City government for assistance in performing its duties, and it shall be the duty of such other departments to comply with a proper request of said Department. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor and,

M. Such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance.

NORWALK CHARTER DRAFT REPORT 03-210

Provisions for Repeal

§4-6. The Authority of the Council as to Streams.

A. Generally⁸⁰⁴. The Council is hereby authorized, whenever in its opinion public health shall require, to take, occupy, and appropriate, as may be deemed expedient, any stream or part thereof running in or through the city, and to straighten, deepen, or lower the same, or lower and remove any or all walls, dams, or other obstructions to the flow of any part of such stream, or cause to be enlarged, lowered, or altered any culvert which causes the accumulation of stagnant water or interrupts in any manner the flow of any part of the stream, and shall notify all parties in interest.

B. Appointment of Committee: Report⁸⁰⁵. Whenever the Council shall exercise the powers conferred in the foregoing section it shall appoint a Committee to prepare a descriptive survey of the improvement contemplated, with a careful estimate of the cost of completing the same, and to confer and agree with the parties interested as to the damages and special benefits on account of the improvements⁸⁰⁶, and the report of the Committee having been accepted and recorded, and the agreement having been ratified, and the damages having been paid to the parties entitled thereto or deposited to their credit in the City Treasury, the Council may proceed with the completion of the improvement and with all acts incident to that purpose, without further liability.

C. Failure to Agree; Application to the Superior Court⁸⁰⁷. If the Council by its Committee shall be unable to agree with the parties interested as to the damages or benefits on account of any such improvements, any Judge of the Superior Court may, upon application of the city, after causing such notice of the pendency of the application as shall be deemed reasonable, appoint three judicious and disinterested freeholders to estimate such damages and benefits, which Committee having been duly sworn, and having given such notice of the time and place of their meeting for the purposes aforesaid as such Judge shall direct, shall meet at the time and place designated, and, having heard all the parties in interest who shall appear before it, shall proceed to appraise the damages to and assess the benefits against the proper persons, land, or other property specially benefited or damaged. Thereupon the Committee shall report in writing to the Judge who may confirm, correct, or set aside the report as may be deemed just, in which latter case a Committee to be appointed by the Judge, after notice as hereinbefore prescribed, shall proceed as before, and their report, being finally accepted by the Judge, shall be recorded by the Clerk of the Superior Court for Fairfield County, and the award of damages and benefits therein contained shall be final between the parties, and all papers connected with the case shall be delivered to the Clerk of the Town Court of Norwalk who shall keep the same on file for public inspection. Such damages having

⁸⁰⁴ 2023 Recodification of current Article IV. The Common Council. §1-203. Derived from Sp. Laws 1913, No. 352, §135. *Historical Editor's Note: For powers of Council see § 1-189*

⁸⁰⁵ 2023 Recodification of current Article IV. The Common Council. §1-204 (First sentence). Derived from Sp. Laws 1913, No. 352, §136. *Historical Editor's Note: For powers of Council see § 1-189*

⁸⁰⁶ *Historical Editor's Note: See § 1-266, as to benefits as lien.*

⁸⁰⁷ 2023 Recodification of current Article IV. The Common Council. §1-204 (Second and third sentences). Derived from Sp. Laws 1913, No. 352, §136. *Historical Editor's Note: For powers of Council see § 1-189*

been paid or deposited as hereinbefore provided, the Council may complete the public improvements and do all acts incident to that purpose without further liability in the premises.

§4-9. Street, Sidewalks and Building Lines⁸⁰⁸.

A. The City Shall be the successor to rights, duties and privileges of Town⁸⁰⁹. The city shall, on and after the first (1st) Monday of October, 1913, be successor to the Town of Norwalk in all the rights, duties and privileges of towns under the general statutes in the matter of improvements of highways aided by the state. The Council shall succeed to all the duties imposed upon the Selectmen of towns in relation to the improvement of such state-aided highways.

B. State appropriations available for town⁸¹⁰. All the rights, duties, and privileges granted to towns under the general statutes in the matter of improvements of highways aided by the state, shall apply to the City of Norwalk, and city may take advantage of any state appropriation available for the improvement of town highways to the extent approved by the Board of Estimate and Taxation of the city, and the Council of the city shall succeed to all the duties imposed upon Selectmen of towns in relation to the improvement of highways by state aid.

C. Obstructions and encumbrances⁸¹¹. All obstructions and encumbrances which shall be erected, placed, left, or continued, in or upon any highway, street, avenue, public park, sidewalk, gutter of said city, in violation of any ordinance of said city, may be removed at the expense of the person or persons responsible for such obstructions or encumbrances by the Mayor, or any member of the Council, or any officer to whom such duty may be assigned, and the Council shall liquidate and adjust the expense of such removal and may order the same to be paid by such person or persons to the Collector, to whom the Mayor shall issue a warrant authorizing him to collect the same. If such person shall neglect or refuse to pay the same it may be recovered in an action brought against him by the Corporation Counsel in the name of said city.

§4-10. Ice and Snow⁸¹².

The Council is hereby authorized to enact ordinances or by-laws to compel the occupants, persons in charge, or owners of land or buildings to remove snow and ice from the sidewalks in front of such land or buildings or, in case of ice, to sprinkle sand or other substance thereon, so that said sidewalk will be safe for public travel; also to compel the

⁸⁰⁸ 2023 Recodification of current Article XV, Part 1. General. Historical Editor's Note: Refer also to Ch. 101, Streets and Sidewalks.

⁸⁰⁹ 2023 Recodification of current Article XV, Part 1. General, §1-424. Derived from Sp. Laws 1913, No. 352, §112.

⁸¹⁰ 2023 Recodification of current Article XV, Part 1. General, §1-425. Derived from Sp. Laws 1913, No. 352, §8.

⁸¹¹ 2023 Recodification of current Article XV, Part 1. General, §1-426. Derived from Sp. Laws 1913, No. 352, §123. Historical editor's Note: See Ch. 101, Streets and Sidewalks, § 101-3.

⁸¹² 2023 Recodification of current Article XV, Part 1. General, §1-427. Derived from Sp. Laws 1913, No. 352, §124; Sp. Laws 1915, No. 367, § 8. Historical editor's Note: See Ch. 101, Streets and Sidewalks, § 101-17.

occupants of property abutting or adjoining any public sidewalk in which is constructed as a part thereof a manhole cover wholly or partly of iron or glass, to sprinkle sand thereon or otherwise make the same safe for public travel, at all seasons of the year when such sidewalk has become wet or frosted or otherwise dangerous to the traveling public; also to compel the owner or owners of any such land or buildings abutting any street or sidewalk maintaining a sidewalk constructed wholly or in part of iron or glass, or maintaining any hole therein having a cover, to repair the same whenever it has become dangerous to the traveling public; and the Council may, in any ordinance or by-law, provide, in lieu of the penalty provided by this act, for any violation of the ordinances or by-laws herein authorized a fine of not more than \$50, for the use of said city, and may direct the Prosecuting Attorney of the Town Court of Norwalk, on complaint of the Mayor, the Chair of the Committee on Streets and Sidewalks, or the Superintendent of Public Works of said city, to prosecute any person violating any such ordinance in the Town Court of Norwalk or any other Court of competent jurisdiction.

§4-11. Laying Out, Altering, Extending or Discontinuing Streets, Sidewalks and Building Lines⁸¹³.

B. General Powers of Council⁸¹⁴ It shall be the duty of the city to make and keep in repair all town and city public buildings, streets, and roads within said city, and the Council of said city shall have the power necessary to carry out the provisions of this section and shall have authority over all streets and highways and parts of the same within said city, and shall have power to lay out, open, make, repair, grade, drain, alter, and discontinue all highways and streets within the limits of said city.

C. Notice of proposal; hearing parties in interest; appointment of Committee; notice of hearing of objections; acceptance of report of Committee; survey; appraisal of damage or benefits; recording and notice of assessments; payment or tender of damages; collection of assessments⁸¹⁵. Before the Council shall determine to lay-out, alter, extend, enlarge, change, or discontinue any highway, street, avenue, or public walk, or grade thereof, or designate any building line⁸¹⁶ in said city, it shall cause a notice, signed by the Mayor or Clerk of said city, describing in general terms such proposed action and specifying a time when and place where all persons whose land is proposed to be taken therefor, or which may be affected thereby, may appear and be heard in relation thereto, to be published not less than twice in a newspaper published in said city, at least five (5) days before the time fixed in such notice for such hearing, and such publication shall be legal and sufficient notice to persons and corporations whose land it is proposed to take for such layout or alteration, or over which said line is proposed to be established. At the time and place mentioned in said notice, and at any meeting adjourned therefrom, the Council, either by itself or by a Committee

⁸¹³ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing. Historical editor's Note: See Ch. **101**, Streets and Sidewalks.

⁸¹⁴ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-438. Derived from Sp. Laws 1913, No. 352, §113.

⁸¹⁵ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-439. Derived from Sp. Laws 1913, No. 352, §114; Sp. Laws 1915, No. 367, §7.

⁸¹⁶ Editor's Note: As to building lines in the Fourth Taxing District, see § **1-15**, *supra*

appointed by it, shall hear all parties in interest who may appear and desire to be heard in relation thereto. If, after such hearing, the Council shall determine that public convenience and necessity require the layout, alteration, extension, enlargement, or discontinuance of such highway, street, avenue, or wall, or grade thereof, or the designation of such building line, it shall appoint a Committee, whose duty it shall be to make such layout or alteration, or designate such building line, and report the same to the Council, which report shall embody a descriptive survey of such highway, avenue, street, walk, grade, line, or lines, and an estimate and appraisal of benefits or damages, as the case may be, resulting or accruing to any person or persons from the taking of such land for public use as aforesaid, or from such layout, alteration, extension, enlargement, change, discontinuance, or grade, or such designation of such line or lines. The Council shall thereupon give at least ten (10) days' notice to every person interested by reason of his land being taken or benefited by the proposed improvement, by publishing the same in a newspaper published in said city, stating therein the time when and place where the Council will hear objections to such layout, alteration, designation, survey, estimate, or appraisal and at the time and place specified in such notice the Council shall hear all parties interested in relation to the acceptance of such report of its Committee, wholly or in part, and in regard to any modification thereof. The Council, having heard all the parties who may appear, may accept such report or return the same to its said Committee for revision; or the Council may, itself, revise, modify, or change such layout, alteration, designation, survey, estimate, or appraisal, and recast and revise such report. After such Council has determined upon a descriptive survey of such highway, avenue, street, walk, or grade, or building line or lines, and upon the assessment of benefits or appraisal of damages, as the case may be, resulting or accruing to any person or persons from the taking of such land for public use as aforesaid, or from such layout, alteration, extension, enlargement, discontinuance, or grade, or such designation of such line or lines, the Clerk of the city shall record the same and cause a notice, signed by the Mayor or Clerk of said city, stating the names of the persons so assessed, with the amount of their respective assessments, to be published not less than three times in a newspaper published in said city. The Council shall order the damages so appraised to be paid to the person to whom they are appraised or their authorized agents from the City Treasury within sixty days thereafter, and in case any person shall neglect or refuse to receive the same it shall be retained in the City Treasury subject to his order, provided the whole amount of the benefits assessed for any particular layout, alteration, extension, enlargement, discontinuance, or designation shall not exceed the whole amount of damages appraised on account of said layout, alteration, extension, enlargement, discontinuance, or designation, with the estimated cost of making said improvements. After the payment or tender of the damages, as hereinbefore provided, the city shall proceed with said improvement, and upon completion thereof, and certification of such completion by the City Engineer⁸¹⁷ to the Mayor, said assessments shall forthwith become due and payable to said city, and the Mayor shall issue his warrant to the Tax Collector for the collection thereof, and any assessment which shall not be paid within sixty days thereafter shall be a lien upon the land or other property against which said assessment was made, and said lien shall be continued and may be foreclosed as provided in § **1-266** hereof.

⁸¹⁷Historical Editor's Note: See § **1-363**.

D. Assessment Appeals⁸¹⁸. Any person aggrieved by an assessment of benefits or appraisal of damages made by the Council under the provisions of the foregoing section may, within thirty (30) days after notice given to him of such assessment or appraisal, appeal from such assessment or appraisal to any Judge of the Superior Court, by written petition with a citation attached, returnable in not less than six (6) nor more than twenty (20) days after its date, which shall be served at least six (6) days before the return day upon the Clerk of the city; and any number of persons affected by any such assessment or appraisal may join in such appeal. Such Judge may, by a Committee or otherwise, reassess said benefits or damages and correct any errors in the report or schedule of such assessment and award costs. Such Judge shall return all papers connected with the case to the Clerk of the Superior Court for Fairfield County, and said Clerk shall issue execution for the amount of damages or benefits fixed by such reassessment and for costs, to be taxed upon civil process, and shall cause copies of the papers connected with the case to be delivered to the Clerk of said city.

§4-13. Sewers and Sewerage Disposal⁸¹⁹.

A. Authority to lay out, construct, maintain and repair; assessment of damages or benefits⁸²⁰. The Council is hereby authorized to lay out, construct, maintain, and repair sewers and drains through and along streets and highways and through public and private grounds in said city, and in all such cases, except where sewers or drains are laid through private grounds, to assess the expense thereof, or such part thereof as the Council may deem reasonable, upon the property abutting upon the streets and highways through which such sewers or drains are laid and which may be benefited thereby, and in proportion to the benefits by such property received therefrom, subject to the same notice, manner of assessment, and appeal therefrom as is provided in §§**1-439** and **1-440**, concerning highways. Whenever the Council shall propose a layout, or cause to be laid out, a drain or sewer in said city, wholly or in part through or across private lands, it shall proceed in the manner provided in **§1-439** in case of layout of highways, both as to the layout of such sewer or drain and the assessment of damages and benefits resulting therefrom. Any person aggrieved by any estimate of damages or benefits made under the provisions of this section may appeal to any Judge of the Superior Court as provided in **§1-440** of this act.

B. Sewer Connections⁸²¹. The Council is authorized, whenever in its opinion the public health of said city shall require, to compel the owners of property abutting on any street or highway wherein a public sewer is laid to connect any and all buildings on such property with such public sewer, and when any order is made by the Council requiring such owner to connect his building or buildings with such sewer, the Clerk of

⁸¹⁸ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-440. Derived from Sp. Laws 1913, No. 352, §115.

⁸¹⁹ 2023 Recodification of current Article XVI. "Sewers and Sewerage Disposal". Historical Editor's Note: Editor's Note: See also, Charter, § **1-12**; Ch. **94**, Sewers and Sewage Disposal; Appendix, Part III, Sewer Assessments.

⁸²⁰ 2023 Recodification of current Article XVI, Part 1. General, §1-457. Derived from Sp. Laws 1913, No. 352, §137.

⁸²¹ 2023 Recodification of current Article XVI, Part 1. General, §1-458. Derived from Sp. Laws 1913, No. 352, §1338. Historical Editor's Note: For exclusion of certain territory refer to § **1-17**.

said city, if the owner is a resident of said city, shall make service of said order upon such owner by leaving with him or at his usual place of abode a true copy thereof, but if such owner is not a resident of said city service of said order shall be made upon him by said Clerk by leaving a true copy thereof with the agent of said owner or the person in charge of said premises; and in case such owner shall neglect or refuse to connect his said building or buildings with such sewer within the time limited therefor by said order he shall be fined One Hundred (\$100) Dollars.

C. **Bonds [Repealed]**⁸²². No content.

§5-2. Powers and duties of the Mayor. The Mayor shall :

- Be authorized to exercise within the limits of said city all powers given to Sheriffs by the general statutes for the preservation of the peace, and may at all times demand the aid of any Sheriff, Deputy Sheriff, Constable, watchman, or policeman, with such other aid as may be necessary, and whenever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power when authorized so to do by the Governor, to call out the military force of the state, to enable him to enforce the laws within the limits of said city⁸²³
- have the same power to issue warrants for the collection of taxes, special benefits, and all other sums due said city, as is now provided by law for the issuing of tax warrants by Justices of the Peace⁸²⁴.
- serve as (1) ex officio Superintendent of the Police Forces maintained under this charter; (2) conservator of the peace of the city, and shall have authority with force and strong hand when necessary to suppress all tumults, riots, and unlawful assemblages, and to arrest without warrant and order to be held in the city prison for a period not exceeding twenty-four (24) hours, upon information, any person who may be detected in reveling, quarreling, brawling, or otherwise behaving to the disturbance of the public peace of said city⁸²⁵.
- have the power to enter any house, building, place, or enclosure wherein the Mayor may (1) have reasonable cause to suspect dissolute or disorderly persons to be assembled; or, (2) suspect to be occupied by any assemblages for an

⁸²² 2023 Recodification of current Article XVI, Part 2 (Reserved). Historical Editor's Note: A Charter Amendment, adopted 9-2-1980 and approved by the electorate at the general election held 11-4-1980, repealed former Part 2, Bonds, which was comprised of the following sections: §§ 1-459 through 1-466, Sp. Laws 1929, No. 219, §§ 1 to 8; § 1-467, Sp. Laws 1931, No. 366; §§ 1-468 through 1-471, Sp. Laws 1931, No. 23, §§ 1 to 4; § 1-472, Sp. Laws 1931, No. 539; §§ 1-473 through 1-478, Sp. Laws 1947, No. 524, §§ 1 to 6; §§ 1-479 through 1-483, Sp. Laws 1949, No. 178, §§ 1 to 5. These sections will be maintained for record purposes in a separate book entitled "Bond issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts." Copies of such compilation shall be kept in the offices of the City Clerk and Town Clerk and in the Finance Department.

⁸²³ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Ninth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁸²⁴ 2023 recodification and edit of current Article V, Part 2 – Mayor. 1-226 (Fifth sentences), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁸²⁵ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Sixth and seventh sentences), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

unlawful purpose or occupied or used for the purpose of lewdness, prostitution, or gambling; to command all such persons found therein to disperse immediately and to commit to the city prison any person neglecting or refusing to obey such command⁸²⁶.

Tax Commissioners and Board of Relief⁸²⁷

(1) **Appointment by Mayor subject to Confirmation by the Council⁸²⁸**. On the Wednesday next following the first Monday of October, 1933, the Mayor shall appoint, subject to approval by the Common Council as set forth in §7-1.C of this Charter, one member on the Board of Relief to hold office for the term of three years, and the person so appointed and the two members of the Board of Relief holding office at the time of the appointment and their successors to be appointed in the manner hereinafter provided shall constitute the Board of Relief. Annually thereafter, on the Wednesday following the first Monday of October, the Mayor shall appoint subject to confirmation by the Council, one member of the Board of Relief to hold office from the date of member's appointment for a like term of three years and until his successor shall be appointed and shall have qualified. The term of office of the members of the Board of Relief in office at the time of the approval of this act shall be unaffected by the provisions hereof.

(2) **Vacancy⁸²⁹**. As set forth in §7-1.D of this Charter.

(3) **Repeal of Former Provisions⁸³⁰**. Any provision of § 1-224 of the act consolidating the Town of Norwalk with the Cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved June 6, 1913, as amended by an act approved April 18, 1929, which relates to the salaries of Assessors, is repealed.

(4) **Assessments⁸³¹**. The Assessors shall assess the real estate situated in the City, and the personal estate of the inhabitants of the City liable to be set in the lists by the Assessors of towns. The Assessors shall, on or before the fifteenth (15th) day of September in each year, give notice by posting the same on

Commented [S107]: MARIO OR BRIAN: Related to Board of Assessment Appeals; §7-3.A., above. Are any of these provisions pertinent to the current regulatory environment in assessment appeals? If not, these provisions should be repealed.

⁸²⁶ 2023 recodification of current Article V, Part 2 – Mayor. 1-226 (Eighth sentence), Derived from Sp. Laws 1913, No. 352, §63. Historical Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

⁸²⁷ 2023 repealed and replaced by §7-3.A in lieu of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271. Derived from (Sp. Laws 1913, No. 352, § 49; Sp. Laws 1933, No. 456, § 1; Charter Amendment 8-29-1978 [Historical Editor's Note: Editor's Note: Approved by the electorate at the general election held 11-7-1978].

⁸²⁸ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271 (First through third sentences).

⁸²⁹ 2023 revision of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271 (Fourth sentence), which is now set forth in 7-1.D of this Charter.

⁸³⁰ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-272. Derived from (Sp. Laws 1913, No. 352, §49; Sp. Laws 1933, No. 456, §1.

⁸³¹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-273. Derived from Sp. Laws 1913, No. 352, § 90; Sp. Laws 1915, No. 367, § 4; Sp. Laws 1967, No. 197, §2. Historical Editor's Note: See § 1-284 for later provision.

the public signpost in the City and by publishing the same once in a newspaper published in the City to all persons liable to pay taxes in the City, requiring of them written or printed lists, verified by the oaths of the respective persons, of all property belonging to the persons on the first (1st) day of September of that year, with the particulars of all their property liable to be assessed and valued, designating the district or districts in which each item is situated, within twenty (20) days from the date of the notice; and the Assessors shall complete the lists of the several taxing districts of the City, including the ascertainment of the total assessed valuation of the property in each district, and the Assessors shall have the same power as the Assessors of towns. The lists shall remain for twenty (20) days in the office of the City Clerk, and shall be open to the inspection of any person liable to taxation in the City.

(5) Delivery of Assessment Lists to the Board of Tax Review; Appeals; Notices; Return of Lists; Ratebook⁸³². On the twentieth (20th) day of February in each year the City Clerk shall deliver the assessment lists of the City to the Board of Tax Review, who shall exercise and have the same powers in relation thereto as are conferred upon Boards of Tax Review of towns by the general statutes, and any person aggrieved by the doings of the Board may appeal therefrom to the Court of Common Pleas. The Board shall give notice of their meeting by publication in one or more newspapers published in the City at least five (5) days prior thereto. On or before the twentieth (20th) day of March in each year the Board shall return the assessment lists, with a written report of any abatements or additions by them made, to the Tax Commissioner who shall, after the City tax is laid, make a ratebook.

(6) Assessment List Procedures.

(a) Actual Valuation of Property Set in Lists⁸³³. All property liable to taxation in the City shall be set in the lists at its actual valuation.

(b) Failure of Resident to File List⁸³⁴. _____⁸³⁵, and if the resident fails to file the list the assessors shall make a list for him of all the property which they have reason to believe is owned by him liable to taxation in the City, at the actual valuation thereof, from the best information they can obtain, and add thereto ten (10%) percent of the valuation.

⁸³² 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-274. Derived from Sp. Laws 1913, No. 352, § 91; Sp. Laws 1915, No. 367, § 5; Sp. Laws 1967, No. 197, § 3; Sp. Laws 1969, No. 264, §1.

⁸³³ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-275. Derived from Sp. Laws 1913, No. 352, §92.

⁸³⁴ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-276. Derived from Sp. Laws 1913, No. 352, §93.

⁸³⁵ THE BLANK SPACE IS IN THE CURRENT CHARTER.

(c) **Assessment Date; Filing Lists**⁸³⁶. The assessment date of the consolidated town and city of Norwalk shall continue to be the first (1st) day of October in each year. All persons required to file, with the Tax Commissioner of the consolidated town and city, lists of property subject to taxation, shall file the lists not later than the first (1st) day of November in each year, or, if the first (1st) day shall be Sunday, then the next business day following.

(d) **Exclusion from Lists**⁸³⁷. The persons shall not include on the lists real estate, shellfish lands or motor vehicles. The term "motor vehicles" shall include trucks, tractors, automobiles and motorcycles.

(e) **Listing Personal Property; Forms**⁸³⁸. The State Tax Commissioner shall provide a form to be used by property owners in the consolidated Town and City of Norwalk for listing personal property for taxation, except as hereinbefore provided.

(f) **Penalty Applies for Failure to File**⁸³⁹. The addition of ten (10%) percent to taxpayers' lists, provided by law for failure to file the lists, shall apply only to the properties as are not expected by the provisions of §1-278.

(g) **Nonresident Lists of Real Estate and Personal Property**⁸⁴⁰. All owners of real estate or tangible personal property which is located in the City seven (7) months during any year, who are nonresidents of the City, shall file lists of the estate and personal property with the Assessors of the City in the same manner and subject to the same conditions as is required of residents, except that the lists of nonresidents may be made out and filed either by the nonresidents or by their attorneys or agents, and the property shall be liable to taxation in the City in the same manner as provided for property residents.

(h) **Filing Grand List with State Tax Commission; Binding Tax Books and Returning for public Inspection; Board of Tax Review Meeting**⁸⁴¹. The grand list of the City of Norwalk shall be filed with the State Tax Commissioner, annually, on or before the first (1st) Monday in April. The

⁸³⁶ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-277. Derived from Sp. Laws 1937, No. 539, §1.

⁸³⁷ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-278. Derived from Sp. Laws 1937, No. 539, §2.

⁸³⁸ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-279. Derived from Sp. Laws 1937, No. 539, §3.

⁸³⁹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-280. Derived from Sp. Laws 1937, No. 539, §4.

⁸⁴⁰ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-281. Derived from Sp. Laws 1913, No. 352, §94.

⁸⁴¹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-282. Derived from Sp. Laws 1935, No. 363; Sp. Laws 1967, No. 197, §4; Sp. Laws 1969, No. 264, §2

tax books of the City shall be bound and returned for public inspection, annually, on or before the third (3rd) Monday in April⁸⁴².¹¹ The Board of Tax Review of the City shall meet, annually, on the first (1st) Monday in March. The Board of Estimate of the City shall meet, annually, on the fourth (4th) Monday in April⁸⁴³.

(i) **Time Extension to Complete Books and Duties of Board of Tax Review**⁸⁴⁴. The time within which the tax books of the City of Norwalk may be completed and the duties of the Board of Tax Review of the town may be completed is extended thirty (30) days beyond the time prescribed by law.

(j) **Transfer of Tax Books**⁸⁴⁵. The tax books on which the assessments of the property owners of the City of Norwalk are listed shall be transferred from the office of the City Clerk to the office of the Tax Commissioner of the City.

Planning Commission.

(2) **Definitions for the purpose of this Article**⁸⁴⁶. For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate, the singular includes the plural and the plural includes the singular. The term:

(a) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

(b) "Park" includes parks, parkways, parking spaces, waterfronts, squares, commons, grounds and other open spaces.

(c) "Subdivision" means the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision⁸⁴⁷;

(d) "Resubdivision" means a change in a map of an approved or recorded subdivision or resubdivision if the change (i) affects any street layout shown on the map, (ii) affects any area reserved thereon for public use, or (iii) diminishes the size of any lot shown thereon, if any of the lots

Commented [S108]: MARIO OR BRIAN: Related to Planning and Zoning Commission; §7-3.B., above. Are any of these provisions pertinent to the current operations and regulatory protocols? If not, these provisions should be repealed.

⁸⁴² Editor's Note: See also § 1-283.

⁸⁴³ Editor's Note: See also § 1-289.

⁸⁴⁴ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-283. Derived from Sp. Laws 1947, No. 486.

⁸⁴⁵ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-284. Derived from Sp. Laws 1935, No. 126.

⁸⁴⁶ 2023 Recodification of current Article XII – Planning Commission §1-367. Derived from Charter Amendment 11-3-1970; effective 1-1-1971).

⁸⁴⁷ Editor's Note: See Land Subdivision Regulations, Appendix, Part I.

shown thereon have been conveyed after the approval or recording of the map.

(e) "Commission" means the Norwalk City Planning Commission⁸⁴⁸.

(f) "Council" means the Common Council of the City of Norwalk.

(g) "Master Plan" as used herein shall have the same meaning as the term "plan of development" as used in the Connecticut General Statutes. Official submission of matters to the Commission shall be deemed the date of any resolution or reference from the Council, or the postmarked date of envelopes containing submitted matters in the case of reference by any board, commission, individual or corporation.

(3) Creation, Composition, Powers and Duties of Commission⁸⁴⁹.

(a) **Established⁸⁵⁰.** There shall be in the City of Norwalk a City Planning Commission with the powers and duties hereinafter set forth.

(b) **Appointment, Approval, Qualification and Ex Officio Members.** The membership shall be appointed by the Mayor subject to approval by the Common Council as set forth in §7-1.C of this Charter⁸⁵¹. The Commission shall consist of the Mayor and the Commissioner of Public Works⁸⁵² or a member of the Department of Public Works designated by the Commissioner, both ex officio, and eight (8) additional persons, with not more than four (4) being registered members of any one political party. All of the members shall be electors of the City of Norwalk⁸⁵³. The Mayor and the Commissioner of Public Works, or a member of the Department of Public Works designated by the Commissioner, shall be nonvoting ex officio members, except in the case of a tie vote when the Mayor shall cast the deciding ballot⁸⁵⁴.

(c) **Transaction of Business⁸⁵⁵.** Five concurring votes are required for the transaction of business.

⁸⁴⁸ Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-367 should be interpreted as referring to the Norwalk Planning and Zoning Commission rather than the Norwalk City Planning Commission. See Ch. 79, Planning and Zoning Commission.

⁸⁴⁹ 2023 recodification of current Article XII – Planning Commission §1-368. Derived from Sp. Laws 1947, No. 214, § 2; Sp. Laws 1955, No. 400, § 1. Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-368 had been superseded by §§ 79-2, Powers; 79-3, Composition and appointment; 79-4, Alternate members; and 79-5, Terms of office, of Ch. 79, Planning and Zoning Commission.

⁸⁵⁰ 2023 recodification of current Article XII – Planning Commission §1-368 (First sentence).

⁸⁵¹ 2023 recodification and edit of current Article XII – Planning Commission §1-368 (Fifth sentence).

⁸⁵² Editor's Note: See also § 1-363.

⁸⁵³ 2023 recodification of current Article XII – Planning Commission §1-368 (Second sentence).

⁸⁵⁴ 2023 recodification of current Article XII – Planning Commission §1-368 (Fourth sentence).

⁸⁵⁵ 2023 recodification of current Article XII – Planning Commission §1-368 (Third sentence).

(d) **Term of Office, Vacancy in Balance of Term.** Upon expiration of the term of any such member, his successor shall be appointed for a term of four years⁸⁵⁶. In the event of death, resignation or removal for cause of any of the members, the Mayor, with the approval of the majority of the Council, shall appoint, within thirty days, a member to fill the unexpired portion of the term⁸⁵⁷.

(e) **Removal from Office.** Members may, after a public hearing to be held not less than seven days or more than fourteen days after legal notice of the hearing and due cause outlined in such notice, be removed by a majority vote of Common Council, for inefficiency, neglect of duty or malfeasance in office⁸⁵⁸. Three successive absences from meetings shall be deemed neglect of duty with no other proof required⁸⁵⁹.

Commented [S109]: Planning Commission

Commented [S110]: VOTING STANDARD.

(4) **Commission Powers Under Statutory Provisions**⁸⁶⁰. In addition to the powers and duties specifically granted and imposed upon the Planning Commission under this Charter, the Commission shall have all of the powers and duties granted to and imposed on planning commissions under Chapter 126 of the Connecticut General Statutes, which are not inconsistent with the duties and powers set forth in the Charter.

(5) **Consolidation of Planning and Zoning Commissions authorized**⁸⁶¹. The Common Council may by ordinance designate either the Zoning Commission or the Planning Commission as the Planning and Zoning Commission for Norwalk, in the manner set forth in §8-4a of the Connecticut General Statutes, or may, after such a designation, reverse the designation in accordance with §8-4b of the Connecticut General Statutes.

(6) **Chair of Planning Commission; Custodian; Meetings**⁸⁶². The Commission shall elect its own Chair and create other offices. The term of the Chair shall be one year with eligibility for re-election. The Commission shall adopt rules for the transaction of business in conformity with the provisions of §§1-366 to 1-376, and shall keep a public record of its resolutions and transactions. The City Clerk shall be Custodian of the Commission's records. The Commission shall hold regular monthly meetings.

⁸⁵⁶ 2023 recodification of current Article XII – Planning Commission §1-368 (Sixth sentence).

⁸⁵⁷ 2023 Recodification of current Article XII – Planning Commission §1-368 (Seventh sentence).

⁸⁵⁸ 2023 Recodification of current Article XII – Planning Commission §1-368 (Eighth sentence).

⁸⁵⁹ 2023 Recodification of current Article XII – Planning Commission §1-368 (Ninth sentence).

⁸⁶⁰ 2023 Recodification of current Article XII – Planning Commission §1-368.1. Derived from Charter Amendment 11-3-1970; effective 1-1-1971.

⁸⁶¹ 2023 Recodification of current Article XII – Planning Commission §1-368.2. Derived from Charter Amendment 11-3-1970; effective 1-1-1971.

⁸⁶² 2023 Recodification of current Article XII – Planning Commission §1-369. Derived from Sp. Laws 1947, No. 214, §3.

(7) Appointment of Employees; Expenditures; Budget⁸⁶³. The Commission may appoint employees necessary for its work, subject to the same provisions of law as govern corresponding civil employees. No employee, whether hired for compensation or otherwise, shall directly or indirectly engage in the real estate business, as the same is defined in §1783c of the 1953 Supplement to the General Statutes, in the City of Norwalk. The Commission may contract with consultants for service. The expenditures of the Commission, exclusive of gifts of public benefit, shall be within the amounts appropriated. The Commission is to prepare a detailed budget each year to present on or before the first (1st) regular Council meeting in March to the Common Council, for acceptance or amendment by a two-thirds (2/3rds) vote of the Council. The budget shall be given to the Comptroller for presentation to the Board of Estimate and Taxation in compliance with the provisions of this Charter.

Commented [S111]: Budget Process

(8) Master Plan for City Development⁸⁶⁴. It shall be the function and duty of the Commission to make and adopt a Master Plan for the physical development of the City. The plan, with accompanying maps, charts and descriptive matter, shall show the Commission's recommendations for the development, including the general location, character and extent of streets, building lines, parks, aviation fields, other public grounds, public buildings and public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communications, power or other purposes; also rules and regulations to control the subdivision of land and the laying out of streets; also the relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing; also the approval or disapproval of the proposed names of new streets and to change the confusing names of existing streets.

Commented [S112]: Plan of Conservation and Development

(9) Adoption of Plan⁸⁶⁵. The Commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts or any amendment thereof or addition thereto. Before the adoption of the plan or any such part, amendment or addition, the Commission shall hold at least two public hearings thereon, notice of time and place of which shall be given by two publications in a newspaper of general circulation in the City, at least ten and five days prior to the hearing. The resolution shall refer expressly to the maps and descriptive matter intended by the Commission to form the plan, and the action taken shall be recorded on the map, plan and descriptive matter by the identifying signatures of the Chair and Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to the Council. The resolution and certified copy of the plan or part shall then be adopted by a majority vote of the Council and

Commented [S113]: VOTING STANDARD.

⁸⁶³ 2023 Recodification of current Article XII – Planning Commission §1-370. Derived from Sp. Laws 1947, No. 214, § 4; Sp. Laws 1955, No. 400, § 2; Charter Amendment 8-17-1976. Historical Editor's Note: Approved by the electorate at the general election held 11-2-1976.

⁸⁶⁴ 2023 Recodification of current Article XII – Planning Commission §1-371. Derived from Sp. Laws 1947, No. 214, § 5. Historical Editor's Note: See Appendix, Part I, Land Subdivision Regulations, § 6.

⁸⁶⁵ 2023 Recodification of current Article XII – Planning Commission §1-372. Derived from Sp. Laws 1947, No. 214, §6.

signed by the Mayor in the manner provided in the Charter for the adoption of ordinances, in order that it shall have the legal status of the official plan, and thereupon shall be so designated on the City official map.

(10) Effect of Adoption of Master Plan; Approval of Subdivisions Required⁸⁶⁶. (a) Whenever the City has adopted the Master Plan or one or more major sections thereof, no street or park, other than those created by subdivision in accordance with Subparagraph B below, public building or structure or public utility whether publicly or privately owned, shall be constructed or authorized in the City or in the planned section and district until the location, character and extent thereof has been submitted to and approved by the Commission and the Council. In case of approval by the Commission, a majority of the Council is required for concurrence; in case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds (2/3^{ds}) of its entire membership. (b) Whenever the City has adopted the Master Plan or one or more major sections thereof, no subdivision of land shall be made until a plan for the subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than two hundred (\$200) dollars for each lot sold or offered for sale or so subdivided. All plans for subdivision shall, upon approval, be filed or recorded in the office of the Town Clerk, and any plan, not so filed or recorded in accordance with the Commission's regulations, shall become null and void. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon, and the filing or recording of a subdivision plan without the approval shall be void.'

Commented [S114]: VOTING STANDARD.

(11) Master Plan; Failure to Act⁸⁶⁷. The failure of the Commission to act within sixty (60) days from the date of official submission to the Commission shall be deemed approval, but the matter in question shall still require the action of the Council in the manner hereinbefore provided.

(12) Publishing Report Copies that Pertain to Master Plan⁸⁶⁸. The Commission shall have power to promote public interest in and understanding of the plan and may publish copies of any report and may employ other means of publicity. The Commission shall recommend to public officials, programs for public improvements and the financing thereof. It shall be part of its duties to consult and advise with public officials and organizations and citizens with relation to the carrying out of the plan. The Commission shall have the right to accept and use gifts of public benefit for the exercise of its functions. All public officials shall, upon

⁸⁶⁶ 2023 Recodification of current Article XII – Planning Commission §1-373 A + B. Derived from Added by Charter Amendment 11-3-1970; effective 1-1-1971.

⁸⁶⁷ 2023 Recodification of current Article XII – Planning Commission §1-374. Derived from Sp. Laws 1947, No. 214, §8.

⁸⁶⁸ 2023 Recodification of current Article XII – Planning Commission §1-375. Derived from Sp. Laws 1947, No. 214, §9.

request, furnish the Commission, within a reasonable time, the available information as it may require in its work.

(13) Submissions to Planning Commission⁸⁶⁹. No project, undertaking, contract or expenditure involving a total cost to the City of Norwalk of ten thousand (\$10,000) dollars or more, even though funds have been provided for by the Board of Estimate and Taxation, shall be made, commenced or contracted for until such project, undertaking or contract has been submitted to the Commission and considered by it with relation to the general plan and has been approved in accordance with the foregoing provisions of §§ 1-366 to 1-374. This section shall not apply to bond issues, notes, temporary or refunding loans or payments of the same or interest thereon, or to the regular annual departmental budgets.

(14) Appeals⁸⁷⁰. Any person aggrieved by an official action of the Planning Commission may appeal therefrom within fifteen days of the official action to the Court of Common Pleas for Fairfield County in accordance with the provisions of §8-28 of the Connecticut General Statutes.

(15) Saving Clause⁸⁷¹. All acts heretofore taken by the Planning Commission under the Charter of the City of Norwalk are expressly ratified, confirmed and approved.

⁸⁶⁹ 2023 Recodification of current Article XII – Planning Commission §1-376. Derived from Sp. Laws 1947, No. 214, §10.

⁸⁷⁰ 2023 Recodification of current Article XII – Planning Commission §1-377. Derived from Charter Amendment 11-3-1970, effective § 1-1-1971.

⁸⁷¹ 2023 Recodification of current Article XII – Planning Commission §1-377.1. Derived from Charter Amendment 11-3-1970, effective § 1-1-1971.

§8-4.B. Chief Financial Officer.

Designation of Assistant Director of Finance⁸⁷². He or she may designate from among the heads of the four (4) divisions above mentioned an Assistant Director of Finance who, during his or her temporary incapacity or absence, shall have all the powers and duties herein conferred or imposed upon the Director of Finance, or in the event of his or her failure to do so, the Mayor shall appoint an Assistant Director of Finance.

Assumption of the Powers and Duties of the Comptroller⁸⁷³. The Director of Finance shall assume all the powers and duties of the Comptroller under this Charter or any ordinance with respect to the capital budget and capital projects program and under this Charter with respect to the preparation of the operating budget.

Appointment of Controller⁸⁷⁴. There shall be a Division of Accounting and Treasury headed by the Comptroller.

Salary of Controller⁸⁷⁵. The salary of the Comptroller shall be fixed by the Common Council. He or she shall give a bond in an amount to be determined by the Common Council to the city conditioned against defalcation or malfeasance in office, with a surety company as surety. The Comptroller in office at the time of the passage of this provision shall continue in office until his successor shall be appointed and shall have qualified as provided for herein.

§8-5. Economic Development and Community Service Functions.

Parking Department; In lieu of Parking Authority⁸⁷⁶. In the place and stead of the Norwalk Parking Authority, there is established a Parking Department for the City of Norwalk.

(1) **Ordinance Governing the Department.** The Common Council shall establish by ordinance rules, regulations, policies and procedures which shall govern the operation of the parking Department. Such ordinance may be amended from time to time by the Common Council as it may deem necessary for the proper operation of said Parking Department.

(2) **Transfer of Parking Authority Assets and Obligations.** All of the property, equipment, leases and other assets of the Norwalk Parking Authority are

⁸⁷² 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.C (Fourth sentence).

⁸⁷³ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.E.

⁸⁷⁴ 2023 Recodification and edit of current Article V, Part 4 – Department of Finance §1-240.A (First and second sentences). Added by Charter Amendment 8-29-1978, § 5. *Editor's Note: Approved by the electorate at the general election held 11-7-197.*

⁸⁷⁵ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-240.A (Third through fifth sentences).

⁸⁷⁶ 2023 Recodification of current Article XIII, §1-378 derived from Charter Amendment 8-17-1976. Historical Editor's Note I: Former Article XIII, Parking Authority, was repealed 8-17-1976 by the Charter Amendment which established the Parking Department. Historical Editor's Note II: Approved by the electorate at the general election held 11-2-1976. Historical Editor's Note III: Former Article XIV, City Court, was deleted in its entirety, as the city court system was abolished by state statute.

hereby vested in the City of Norwalk and the City of Norwalk shall assume all obligations of the Norwalk Parking Authority at law or in equity.

(3) **Effective Date.** The above provisions shall become effective on the first (1st) day of July, 1977.

(4) **Reserved. Article XIII, §1-379 through §1-397.**

(5) **Reserved. Article XIV, §1-398 through §1-423.**

§8-7. Operations and Public Works Functions.

Department of Public Works⁸⁷⁷.

(6) Street, Sidewalks and Building Lines: Laying Out, Altering, Extending or Discontinuing⁸⁷⁸.

a. **Repairing Sidewalks⁸⁷⁹.** If the owner of any land shall neglect to repair any sidewalk along his frontage in the manner and time the Council directs the Council may employ any person to do the same, and the expense thereof shall be paid by the owner. The Mayor may issue a warrant authorizing the Tax Collector to collect such sum.

b. **Power of Commissioner of Public Works as to sidewalks, curbs and gutters⁸⁸⁰.** The Commissioner of Public Works in the City of Norwalk may, from time to time, order and require the owner or owners of land fronting on any street or highway in said city, at the expense of such owner or owners, to make, construct and lay sidewalks, curbs, and gutters in such dimensions and material and at such grade or grades as said Commissioner shall designate and order, and to repair, reconstruct or relay the same; and to seed or sod with grass or otherwise fill the space between the walks and the curb line or the property line on any street or highway and to keep the growing grass in such space trimmed and cut.

⁸⁷⁷ 2023 Recodification of current Article XI, (a) §1-362 (Reserved) derived from Sp. Laws 1945, No. 313, §1; (b) §1-363 (Reserved), derived from Sp. Laws 1945, No. 313, §2; Charter Amendment 8-17-1976; (c) §1-364 derived from Sp. Laws 1945, No. 313, §3; Sp. Laws 1947, No. 218, §2; (d) §1-365 derived from Sp. Laws 1945, No. 313, §4; and, (e) §1-366 derived from Sp. Laws 1947, No. 218, §1. Historical Editor's Note: Former Article XI, Department of Public Works, was repealed 10-24-1978. For current provisions in this regard, see Ch. 88, Public Works Department, of the Code of the City of Norwalk.

⁸⁷⁸ Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing. Part 3 (Reserved) contained the following historical editor's note: "Former Part 3, Sprinkling, which was comprised of §§ 1-451 through 1-456, Sp. Laws 1913, No. 352 §§ 117 through 122, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980." Sections 1-451 through 1-456 (Reserved).

⁸⁷⁹ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-443 derived from Sp. Laws 1913, No. 352, §127.

⁸⁸⁰ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-444. Derived from Sp. Laws 1945, No. 216, §1. Editor's Note: For Commissioner of Public Works, see § 1-363.

i. Said Commissioner may limit the time for carrying out any order made by him, and notice of any such order shall be given by mailing from the post office at Norwalk or South Norwalk a copy of such order to the last-known usual place of abode of the owner or owners of the property affected thereby, or to the agent or person having charge of or occupying the premises, or by leaving a copy of the order with the owner or owner's agent or person having charge of or occupying the premises. If any owner or owner's agent fails to comply with the order within the time specified or limited therein, said Commissioner may execute such order according to the specifications set forth therein, at the initial expense of the city, and then assess the cost of executing such order against such owner and against the property upon which or adjoining which such sidewalk, curb or gutter was laid, relaid, constructed, reconstructed or repaired. Such cost, with interest at the rate of six (6%) percent per annum, from the publication of the notice of assessment by said Commissioner as hereinafter set forth, shall be a debt of the owner or owners of such property and shall be and remain a lien upon such property until full payment, plus interest and lien fees as in the case of tax liens, has been received by said city.

ii. **Notice of Debt and Assessment.** Notice of such debt and assessment shall be given as follows: within thirty (30) days after the work is completed, said Commissioner shall cause to be published in a newspaper having a circulation in said city a notice giving the names of the owner or owners of the property, as appears from the land records of the city, the street on which the property is located, and the amount of the assessment laid by him. Thereafter and within thirty (30) days after such publication, said Commissioner shall notify the Mayor that such work has been completed and of the amounts of such assessments and the names of those from whom such assessments are due and the properties against which the assessments have been laid and the Mayor shall thereupon issue his warrant to the Tax Collector for the collection thereof.

iii. Any assessment which shall not be paid within sixty (60) days after such publication by said Commissioner shall be a lien from the date of such publication upon the land or other property against which such assessment was made and such lien shall be continued and may be foreclosed in the manner provided by law for the collection of tax liens, provided a certificate thereof setting forth the name or names of the owner or owners of the property, a description of the property on which the lien exists, the amount claimed, the date of publication of such notice and the nature of the work for which such lien is claimed, signed by the Tax Collector, shall be lodged with the Town Clerk within three months after such notice of such assessment was published in the newspaper by said Commissioner.

c. **Work by City and apportioning assessment costs⁸⁸¹**. In lieu of ordering or requiring the owner or owners of land fronting on any street or highway to make, lay, construct, repair, relay or reconstruct sidewalks, curbs or gutters as hereinbefore set forth, said Commissioner may, after public hearing, notice of which shall be published in a newspaper having a circulation in said city at least ten (10) days prior to said hearing, make, construct, lay, repair, reconstruct or relay sidewalks, curbs and gutters, or any of them and apportion the cost thereof as determined by him and assess the same against the owner or owners of the property upon which or adjoining which such sidewalks, curb or gutter was laid, relaid, constructed, reconstructed or repaired.

i. Such cost, with interest at the rate of six (6%) percent per annum, from the date of the publication of the notice of assessment by said Commissioner as hereinafter set forth, shall be a debt of the owner or owners of such property and shall be and remain a lien upon such property until full payment, plus interest and lien fees as in the case of tax liens, has been received by said city.

ii. Notice of such debt and assessment shall be given as follows: within thirty (30) days after the work is completed, said Commissioner shall cause to be published in a newspaper having a circulation in said city a notice giving the name or names of the owner or owners of the property as appears from the land records of the city the street on which the property is located and the amount of the assessment laid by him.

iii. Thereafter and within thirty (30) days after such publication, the Commissioner shall notify the Mayor that such work has been completed and the amounts of such assessments and the names of those from whom such assessments are due and the properties against which the assessments have been laid, and the Mayor shall thereupon issue his warrant to the Tax Collector for the collection thereof.

iv. Any assessment which has not been paid within sixty (60) days after such publication of such notice by said Commissioner shall be a lien from the date of such publication upon the land or other property against which such assessment was laid and such lien shall be continued and may be foreclosed in the manner provided by law for the collection of tax liens, provided a certificate thereof setting forth the name or names of the owner or owners of the property, a description of the property on which the lien exists, the amount claimed, the date of the publication of such notice and the nature of the work for which such lien is claimed, signed by the Tax Collector, shall be lodged with the Town Clerk within three months after such notice of such assessment was published in the newspaper by said Commissioner.

⁸⁸¹ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-445. Derived from Sp. Laws 1945, No. 216, §2.

d. **Appeal from assessment**⁸⁸². Any person aggrieved by any assessment made by said Commissioner under the provisions of the foregoing sections, may, within thirty (30) days after the publication of the notice of assessment, appeal from such assessment to any Judge of the Superior Court or the Court of Common Pleas by a written petition with citation attached, returnable in not less than six (6) nor more than twenty (20) days after its date, which shall be served at least six (6) days before the return day upon the Clerk of the City of Norwalk; and any number of persons affected by any such assessment may join in such appeal. Such Judge may, by a Committee or otherwise, review such assessment and correct any error or errors therein and award costs.

e. **Validation of liens**⁸⁸³. Any and all liens securing assessments for sidewalks, curbs and gutters and for sewers heretofore filed, for and on behalf of the City of Norwalk, and which have been signed by the Tax Collector instead of the Mayor or City Clerk are and shall be valid to the same extent and in the same manner as if such liens had been originally signed by the Mayor or Clerk.

f. **Repeal of inconsistent ordinances**⁸⁸⁴. Any provision of any special act relating to the City of Norwalk and an ordinance or resolution of the Common Council of said city inconsistent with the terms of §§ 1-444 to 1-448, are repealed.

g. **Establishment or alteration of lines, grades, width and height; general**⁸⁸⁵. The Common Council of the City of Norwalk, upon recommendation of the Commissioner of Public Works of said city, may establish or alter and reestablish curblines and grades of any street or highway, and the course, width and height of curbs and gutters, in said town, upon the City Clerk's giving notice of such proposed action by advertisement thereof not less than five (5) days in advance of such action.

Commented [S115]: Role of the Common Council

h. **Repeal of inconsistent acts and ordinances repealed**⁸⁸⁶. Any provision of any special act relating to the City of Norwalk or of any ordinance or resolution of the Common Council inconsistent with the terms of §§ 1-449 to 1-450 is repealed.

Commented [S116]: Role of the Common Council

⁸⁸² 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-446. Derived from Sp. Laws 1945, No. 216, §3.

⁸⁸³ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-447. Derived from Sp. Laws 1945, No. 216, §4.

⁸⁸⁴ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-448. Derived from Sp. Laws 1945, No. 216, §5.

⁸⁸⁵ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-449. Derived from Sp. Laws 1945, No. 263, §1.

⁸⁸⁶ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-450. Derived from Sp. Laws 1945, No. 263, §2.

B. Parks and Recreation⁸⁸⁷.

(1) Authorization to establish park at or near Calf Pasture Beach⁸⁸⁸.

The City of Norwalk is authorized to establish and create a public park on the east side of Norwalk Harbor at and near Calf Pasture Beach; bounded northerly about 2,130' by the land of estates of J. Raymond Marvin and William E. Marvin and a public highway running in a general easterly and westerly direction, and easterly and southeasterly, southerly and westerly by the waters of Long Island Sound and Norwalk Harbor.

(2) Calf Pasture Beach; Rights of State⁸⁸⁹. The State of Connecticut grants to the City of Norwalk and its successors, all right, title and interest which the state has or may have in and to the beaches, sedge flats and marshlands located within the above boundaries for the aforesaid public park purposes in perpetuity, and said city is authorized to build and maintain a sea wall or walls, a boat landing or landings or dock or docks between high and low water mark in front of and adjoining the above described tract and to fill in and grade the space within the walls as it may deem expedient; and the spaces so filled in as aforesaid are granted to said city and its successors for such park purposes, provided the sea walls and boat landings and docks authorized shall be so constructed as not to interfere with or impair navigation.

(3) Calf Pasture Beach; Eminent Domain⁸⁹⁰. Such park and the establishment thereof is declared to be of public convenience and necessity. In case the City of Norwalk cannot agree with any or all of the claimants, possessors or owners of land within the limits of the layout of the park, it may take such interest in the land required for such park as the claimants to the same, the possessors or owners may have in the manner provided by §§4109 and 4110 of the General Statutes, as amended by Chapter 311 of the Public Acts of 1915, for the taking of land for a town house or hall.

(4) Calf Pasture Beach; Compensation⁸⁹¹. The city may take the land within the above described boundaries for park purposes upon paying to the owners, possessors or claimants thereof just compensation for their lawful interest therein.

⁸⁸⁷ 2023 Recodification of current Article XVII, Part 1: Historical Editor's Note: Editor's Note: See also, Ch. 74, Parks and Recreation; Appendix, Part IV, Veteran's Memorial Park; Part 2 (Reserved). Historical Editor's Note: A Charter Amendment, adopted 9-2-1980 and approved by the electorate at the general election held 11-4-1980, repealed former Part 2, Bonds, which was comprised of the following sections: §§ 1-489 through 1-493, Sp. Laws 1941, No. 36, §§ 1 to 5; §§ 1-494 through 1-499, Sp. Laws 1949, No. 205, §§ 1 to 6; §§ 1-500 through 1-506, Sp. Laws 1947, No. 342, §§ 1 through 6, and Sp. Laws 1953, No. 278, §§ 1 and 2. These sections will be maintained for record purposes in a separate book entitled "Bond Issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts." Copies of such compilation shall be kept in the offices of the City Clerk and Town Clerk and in the Finance Department. § 1-489, through § 1-506. (Reserved)

⁸⁸⁸ 2023 Recodification of current Article XVII, Part 1. General, §1-484. Derived from Sp. Laws 1917, No. 423, §1.

⁸⁸⁹ 2023 Recodification of current Article XVII, Part 1. General, §1-485. Derived from Sp. Laws 1917, No. 423, §2.

⁸⁹⁰ 2023 Recodification of current Article XVII, Part 1. General, §1-486. Derived from Sp. Laws 1917, No. 423, §3.

⁸⁹¹ 2023 Recodification of current Article XVII, Part 1. General, §1-487. Derived from Sp. Laws 1917, No. 423, §4.

(5) **Calf Pasture Beach; Commencement and Compensation**⁸⁹². No land or interest therein above high water mark shall be taken under §§**1-484** to **1-488**, without the consent of the owner, claimant or possessor thereof, unless condemnation proceedings are commenced by virtue of this act on or before June 1, 1923.

§8-8. Community Services.

The Department of Social Services⁸⁹³. There shall be a Department of Public Welfare, referred to elsewhere in the Charter, which shall be known as the "Department of Social Services."

(6) **Appointment of Director**⁸⁹⁴. There shall be a Director of Social Services in accordance with the provisions of §17-9 of the General Statutes. Said Director shall be in charge of and be responsible for the operation of the Department in carrying out its functions and duties. He shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of four (4) years and may, at the beginning of a term, be made subject to a probationary period of service, after which he may be removed for cause. The provision shall become effective on the date the present Director of Social Services ceases to hold said office; said four (4) year term shall commence on the first (1st) day of July, following the date the present Director ceases to hold said office.

(7) **Powers and Duties of Director of Social Services**⁸⁹⁵.

(a) The Director shall recommend such personnel as are required to carry out the duties and responsibilities assigned to the Department pursuant to this ordinance. The number, duties, responsibilities and salaries of such personnel shall be set forth in a set of written job specifications, prepared by said Director and approved by the Common Council, and shall further be subject to such other approval of the Board of Estimate as may be provided by law.

(b) The Director of Social Services shall administer the powers and duties delegated to the Department of Social Services by the Welfare Commissioner or Commissioner of Income Maintenance of the State of Connecticut. She/He shall have authority over all Department of Social

Commented [S117]: Why reference to Ordinance?

⁸⁹² 2023 Recodification of current Article XVII, Part 1. General, §1-488. Derived from Sp. Laws 1917, No. 423, §5; Sp. Laws 1921, No. 131.

⁸⁹³ 2023 Recodification of current Article X – Department of Social Services, §1-353. Derived from Charter Amendment 2-10-1981.) Historical Editor's Note: The Charter Amendment adopted 2-10-1981 also provided for the repeal of former §§ 1-353 through 1-361, which comprised former Art. X, Department of Public Welfare (Sp. Laws 1913, No. 352, § 171; Sp. Laws 1933, No. 331, §§ 1 and 2; Sp. Laws 1935, No. 505, §§ 1, 2, 3, 4, 5, 6 and 7.).

⁸⁹⁴ 2023 Recodification of current Article X – Department of Social Services, §1-354. Derived from Charter Amendment 2-10-1981.

⁸⁹⁵ 2023 Recodification of current Article X – Department of Social Services, §1-356. Derived from Charter Amendment 2-10-1981.

Services officials. She/He may require the enforcement of any law, regulation or ordinance relating to social services or public assistance. She/He shall have all the power given Directors of Social Services under the General Statutes of the state.

(c) On or before the first (1st) day of October in each year, the Director of Social Services shall report in writing to the Mayor and Common Council upon the activities of the Director of Social Services. Such report shall contain a review of activities of the Department and shall contain recommendations for such Council action as he may find advantageous for the protection of Social Services.

(8) **Reimbursement**⁸⁹⁶. The Department of Social Services shall be authorized to seek reimbursement for any state or federal program for the needy, including but not limited to the poor, aged, infirmed, blind and disabled, in accordance with state or federal law.

(9) **Turning over reimbursement or receipts to Comptroller**⁸⁹⁷. All money reimbursed or receipts from the state or federal government shall be paid over to the Comptroller for deposit in the general fund of the City of Norwalk.

(10) **Creation and composition of Board of Social Services**⁸⁹⁸. (a) There shall be a Board of Social Services of the city consisting of five (5) electors of the city, who shall consult with the Director of Social Services, advise the Mayor and the Council on the operations of the Department and exercise such special functions and assignments as the Mayor or Council may direct. (b) The Mayor of said city shall appoint the members of said Board, subject to confirmation by the Council, for a term of two (2) years. Any vacancy which may occur in the membership of said Board may be filled for the unexpired portion of the term in the manner hereinbefore provided. The members of said Board shall serve without compensation. The members of the Board whose terms are unexpired as of the date hereof shall continue as members of the Board for the balance of their terms. The two (2) existing terms expiring December 1, 1981, shall be succeeded by two (2) terms of one (1) year each which shall expire December 1, 1982, and thereafter they shall expire every two (2) years.

The two (2) existing terms expiring December 1, 1983, shall expire on that date and every two (2) years thereafter. Upon passage of this Ordinance, one new member shall be appointed for a term expiring December 1, 1983 and every two (2) years thereafter.

Commented [S118]: SHOULD THIS BE MOVED TO BOARDS AND COMMISSIONS?

Commented [S119]: THESE DANGLING SENTENCES REFER TO AN ORDINANCE.

⁸⁹⁶ 2023 Recodification of current Article X – Department of Social Services, §1-356. Derived from Charter Amendment 2-10-1981.

⁸⁹⁷ 2023 Recodification of current Article X – Department of Social Services, §1-358. Derived from Charter Amendment 2-10-1981.

⁸⁹⁸ 2023 Recodification of current Article X – Department of Social Services, §1-357. Derived from Charter Amendment 2-10-1981.

(11) **Reserved Provisions.** §1-359 through §1-361.

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ⁱ 2022 recodification and modification of current Chapter V, Sec. 4 (first sentence) derived from the election of 11-5-02

ⁱⁱ The following provisions of the current Charter are repealed because they are unnecessary due to the enactment of the Home Rule Act, including the provisions of the Municipal Powers Act:

(a) finances and appropriations, including regulation of the mode of assessment and collection of taxes, authorized by C.G.S. §7-148(c)(2);

(b) the acquisition, management and disposition of real and personal property authorized by C.G.S. §7-148(c)(3), in lieu of the current Charter language “to manage and control the finances and property, real and personal, of the city” and “to regulate the sale, conveyance and transfer of city property;”

(c) provision and management of public services, including, but not limited to police as authorized by C.G.S. §7-148(c)(1), in lieu of the current Charter language “to regulate and prescribe the duties of the police force in respect to criminal matters within said district; to establish and maintain suitable prisons or lockups within the limits of said city for confinement of all persons arrested, and such prisons shall be under such rules and regulations as the Council shall ordain;”

(d) fire as authorized by C.G.S. §7-148(c)(4)(A) and (B), in lieu of the current language “to erect and keep in repair all buildings necessary for the Fire Departments of the city” and “to establish fire limits;”

(e) entertainment and cultural activities as authorized by C.G.S. §7-148(c)(4)(C) in lieu of current language “to regulate parades, processions, public assemblages, shows, and music in the public streets;” and, “to license and regulate sports, exhibitions, public amusements, and billiard and bowling rooms;”

(f) public works, sewers, drainage as authorized by C.G.S. §7-148(c)(4)(H) and (6) in lieu of current language “to prohibit the depositing of any filth, garbage, or rubbish in any stream or on any highway or public or private grounds;” “to provide for public lighting of streets and to protect the same from injury;” and, “to sprinkle the streets of the city with water, oil, or other substance at the expense of the city, or by assessment as hereinafter provided;”

(g) public utilities authorized by C.G.S. §7-148(c)(6)(b) in lieu of current language “to provide for public lighting of streets and to protect the same from injury; and “to regulate the erection and maintenance of lamp posts, telegraph, telephone, and electric light poles and conduits, wires, and fixtures;”

(h) (8) highways and streets authorized by C.G.S. §7-148(c)(6)(C) in lieu of current language “to regulate the width of all highways, streets, sidewalks, and gutters; to regulate excavations in streets, highways, and public grounds and the location of any work thereon, or the depositing of building materials on any sidewalk or highway, or the removal of buildings upon or through the same; to prohibit, regulate, or license the selling of wares and merchandise upon said streets, sidewalks, or public places;” “to regulate the laying of conduits, gas pipes, water pipes, and drains in the streets and highways;” “to regulate the planting, removal, care and preservation of trees in the public streets and parks; to prohibit the sale of newspapers upon the streets;” “to make, repair, clean, light, and keep open and safe for public use and travel, and free from encroachment and obstruction, the streets, highways, sidewalks, gutters, and public grounds (Editor’s Note: See Art. XV, Streets, Sidewalks and Building Lines; Ch. 101, Streets and Sidewalks);” “to license and regulate public hacks, automobiles, and carriages, and the charges of hackmen, chauffeurs, public drivers, carmen and truckmen;” “to regulate the naming of public streets, the numbering of lots thereon, and the erection of banners or flags;” and, “to regulate coasting, sliding, and use of velocipedes, bicycles, and tricycles on the sidewalks;”

(i) regulatory and police powers pertaining to buildings and adjuncts thereto authorized by C.G.S. §7-148(c)(7) and C.G.S. §7-148(c)(7)(A) and (C) in lieu of current language “to enforce the disuse, removal, or demolition of any such building or part thereof which may become unsafe;” “to provide safe and convenient means of egress in case of emergency from any building used by the public, and to prohibit the use of any building which may become unsafe by reason of insufficient facilities for egress or other causes;” “to regulate the use and occupation of all the city buildings;” “to regulate the mode of building, and determine materials to be used for building or altering of buildings;” “to grant permits for the moving, erection, addition to, repair, and enlargement of buildings; to regulate the heating of buildings, and cleaning of chimneys;” “to establish districts of said city within which it shall be unlawful to erect, elevate, enlarge, repair, or remove any wooden building, except by permission of said Council or a committee thereof;” “to regulate the erection, construction, repair, or use within said city of any building which by reason of its structure is or may become unsafe;” and, “to regulate or prohibit the placing of signs or awnings over sidewalks.”

(j) traffic as authorized by C.G.S. §7-148(c)(7)(B) in lieu of current language "to regulate the speed of animals, vehicles, and cars in the streets."

(k) , public health and safety as authorized by C.G.S. §7-148(c)(7)(H) in lieu of current language "1) "to provide for raising, filling, and draining low lands and places in which mosquitoes breed, and the widening, deepening, or straightening of any streams within said city;" (2) "to provide for the health of the city; to prevent and abate every kind of nuisance;" (3) "to regulate the location, construction, and use of sinks, cesspools, pigpens, drains, sewers, and privies;" (4) "to compel the removal of nuisances injurious to health, or offensive or annoying to the public at the expense of the owners of the premises upon which said nuisances exist;" (5) "to regulate the moving of any manure, swill, night soil, or dead animals;" (6) "to regulate the carrying on of any trade, manufacture, or business prejudicial to public health or unreasonably annoying to those living or owning property within the vicinity;" (7) "to provide for the inspection of meat, vegetables, fish, produce, fruits, milk, and food of any kind exposed for sale in said city, and to prohibit the sale thereof when in such condition as to endanger public health;" and, (8) "to compel the closing of saloons and other places where spirituous and intoxicating liquors are kept and sold at such suitable hours during the night season as said Council may designate, and at such times and on such occasions as may be required by the public good;" (9) "to license and regulate peddling and auctions upon the streets and sidewalks;" (10) "to preserve and care for public burial grounds and regulate the burial of the dead;" and, (11) "to regulate bathing in places exposed to public view."

(l) animals as authorized by **C.G.S. §7-148(c)(7)(D) in lieu of current language** "(1) "to prevent cruelty to animals and inhuman sports;" and, (2) "to regulate or prohibit the running at large of all animals in said city."

(m) nuisance, loitering, trespassing and vice as authorized by C.G.S. §7-148(c)(7)(E), (F), and (G) in lieu of current language: "to compel the owners or occupants of land and buildings to remove the snow and ice from the sidewalks in front of such land and buildings;" "to regulate the blowing of whistles and horns, and the ringing of bells;" "to prevent persons loitering on the streets, sidewalks and spaces between sidewalks and buildings, and in and about the entrance of buildings to the hindrance or annoyance of the public;" and "to preserve order, to prevent and quell riots and disorderly assemblages, to suppress gambling houses, houses of ill-fame and disorderly houses."

(n) human rights, including fair housing; prohibited discriminatory practices as authorized by C.G.S. §7-148(c)(9)(A) and C.G.S. §7-148(c)(9)(B) in lieu of current language "exercise the power to make, alter and repeal ordinances and bylaws relative to the care and support of the poor."

(o) establishment of fees, fines, forfeitures, penalties and enforcement protocols as authorized by C.G.S. §7-148(c)(10)(A) and C.G.S. §7-148(c)(8) in lieu of current §1-191. Derived from Sp. Laws of 1913, No. 352, §81 and language "to prescribe fines and penalties, and forfeitures for the violation of any ordinances, which penalties and forfeitures may be recovered by the Corporation Counsel in an action brought for that purpose in the name of the city before the town court or any other court having jurisdiction for the use of said city."

In addition, the Municipal Powers Act includes items that are not in the current charter or recited elsewhere, such as corporate powers (C.G.S. §7-148(c)(1)); personnel (C.G.S. §7-148(c)(5)) environmental protection and regulations (C.G.S. §7-148(c)(8)); adoption of a code of ethical conduct; (j) establishing and maintain free legal aid bureaus (C.G.S. §7-148(c)(10)(C)); performing fee-based data processing and related administrative computer services to another municipality (C.G.S. §7-148(c)(10)(D)); freedom of information ordinance and board (C.G.S. §7-148(c)(10)(E)); and, provides for due execution of contract and evidence of indebtedness of the City. (C.G.S. §7-148(c)(10)(F))

iii DRAFTING SUPPLEMENT. Board of Assessment Appeals. Ord. §103-14. Appointment of alternates; increase in membership. **A.** There shall be three alternate members appointed to the Board of Assessment Appeals. The Mayor shall appoint the alternates subject to confirmation by the Common Council. The appointed alternates shall serve terms of one year from the date of appointment. **B. Revaluation. (1)** In accordance with the provisions of Connecticut General Statutes, § 9-199(c), the Board of Assessment Appeals is hereby increased to seven members for any assessment year during which a revaluation becomes effective as well as the two assessment years immediately following such year of revaluation. The Mayor shall appoint the four additional members, and a total of seven alternate members to the Board, subject to confirmation by the Common Council, during such years. **(2)** The provisions of Connecticut General Statutes, § 9-167a concerning minority representation shall apply to the Board of Assessment Appeals. **(3)** 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 four additional members and four alternates appointed and confirmed pursuant to this section shall expire and no successors shall be appointed.

^{iv} **DRAFTING SUPPLEMENT. Chapter 79. PLANNING AND ZONING COMMISSION [HISTORY: Adopted by the City of Norwalk Common Council 9-28-2021. Amendments noted where applicable.] § 79-1. Creation.** Pursuant to the authority granted to the Common Council by § 1-368.2 of the Charter of the City of Norwalk and § 8-4a of the Connecticut General Statutes, the Planning Commission of the City of Norwalk is hereby designated as the Planning and Zoning Commission for Norwalk (hereinafter, the Commission). **§ 79-2. Powers and duties.** The Commission shall have all of the powers and be subject to all of the duties granted to and imposed upon planning and zoning commissions under the Connecticut General Statutes, together with all of the powers and duties specifically granted to and imposed upon the Planning Commission under the Charter of the City of Norwalk. **§ 79-3. Composition and appointment. A.** The Commission shall consist of nine regular members, provided that no more than six such members may be registered members of any one political party, and provided further, that there shall be not more than three regular members from any one Council District. All of such members shall be electors of the City of Norwalk. **B.** Members of the Commission shall be appointed by the Mayor with the approval of the Common Council. If the Mayor shall fail to submit a nomination within 60 days after a vacancy, either by reason of expiration of term or for any other reason, such vacancy shall thereafter be filled by nomination and approval of the Common Council. If the Mayor shall have submitted a nomination to fill a vacancy within the sixty-day period and the Common Council shall have rejected or failed to act upon such nomination, the seat shall be vacated. The Mayor may submit the same or different nominations thereafter until the same shall have been approved by the Common Council. In no instance shall a member serve more than five consecutive terms as a regular member. No member of the Commission shall be a regular or alternate member of the Zoning Board of Appeals.

§ 79-4. Alternate members. There shall be appointed, in the manner provided in § 79-3 above, three alternate members to the Commission, no more than two of whom shall be registered members of any one political party. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth above for regular members of the Commission. Such alternate members shall be electors and shall not be regular or alternate members of the Zoning Board of Appeals. If a regular member of the Commission is absent, they may designate, in writing, an alternate member of the Commission to act in their place. If they fail to make such designation or the person so designated is disqualified, the Chair of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. **§ 79-5. Terms of office. A. Regular members.** The terms of the regular members shall be as follows: three of the members shall be appointed for terms ending January 1, 2023; three of the members for terms ending January 1, 2024; and three of the members shall be appointed for terms ending January 1, 2025. Thereafter, upon the expiration of the term of any such member, their successor shall be appointed for a term of three years. **B. Alternate members.** One alternate shall be appointed for a term ending January 1, 2023, one alternate for a term ending January 1, 2024, and one alternate for a term ending January 1, 2025. Thereafter, upon the expiration of the term of any such alternate member, their successor shall be appointed for a term of three years. **§ 79-6. Organization and administration. A.** The Commission shall organize and elect officers, maintain records, contract, prepare budgets, and do all other things permitted or directed by the provisions of the Connecticut General Statutes and the Charter of the City of Norwalk, insofar as the latter are not inconsistent with the provisions of the Connecticut General Statutes. All employees of the Planning Commission and the Zoning Commission as of the effective date of this chapter shall be employees of the Commission. **B.** There shall be a Director of Planning and Zoning, who shall be appointed by the Commission based on the recommendation of a search committee. Such committee shall consist of the Chair and Vice Chair of the Commission, the Chief of Economic and Community Development, and the City's Personnel Director or designee. There may be an Assistant Director of Planning and Zoning who shall be appointed in the same manner, except that the Director of Planning and Zoning shall replace the Personnel Director on the search committee. **C.** Nothing contained herein shall be construed to alter the terms and conditions of any collective bargaining agreement applicable hereto. **D.** Staff of the Commission shall be appointed by the Director and employed pursuant to the City's Personnel Rules and Regulations. **§ 79-7. Effect on prior regulations.** All regulations adopted by the Planning Commission or the Zoning Commission which were in effect prior to the effective date of this chapter shall continue in full force and effect until modified, repealed, or superseded in accordance with the provisions of the Connecticut General Statutes. **§ 79-8. Effective date.** This chapter shall take effect on January 11, 2022.

^v What is the Zoning Commission? See, Article 140, §118-1400

^{vi} **DRAFTING SUPPLEMENT. Chapter 126 PENSION PLAN. [HISTORY: Adopted City of Norwalk Common Council 9-24-1963. Amendments noted where applicable.]**

§1. Authority. Pursuant to the authority granted to the Common Council of the City of Norwalk, Connecticut, in § 189 [Editor's Note: See § 1-189 of Charter and Related Laws.] of the Norwalk City Charter, there shall be created and established for such city a pension plan for city employees as stated herein. [Editor's Note: See also, Charter and Related Laws, Art. XXI, as to provisions for certain retired employees. As to the retirement of school custodians see Ch. 9, Administration, § 9-4.]

§2. Pension Board. There shall be appointed by the Mayor of the City of Norwalk, immediately upon the enactment of this ordinance and confirmed by a majority of the Norwalk Common Council, a Board consisting of five, who shall constitute the Board of Trustees for the Norwalk City Employees' Pension Fund, hereinafter referred to as the "Pension

Board." The members of the Pension Board shall receive no compensation for serving as a Trustee. A. The City Comptroller shall serve as an ex officio member of the Board. The other five members shall be appointed to serve terms of one year, two years, three years, four years and five years, respectively, and thereafter their successors shall be appointed for a term of five years on September 1 of each year.

§ 3. Duties of the Pension Board. The Pension Board shall perform the duties of the Trustees of the Norwalk City Employees' Pension Fund, relating to the management of such funds, except that the City Comptroller shall have the care and custody of all such funds and shall have the power, with approval of the Board, to invest such funds in securities legal for investment for trust funds.

§ 4. Retirement allowances. [Amended 6-27-1984]. The Pension Board shall put into effect and provide a system or systems of retirement allowances for the city's regular, full-time paid employees, as more fully defined by the Board, except elected officials (other than each Registrar of Voters and the Town Clerk), policemen and firemen who are provided with pensions under provisions of the Norwalk City Charter §§ 1-319 through 1-332 and §§ 1-338 through 1-352, respectively, and professional employees of the Board of Education who are members of the State Teachers' Retirement System, and provide for contributions by such employees and the city to a fund or funds from which allowances shall be paid.

§ 5. Contracts. The Pension Board shall be empowered to contract with any insurance company, bank or trust company, or any other company with which it is legal to invest pension funds, for the purpose of insuring the whole or any part of its retirement plans, subject to the provisions of the City Charter and General Statutes of the State of Connecticut as made and provided.

§ 6. Pension plan; provisions. The pension plan to be administered by the Pension Board shall contain the following minimum provisions: **A.** The plan shall be a flexible split-funded retirement plan and shall be actuarially sound. **B.** The plan shall include all permanent full-time city employees from the first date of their employment regardless of age except those stated in § 4. [Amended 9-8-1970] **C.** All presently enrolled employees who commenced employment on or after September 1, 1965, and who have completed more than three years' continuous service for which they have not contributed to the pension plan may elect to be enrolled for an additional period not to exceed three years, provided that the employee agrees to contribute to the plan for the three additional years or any portion thereof, and provided that the election is submitted in writing to the Pension Board within six months from the effective date of this amendment. [Amended 9-8-1970]. **D. Retirement age.** [Amended 8-10-1965; 2-14-1967; 5-9-1967; 6-14-1977] (1) The pension plan shall include a voluntary retirement age of 62 for all city employees. In no event will an employee continue in the service of the city after the month in which he attains age 70. (2) The pension plan shall provide, at the option of the employee, for early retirement at age 55, with 15 years of service, in an actuarially reduced amount. **E. Retirement benefits.** For all employees with at least 10 years of service, the pension plan shall provide, at the normal retirement age of 62, an annual retirement benefit equal to 2% of the final average salary [which is the average of the highest three years' salary during the final five years of employment] times the number of years of service up to a maximum of 30 years. [Amended 2-9-1965; 8-10-1965; 6-14-1977] (a) For employees with between 25 and 30 years of service, the annual benefit amount so determined shall be converted to a monthly amount. This amount shall then be reduced by either \$135 or the actual monthly amount of the social security benefit, whichever is less. (b) For employees with between 10 and 25 years of service, the annual benefit amount so determined shall be converted to a monthly amount. This amount shall then be reduced by the proportion of \$135, or the actual monthly amount of the social security benefit, whichever is less, which the employee's actual years of service bear to 25. (2) In no event shall a retirement benefit at the normal retirement date be less than the benefit computed as follows: [Added 5-9-1967] (a) There shall first be determined the total benefit the employee would receive if he had 25 years of credited service. (b) From the amount determined in Subsection E(2)(a) shall be deducted the social security benefit, not to exceed \$135 per month, to which the employee is entitled. [Amended 2-9-1970; 6-14-1977] [1] In the case of employees of the City of Norwalk who are covered by an agreement between the city and the City of Norwalk Municipal Employees, Local 2405, AFSCME-AFL-CIO, dated July 1, 1976, and who are members of the pension plan, there shall be deducted from the amount determined in Subsection E(2)(a) the social security benefit, not to exceed \$100 per month, to which the employee is entitled. The funds to provide for the added payments to employees covered by this Subsection E(2)(b)[1] shall be provided by the city from an account designated "Pension B Account" and not from any fund or funds provided for all other payments contemplated under the pension plan. [2] In the case of employees of the City of Norwalk who are covered by the agreement between the city and the Norwalk Municipal Employees Association and who are members of the pension plan, there shall be deducted from the amount determined in Subsection E(2)(a) the social security benefit, not to exceed \$100 per month, to which the employee is entitled. The funds to provide for the added payments to employees covered by this Subsection E(2)(b)[2] shall be provided by the city from an account designated "Pension C Account" and not from any fund or funds provided for all other payments contemplated under the pension plan.

[3] In the case of employees of the City of Norwalk who are covered by an agreement between the city and the Norwalk Public Health Nurses Unit, Connecticut Nurses Association, and who are members of the pension plan, the employees shall receive pension benefits equivalent to those provided for in Subsection E(2)(b)[2] above. (c) If the employee has 25 or more years of service, he shall receive the retirement benefit computed in Subsection E(2)(b) above. (d) If the employee has less than 25 years of service, he shall receive that portion of the amount computed in Subsection E(2)(b) above as his years of service relate to 25 years. **F. Death benefits.** (1) The pension plan shall provide a death benefit

of at least 12 months' salary if death occurs prior to retirement. [Amended 2-9-1965] (2) The pension plan shall provide total retirement income for 60 months in the event that death should occur after retirement. **G.** The pension plan shall include, at termination of employment other than death or normal retirement: **[Amended 6-14-1977]** (1) Full vesting as to each employee after 10 years' participation. Fully vested benefits begin at age 62. (2) A benefit payable at age 62, as computed in Subsection E above. (3) The employee, however, at his option, may elect, in lieu thereof, to receive contributions as made by him. **H. Disability benefits.** **[Amended 6-14-1977]** (1) The pension plan shall include disability benefits to include the full-vesting rights for the employee in the event of total and permanent disability, which benefits shall be payable at the age of 62. (2) An employee who has 15 years of service and who becomes totally and permanently disabled shall be eligible to receive his benefits within six months of such total and permanent disability, in an actuarially reduced amount. **I.** Commencing September 1, 1967, employee contributions to the plan shall be a maximum of 1 1/2% of the base salary which is subject to social security tax and 5% on the salary covered by the pension plan but not subject to social security tax. **[Amended 5-9-1967]** **J.** The city shall contribute from time to time such sums as are necessary to put the plan into effect and to maintain same on a sound actuarial basis. **K. (Reserved)** **[Editor's Note: Former Subsection K, making the maximum age restriction for pension plan participation for future employees 55, was repealed 6-14-1977.]** **L.** Participation in the plan shall be voluntary for city employees eligible for enrollment at the time and date of adoption of the plan by the Pension Board. Thereafter, participation by all new employees shall be mandatory except for such employees as are now employed by the city and have not heretofore been included in the plan. No new city employee who is receiving periodic retirement or disability benefits from any City of Norwalk pension plan will be allowed to contribute to or join any City of Norwalk pension plan. **[Amended 6-14-1977; 9-28-1982]** **M.** Open enrollment period. **[Added 9-8-1970; amended 6-14-1977; 6-27-1984]** (1) Any person who was employed on September 1, 1965, but did not enroll in the pension plan may enroll with full credit for past service, provided that an election for enrollment is made in writing to the Pension Board within one month from the effective date of this amendment and provided that the employee contributes all sums that would have been paid if the employee enrolled in the pension plan on September 1, 1965. (2) Any person who was employed on September 1, 1965, but who was not eligible to enroll in the pension plan because of either age or length of service and who subsequently enrolled in the pension plan may elect to be enrolled for an additional period not to exceed three years, provided that the employee agrees to contribute to the plan for the three additional years, or any portion thereof, and provided that the election is submitted in writing to the Pension Board within six months from the effective date of this amendment. (3) Any person presently employed by the city but who was not eligible to enroll in the pension plan because of either age or length of service may enroll with full credit for past service, provided that the employee contributes all sums that would have been paid if the employee enrolled in the pension plan on the date of his employment or on September 1, 1965, whichever shall be the later date. (4) Each Registrar of Voters and the Town Clerk previously not eligible to enroll in the pension plan may enroll with full credit for past service, provided that the official contributes all sums that would have been paid if the official enrolled in the pension plan on the date of his or her employment or on September 1, 1965, whichever shall be the later date. Only the Registrar of Voters or Town Clerk who are in office at the effective date of this ordinance, or thereafter, shall be entitled to inclusion in the pension plan.