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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 Jordan Schantz at jschantz@norwalkct.org to provide written public comment prior to the meeting.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES: February 15, 2023

IV. ACTION ITEM #1: DISCUSSION AND PRELIMINARY ACTION ON ARTICLE X – BUDGET ISSUES

V. DISCUSSION: ARTICLES I-III, VI

A. §3-3.C, §6-3, §6-4, §6-5 – SHERIFF, SELECTMAN, AND CONSTABLES

B. §3-6.(B)1 – MAYORAL SUCCESSION

C. BOARD OF EDUCATION – ARTICLE IX

D. SUNSET PROVISION – ARTICLE XI

E. TAXING DISTRICT PROVISIONS – ARTICLE XII

F. PROVISIONS FOR REPEAL

VI. OVERVIEW OF ARTICLE IV – COMMON COUNCIL

VII. COUNSEL DISCUSSION OF STATUS – WHAT'S NEXT

A. ARTICLES V AND VI – MAYOR AND THE DEPARTMENTS

B. COMMISSIONER COMMENTS ON CRITICAL CHARTER ISSUES

VIII. ADJOURNMENT

**City of Norwalk
Charter Revision Commission
Regular Meeting
February 15, 2023**

Attendance: Patsy Brescia, Chair; Carl Dickens; Tyler Fairbairn; Richard McQuaid; Benita Watford Raleigh; Michael Witherspoon; Angela Wasunna

Other: Steven Mednick, Commission Counsel, Sarah Gallagher, Vinny DiGilio, Tyisha Walker-Meyers

1) CALL TO ORDER

Chairman Brescia called the meeting to order at 6:33.

2) ROLL CALL

A quorum was present.

3) APPROVAL OF THE MINUTES FROM FEBRUARY 1, 2023

******Mr. McQuaid moved to approve the minutes of February 1, 2023**

******Ms. Raleigh seconded the motion.**

******The motion passed unanimously with the spelling correction as noted.**

Mr. Fairbairn pointed out that Mr. McQuaid's name was spelled incorrectly in the sixth paragraph in the discussion section of the minutes.

4) PANEL ON TERM OF OFFICE, VACANCIES AND SUCCESSION

- **4 years - Mayor/2 years - Hybrid Council: Hon. Sarah Gallagher, Councilmember and Chair, 2022 Charter Commission (Hamden)**
- **2 years – Mayor and Hybrid Council: Vinny DiGilio, Council President (Danbury)**
- **2 years – Mayor and Alders: Hon. Tyisha Walker-Meyers, President of the Board of Alders (New Haven)**
- **4 years – Mayor and Council: Hon. Maly Rosado, President of the Common Council (Hartford)**

Mr. Mednick discussed the panel members he invited, and mentioned that Maly Rosado was unable to attend at the last minute. Each member of the panel introduced themselves and discussed the city they represent.

Ms. Walker-Meyers explained that New Haven is currently going through the same process, and offers her assistance in going through the options.

Ms. Gallagher discussed how Hamden went from two year terms to four year terms and the reasons why, and how it was received by the public.

Mr. DiGilio discussed the hybrid system in use in Danbury. Some offices have two year terms, some four.

Mr. Mednick pointed out that the charters include a line of succession, whether they have two or four year terms. Mr. DiGilio explained Danbury's line of succession.

Mr. McQuaid asked about salary for councilman. In Danbury they are volunteers. In Hamden, there is a small stipend. New Haven also has a small stipend. He also asked if town clerks were appointed or elected officials. In Danbury they are elected. In Hamden they are elected, and in New Haven they are elected for two year terms.

Ms. Brescia asked if having longer terms attracts a higher quality of candidate. All agree that it does.

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Ms. ~~Watson~~ asked if anyone on the panel was in favor of a two year term. Most agree a four year term offers more continuity.

Ms. Gallagher talked about how her committee shared information on the changes to their charter and offered to share a pamphlet they had created during the process.

Mr. Mednick explained what the Explanatory Text is and how it functions

Mr. Dickens thanked the panel and stated his concern is how the charter revision changes are communicated to the public. Ms. Gallagher explained Hamden's approach including public comment and public hearings. Hamden also had a page on the town website that was updated as changes were made.

Ms. Raleigh expressed concern that the public at large is unaware that a charter revision is happening at all. Ms. Gallagher made the point that zoom calls were helpful in that they were more accessible to citizens.

Mr. Witherspoon asked if it was possible to ask for a budget to place paid public notices in the media. Mr. Mednick felt this may be restricted by campaign finance laws.

Mr. McQuaid will reach out to a contact in the press to see if they can get some coverage. He also feels a charter revision website should be created.

Mr. Mednick made the point that it is important to communicate that the revision is restructuring the charter document, not the government. He will create a document of summaries of what they are creating.

After the panel discussion on term limits, Mr. Dickens feels the four year terms are the way to go for both the council and the mayor. Mr. Fairbairn likes four year terms that are staggered every two years between the council and the mayor.

All agree that the paragraph on succession is messy and needs clarification and clear guidelines and consistent standards.

5) ISSUES DISCUSSION

6) FURTHER REVIEW AND PRELIMINARY ACTION: ARTICLE X – BUDGET ISSUES

Mr. Mednick will have this section ready for review at the next meeting.

7) COUNSEL DISCUSSION OF STATUS – WHAT’S NEXT?

(a) ARTICLES I – III, IX, XI, XII

(b) ARTICLES IV AND V (THE COUNCIL AND THE MAYOR)

Mr. Mednick will have a further revision on these sections with some refinement at the next meeting.

Mr. Mednick made the point that the Municipal Powers Act covers a great deal of ordinances that do not need to be included in the Charter.

He also said that he met with the Mayor’s office and went over every board and commission, and all the departments. This section makes up the last two sections of the charter.

The goal is to have all of the initial drafting done by mid-March. After that it is a matter of editing for readability and accessibility.

Mr. Mednick asked the commission to continue to send in their editorial comments and suggestions.

8) ADJOURNMENT

******Mr. McQuaid moved to adjourn the meeting.**

******Mr. Fairbairn seconded the motion.**

******The motion passed unanimously.**

Chairman Brescia adjourned the meeting at 8:35.

Respectfully submitted,

Amy Chaple
Telesco Secretarial Services

City of Norwalk
Charter Revision Commission
Regular Meeting
February 15, 2023

Articles I – III, VI, IX and XI

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ATTORNEY WORK PRODUCT DRAFT PROVISIONS FOR CRC CONSIDERATION 022223

2023 CHARTER REVISION COMMISSION: SETTING THE CONTEXT

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 the early 20th century. 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 local 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 General Assembly when it comes to local governance.

The revision does not and cannot forget the history of our city and town. Like many other older cities in Connecticut we are a City that continues to recognize historical town functions. When you read this document you will find Constables and a Sheriff, a Town Clerk and other references to the town. For the record Norwalk is a consolidated municipal corporation and this Charter is our governing document.

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**

ATTORNEY WORK PRODUCT DRAFT PROVISIONS FOR CRC CONSIDERATION 022223

ARTICLE I: INCORPORATION, CONSTRUCTION AND GENERAL POWERS

§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 may 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 expenses and conferring such rights, powers and privileges upon said town are hereby made applicable to the City.

¹ NEW (2023).

² 2023 Recodification 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 IU, 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.**

§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 Town 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

§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, 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) **Charter¹³** shall mean the Charter of the City of Norwalk.

(4) **City¹⁴** means the City.

⁶ NEW (2023).

⁷ NEW (2023).

⁸ NEW (2023)

⁹ NEW 2023).

¹⁰ NEW (2023).

¹¹ NEW (2023).

¹² NEW (2023)

¹³ NEW (2023)

¹⁴ NEW (2023)

(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) **Day(s)**¹⁹ 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.

(10) **Department or Administrative Departments**²⁰ means any major functional or administrative division of the City, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the 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.

(11) **Department Head**²¹ means an employee who heads any

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).

²¹ NEW (2022).

Department in the City; has substantial supervisory control of a permanent nature over other municipal employees; and, is directly accountable to the Mayor.

(12) Elective Offices 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 Elective Offices of the City are set forth in section 4(b) of Chapter III; Chapter III (Registrars of Voters and Constables); Chapter IV (Common Council), Chapter V (The Mayor), Chapter VI (City Treasurer); and Chapter IX (Board of Education) of this Charter.

(13) Elector²² shall have the meaning contained in the General Statutes.

(14) Five-year Program of Capital Expenditures²³. The proposed five-year program of 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."

(15) Final Action²⁴ means the last acts taken by the Mayor or the Council on an Ordinance or other measure that requires mayoral and legislative action under the provisions of this Charter.

(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 and Regulations, 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.

(19) Mayor²⁸ 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.

²² 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".

²³ NEW (2023) Derived from 30-3 of the Code of Ordinances.

²⁴ NEW (2023).

²⁵ NEW (2023).

²⁶ NEW (2023).

²⁷ NEW (2023).

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

(20) Meeting or Public Meeting²⁹ 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 Clerk, 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 such 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) Official or Public Official³⁰ 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 Officials" shall include all Public Officials to the exclusion of those who hold Elective 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) Order or Motion³¹ means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed contracts or other matters upon which are conferred temporary power or authority which, when its purpose has been accomplished, it ceases to require further authority. Orders and Motions shall be enacted in accordance with the provisions of this Charter. Other Public Officials may enter "Orders" in accordance with the authority set forth under the General Statutes, this Charter or Ordinance enacted thereunder.

(24) "Ordinances" or "Ordinances of the City"³² 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

²⁹ NEW (2023)

³⁰ NEW (2023)

³¹ NEW (2022).

³² NEW (2023)

provisions of this Charter.

(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) at the public libraries; (3) on the City web-site, through other electronic media by the City Clerk; and, (4) 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 such 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 pertinent to the City.

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

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

³⁸ NEW (2023).

(31) **Town Clerk**³⁹ is an elected Public Official who serves the function set forth in in the General Statutes and this Charter, in particular in Article V, §22.

(32) **Vacancy**⁴⁰ 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 citizen 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 our citizens in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to assure 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, 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 such 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

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).

personal interest in matters affecting the City by such 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 such 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 mandated by §_____ of this Charter and as further 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 interest and corrupt practices. The Ordinance required by §3-9.B of this Charter shall

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 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.

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 his or her 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. Mason's Rules of Order shall, as a general rule, regulate the conduct of all Meetings of the Council and all elected and appointed Boards and Commissions of the City, unless the Council or particular Board or Commission otherwise specifies an alternate parliamentary authority.

(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**

⁴⁹ NEW (2023).

⁵⁰ NEW (2023).

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 such 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 such record. 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.

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

⁵¹ NEW (2023).

⁵² NEW (2023).

⁵³ NEW (2023).

⁵⁴ NEW (2023).

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.

§2-6. Diversity on Boards and Commissions⁵⁵.

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 to⁵⁶, 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.

⁵⁵ NEW (2023).

⁵⁶ **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.

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

§3-1. Application of the General Statutes⁵⁷.

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 chapter⁵⁸. 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 such election, as required by Law, including an Ordinance; or, in compliance with the Notice provisions of this Charter⁵⁹.

B. Nominations and Elections⁶⁰. The nomination and elections of all Federal, State and City Elected Officials shall be conducted as prescribed by the General Statutes.

C. Holding elections⁶¹. The election of Elected Public Officials herein provided for shall be held at the polling places approved by the Common Council for the City election⁶².

D. Powers of the Common Council⁶³. The Council has the authority:

(1) to regulate and prescribe the mode of conducting all elections not regulated by this act;

(2) to regulate the manner of warning city elections and meetings of the Common Council, and the times and places of holding the same;

(3) to provide places for holding elections in said city and in the wards thereof;

⁵⁷ NEW (2023).

⁵⁸ NEW (2023).

⁵⁹ 2023 Recodification and modification of current Article III – Part 1. In General, §1-169. Derived from Sp. Laws, 1913, No. 352, §51.

⁶⁰ NEW (2023).

⁶¹ 2023 Recodification of current Article III – Part 1. In General, §1-163. Derived from Sp. Laws 1913, No. 352, §46.

⁶² Historical Editor's Note: See § **1-180** for provision authorizing Registrars of Voters to designate polling places.

⁶³ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (Items (1) – (56),

§3-2. Rules Pertaining to Electors.

A. Qualified Voters Entitled to Vote: Electors⁶⁴. Every Elector of this State and resident of this City entitled and qualified to vote therein shall be an Elector of the City. All such 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 Council⁶⁵.

B. Prepared Lists of Electors⁶⁶. The Registrars of Voters shall keep and maintain records concerning Electors.

C. Eligibility⁶⁷. No person shall be eligible for nomination or election to any City office who is not an Elector⁶⁸ 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 such residence is required for holding the office, shall thereupon cease to hold elective office in the City or district.

D. Time Polls Open⁶⁹. The polls shall be open as required by the General Statutes.

§3-3. Election of Officers and Other Elective Officials.

A. Date of Election⁷⁰. 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 of the City. 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

⁶⁴ 2023 Recodification and modification of current Article III – Part 1. In General, §1-164. Derived from Sp. Laws 1913, No. 352, §47.

⁶⁵ 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.

⁶⁶ 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.

⁶⁷ 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.

⁶⁸ 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."

⁶⁹ Chapter 143. ELECTORS: QUALIFICATIONS AND ADMISSION. Revised to January 1, 2010. C.G.S. §9-12 entitled "Who may be admitted".

⁷⁰ 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.

⁷¹ 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.

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 thereafter⁷¹. 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;
- (3) Nine Members of the Board of Education as set forth in _____, below;
- (4) Town Clerk who shall be ex officio Registrar of births, marriages and deaths.
- (5) Treasurer;
- (6) City Sheriff.
- (7) Three Selectmen; and,
- (8) Seven Constables.

No person shall vote for more than four (4) Constables.

D. Term of Office.

(1) **Elected City and Town Officers: Two-year Terms.** With the exception of the Board of Education, all of Elected City and Town Officers shall hold office for the term of two years from the second Tuesday 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) **Board of Education: Four-year Term⁷².** All members of the Board of Education shall serve for terms of four years.

(3) **Registrars of Voters: Two-year Term⁷³.** The terms of Registrars of Voters shall be for two years from the first Monday in January following their

⁷¹ 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-185 (First sentence). Derived from Sp. Laws 1951, No. 334, §3.

⁷² 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.

⁷³ 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.

§3-4. Council Districts.

A. Historical Council Districts Established: Five Council Districts. On the effective date hereof and until otherwise determined by Ordinance, 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 Charter⁷⁴. The historical boundaries are set forth in §10-1 of this Charter, entitled “Historical Charter Provisions”⁷⁵.

(1) Periodic Revision of District Boundaries: Reapportionment The boundaries of each District may be revised from time to time⁷⁶. The Common Council shall designate such council districts, by letter or number, as it shall deem proper⁷⁷. The establishment of districts by the Council shall be consistent with Law⁷⁸.

(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.

B. District Election of the Board of Education Members: Five Districts⁸⁰. On the effective date hereof and until otherwise determined by Ordinance, five members of the Board of Education shall be elected one each from each of the Council Districts established in §3-4.A of this Charter as set forth in §10-1 of this Charter and as may be revised in accordance with §3-4.A(1) of this Charter, above.

⁷⁴ 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.

⁷⁵ NEW (2023)

⁷⁶ NEW (2023)

⁷⁷ 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.

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 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.”

(1) **At-large Members of the Board of Education.** There shall be four At-Large Members of the Board of Education elected from the City.

(2) **Minority Party Representation Pertaining to the Board of Education**⁸¹. 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 such 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 Districts⁸². The districts for the election of District Commissioners and other district officers shall be the same as the taxing districts as set forth in the Charter of the City of Norwalk⁸³.

§3-5. Tie Votes and Elections⁸⁴.

Whenever at any election there shall be no election to any of the aforesaid offices by reason of a tie vote, such election shall be adjourned until the following Tuesday, and the election to fill such office or offices shall be proceeded with in the manner hereinbefore provided⁸⁵.

§3-6. Vacancies⁸⁶.

A. Elected Officials Other Than Mayor⁸⁷. Whenever any **Elected Public Official** is elected and 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 such residence is required for holding the office; (4) by reason of permanent mental or physical disability or infirmity, shall become

⁸¹ 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.

⁸² 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.

⁸³ 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.

⁸⁴ 2023 Recodification of current Article III – Part 1. In General, §1-171. Derived from Sp. Laws 1913, No. 352, §53.

⁸⁵ 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.”

⁸⁶ 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.

⁸⁷ Title added 2023.

incapacitated to discharge the duties of his office; (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 such office vacant and shall forthwith fill such vacancy as provided in this Article, following the publication of Notice.

B. Filling of Vacancies⁸⁸. 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. in the Charter. A plurality of ballots on the Council shall be sufficient to elect the replacement .

(1) **Office of Mayor: Succession⁸⁹** Whenever a vacancy occurs in the Office of the Mayor, it shall be filled from the Councilmen of the City;

(2) **Office of the City Council⁹⁰.** Whenever a vacancy occurs on the Common Council, it shall be filled by the Council from the Electors of the City or residence of the district from which the former incumbent of such office was chosen;

(3) **Any other Elective Office⁹¹.** Whenever a vacancy occurs in any other elect Public Office, it shall be filled from the Electors of the City.

In every case, except the office of Mayor, such vacancy shall be filled by an elector of the same political party from which the former incumbent was chosen.

C. Effect of the General Statutes⁹². 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. Provided, if a vacancy occurs in the office of Councilmember, such 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 his election and provided the manner of filling vacancies as described herein shall not apply to vacancies occurring in the Board of Education⁹³.

D. Powers, Duties and Term of Replacement Public Official⁹⁴. The person chosen by the Common Council or otherwise in accordance with the provisions of this Charter to fill such vacancy shall have all the powers and duties of the former incumbent

⁸⁸ Title added 2023.

⁸⁹ Title added 2023.

⁹⁰ Title added 2023.

⁹¹ Title added 2023.

⁹² Title added 2023.

⁹³ 2023 Repeal of current Article III – Part 2. Registrars of Voters. §1-188. Derived from Sp. Laws 1951, No. 334, §6. Historical editor's Note: CGS Section 9-192 states that the Registrar of Voters shall appoint a Deputy Registrar of Voters and shall file with the City Clerk the certificate of such appointment. In the case of death, removal or resignation of the Registrar of Voters, the Deputy Registrar of Voters shall assume the higher office and appoint a deputy. The provision follows: "Any vacancy which shall occur in the Board of Registrars shall be filled by the Common Council but only from the same political party as that of the retiring incumbent."

⁹⁴ Title added 2023.

of such vacant office and shall continue therein until the expiration of the term for which the incumbent was elected and until his successor is duly elected and qualified

§3-7. Expulsion of Councilmembers from Office: Restitution⁹⁵.

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

§3-8. Removal of Mayor for Misconduct or Neglect of Duty⁹⁶.

At any meeting of the Council any member may give written notice, seconded in writing by a majority of all the members, of his intention to propose at the next meeting a resolution removing the Mayor from office for official misconduct or neglect of duty.

A. Content of Notice⁹⁷. Such 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 Heard⁹⁸. At the next meeting of the Council the Mayor shall have the right to be heard with his witnesses, and said meeting may be adjourned from time to time as said Council may direct.

C. Council Action⁹⁹. The vote on the resolution shall be by roll call. If the resolution fails to receive the votes of two-thirds (2/3^{rds}) of the members of the Council, it shall have no effect. If it receives the affirmative votes of two-thirds (2/3^{rds}) 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 his residence, and the office of Mayor shall be vacant.

⁹⁵ 2023 Recodification 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.

⁹⁶ 2023 Recodification 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.

⁹⁷ 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.

⁹⁸ 2023 Recodification 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.

⁹⁹ 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.

D. Filling of Vacancy¹⁰⁰. The Council shall fill such vacancy as provided in §3-6.B(1).

§3-9. Removal of Any Other Officer for Cause¹⁰¹.

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

§3-10. Oath for Elective Officers¹⁰².

All elected Public Officials of the City 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.

§3-11. Election expenses¹⁰³.

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.

¹⁰⁰ 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.

¹⁰¹ 2023 Recodification of current Article IV. The Common Council. §1-192 (second clause). Derived from Sp. Laws 1913, No. 352, § 82.

¹⁰² 2023 Recodification 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..

¹⁰³ 2023 Recodification of current Article III – Part 1. In General, §1-182. Derived from Sp. Laws 1945, No. 134, §4.

ARTICLE VI: OTHER ELECTED OFFICIALS

§6-1. Town Clerk.

A. There shall be a Town Clerk as required by the General Statutes and as set forth in this Charter¹⁰⁴.

B. Powers and Duties¹⁰⁵ The Town Clerk shall have all the powers and duties¹⁰⁶ prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council.

(1) Registrar of Vital Statistics¹⁰⁷. The Town Clerk shall serve as Registrar of Vital Statistics, unless otherwise set forth by the General Statutes¹⁰⁸.

(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

¹⁰⁴ NEW (2023).

¹⁰⁵ 2023 Recodification and restatement of current Article V, Part 1 – General. §1-217. Derived from Sp. Laws 1913, No. 352, §73.

¹⁰⁶ 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.

¹⁰⁷ NEW (2023).

¹⁰⁸ 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**¹⁰⁹. The Town Clerk shall appoint and may remove, **subject to the provisions of the Merit System**, all assistants¹¹⁰ and employees of this office.

(4) **Compensation**¹¹¹. The Town Clerk's compensation and benefits shall be determined by the Common Council from time-to-time.

(5) **Fees**¹¹². All fees collected by the Town Clerk shall be paid to the Town, except as otherwise provided by the General Statutes.

(6) **Certification**¹¹³. 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 Voters¹¹⁴.

¹⁰⁹ NEW (2023).

¹¹⁰ 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).

¹¹¹ NEW (2023).

¹¹² NEW (2023).

¹¹³ 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".

¹¹⁴ 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:

A. Powers and Duties¹¹⁵. There shall be Registrar of Voters who shall have such 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 jointly 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 state law or the city charter.

B. Council may make ordinances and fix compensation¹¹⁶. The Common Council may make ordinances to regulate such meetings and elections and to provide for holding and conducting the same.

C. Compensation¹¹⁷. 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 such Registrars.

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.

¹¹⁵ 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”

¹¹⁶ 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**

¹¹⁷ 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**

D. Operational standards¹¹⁸. 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.

(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**¹¹⁹. 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**¹²⁰. 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**¹²¹. The Registrars shall compile separate voting lists for each precinct so established and designated.

§6-3. Powers and Duties of Constables¹²².

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 Duties¹²³.

¹¹⁸ NEW (2023)

¹¹⁹ 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.

¹²⁰ 2023 Recodification and edit of current Article III – Part 1. In General, §1-180. Derived from Sp. Laws 1945, No. 134, §2.

¹²¹ 2023 Recodification of current Article III – Part 1. In General, §1-181. Derived from Sp. Laws 1945, No. 134, §3.

¹²² 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.

¹²³ 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.

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 he shall receive for all services rendered the legal fees provided by the general statutes for Constables of towns.

§6-5. The Selectmen.

A. Powers and Duties of Selectmen¹²⁴. The powers and duties of the Selectmen shall, on and after the first (1st) Monday of October, 1913, be limited to the powers vested in and duties imposed upon them by the constitution and laws of the state in relation to the admission of persons to the privileges of electors in said town and the erasure from the registry list of the names of those who have forfeited the privileges of electors.

B. Salary of the Selectmen of the Town of Norwalk¹²⁵. The salary of each of the Selectmen of the Town of Norwalk shall, from September 1, 1947, be one hundred (\$150) dollars per annum.

¹²⁴ 2023 Recodification of current Article V, Part 1 – General. §1-216. Derived from Sp. Laws 1913, No. 352, §72.

¹²⁵ 2023 Recodification of current Article V, Part 1 – General. §1-215. Derived from Sp. Laws 1947, No. 215, Historical Editor's Note: *For election provision refer to § 1-166.*

ARTICLE IX: EDUCATION¹²⁶

§9-1. Board of Education¹²⁷.

A. Creation and Composition of Board of Education¹²⁸

(1) **Composition**¹²⁹. 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**¹³⁰. The Board shall perform the duties and have the powers provided by the statutes for town boards of education.

(3) **Meetings**¹³¹. The Board shall hold a regular meeting each month.

(4) **Mayor Ex-Officio Non-Voting Chair of the Board**¹³². The Mayor shall be, ex officio, Chair of the Board of Education and shall preside at all meetings of said 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.

(5) **Election of Officers**¹³³. The Board shall elect from its number a Chair pro tempore, who shall preside at all meetings of the Board in the absence of the Mayor. It shall also elect from its number a Secretary, who shall keep a record of all votes, acts and transactions of the Board and shall perform all duties imposed by the Board or by law.

¹²⁶ 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.

¹²⁷ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education.

¹²⁸ 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.

¹²⁹ 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 § **1-167**.

¹³⁰ 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..

¹³¹ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Second sentence).

¹³² 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Third and fourth sentences).

¹³³ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Fifth and sixth sentences).

(6) Appointment of Superintendent¹³⁴. The Board shall elect a Superintendent of Schools, in accordance with the General Statutes, and such number of assistants, principals and teachers as it may deem necessary and prescribe their respective terms of office and duties.

(7) Other Appointments¹³⁵. 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.

(8) Vacancy¹³⁶. Should a vacancy occur in the membership of said 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 his election.

(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.

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

(9) Duties of Board¹³⁷. The Board of Education of the City of Norwalk shall have charge and direction of the public schools in the City and of the expenditure of moneys appropriated for the support of the same¹³⁸. This authority shall not include erection of new schools or additions to the present buildings. 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. School Committees and school visitors in this state, so far as the same are consistent with the provisions of §§ **1-**

¹³⁴ 2023 Recodification and modification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Seventh sentence).

¹³⁵ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Eighth sentence).

¹³⁶ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Ninth through thirteenth sentences).

¹³⁷ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-517. Derived from Sp. Laws 1931, No. 315, § 1.

¹³⁸ Editor's Note: See also § **1-248**, for purchase of commodities by Comptroller.

517 to 1-519. It shall make its by-laws, define the duties of its officers and committee and prescribe rules and regulations for discipline in the public schools.

(10) Board Reports¹³⁹. 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 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 City¹⁴⁰.

§9-2. School Districts¹⁴¹.

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. Budget¹⁴².

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. Compliance and Cooperation¹⁴³.

¹³⁹ 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.

¹⁴⁰ 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.

¹⁴¹ 2023 Recodification of current Article XVIII, entitled "Schools", Part 1. General. §1-508. Derived from Sp. Laws 1913, No. 352, § 165.

¹⁴² NEW (2023)

¹⁴³ NEW (2023)

The Board of Education. Superintendent and employees of the Department of Education shall cooperate with the Mayor, Chief Financial Officer, Board of Estimate and Taxation, the Common Council, Planning and Zoning Commission and other Departments, Boards and Commission of the City as set forth in this Charter and as otherwise required by Law.

§9-5. Reporting Requirements¹⁴⁴.

Unless otherwise specifically prohibited by the General Statutes, commencing on the 1st 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 quarterly report on all contracts (including, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements) entered into on behalf of the Town, including but not limited to, those executed within the budget limits or other authority established under Law; however, excluding all such contracts (as defined in this subsection) as may be exempted from disclosure by federal or state Law or otherwise not capable of redaction in order to protect statutory privacy rights of individuals.

¹⁴⁴ NEW (2023)

ARTICLE XI: HISTORICAL PROVISIONS

§11-1. Historical Council Districts¹⁴⁵.

The following are the Historical Council Districts referred to in §3-4.A of this Charter, above, subject to repeal 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 continuing easterly along the center line of Senga Road to the intersection of Richmond

¹⁴⁵ 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.

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 said 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 said 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; said 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 Fillow Street and continuing southerly along the center line of Fillow 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 said 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.

ARTICLE XII: TAXING DISTRICTS (PARTIAL)

§12-1. General.

A. Division into six taxing districts¹⁴⁶. Said city is divided into six taxing districts. The First and Second Wards¹⁴⁷ shall be the First and Second Taxing Districts¹⁴⁸. 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 District¹⁴⁹. 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. Taxing District Officers.

(1) Board of Commissioners and Treasurer in First Taxing District¹⁵⁰. 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 (3) Commissioners for the terms of office of two (2), four (4) and six (6) 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 (2) years and until his successor is elected and qualified. Biennially thereafter there shall be elected in the First Ward by the electors of the First Taxing District one (1) Commissioner who shall hold office for the term of six (6) years and until his successor is elected and qualified, and a Treasurer of the First Taxing District who shall hold office for the term of two (2) years and until his successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

(2) Board of Commissioners, Board of Electrical Commissioners and Treasurer in Second Taxing District¹⁵¹. 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 (3) Commissioners for the terms of office of two (2), four (4), and six (6) 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 (3) members of

¹⁴⁶ 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.

¹⁴⁷ Editor's Note: For descriptions of Wards refer to Art. I, § 1-3

¹⁴⁸ Editor's Note: For First Taxing District see Art. II, Part 2. For Second Taxing District see, Art. II, Part 3.

¹⁴⁹ Editor's Note: For Third Taxing District see Art. II, Part 4.

¹⁵⁰ 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.

¹⁵¹ 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.

the Board of Electrical Commissioners, which members shall hold office for the terms of two (2), four (4) and six (6) 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 (2) years and until his successor is elected and qualified. Biennially thereafter there shall be elected in the Second Taxing District one (1) Commissioner and one (1) member of the Board of Electrical Commissioners, each of whom shall hold office for the term of six (6) years and until his successor is elected and qualified, and a Treasurer of the Second Taxing District who shall hold office for the term of two (2) years and until his successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

(3) Board of Commissioners and Treasurer in Third Taxing District¹⁵². 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 (3) Commissioners for the terms of office of two (2), four (4), and six (6) 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 District¹⁵³ who shall hold office for the term of two (2) years and until his 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 (6) years and until his successor is elected and qualified, and a Treasurer of the Third Taxing District who shall hold office for the term of two (2) years and until his successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

C. Vacancies in Elective Offices of the First, Second, Third or Sixth Taxing Districts¹⁵⁴. 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.

§12-2. Powers of the Common Council¹⁵⁵.

¹⁵² 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.

¹⁵³ Historical Editor's Note: The Third Taxing District is meant.

¹⁵⁴ 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..

¹⁵⁵ 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

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 taxes¹⁵⁶;

B. to define, designate and specify additional territory situated in the Fourth or Fifth Wards of said 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 erected¹⁵⁷;

C. to maintain an efficient police force in the Fourth Taxing District at the expense of said district;

D. to protect said 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 said Fourth District; to make rules and regulations for the safekeeping and preservation of all apparatus connected with and used by said 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 said district;

§12-3. Care and Maintenance of Sewer Systems; continuance of former Municipality Police and Fire Departments¹⁵⁸.

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,

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.

¹⁵⁶ Historical editor's Note: (1) See §§ **1-200** to **1-202** for power to borrow money.

¹⁵⁷ (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.

¹⁵⁸ 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.

rules, and regulations of said several districts respecting said sewers shall continue in force until the City shall repeal or alter the same. Said City shall maintain the police forces and fire departments existing at the passage of this act in said cities of Norwalk and South Norwalk, and the Fire Department of the East Norwalk Fire District, as provided by the charters of said cities, and under the ordinances, by-laws, rules, and regulations of said former municipalities, until the same are modified or revoked by the Council and until under authority of this act said City shall establish and maintain a police force and a fire department for said Fourth District. The members of said police forces and fire departments at the passage of this act shall remain members of the respective police forces 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.

§12-4. Maintenance of Garbage Disposal Plant¹⁵⁹.

Said City shall maintain the garbage-disposal plant of the Second Taxing District at the expense of said district until the City shall establish and maintain a like plant for the Fourth District.

§12-5. Building Lines in Fourth Taxing District; and removal of buildings¹⁶⁰.

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 said City between which line or lines and said highway or street no building or part thereof, not any stoop or part thereof, shall be erected.¹⁶¹ 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.

RECOMMENDED FOR REPEAL

§1-4. Continuance of Rights and Obligations.

A. Exclusion of Town Meetings¹⁶¹. No town meeting shall be held in the Town of Norwalk except for the election of town officers herein provided for, and said meetings shall be warned by the City Clerk as hereinafter provided.

B. Rights, privileges, and immunities vested in the Cities of Norwalk, South Norwalk, East Norwalk Fire District and the Town of Norwalk¹⁶². Nothing

¹⁵⁹ 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.

¹⁶⁰ 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.

¹⁶¹ 2023 Recodification of current Article I - General. §1-6. Derived from Sp. Laws 1913, No. 352, §9.

¹⁶² 2023 Recodification of current Article I - 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.

herein shall be construed to affect any rights, privileges, or immunities vested in the cities of Norwalk or South Norwalk or in the East Norwalk Fire District or in the Town of Norwalk, and all rules, regulations, ordinances, and bylaws of said municipalities, not inconsistent herewith, are hereby continued in force. The Bridge Construction Committee in charge of the construction of the Washington Street Bridge shall continue in office until said bridge is completed.

C. Continuance of former District Officers¹⁶³. All officers of the cities of Norwalk and South Norwalk, of the Town of Norwalk and of the East Norwalk Fire District shall continue to hold office and perform the duties incumbent upon said officers by charter and statutory provisions until the officers hereinbefore provided for shall be elected and qualified.

§2-4. Division of City into Wards¹⁶⁴.

Said City is divided into five (5) wards:

A. First Ward. 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.

B. Second 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 *onsolidation with the City of Norwalk and the East Norwalk Fire District in 1913 shall be the Second Ward.

C. Third 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.

¹⁶³ 2023 Recodification of 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.*

¹⁶⁴ 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.

D. Fourth 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.

E. Fifth 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, 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.

§3-8. List of voters; challenge of voters; perjury in claiming right to vote; time polls open; electors, checkers, challengers, box and booth tenders and counters; certificates of results; returns; preservation of peace; blanks for reports; voting machines¹⁶⁵.

A. Challenge of Voting Right¹⁶⁶. The presiding officer in each ward shall receive the ballots of all persons whose names are on said list for said ward, unless the right of any such person to vote shall be challenged, in which case the presiding officer shall, before receiving said vote, make inquiry into the right of said person to vote, and may administer oaths to parties challenged and to witnesses heard, and shall receive or reject said vote. The name of any elector omitted from said list by clerical error shall be added upon election day by the presiding officer of the ward in which such elector resides, upon sworn evidence of his right to vote.

B. Perjury in Claiming Right to Vote¹⁶⁷. Any person who when examined by any presiding officer relative to the, right of any person to vote shall make any false statement shall be guilty of perjury.

C. Appointments by the Registrars of Voters¹⁶⁸. The Registrars of Voters of the Town of Norwalk, who shall be the Board of Registrars of said City, shall, by agreement or by lot, appoint an elector from each ward to be Presiding Officer of said ward at each such election, and shall appoint one or more assistants to said presiding officer. They shall also appoint checkers, challengers, official ballot tenders, box tenders, and secret booth tenders, and counters to count the vote after the polls are closed in each ward.

¹⁶⁵ 2023 Recodification of current Article III – Part 1. In General, §1-170. Derived from Sp. Laws 1913, No. 352, § 52; Sp. Laws 1921, No. 400, § 2.

¹⁶⁶ Title added 2023.

¹⁶⁷ Title added 2023.

¹⁶⁸ Title added 2023.

D. Certificates of Results¹⁶⁹. The Presiding Officer shall receive and deposit in the ballot box the ballots of those persons only qualified to vote as hereinbefore prescribed. Immediately after the polls are closed the counters, without removing the box, shall publicly count the ballots therein contained, and shall report the result of such count to the Presiding Officer of said ward, who shall publicly declare the same. The Presiding Officer of each ward except the First shall immediately transmit to the Presiding Officer of the First Ward a certificate of the result in the ward in which he is the Presiding Officer. The Presiding Officer of the First Ward shall cause said returns to be compiled and publicly announce the result of the vote and shall forthwith transmit a copy of said result to the City Clerk, who shall record the same.

E. Preservation of Order¹⁷⁰. The Presiding Officer of each ward shall have all the powers for the preservation of the peace at said meeting conferred by law upon moderators of town meetings. Said Registrars, Presiding Officers, and other election officers shall be subject to the same penalties for refusal or neglect to discharge their duties or for malfeasance in office as are prescribed for like offenses at electors' meetings. Within twenty-four (24) hours after the closing of the polls in each ward the Registrars of Voters shall return to the City Clerk a certificate stating the whole number of names on the registry list of each ward, the number of names checked as having voted in each ward, and the number of names not checked in each ward. The Registrars of Voters, in carrying out the provisions of this section, may employ their several assistants in the same manner allowed in preparing the registry lists of said Town of Norwalk.

F. Blanks for Reports¹⁷¹. The City Clerk shall cause to be prepared and delivered to the Presiding Officer of each ward and to the Registrars, at least two (2) days before any election for City officers, uniform blanks on which to make all certificates and reports.

G. Voting Machines¹⁷². If said City installs voting machines said election shall be conducted according to the laws authorizing the use of voting machines at elections.

¹⁶⁹ Title added 2023.

¹⁷⁰ Title added 2023.

¹⁷¹ Title and parenthetical numbers added 2023.

¹⁷² Title added 2023.

§9-2.A(11). Bonds and Notes¹⁷³: Bond Issue of 1957; Minimum Fee for Students Attending Technical Institute¹⁷⁴. The minimum fee chargeable to each full-time student attending any post-secondary state technical institute shall be \$100 per annum. This §6 shall take effect July 1, 1959.

¹⁷³ 2023 Recodification of 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.

¹⁷⁴ 2023 Recodification of current Article XVIII, entitled "Schools", Part 3. Bonds and Notes. §1-614. Derived from Sp. Laws 1957, No. 665, §§ 6, 7.

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ATTORNEY WORK PRODUCT DRAFT PROVISIONS FOR CRC CONSIDERATION 022223

2023 CHARTER REVISION COMMISSION: SETTING THE CONTEXT

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 the early 20th century. 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 local 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 General Assembly when it comes to local governance.

The revision does not and cannot forget the history of our city and town. Like many other older cities in Connecticut we are a City that continues to recognize historical town functions. When you read this document you will find Constables and a Sheriff, a Town Clerk and other references to the town. For the record Norwalk is a consolidated municipal corporation and this Charter is our governing document.

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**

ATTORNEY WORK PRODUCT DRAFT PROVISIONS FOR CRC CONSIDERATION 022223

ARTICLE I: INCORPORATION, CONSTRUCTION AND GENERAL POWERS

§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 may 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 expenses and conferring such rights, powers and privileges upon said town are hereby made applicable to the City.

¹ NEW (2023).

² 2023 Recodification 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 IU, 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.**

§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 Town 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

§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, 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.

(4) **City**¹⁴ means the City.

⁶ NEW (2023).

⁷ NEW (2023).

⁸ NEW (2023)

⁹ NEW 2023).

¹⁰ NEW (2023).

¹¹ NEW (2023).

¹² NEW (2023)

¹³ NEW (2023)

¹⁴ NEW (2023)

(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) **Day(s)**¹⁹ 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.

(10) **Department or Administrative Departments**²⁰ means any major functional or administrative division of the City, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the 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.

(11) **Department Head**²¹ means an employee who heads any

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).

²¹ NEW (2022).

Department in the City; has substantial supervisory control of a permanent nature over other municipal employees; and, is directly accountable to the Mayor.

(12) Elective Offices 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 Elective Offices of the City are set forth in section 4(b) of Chapter III; Chapter III (Registrars of Voters and Constables); Chapter IV (Common Council), Chapter V (The Mayor), Chapter VI (City Treasurer); and Chapter IX (Board of Education) of this Charter.

(13) Elector²² shall have the meaning contained in the General Statutes.

(14) Five-year Program of Capital Expenditures²³. The proposed five-year program of 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."

(15) Final Action²⁴ means the last acts taken by the Mayor or the Council on an Ordinance or other measure that requires mayoral and legislative action under the provisions of this Charter.

(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 and Regulations, 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.

(19) Mayor²⁸ 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.

²² 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".

²³ NEW (2023) Derived from 30-3 of the Code of Ordinances.

²⁴ NEW (2023).

²⁵ NEW (2023).

²⁶ NEW (2023).

²⁷ NEW (2023).

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

(20) Meeting or Public Meeting²⁹ 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 Clerk, 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 such 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) Official or Public Official³⁰ 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 Officials" shall include all Public Officials to the exclusion of those who hold Elective 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) Order or Motion³¹ means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed contracts or other matters upon which are conferred temporary power or authority which, when its purpose has been accomplished, it ceases to require further authority. Orders and Motions shall be enacted in accordance with the provisions of this Charter. Other Public Officials may enter "Orders" in accordance with the authority set forth under the General Statutes, this Charter or Ordinance enacted thereunder.

(24) "Ordinances" or "Ordinances of the City"³² 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

²⁹ NEW (2023)

³⁰ NEW (2023)

³¹ NEW (2022).

³² NEW (2023)

provisions of this Charter.

(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) at the public libraries; (3) on the City web-site, through other electronic media by the City Clerk; and, (4) 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 such 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 pertinent to the City.

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

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

³⁸ NEW (2023).

(31) **Town Clerk**³⁹ is an elected Public Official who serves the function set forth in the General Statutes and this Charter, in particular in Article V, § 2223.

(32) **Vacancy**⁴⁰ 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 citizen 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 our citizens in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to assure 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, 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 such 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

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).

personal interest in matters affecting the City by such 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 such 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 mandated by §_____ of this Charter and as further 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 interest and corrupt practices. The Ordinance required by §3-9.B of this Charter shall

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 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.

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 his or her 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. Mason's Rules of Order shall, as a general rule, regulate the conduct of all Meetings of the Council and all elected and appointed Boards and Commissions of the City, unless the Council or particular Board or Commission otherwise specifies an alternate parliamentary authority.

(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**

⁴⁹ NEW (2023).

⁵⁰ NEW (2023).

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 such 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 such record. 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.

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

⁵¹ NEW (2023).

⁵² NEW (2023).

⁵³ NEW (2023).

⁵⁴ NEW (2023).

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.

§2-6. Diversity on Boards and Commissions⁵⁵.

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 to⁵⁶, 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.

⁵⁵ NEW (2023).

⁵⁶ **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.

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

§3-1. Application of the General Statutes⁵⁷.

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 chapter⁵⁸. 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 such election, as required by Law, including an Ordinance; or, in compliance with the Notice provisions of this Charter⁵⁹.

B. Nominations and Elections⁶⁰. The nomination and elections of all Federal, State and City Elected Officials shall be conducted as prescribed by the General Statutes.

C. Holding elections⁶¹. The election of Elected Public Officials herein provided for shall be held at the polling places approved by the Common Council for the City election⁶².

D. Powers of the Common Council⁶³. The Council has the authority:

(1) to regulate and prescribe the mode of conducting all elections not regulated by this act;

(2) to regulate the manner of warning city elections and meetings of the Common Council, and the times and places of holding the same;

(3) to provide places for holding elections in said city and in the wards thereof;

⁵⁷ NEW (2023).

⁵⁸ NEW (2023).

⁵⁹ 2023 Recodification and modification of current Article III – Part 1. In General, §1-169. Derived from Sp. Laws, 1913, No. 352, §51.

⁶⁰ NEW (2023).

⁶¹ 2023 Recodification of current Article III – Part 1. In General, §1-163. Derived from Sp. Laws 1913, No. 352, §46.

⁶² Historical Editor's Note: See § **1-180** for provision authorizing Registrars of Voters to designate polling places.

⁶³ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (Items (1) – (56),

§3-2. Rules Pertaining to Electors.

A. Qualified Voters Entitled to Vote: Electors⁶⁴. Every Elector of this State and resident of this City entitled and qualified to vote therein shall be an Elector of the City. All such 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 Council⁶⁵.

B. Prepared Lists of Electors⁶⁶. The Registrars of Voters shall keep and maintain records concerning Electors.

C. Eligibility⁶⁷. No person shall be eligible for nomination or election to any City office who is not an Elector⁶⁸ 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 such residence is required for holding the office, shall thereupon cease to hold elective office in the City or district.

D. Time Polls Open⁶⁹. The polls shall be open as required by the General Statutes.

§3-3. Election of Officers and Other Elective Officials.

A. Date of Election⁷⁰. 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 of the City. 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

⁶⁴ 2023 Recodification and modification of current Article III – Part 1. In General, §1-164. Derived from Sp. Laws 1913, No. 352, §47.

⁶⁵ 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.

⁶⁶ 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.

⁶⁷ 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.

⁶⁸ 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."

⁶⁹ Chapter 143. ELECTORS: QUALIFICATIONS AND ADMISSION. Revised to January 1, 2010. C.G.S. §9-12 entitled "Who may be admitted".

⁷⁰ 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.

⁷¹ 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.

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 thereafter⁷¹. 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;
- (3) Nine Members of the Board of Education as set forth in ____, below;
- (4) Town Clerk who shall be ex officio Registrar of births, marriages and deaths.
- (5) Treasurer;
- (6) City Sheriff.
- (7) Three Selectmen; and,
- (8) Seven Constables.

No person shall vote for more than four (4) Constables.

D. Term of Office.

(1) **Elected City and Town Officers: Two-year Terms.** With the exception of the Board of Education, all of Elected City and Town Officers shall hold office for the term of two years from the second Tuesday 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) **Board of Education: Four-year Term⁷².** All members of the Board of Education shall serve for terms of four years.

(3) **Registrars of Voters: Two-year Term⁷³.** The terms of Registrars of Voters shall be for two years from the first Monday in January following their

⁷¹ 2023 Recodification of current Article III – Part 2. Registrars of Voters. §1-185 (First sentence). Derived from Sp. Laws 1951, No. 334, §3.

⁷² 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.

⁷³ 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.

§3-4. Council Districts.

A. Historical Council Districts Established: Five Council Districts. On the effective date hereof and until otherwise determined by Ordinance, 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 Charter⁷⁴. The historical boundaries are set forth in §10-1 of this Charter, entitled “Historical Charter Provisions”⁷⁵.

(1) Periodic Revision of District Boundaries: Reapportionment The boundaries of each District may be revised from time to time⁷⁶. The Common Council shall designate such council districts, by letter or number, as it shall deem proper⁷⁷. The establishment of districts by the Council shall be consistent with Law⁷⁸.

(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.

B. District Election of the Board of Education Members: Five Districts⁸⁰. On the effective date hereof and until otherwise determined by Ordinance, five members of the Board of Education shall be elected one each from each of the Council Districts established in §3-4.A of this Charter as set forth in §10-1 of this Charter and as may be revised in accordance with §3-4.A(1) of this Charter, above.

⁷⁴ 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.

⁷⁵ NEW (2023)

⁷⁶ NEW (2023)

⁷⁷ 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.

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 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.”

(1) **At-large Members of the Board of Education.** There shall be four At-Large Members of the Board of Education elected from the City.

(2) **Minority Party Representation Pertaining to the Board of Education**⁸¹. 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 such 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 Districts⁸². The districts for the election of District Commissioners and other district officers shall be the same as the taxing districts as set forth in the Charter of the City of Norwalk⁸³.

§3-5. Tie Votes and Elections⁸⁴.

Whenever at any election there shall be no election to any of the aforesaid offices by reason of a tie vote, such election shall be adjourned until the following Tuesday, and the election to fill such office or offices shall be proceeded with in the manner hereinbefore provided⁸⁵.

§3-6. Vacancies⁸⁶.

A. Elected Officials Other Than Mayor⁸⁸. Whenever any **Elected Public Official** is elected and 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 such residence is required for holding the office; (4) by reason of permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of his office; (5) conviction of malfeasance in office

⁸¹ 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.

⁸² 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.

⁸³ 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.

⁸⁴ 2023 Recodification of current Article III – Part 1. In General, §1-171. Derived from Sp. Laws 1913, No. 352, §53.

⁸⁵ 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."

⁸⁶ 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.

⁸⁸ Title added 2023.

or any infamous crime, the Common Council shall, having been called together for the purpose by the Town Clerk, upon one weeks' notice, declare such office vacant and shall forthwith fill such vacancy as provided in this Article, following the publication of Notice.

B. Filling of Vacancies⁸⁹. 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. in the Charter. A plurality of ballots on the Council shall be sufficient to elect the replacement .

(1) Office of Mayor: Succession⁹⁰. Whenever a vacancy occurs in the Office of the Mayor, it shall be filled from the Councilmen of the City;

(2) Office of the City Council⁹¹. Whenever a vacancy occurs on the Common Council, it shall be filled by the Council from the Electors of the City or residence of the district from which the former incumbent of such office was chosen;

(3) Any other Elective Office⁹². Whenever a vacancy occurs in any other elect Public Office, it shall be filled from the Electors of the City.

In every case, except the office of Mayor, such vacancy shall be filled by an elector of the same political party from which the former incumbent was chosen.

C. Effect of the General Statutes⁹³. 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. Provided, if a vacancy occurs in the office of Councilmember, such 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 his election and provided the manner of filling vacancies as described herein shall not apply to vacancies occurring in the Board of Education⁹⁴.

D. Powers, Duties and Term of Replacement Public Official⁹⁵. The person chosen by the Common Council or otherwise in accordance with the provisions of this Charter to fill such vacancy shall have all the powers and duties of the former incumbent

⁸⁹ Title added 2023.

⁹⁰ Title added 2023.

⁹¹ Title added 2023.

⁹² Title added 2023.

⁹³ Title added 2023.

⁹⁴ 2023 Repeal of current Article III – Part 2. Registrars of Voters. §1-188. Derived from Sp. Laws 1951, No. 334, §6. Historical editor's Note: CGS Section 9-192 states that the Registrar of Voters shall appoint a Deputy Registrar of Voters and shall file with the City Clerk the certificate of such appointment. In the case of death, removal or resignation of the Registrar of Voters, the Deputy Registrar of Voters shall assume the higher office and appoint a deputy. The provision follows: "Any vacancy which shall occur in the **Board of Registrars** shall be filled by the Common Council but only from the same political party as that of the retiring incumbent."

⁹⁵ Title added 2023.

of such vacant office and shall continue therein until the expiration of the term for which the incumbent was elected and until his successor is duly elected and qualified

§3-7. Expulsion of Councilmembers from Office: Restitution⁹⁶.

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

§3-8. Removal of Mayor for Misconduct or Neglect of Duty⁹⁷.

At any meeting of the Council any member may give written notice, seconded in writing by a majority of all the members, of his intention to propose at the next meeting a resolution removing the Mayor from office for official misconduct or neglect of duty.

A. Content of Notice⁹⁸. Such 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 Heard⁹⁹. At the next meeting of the Council the Mayor shall have the right to be heard with his witnesses, and said meeting may be adjourned from time to time as said Council may direct.

C. Council Action¹⁰⁰. The vote on the resolution shall be by roll call. If the resolution fails to receive the votes of two-thirds (2/3^{rds}) of the members of the Council, it shall have no effect. If it receives the affirmative votes of two-thirds (2/3^{rds}) 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 his residence, and the office of Mayor shall be vacant.

⁹⁶ 2023 Recodification 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.

⁹⁷ 2023 Recodification 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.

⁹⁸ 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.

⁹⁹ 2023 Recodification 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.

¹⁰⁰ 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.

D. Filling of Vacancy¹⁰¹. The Council shall fill such vacancy as provided in §3-6.B(1).

§3-9. Removal of Any Other Officer for Cause¹⁰².

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

§3-10. Oath for Elective Officers¹⁰³.

All elected Public Officials of the City 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.

§3-11. Election expenses¹⁰⁴.

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.



¹⁰¹ 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.

¹⁰² 2023 Recodification of current Article IV. The Common Council. §1-192 (second clause). Derived from Sp. Laws 1913, No. 352, § 82.

¹⁰³ 2023 Recodification 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..

¹⁰⁴ 2023 Recodification of current Article III – Part 1. In General, §1-182. Derived from Sp. Laws 1945, No. 134, §4.

ARTICLE VI: OTHER ELECTED OFFICIALS

§6-1. Town Clerk.

A. There shall be a Town Clerk as required by the General Statutes and as set forth in this Charter¹⁰⁵.

B. Powers and Duties¹⁰⁶ The Town Clerk shall have all the powers and duties¹⁰⁷ prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council.

(1) Registrar of Vital Statistics¹⁰⁸. The Town Clerk shall serve as Registrar of Vital Statistics, unless otherwise set forth by the General Statutes¹⁰⁹.

(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

¹⁰⁵ NEW (2023).

¹⁰⁶ 2023 Recodification and restatement of current Article V, Part 1 – General. §1-217. Derived from Sp. Laws 1913, No. 352, §73.

¹⁰⁷ 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.

¹⁰⁸ NEW (2023).

¹⁰⁹ 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 Employees¹¹⁰. The Town Clerk shall appoint and may remove, **subject to the provisions of the Merit System**, all assistants¹¹¹ and employees of this office.

(4) Compensation¹¹². The Town Clerk's compensation and benefits shall be determined by the Common Council from time-to-time.

(5) Fees¹¹³. All fees collected by the Town Clerk shall be paid to the Town, except as otherwise provided by the General Statutes.

(6) Certification¹¹⁴. 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 Voters¹¹⁵.

¹¹⁰ NEW (2023).

¹¹¹ 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).

¹¹² NEW (2023).

¹¹³ NEW (2023).

¹¹⁴ 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".

¹¹⁵ 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:

A. Powers and Duties¹¹⁶. There shall be Registrar of Voters who shall have such 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 jointly 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 state law or the city charter.

B. Council may make ordinances and fix compensation¹¹⁷. The Common Council may make ordinances to regulate such meetings and elections and to provide for holding and conducting the same.

C. Compensation¹¹⁸. 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 such Registrars.

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.

¹¹⁶ 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”

¹¹⁷ 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**

¹¹⁸ 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**

D. Operational standards¹¹⁹. 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.

(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 Precincts¹²⁰.** 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 Places¹²¹.** 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 Lists¹²².** The Registrars shall compile separate voting lists for each precinct so established and designated.

§6-3. Powers and Duties of Constables¹²³.

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 Duties¹²⁴.

¹¹⁹ NEW (2023)

¹²⁰ 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.

¹²¹ 2023 Recodification and edit of current Article III – Part 1. In General, §1-180. Derived from Sp. Laws 1945, No. 134, §2.

¹²² 2023 Recodification of current Article III – Part 1. In General, §1-181. Derived from Sp. Laws 1945, No. 134, §3.

¹²³ 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.

¹²⁴ 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.

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 he shall receive for all services rendered the legal fees provided by the general statutes for Constables of towns.

§6-5. The Selectmen.

A. Powers and Duties of Selectmen¹²⁵. The powers and duties of the Selectmen shall, on and after the first (1st) Monday of October, 1913, be limited to the powers vested in and duties imposed upon them by the constitution and laws of the state in relation to the admission of persons to the privileges of electors in said town and the erasure from the registry list of the names of those who have forfeited the privileges of electors.

B. Salary of the Selectmen of the Town of Norwalk¹²⁶. The salary of each of the Selectmen of the Town of Norwalk shall, from September 1, 1947, be one hundred (\$150) dollars per annum.

¹²⁵ 2023 Recodification of current Article V, Part 1 – General. §1-216. Derived from Sp. Laws 1913, No. 352, §72.

¹²⁶ 2023 Recodification of current Article V, Part 1 – General. §1-215. Derived from Sp. Laws 1947, No. 215, Historical Editor's Note: *For election provision refer to § 1-166.*

ARTICLE IX: EDUCATION¹²⁷

§9-1. Board of Education¹²⁸.

A. Creation and Composition of Board of Education¹²⁹

(1) **Composition**¹³⁰. 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**¹³¹. The Board shall perform the duties and have the powers provided by the statutes for town boards of education.

(3) **Meetings**¹³². The Board shall hold a regular meeting each month.

(4) **Mayor Ex-Officio Non-Voting Chair of the Board**¹³³. The Mayor shall be, ex officio, Chair of the Board of Education and shall preside at all meetings of said 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.

(5) **Election of Officers**¹³⁴. The Board shall elect from its number a Chair pro tempore, who shall preside at all meetings of the Board in the absence of the Mayor. It shall also elect from its number a Secretary, who shall keep a record of all votes, acts and transactions of the Board and shall perform all duties imposed by the Board or by law.

¹²⁷ 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.

¹²⁸ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education.

¹²⁹ 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.

¹³⁰ 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 § **1-167**.

¹³¹ 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..

¹³² 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Second sentence).

¹³³ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Third and fourth sentences).

¹³⁴ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Fifth and sixth sentences).

(6) Appointment of Superintendent¹³⁵. The Board shall elect a Superintendent of Schools, in accordance with the General Statutes, and such number of assistants, principals and teachers as it may deem necessary and prescribe their respective terms of office and duties.

(7) Other Appointments¹³⁶. 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.

(8) Vacancy¹³⁷. Should a vacancy occur in the membership of said 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 his election.

(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.

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

(9) Duties of Board¹³⁸. The Board of Education of the City of Norwalk shall have charge and direction of the public schools in the City and of the expenditure of moneys appropriated for the support of the same¹³⁹. This authority shall not include erection of new schools or additions to the present buildings. 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. School Committees and school visitors in this state, so far as the same are consistent with the provisions of §§ 1-

¹³⁵ 2023 Recodification and modification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Seventh sentence).

¹³⁶ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Eighth sentence).

¹³⁷ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-516 (Ninth through thirteenth sentences).

¹³⁸ 2023 Recodification of current Article XVIII, entitled "Schools", Part 2. Board of Education. §1-517. Derived from Sp. Laws 1931, No. 315, § 1.

¹³⁹ Editor's Note: See also § 1-248, for purchase of commodities by Comptroller.

517 to 1-519. It shall make its by-laws, define the duties of its officers and committee and prescribe rules and regulations for discipline in the public schools.

(10) Board Reports¹⁴⁰. 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 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 City¹⁴¹.

§9-2. School Districts¹⁴².

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. Budget¹⁴³.

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. Compliance and Cooperation¹⁴⁴.

¹⁴⁰ 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.

¹⁴¹ 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.

¹⁴² 2023 Recodification of current Article XVIII, entitled "Schools", Part 1. General. §1-508. Derived from Sp. Laws 1913, No. 352, § 165.

¹⁴³ NEW (2023)

¹⁴⁴ NEW (2023)

The Board of Education. Superintendent and employees of the Department of Education shall cooperate with the Mayor, Chief Financial Officer, Board of Estimate and Taxation, the Common Council, Planning and Zoning Commission and other Departments, Boards and Commission of the City as set forth in this Charter and as otherwise required by Law.

§9-5. Reporting Requirements¹⁴⁵.

Unless otherwise specifically prohibited by the General Statutes, commencing on the 1st 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 quarterly report on all contracts (including, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements) entered into on behalf of the Town, including but not limited to, those executed within the budget limits or other authority established under Law; however, excluding all such contracts (as defined in this subsection) as may be exempted from disclosure by federal or state Law or otherwise not capable of redaction in order to protect statutory privacy rights of individuals.

¹⁴⁵ NEW (2023)

ARTICLE XI: HISTORICAL PROVISIONS

§11-1. Historical Council Districts¹⁴⁶.

The following are the Historical Council Districts referred to in §3-4.A of this Charter, above, subject to repeal 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 southwestly 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 continuing easterly along the center line of Senga Road to the intersection of Richmond

¹⁴⁶ 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.

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 said 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 said 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; said 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 Fillow Street and continuing southerly along the center line of Fillow 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 said 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.

ARTICLE XII: TAXING DISTRICTS (PARTIAL)

§12-1. General.

A. Division into six taxing districts¹⁴⁷. Said city is divided into six taxing districts. The First and Second Wards¹⁴⁸ shall be the First and Second Taxing Districts¹⁴⁹. 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 District¹⁵⁰. 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. Taxing District Officers.

(1) Board of Commissioners and Treasurer in First Taxing District¹⁵¹. 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 (3) Commissioners for the terms of office of two (2), four (4) and six (6) 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 (2) years and until his successor is elected and qualified. Biennially thereafter there shall be elected in the First Ward by the electors of the First Taxing District one (1) Commissioner who shall hold office for the term of six (6) years and until his successor is elected and qualified, and a Treasurer of the First Taxing District who shall hold office for the term of two (2) years and until his successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

(2) Board of Commissioners, Board of Electrical Commissioners and Treasurer in Second Taxing District¹⁵². 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 (3) Commissioners for the terms of office of two (2), four (4), and six (6) 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 (3) members of

¹⁴⁷ 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.

¹⁴⁸ Editor's Note: For descriptions of Wards refer to Art. I, § 1-3

¹⁴⁹ Editor's Note: For First Taxing District see Art. II, Part 2. For Second Taxing District see, Art. II, Part 3.

¹⁵⁰ Editor's Note: For Third Taxing District see Art. II, Part 4.

¹⁵¹ 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.

¹⁵² 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.

the Board of Electrical Commissioners, which members shall hold office for the terms of two (2), four (4) and six (6) 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 (2) years and until his successor is elected and qualified. Biennially thereafter there shall be elected in the Second Taxing District one (1) Commissioner and one (1) member of the Board of Electrical Commissioners, each of whom shall hold office for the term of six (6) years and until his successor is elected and qualified, and a Treasurer of the Second Taxing District who shall hold office for the term of two (2) years and until his successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

(3) Board of Commissioners and Treasurer in Third Taxing District¹⁵³. 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 (3) Commissioners for the terms of office of two (2), four (4), and six (6) 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 District¹⁵⁴ who shall hold office for the term of two (2) years and until his 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 (6) years and until his successor is elected and qualified, and a Treasurer of the Third Taxing District who shall hold office for the term of two (2) years and until his successor is elected and qualified. The terms of office of the Commissioners and Treasurer shall begin on the Wednesday following their election.

C. Vacancies in Elective Offices of the First, Second, Third or Sixth Taxing Districts¹⁵⁵. 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.

§12-2. Powers of the Common Council¹⁵⁶.

¹⁵³ 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.

¹⁵⁴ Historical Editor's Note: The Third Taxing District is meant.

¹⁵⁵ 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..

¹⁵⁶ 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

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 taxes¹⁵⁷;

B. to define, designate and specify additional territory situated in the Fourth or Fifth Wards of said 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 erected¹⁵⁸;

C. to maintain an efficient police force in the Fourth Taxing District at the expense of said district;

D. to protect said 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 said Fourth District; to make rules and regulations for the safekeeping and preservation of all apparatus connected with and used by said 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 said district;

§12-3. Care and Maintenance of Sewer Systems; continuance of former Municipality Police and Fire Departments¹⁵⁹.

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.

¹⁵⁷ Historical editor's Note: (1) See §§ **1-200** to **1-202** for power to borrow money.

¹⁵⁸ (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.

¹⁵⁹ 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.

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 said several districts respecting said sewers shall continue in force until the City shall repeal or alter the same. Said City shall maintain the police forces and fire departments existing at the passage of this act in said cities of Norwalk and South Norwalk, and the Fire Department of the East Norwalk Fire District, as provided by the charters of said cities, and under the ordinances, by-laws, rules, and regulations of said former municipalities, until the same are modified or revoked by the Council and until under authority of this act said City shall establish and maintain a police force and a fire department for said Fourth District. The members of said police forces and fire departments at the passage of this act shall remain members of the respective police forces 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.

§12-4. Maintenance of Garbage Disposal Plant¹⁶⁹.

Said City shall maintain the garbage-disposal plant of the Second Taxing District at the expense of said district until the City shall establish and maintain a like plant for the Fourth District.

§12-5. Building Lines in Fourth Taxing District; and removal of buildings¹⁷².

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 said City between which line or lines and said highway or street no building or part thereof, not any stoop or part thereof, shall be erected.¹⁷¹ 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.

RECOMMENDED FOR REPEAL

§1-4. Continuance of Rights and Obligations.

A. Exclusion of Town Meetings¹⁷⁴. No town meeting shall be held in the Town of Norwalk except for the election of town officers herein provided for, and said meetings shall be warned by the City Clerk as hereinafter provided.

¹⁶⁹ 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.

¹⁷² 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.

¹⁷⁴ 2023 Recodification of current Article I - General. §1-6. Derived from Sp. Laws 1913, No. 352, §9.

B. Rights, privileges, and immunities vested in the Cities of Norwalk, South Norwalk, East Norwalk Fire District and the Town of Norwalk¹⁷⁵. Nothing herein shall be construed to affect any rights, privileges, or immunities vested in the cities of Norwalk or South Norwalk or in the East Norwalk Fire District or in the Town of Norwalk, and all rules, regulations, ordinances, and bylaws of said municipalities, not inconsistent herewith, are hereby continued in force. The Bridge Construction Committee in charge of the construction of the Washington Street Bridge shall continue in office until said bridge is completed.

C. Continuance of former District Officers¹⁷⁶. All officers of the cities of Norwalk and South Norwalk, of the Town of Norwalk and of the East Norwalk Fire District shall continue to hold office and perform the duties incumbent upon said officers by charter and statutory provisions until the officers hereinbefore provided for shall be elected and qualified.

§2-4. Division of City into Wards¹⁷⁷.

Said City is divided into five (5) wards:

A. First Ward. 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.

B. Second 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.

C. Third 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

¹⁷⁵ 2023 Recodification of current Article I - 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.

¹⁷⁶ 2023 Recodification of 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.*

¹⁷⁷ 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.

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.

D. Fourth 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.

E. Fifth 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, 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.

§3-8. List of voters; challenge of voters; perjury in claiming right to vote; time polls open; electors, checkers, challengers, box and booth tenders and counters; certificates of results; returns; preservation of peace; blanks for reports; voting machines¹⁷⁸.

A. Challenge of Voting Right¹⁷⁹. The presiding officer in each ward shall receive the ballots of all persons whose names are on said list for said ward, unless the right of any such person to vote shall be challenged, in which case the presiding officer shall, before receiving said vote, make inquiry into the right of said person to vote, and may administer oaths to parties challenged and to witnesses heard, and shall receive or reject said vote. The name of any elector omitted from said list by clerical error shall be added upon election day by the presiding officer of the ward in which such elector resides, upon sworn evidence of his right to vote.

B. Perjury in Claiming Right to Vote¹⁸⁰. Any person who when examined by any presiding officer relative to the, right of any person to vote shall make any false statement shall be guilty of perjury.

C. Appointments by the Registrars of Voters¹⁸¹. The Registrars of Voters of the Town of Norwalk, who shall be the Board of Registrars of said City, shall, by agreement or by lot, appoint an elector from each ward to be Presiding Officer of said ward at each such election, and shall appoint one or more assistants to said presiding officer. They shall also appoint checkers, challengers, official ballot tenders, box tenders,

¹⁷⁸ 2023 Recodification of current Article III – Part 1. In General, §1-170. Derived from Sp. Laws 1913, No. 352, § 52; Sp. Laws 1921, No. 400, § 2.

¹⁷⁹ Title added 2023.

¹⁸⁰ Title added 2023.

¹⁸¹ Title added 2023.

and secret booth tenders, and counters to count the vote after the polls are closed in each ward.

D. Certificates of Results¹⁸². The Presiding Officer shall receive and deposit in the ballot box the ballots of those persons only qualified to vote as hereinbefore prescribed. Immediately after the polls are closed the counters, without removing the box, shall publicly count the ballots therein contained, and shall report the result of such count to the Presiding Officer of said ward, who shall publicly declare the same. The Presiding Officer of each ward except the First shall immediately transmit to the Presiding Officer of the First Ward a certificate of the result in the ward in which he is the Presiding Officer. The Presiding Officer of the First Ward shall cause said returns to be compiled and publicly announce the result of the vote and shall forthwith transmit a copy of said result to the City Clerk, who shall record the same.

E. Preservation of Order¹⁸³. The Presiding Officer of each ward shall have all the powers for the preservation of the peace at said meeting conferred by law upon moderators of town meetings. Said Registrars, Presiding Officers, and other election officers shall be subject to the same penalties for refusal or neglect to discharge their duties or for malfeasance in office as are prescribed for like offenses at electors' meetings. Within twenty-four (24) hours after the closing of the polls in each ward the Registrars of Voters shall return to the City Clerk a certificate stating the whole number of names on the registry list of each ward, the number of names checked as having voted in each ward, and the number of names not checked in each ward. The Registrars of Voters, in carrying out the provisions of this section, may employ their several assistants in the same manner allowed in preparing the registry lists of said Town of Norwalk.

F. Blanks for Reports¹⁸⁴. The City Clerk shall cause to be prepared and delivered to the Presiding Officer of each ward and to the Registrars, at least two (2) days before any election for City officers, uniform blanks on which to make all certificates and reports.

G. Voting Machines¹⁸⁵. If said City installs voting machines said election shall be conducted according to the laws authorizing the use of voting machines at elections.

¹⁸² Title added 2023.

¹⁸³ Title added 2023.

¹⁸⁴ Title and parenthetical numbers added 2023.

¹⁸⁵ Title added 2023.

§9-2.A(11). Bonds and Notes¹⁸⁶: Bond Issue of 1957; Minimum Fee for Students Attending Technical Institute¹⁸⁷. The minimum fee chargeable to each full-time student attending any post-secondary state technical institute shall be \$100 per annum. This §6 shall take effect July 1, 1959.



¹⁸⁶ 2023 Recodification of 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.

¹⁸⁷ 2023 Recodification of current Article XVIII, entitled "Schools", Part 3. Bonds and Notes. §1-614. Derived from Sp. Laws 1957, No. 665, §§ 6, 7.

ARTICLE IV – THE COMMON COUNCIL

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ARTICLE IV – THE COMMON COUNCIL

ARTICLE IV: THE COMMON COUNCIL¹

§4-1. Legislative Power.

The legislative power and authority of the City shall be vested in the Common Council². 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.

§4-2. Officers of the Council.

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

(1) **Role of the Mayor Tie Vote³.** The Mayor shall preside at the meetings of the Council, and shall vote only in case of a tie.

(2) **Role of the City Clerk⁴.** The City Clerk shall be Clerk of said Council.

(3) **President of the Council⁵.** 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.

(4) **Death, Resignation, Absence or Inability of Mayor to Perform Duties of Office. Role of the President⁶.** 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 Chairman 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.

¹ 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**.

² **NEW (2023).**

³ 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.*

⁴ 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.*

⁵ 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.*

⁶ 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.*

ARTICLE IV – THE COMMON COUNCIL

A. Rules of Procedure⁷. The Council may determine the rules of its proceedings.

(1) **Quorum**⁸. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

(2) **Roll Call Votes**⁹. A roll call vote of the Common Council shall be taken whenever the same is requested by any members¹⁰.

B. First Meeting of the Council¹². 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 Meetings¹³. 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 held in a timely manner as required by Law.

D. Special Meetings¹⁴. 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 Meetings¹⁵. The Council meetings shall be public, and the journal of its proceedings shall be open to public inspection.

⁷ 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.

⁸ 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.*

⁹ 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.*

¹⁰ 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.

¹² 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.*

¹³ 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.*

¹⁴ 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.*

¹⁵ 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.*

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F. Executive Session¹⁶. 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.

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

A. General Grant of Legislative Authority¹⁷. 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, 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 Actions¹⁸. The Council by Majority Vote of the Council (unless otherwise set forth herein) is authorized, in accordance with the general grant of authority to take the following actions:

(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 limited to the municipal powers¹ and other statutory authority as may be amended from time-to-time¹⁹.

(2) (a) adopt the Operating and Capital Budgets of the City, as provided in Article X of the Charter³⁸; (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 Charter³⁹; and, (d) engage

¹⁶ 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.*

¹⁷ NEW (2023)

¹⁸ 2023 Recodification in lieu 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. See Art. XV, Streets, Sidewalks and Building Lines; Ch. 101, Streets and Sidewalks.*

¹⁹ 2023 recodification, revision and replacement of current Article IV. The Common Council. §1-189.2.A (Third sentence) and 1-189(1) – (56). Derived from Charter Amendment 11-3-1970.

³⁸

³⁹ Recodification and modification (Subsections (b) and (c) 2023) in lieu of current Article IV. The Common Council. §1-189 (Items (1) – (56)), as follows: "to provide for the due execution of contracts and of evidences of indebtedness issued by said city."

ARTICLE IV – THE COMMON COUNCIL

in legislative oversight and review of the operations of government, including financial matters⁴⁰;

(3) create, merge, consolidate or eliminate Departments, Boards or Commissions, unless otherwise required by this Charter, as set forth below⁴². 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 Commission;
- (e) Zoning Commission;
- (f) Board of Estimate and Taxation;
- (g) Comptroller; or,
- (h) Corporation Counsel ⁴³.

A Majority of the Council shall be necessary to take any action authorized by this sub-section, and the action shall be subject to the approval of the Mayor as set forth in **§191 of the Charter (1956 Edition), §1-197 (1970 Edition)**⁴⁴.

(4) approve Mayoral appointments to (a) Boards and Commissions⁴⁵; and, (b) executive and administrative appointments⁴⁶ in the manner set forth in Articles ___ and ___ of this Charter;

⁴⁰ NEW (2023)

⁴² 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.”*

⁴³ 2023 recodification and modification of current Article IV. The Common Council. §1-189.2.B Derived from Charter Amendment 11-3-1970.

⁴⁴ 2023 recodification and modification of current Article IV. The Common Council. §1-189.2.D. Derived from Charter Amendment 11-3-1970.

⁴⁵ See, annotation to §___ of this Charter.

⁴⁶ See, annotation to §___ of this Charter.

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(5) remove the Mayor⁴⁷ or other officer of the City⁴⁸ or expulsion of Councilmembers⁴⁹ 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 Charter⁵⁰;

(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 collected⁵¹;

(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 thereof⁵²;

(9) regulate the discharge of fire arms⁵³;

(10) provide the mode for keeping and auditing the accounts of the City and adjusting claims against the City, to fix the salaries⁵⁴;

(11) approve the salary ranges and compensation for officers and employees of the City and to prescribe the general duties of the officers and employees⁵⁵;

(12) provide a public seal⁵⁶;

(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 duties⁵⁷;

⁴⁷ See, annotation to §3-8 of this Charter.

⁴⁸ See, annotation to §3-9 of this Charter.

⁴⁹ See, annotation to §3-7 of this Charter.

⁵⁰ See, annotation to §3-6 of this Charter.

⁵¹ 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.

⁵² 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.

⁵³ 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.

⁵⁴ 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.

⁵⁵ 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.

⁵⁶ 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.

⁵⁷ 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.

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(14) regulate (a) the storing and hiring of lumber⁵⁸; and, (b) weights and measures⁵⁹;

(15) protect public buildings, property, and structures from injury⁶⁰;

§4-6. Grants and leases of real estate: Council Approval and Mayoral Signature⁶¹.

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 Appointments⁶².

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 Officers⁶³. The duties of all appointive officers not in this Charter particularly designated shall be prescribed by the Council.

B. Compensation Fixed by Council⁶⁴. The compensation of all officers and employees of the City of Norwalk shall be fixed by the Council, except the salary of the Councilmen, which shall be set at Six Hundred (\$600) Dollars per annum.

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

A. Procedure⁶⁵. 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.

⁵⁸ 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

⁵⁹ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (fifty-fourth clause).

⁶⁰ 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

⁶¹ 2023 Recodification of current Article IV. The Common Council. §1-195. Derived from Sp. Laws 1913, No. 352, §84.

⁶² 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.*

⁶³ 2023 Recodification of current Article V, Part 1 – General. §1-220. Derived from Sp. Laws 1913, No. 352, §76.

⁶⁴ 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.*

⁶⁵ NEW (2023)

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B. Required Public Hearing as to Ordinances⁶⁶. 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.

(1) **Notice⁶⁷.** 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 Ordinance⁶⁸.** 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 Ordinances⁶⁹.** 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 Mayor⁷⁰. 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.**

⁶⁶ 2023 recodification and modification of current Article IV. The Common Council. §1-191.1.A (First sentence). 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.*

⁶⁷ 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.*

⁶⁸ 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.*

⁶⁹ 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.*

⁷⁰ 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.

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(a) **Approval or Disapproval**⁷¹. 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.

(b) **Failure to Take Action**⁷². 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**⁷³. 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 (2/3rds) of all its members, it shall become operative and effectual without the approval of the Mayor.

E. **Publication of Ordinances; Effective Date**⁷⁴. 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.

 F. **Codification**⁷⁷. The City of Norwalk will cause to be prepared, under the direction of its Corporation Counsel, a codification of all city ordinances in force and effect.

§4-10. Audit of Accounts⁷⁸.

⁷¹ 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.

⁷² 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.

⁷³ 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.

⁷⁴ 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.*

⁷⁷ 2023 Recodification and modification 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 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. 7, General Provisions, Article I, General*

⁷⁸ 2023 Recodification of current Article V, Part 8. Audit of Accounts. Historical *Editor's Note: See §§ 1-239 to 1-241.*

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A. Appropriation of funds to defray expenses of audit⁷⁹. The Board of Estimate and Taxation⁸⁰ 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 Qualifications⁸¹. 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.

§4-11. Referendum Procedure (Petition for Overrule): Matters Subject to Referendum; Procedure⁸².

Any provision of the Charter of the City of Norwalk 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 submitted⁸³.

⁷⁹ 2023 Recodification of current Article V, Part 8. Audit of Accounts, §1-285. Derived from Sp. Laws 1945, No. 316, §1.

⁸⁰ Historical Editor's Note: As to the Board of Estimate and Taxation in general, see Art. VI.

⁸¹ 2023 Recodification and modification of current Article V, Part 8. Audit of Accounts, §1-287. Derived from Sp. Laws 1945, No. 316, §3,

⁸² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669. Derived from Charter Amendment 8-8-1974(I); Charter Amendment 8-17-1976;^[2] 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..

⁸³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.1

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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) dollars⁸⁴.

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 hereinabove⁸⁵.

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, 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 (8%) percent of the electors of the City of Norwalk on the petition forms requesting such referendum issued by the City Clerk⁸⁶.

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 Paragraph 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 Paragraph 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 Connecticut⁸⁷.

(2) Capital Budget, Operating Budget or Any Other Appropriation or Part Thereof. When the question or proposal to be reprinted concerns the

⁸⁴ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.2

⁸⁵ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.3

⁸⁶ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.4

⁸⁷ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.5.a

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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 Paragraph 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 forms⁸⁸.

(3) The City Clerk shall cause to be reprinted on each petition form the question or proposal in accordance with the provisions of Paragraph 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 that⁸⁹:

(a) Each person whose name appears on this page personally signed the same in my presence⁹⁰.

(ii) Each person whose name appears on this page is either personally known to me or satisfactorily identified himself or herself to me⁹¹. I recognize that the 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 below⁹².

G. **Certification of Petitions to the City Clerk by the Town Clerk.** The Town Clerk shall review all petition forms returned hereunto within five working days of their receipt by the City Clerk and shall certify to the City Clerk⁹³:

⁸⁸ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.5.b.

⁸⁹ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.5.c.

⁹⁰ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.5.c.1.

⁹¹ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.5.c.2.

⁹² 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.6

⁹³ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.7

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(1) The number of validated signatures necessary to equal the signatures of eight percent of the electors of the city⁹⁴.

(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 Norwalk⁹⁵.

(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. 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 election⁹⁶.

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 Council⁹⁷.

(2) Any referendum election concerning the capital budget, operating budget, any other appropriation or any part thereof shall be held at a special

⁹⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7.a.

⁹⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7.b.

⁹⁶ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.8.

⁹⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.9.a

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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 Paragraph 4-14.G(2), above; provided, however, that if such verification by the City Clerk as provided in Paragraph 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 Norwalk⁹⁸.

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 proposal⁹⁹.

J. Effect of Referendum.

(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 below¹⁰⁰.

(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 forthwith¹⁰¹.

(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

⁹⁸ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.9.b

⁹⁹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.10

¹⁰⁰ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.a.

¹⁰¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.b.

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provided for in the question or proposal so approved, in which event no such meeting shall be required¹⁰².

(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 apply¹⁰³.

(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 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 thereof¹⁰⁴.

(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.I¹⁰⁵.

(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 actions¹⁰⁶.

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

¹⁰² 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.c.

¹⁰³ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.d.

¹⁰⁴ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.e.

¹⁰⁵ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.f.

¹⁰⁶ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.g.

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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 apply¹⁰⁷.

(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 holiday¹⁰⁸.

(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 §4-14¹⁰⁹.

¹⁰⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.a.

¹⁰⁸ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.b.

¹⁰⁹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.c.

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ARTICLE VIII – DEPARTMENTS AND DEPARTMENT HEADS

A. Authorization of Council to Establish Law Department¹¹⁰. The Council shall have the power to establish a Law Department.

(1) Administrative Head¹¹¹. The Corporation Counsel shall be the administrative head of any such Law Department.

(2) Structure of Office¹¹². In establishing a 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. 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.

(3) Vote required for Council Authorization¹¹³. A vote of a majority 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 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.

B. Required Departments¹¹⁴. Provided, however, there shall be a Department of Health, a Department of Public Works and a Department of Public Welfare.

¹¹⁰ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (First sentence). Added by Charter Amendment 11-3-1970.

¹¹¹ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (Second sentence). Added by Charter Amendment 11-3-1970.

¹¹² 2023 Recodification of current Article IV. The Common Council. §1-189.4 (Third and Fourth sentence). Added by Charter Amendment 11-3-1970.

¹¹³ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (Fifth sentence). Added by Charter Amendment 11-3-1970.

¹¹⁴ 2023 Recodification of 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.

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RECOMMENDED FOR REVIEW AND REPEAL

§4-5. Powers Pertaining to Administrative Departments.

A. Authorization of Council to enact ordinances covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk¹¹⁵. 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.

§4-6. The Authority of the Council as to Streams.

A. Generally¹¹⁶. 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: Report¹¹⁷. 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 improvements¹¹⁸, 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.

¹¹⁵ 2023 Recodification 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.*

¹¹⁶ 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*

¹¹⁷ 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*

¹¹⁸ *Historical Editor's Note: See § 1-266, as to benefits as lien.*

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C. Failure to Agree; Application to the Superior Court¹¹⁹. 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 he shall deem reasonable, appoint three (3) 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 he may deem 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 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 Lines¹²⁰.

A. The City Shall be the successor to rights, duties and privileges of Town¹²¹. 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 town¹²². 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.

¹¹⁹ 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**

¹²⁰ 2023 Recodification of current Article XV, Part 1. General. **Historical Editor's Note: Refer also to Ch. 101, Streets and Sidewalks.**

¹²¹ 2023 Recodification of current Article XV, Part 1. General, §1-424. Derived from Sp. Laws 1913, No. 352, §112.

¹²² 2023 Recodification of current Article XV, Part 1. General, §1-425. Derived from Sp. Laws 1913, No. 352, §8.

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C. Obstructions and encumbrances¹²³. 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 said 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 Snow¹²⁴.

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 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 said 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 Chairman 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. Public Lighting¹²⁵.

The Common Council of the City of Norwalk 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

¹²³ 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**.

¹²⁴ 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**.

¹²⁵ 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*..

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limits of the Fifth 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 said taxing districts.

§4-11. Laying Out, Altering, Extending or Discontinuing Streets, Sidewalks and Building Lines¹²⁶.

B. General Powers of Council¹²⁷. 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 assessments¹²⁸. 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 line¹²⁹ 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

¹²⁶ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing. Historical editor's Note: See Ch. **101**, Streets and Sidewalks.

¹²⁷ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-438. Derived from Sp. Laws 1913, No. 352, §113.

¹²⁸ 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.

¹²⁹ Editor's Note: As to building lines in the Fourth Taxing District, see § **1-15**, *supra*

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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, said Council, either by itself or by a Committee appointed by it, shall hear all parties in interest who may appear and desire to be heard in relation thereto. If, after such hearing, said 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 said 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 said Council will hear objections to such layout, alteration, designation, survey, estimate, or appraisal and at the time and place specified in such notice said 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. Said Council, having heard all the parties who may appear, may accept such report or return the same to its said Committee for revision; or said 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 (3) 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 (60) 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 Engineer¹³⁰ to the Mayor, said assessments shall forthwith become due and payable to said city, and the Mayor shall issue his warrant to the Tax

¹³⁰Historical Editor's Note: See § 1-363.

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Collector for the collection thereof, and any assessment which shall not be paid within sixty (60) 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.

D. Assessment Appeals¹³¹. Any person aggrieved by an assessment of benefits or appraisal of damages made by said 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.

§4-11. Paving Streets: Fourth Taxing District¹³².

The Council shall have power, whenever specific appropriations are made therefor, to pave any street or highway in the Fourth Taxing District of said city at the expense of said district, or may assess not to exceed 1/4 of such expense of paving each of said 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 said Council, be proportionate to the benefits accruing to said property from said work, and said 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 said 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 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

¹³¹ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-440. Derived from Sp. Laws 1913, No. 352, §115.

¹³² 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.

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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.

§4-12. Designation of Courses, width, height and level of sidewalks and gutters¹³³.

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 said city, and may, at the expense of said city, lay out, construct, raise, flag, or make in a suitable manner any crosswalk in the Fourth Taxing District of said city. Said 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 said 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 (5) days after the passage of same; and if such owner be a nonresident of said city, a true and attested copy of said order deposited in the post office in said city, postage paid, addressed to him at his place of residence, if the same be known, and a like true and attested copy left with his agent [the] or the person having charge of such property or occupying the same shall be a legal notice to such owner. A statement of said width height, courses, and levels, certified to by the City Engineer,¹¹ 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 said Council at any time within ten (10) years thereafter, to alter said grade or relay said 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 said 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.

§4-13. Sewers and Sewerage Disposal¹³⁴.

A. Authority to lay out, construct, maintain and repair; assessment of damages or benefits¹³⁵. 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 said 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

¹³³ 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.**

¹³⁴ 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.**

¹³⁵ 2023 Recodification of current Article XVI, Part 1. General, §1-457. Derived from Sp. Laws 1913, No. 352, §137.

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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 said 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 Connections¹³⁶. 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 said Council requiring such owner to connect his building or buildings with such sewer, the Clerk of 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]¹³⁷. No content.

ⁱ 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

¹³⁶ 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.

¹³⁷ 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.

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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

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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))

ARTICLE IV – THE COMMON COUNCIL

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ARTICLE IV: THE COMMON COUNCIL¹

§4-1. Legislative Power.

The legislative power and authority of the City shall be vested in the Common Council². 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.

§4-2. Officers of the Council.

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

(1) **Role of the Mayor Tie Vote³.** The Mayor shall preside at the meetings of the Council, and shall vote only in case of a tie.

(2) **Role of the City Clerk⁴.** The City Clerk shall be Clerk of said Council.

(3) **President of the Council⁵.** 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.

(4) **Death, Resignation, Absence or Inability of Mayor to Perform Duties of Office. Role of the President⁶.** 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 Chairman 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.

¹ 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**.

² **NEW (2023).**

³ 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.*

⁴ 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.*

⁵ 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.*

⁶ 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.*

A. Rules of Procedure⁷. The Council may determine the rules of its proceedings.

(1) **Quorum⁸.** A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

(2) **Roll Call Votes⁹.** A roll call vote of the Common Council shall be taken whenever the same is requested by any members¹⁰.

B. First Meeting of the Council¹¹. 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 Meetings¹². 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.

D. Special Meetings¹³. 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 Meetings¹⁴. The Council meetings shall be public, and the journal of its proceedings shall be open to public inspection.

⁷ 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.

⁸ 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.*

⁹ 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.*

¹⁰ 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.

¹¹ 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.*

¹² 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.*

¹³ 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.*

¹⁴ 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.*

F. Executive Session¹⁵. 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.

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

A. General Grant of Legislative Authority¹⁶. 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, nit 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 Actions¹⁷. The Council by Majority Vote of the Council (unless otherwise set forth herein) is authorized, in accordance with the general grant of authority to take the following actions:

(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 if its business, and top 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 limited to the municipal powers¹ and other statutory authority as may be amended from time-to-time¹⁸.

(2) (a) adopt the Operating and Capital Budgets of the City, as provided in Article X of the Charter¹⁹; (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 Charter²⁰; and, (d) engage

¹⁵ 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.*

¹⁶ NEW (2023)

¹⁷ 2023 Recodification in lieu 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. See Art. XV, Streets, Sidewalks and Building Lines; Ch. 101, Streets and Sidewalks.*

¹⁸ 2023 recodification, revision and replacement of current Article IV. The Common Council. §1-189.2.A (Third sentence) and 1-189(1) – (56). Derived from Charter Amendment 11-3-1970.

¹⁹

²⁰ Recodification and modification (Subsections (b) and (c) 2023) in lieu of current Article IV. The Common Council. §1-189 (Items (1) – (56)), as follows: "to provide for the due execution of contracts and of evidences of indebtedness issued by said city."

in legislative oversight and review of the operations of government, including financial matters²¹;

(3) create, merge, consolidate or eliminate Departments, Boards or Commissions, unless otherwise required by this Charter, as set forth below²². 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 Commission;
- (e) Zoning Commission;
- (f) Board of Estimate and Taxation;
- (g) Comptroller; or,
- (h) Corporation Counsel²³.

A Majority of the Council shall be necessary to take any action authorized by this sub-section, and the action shall be subject to the approval of the Mayor as set forth in **§191 of the Charter (1956 Edition), §1-197 (1970 Edition)**²⁴.

(4) approve Mayoral appointments to (a) Boards and Commissions²⁵; and, (b) executive and administrative appointments²⁶ in the manner set forth in Articles ___ and ___ of this Charter;

²¹ NEW (2023)

²² 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."*

²³ 2023 recodification and modification of current Article IV. The Common Council. §1-189.2.B Derived from Charter Amendment 11-3-1970.

²⁴ 2023 recodification and modification of current Article IV. The Common Council. §1-189.2.D. Derived from Charter Amendment 11-3-1970.

²⁵ See, annotation to §___ of this Charter.

²⁶ See, annotation to §___ of this Charter.

(5) remove the Mayor²⁷ or other officer of the City²⁸ or expulsion of Councilmembers²⁹ 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 Charter³⁰;

(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 collected³¹;

(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 thereof³²;

(9) regulate the discharge of fire arms³³;

(10) provide the mode for keeping and auditing the accounts of the City and adjusting claims against the City, to fix the salaries³⁴;

(11) approve the salary ranges and compensation for officers and employees of the City and to prescribe the general duties of the officers and employees³⁵;

(12) provide a public seal³⁶;

(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 duties³⁷;

²⁷ See, annotation to §3-8 of this Charter.

²⁸ See, annotation to §3-9 of this Charter.

²⁹ See, annotation to §3-7 of this Charter.

³⁰ See, annotation to §3-6 of this Charter.

³¹ 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.

³² 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.

³³ 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.

³⁴ 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.

³⁵ 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.

³⁶ 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.

³⁷ 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.

(14) regulate (a) the storing and hiring of lumber³⁸; and, (b) weights and measures³⁹;

(15) protect public buildings, property, and structures from injury⁴⁰;

§4-6. Grants and leases of real estate: Council Approval and Mayoral Signature⁴¹.

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 Appointments⁴².

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 Officers⁴³. The duties of all appointive officers not in this Charter particularly designated shall be prescribed by the Council.

B. Compensation Fixed by Council⁴⁴. The compensation of all officers and employees of the City of Norwalk shall be fixed by the Council, except the salary of the Councilmen, which shall be set at Six Hundred (\$600) Dollars per annum.

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

A. Procedure⁴⁵. 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 Ordinances⁴⁶. 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.

³⁸ 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

³⁹ 2023 Recodification and modification in lieu of current Article IV. The Common Council. §1-189 (fifty-fourth clause).

⁴⁰ 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

⁴¹ 2023 Recodification of current Article IV. The Common Council. §1-195. Derived from Sp. Laws 1913, No. 352, §84.

⁴² 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.*

⁴³ 2023 Recodification of current Article V, Part 1 – General. §1-220. Derived from Sp. Laws 1913, No. 352, §76.

⁴⁴ 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.*

⁴⁵ NEW (2023)

⁴⁶ 2023 recodification and modification of current Article IV. The Common Council. §1-191.1.A (First sentence). Amended by Charter Amendment 9-

(1) **Notice**⁴⁷. 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**⁴⁸. 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**⁴⁹. 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 Mayor⁵⁰. 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**⁵¹. 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.*

⁴⁷ 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.*

⁴⁸ 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.*

⁴⁹ 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.*

⁵⁰ 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.

⁵¹ 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**⁵². 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**⁵³. 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^{rds}) of all its members, it shall become operative and effectual without the approval of the Mayor.

E. **Publication of Ordinances; Effective Date**⁵⁴. 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.

F. **Codification**⁵⁵. The City of Norwalk will cause to be prepared, under the direction of its Corporation Counsel, a codification of all city ordinances in force and effect.

§4-10. Audit of Accounts⁵⁶.

A. **Appropriation of funds to defray expenses of audit**⁵⁷. The Board of Estimate and Taxation⁵⁸ 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

⁵² 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.

⁵³ 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.

⁵⁴ 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.*

⁵⁵ 2023 Recodification and modification 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 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. 7, General Provisions, Article I, General*

⁵⁶ 2023 Recodification of current Article V, Part 8. Audit of Accounts. *Historical Editor's Note: See §§ 1-239 to 1-241.*

⁵⁷ 2023 Recodification of current Article V, Part 8. Audit of Accounts, §1-285. Derived from Sp. Laws 1945, No. 316, §1.

⁵⁸ *Historical Editor's Note: As to the Board of Estimate and Taxation in general, see Art. VI.*

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 Qualifications⁵⁹. 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.

§4-11. Referendum Procedure (Petition for Overrule): Matters Subject to Referendum; Procedure⁶⁰.

Any provision of the Charter of the City of Norwalk 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 submitted⁶¹.

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) dollars⁶².

⁵⁹ 2023 Recodification and modification of current Article V, Part 8. Audit of Accounts, §1-287. Derived from Sp. Laws 1945, No. 316, §3,

⁶⁰ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669. Derived from Charter Amendment 8-8-1974(I); Charter Amendment 8-17-1976;^[2] 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..**

⁶¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.1

⁶² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.2

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 hereinabove⁶³.

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, 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 (8%) percent of the electors of the City of Norwalk on the petition forms requesting such referendum issued by the City Clerk⁶⁴.

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 Paragraph 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 Paragraph 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 Connecticut⁶⁵.

(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 Paragraph 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

⁶³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.3

⁶⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.4

⁶⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.a

Clerk shall specifically and clearly state such dollar amount or percentage of decrease in the question or proposal reprinted on the petition forms⁶⁶.

(3) The City Clerk shall cause to be reprinted on each petition form the question or proposal in accordance with the provisions of Paragraph 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 that⁶⁷:

(a) Each person whose name appears on this page personally signed the same in my presence⁶⁸.

(ii) Each person whose name appears on this page is either personally known to me or satisfactorily identified himself or herself to me⁶⁹. 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 below⁷⁰.

G. **Certification of Petitions to the City Clerk by the Town Clerk.** The Town Clerk shall review all petition forms returned hereunto within five working days of their receipt by the City Clerk and shall certify to the City Clerk⁷¹:

(1) The number of validated signatures necessary to equal the signatures of eight percent of the electors of the city⁷².

(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

⁶⁶ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.b.

⁶⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.c.

⁶⁸ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.c.1.

⁶⁹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.5.c.2.

⁷⁰ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.6

⁷¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7

⁷² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7.a.

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 Norwalk⁷³.

(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. 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 election⁷⁴.

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 Council⁷⁵.

(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 Paragraph 4-14.G(2), above; provided, however, that if such verification by the City Clerk as provided in Paragraph 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

⁷³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.7.b.

⁷⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.8.

⁷⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.9.a

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 Norwalk⁷⁶.

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 proposal⁷⁷.

J. Effect of Referendum.

(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 below⁷⁸.

(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 forthwith⁷⁹.

(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 required⁸⁰.

(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

⁷⁶ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.9.b

⁷⁷ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.10

⁷⁸ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.a.

⁷⁹ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.b.

⁸⁰ 2023 Recodification of current Article XXII. "Referendum Procedure," §1-669.11.c.

exercise of the decrease, the provisions of Paragraph 4-14.J(3), above shall apply⁸¹.

(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 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 thereof⁸².

(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.I⁸³.

(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 actions⁸⁴.

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 apply⁸⁵.

(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

⁸¹ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.d

⁸² 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.e.

⁸³ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.f.

⁸⁴ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.11.g

⁸⁵ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.a.

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 holiday⁸⁶.

(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 §4-14⁸⁷.

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⁸⁶ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.b.

⁸⁷ 2023 Recodification of current Article XXII. "Referendum Procedure,". §1-669.12.c.

ARTICLE VIII – DEPARTMENTS AND DEPARTMENT HEADS

A. Authorization of Council to Establish Law Department⁸⁸. The Council shall have the power to establish a Law Department.

(1) **Administrative Head⁸⁹.** The Corporation Counsel shall be the administrative head of any such Law Department.

(2) **Structure of Office⁹⁰.** In establishing a 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. 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.

(3) **Vote required for Council Authorization⁹¹.** A vote of a majority 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 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.

B. Required Departments⁹². Provided, however, there shall be a Department of Health, a Department of Public Works and a Department of Public Welfare.

⁸⁸ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (First sentence). Added by Charter Amendment 11-3-1970.

⁸⁹ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (Second sentence). Added by Charter Amendment 11-3-1970.

⁹⁰ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (Third and Fourth sentence). Added by Charter Amendment 11-3-1970.

⁹¹ 2023 Recodification of current Article IV. The Common Council. §1-189.4 (Fifth sentence). Added by Charter Amendment 11-3-1970.

⁹² 2023 Recodification of 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.

RECOMMENDED FOR REVIEW AND REPEAL

§4-5. Powers Pertaining to Administrative Departments.

A. Authorization of Council to enact ordinances covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk⁹³. 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.

§4-6. The Authority of the Council as to Streams.

A. Generally⁹⁴. 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: Report⁹⁵. 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 improvements⁹⁶, 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.

⁹³ 2023 Recodification 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.*

⁹⁴ 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*

⁹⁵ 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*

⁹⁶ *Historical Editor's Note: See § 1-266, as to benefits as lien.*

C. Failure to Agree; Application to the Superior Court⁹⁷. 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 he shall deem reasonable, appoint three (3) 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 he may deem 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 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 Lines⁹⁸.

A. The City Shall be the successor to rights, duties and privileges of Town⁹⁹. 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 town¹⁰⁰. 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.

⁹⁷ 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**

⁹⁸ 2023 Recodification of current Article XV, Part 1. General. **Historical Editor's Note: Refer also to Ch. 101, Streets and Sidewalks.**

⁹⁹ 2023 Recodification of current Article XV, Part 1. General, §1-424. Derived from Sp. Laws 1913, No. 352, §112.

¹⁰⁰ 2023 Recodification of current Article XV, Part 1. General, §1-425. Derived from Sp. Laws 1913, No. 352, §8.

C. Obstructions and encumbrances¹⁰¹. 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 said 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 Snow¹⁰².

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 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 said 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 Chairman 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. Public Lighting¹⁰³.

The Common Council of the City of Norwalk 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

¹⁰¹ 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**.

¹⁰² 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**.

¹⁰³ 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*..

limits of the Fifth 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 said taxing districts.

§4-11. Laying Out, Altering, Extending or Discontinuing Streets, Sidewalks and Building Lines¹⁰⁴.

B. General Powers of Council¹⁰⁵. 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 assessments¹⁰⁶. 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 line¹⁰⁷ 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

¹⁰⁴ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing. Historical editor's Note: See Ch. **101**, Streets and Sidewalks.

¹⁰⁵ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-438. Derived from Sp. Laws 1913, No. 352, §113.

¹⁰⁶ 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.

¹⁰⁷ Editor's Note: As to building lines in the Fourth Taxing District, see § **1-15**, *supra*

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, said Council, either by itself or by a Committee appointed by it, shall hear all parties in interest who may appear and desire to be heard in relation thereto. If, after such hearing, said 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 said 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 said Council will hear objections to such layout, alteration, designation, survey, estimate, or appraisal and at the time and place specified in such notice said 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. Said Council, having heard all the parties who may appear, may accept such report or return the same to its said Committee for revision; or said 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 (3) 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 (60) 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 Engineer¹⁰⁸ to the Mayor, said assessments shall forthwith become due and payable to said city, and the Mayor shall issue his warrant to the Tax

¹⁰⁸Historical Editor's Note: See § 1-363.

Collector for the collection thereof, and any assessment which shall not be paid within sixty (60) 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.

D. Assessment Appeals¹⁰⁹. Any person aggrieved by an assessment of benefits or appraisal of damages made by said 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.

§4-11. Paving Streets: Fourth Taxing District¹¹⁰.

The Council shall have power, whenever specific appropriations are made therefor, to pave any street or highway in the Fourth Taxing District of said city at the expense of said district, or may assess not to exceed 1/4 of such expense of paving each of said 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 said Council, be proportionate to the benefits accruing to said property from said work, and said 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 said 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 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

¹⁰⁹ 2023 Recodification of current Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing, §1-440. Derived from Sp. Laws 1913, No. 352, §115.

¹¹⁰ 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.

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.

§4-12. Designation of Courses, width, height and level of sidewalks and gutters¹¹¹.

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 said city, and may, at the expense of said city, lay out, construct, raise, flag, or make in a suitable manner any crosswalk in the Fourth Taxing District of said city. Said 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 said 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 (5) days after the passage of same; and if such owner be a nonresident of said city, a true and attested copy of said order deposited in the post office in said city, postage paid, addressed to him at his place of residence, if the same be known, and a like true and attested copy left with his agent [the] or the person having charge of such property or occupying the same shall be a legal notice to such owner. A statement of said width height, courses, and levels, certified to by the City Engineer,¹¹¹ 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 said Council at any time within ten (10) years thereafter, to alter said grade or relay said 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 said 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.

§4-13. Sewers and Sewerage Disposal¹¹².

A. Authority to lay out, construct, maintain and repair; assessment of damages or benefits¹¹³. 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 said 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

¹¹¹ 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.**

¹¹² 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.**

¹¹³ 2023 Recodification of current Article XVI, Part 1. General, §1-457. Derived from Sp. Laws 1913, No. 352, §137.

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 said 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 Connections¹¹⁴. 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 said Council requiring such owner to connect his building or buildings with such sewer, the Clerk of 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]¹¹⁵. No content.

ⁱ 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;”

¹¹⁴ 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.

¹¹⁵ 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.

(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))

ARTICLE X: BUDGET, PUBLIC FUNDS AND FINANCE

§10-1. The Budget Process¹.

A. Cooperation of City Officials and Employees². The Mayor, Common Council, Board of Estimate and Taxation, the Board of Education, the Planning and Zoning Commission and all Departments, Boards Commissions and other Budgeted Entities (including any Board, Commission, office, agency, bureau, authority or any other entity receiving or expend City funds or multi-year state or federal funds or grants, including the Board of Education and the Norwalk Public Schools,) are required to work together and share information, in good faith, throughout the year in order to develop, approve and implement the budget of the City, which is comprised of the.

(1) Operating Budget³: The Operating Budget shall be adopted annually and shall consist of all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, including detailed estimates of revenues, capital expenses and operating expenses, including, but not limited to operating expenses, personal and annual facility costs and all expected revenues, all as required by this Charter and any related Ordinances. The Operating Budget is funded primarily through local property taxes; intergovernmental revenue, licenses, fees. Charges for services, fines, interest and other sources of revenue.

(2) Capital Budget⁴: The Capital Budget shall be adopted annually and shall consist of expected costs of improvements to City facilities infrastructure and long-term assets which are contemplated to be financed through borrowing. Each Capital Budget shall include a non-binding five-year projection of upcoming capital needs for the City.

All Public Officials and employees of the City are required to utilize commonly accepted practices and to aspire to employing best practices in the field of municipal and public finance. In order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) Public Officials and employees of the City shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the City.

B. Fiscal Year⁵. The fiscal year of the City shall begin on July 1st and end on

¹ NEW (2023)

² NEW (2023).

³ NEW (2023)

⁴ 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.

⁵ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (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.

the June 30th.

C. The Budget: A public record.

(1) **Public Inspection**⁶. Following publication and posting, the budget documents, comprised of the proposed Operating Budget and Capital Budget, shall be a public record filed in the office of the City Clerk. The budget documents shall be available at the Office of the City Clerk and on the City's website or electronic media or public facilities including libraries and schools, as may be determined by the Mayor or the Common Council. Physical copies of the budget shall be provided within seventy-two hours of submission subject to a reasonable charge as permitted by Law. Consistent with the notice provisions of this Charter, the Mayor shall provide electronic access to the budget.

(2) **Public Engagement**⁷. The Mayor, Common Council, Board of Estimate and Taxation, Board of Education and Planning and Zoning Commission shall develop and publicize procedures designed to encourage public participation in the budget process. The Common Council has the legislative authority to enact Ordinances to implement these provisions of the Charter.

D. Budget Calendar⁸. Not later than October 15th of each year, the Chief Financial Officer shall cause to be published a budget calendar, including procedural rules, in order to inform the public of the significant milestones in the budget process, including but not limited to:

- (1) _____
- (2) _____
- (3) _____



Annual Operating Budget Estimates

§10-2. The Operating Budget Process.

A. Authority to Require Operating Budget Estimates⁹. The Mayor has the authority to require each Department and Budgeted Entities (including the Board of Education and the Norwalk Public Schools) to submit to the Mayor or a designee such (1) estimates of revenue and requests for expenditures for the ensuing fiscal year; and (2) any additional information which they possess (including, but not limited to, records,

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

⁶ NEW (2023)

⁷ NEW (2023)

⁸ NEW (2023).

⁹ NEW (2023)

books, accounts, contracts, reports and other papers and documents as specified by the Mayor (or designee) all of which are necessary to discharge the duties imposed upon the Mayor by this Charter.

B. Submission of Operating Budget Estimates¹⁰. Each Department and other Budgeted Entities (including the Board of Education and the Norwalk Public Schools) through their Department Head or other responsible officer, shall, on or before the December 15th of each year, submit and report to the Mayor, or designee, an estimate of the amount of money requested by the respective Departments or other Budgeted Entities (including the Board of Education and Norwalk Public Schools) for the ensuing fiscal year, giving details as prescribed by the Chief Financial Officer:

~~**C. Submission of Annual Departmental Operating Budget Proposals to Chief Financial Officer¹⁶.** Each Department Head shall submit to the Chief Financial Officer or other officer designated by the Mayor, a true copy of its proposed annual budget or any proposed changes or additions on or before the fifteenth (15th) day of December in each year.~~

The Proposed Mayor's Operating Budget

§10-3. Submission of the Mayor's Proposed Operating Budget to the Board of Estimate and Taxation¹⁷ and Common Council¹⁸. The Mayor or designee shall submit to the Board of Estimate and Taxation at a meeting of the Board to be held on or before February 15th of each year; and, the Common Council, on or before February 22nd of each year, the Mayor's Proposed Operating Budget, comprised of the following:

A. Narrative and Recommendations¹⁹. The Mayor's narrative and recommendation on the contents of the Proposed Operating Budget; and,

¹⁰ 2023 adaptation, modification and 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

¹⁶ 2023 adaptation, modification and 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.*

¹⁷ 2023 adaptation, modification and 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.*

¹⁸ 2023 adaptation, modification and 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

¹⁹ 2023 adaptation, modification and recodification of current Article V, Part 4 – Department of Finance §1-239.D. See, derivations in fn #17, above.

B. Department and Other Budgeted Entity Estimates (Including the Board of Education)²¹. An estimate of the amounts requested by each Department and Budgeted Entity (including the Board of Education) giving the particulars as far as possible and recommending appropriations for all the expenses of the City, and recommending a mil rate applied to the assessed value of property (the sum of which for the City is referred to as the Grand List) as deemed necessary to meet such expenses, after deducting the amount of the available revenue for the fiscal year as well as any other necessary adjustments. 

§10-4. Review by the Board of Estimate and Taxation.

A. Furnishing of Information²². The Board of Estimate and Taxation shall have power to require the Department Heads and responsible officers for each Budgeted Entity to furnish such required information requisite, in the opinion of the Board, to enable it to discharge the duties imposed upon it by this Charter.

B. The Power to Levy Taxes, Fiscal Year²³. The Board of Estimate and Taxation shall have power to establish the mil rate on the assessed value of the property within the limits of the City, subject to the maximum limit on total appropriations as set by the Common Council as hereinafter provided and in conformity with Law. **Every tax laid by the Board shall be laid upon the assessment list of the City last completed.**

§10-5. Notice and Publication of the Mayor's Proposed Operating Budget²⁴.

The Chief Financial Officer or other designee of the Mayor, shall cause the Mayor's Proposed Operating Budget to be published, in accordance with the notice provisions of this Charter or as further required by Ordinance, at least **five days before the fourth Monday of February of each year.**

§10-6. Review by the Common Council.

²¹ 2023 adaptation, modification and recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirteenth and fourteenth sentences). See, derivations in fn #18, above.

²² 2023 adaptation, modification and 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

²³ 2023 adaptation, modification and 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

²⁴ 2023 adaptation, modification and 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

A. Maximum Limit on Total Appropriations²⁵. The Common Council shall, at a meeting thereof to be held on or before February 28th of each year, adopt by a resolution approved by an affirmative vote of a of majority of the entire membership of the Council, a maximum limit on total appropriations for the City as set forth in the Mayor's Proposed Operating Budget for the ensuing fiscal year and cause the same to be communicated to the Board of Estimate and Taxation.

B. Exemption from the Referendum Provisions of this Charter (Currently Sec. 1-669 or Sec. 4-14)²⁶. The Common Council resolution shall be exempt from the application of §1-669 of this Charter.

C. Exemption of Grants from Maximum Taxation²⁷. 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.

§10-7. Board of Estimate and Taxation Deliberations on the Mayor's Proposed Operating Budget²⁸.

The Board of Estimate and Taxation shall hold a meeting on or before March 30th of each year at which it may hear all the parties who may desire to be heard, including at least one Public Hearing, relative to any alterations in the estimates, and may make any alterations, increases and decreases, in the Mayor's Proposed Operating Budget, and make such additional appropriations, as it deems proper.

§10-8. Transmittal of Board of Estimate and Taxation's Approved Operating Budget to the Common Council.

²⁵ 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

²⁶ 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

²⁷ 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

²⁸ 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

A. Submission of Statement of Appropriations and Tax Rates to Common Council²⁹. The Board of Estimate and Taxation, having made such alterations, increases and decreases, 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 not later than the April 1st of each year.

B. Deliberations of the Common Council³⁰. The Common Council may, at a regular or special meeting to be held not later than April 15th of each year, amend the maximum limit of total appropriations for the City for the ensuing fiscal year by a two-thirds (2/3^{rds}) affirmative vote of the entire membership of the Council.

C. Exemption from the referendum provisions of this Charter (Currently Sec. 1-669 or Sec. 4-14)³¹. The Common Council vote shall be exempt from the application of §1-669 of this Charter.

§10-9. Final Actions by Board of Estimate and Taxation.

A. Alteration of Common Council Limits³². The Board of Estimate and Taxation shall thereupon make such alterations in the Proposed Operating Budget, including the tax rates as are necessary to comply with the limit set by the Common Council, and shall prepare a Final Approved Operating Budget, including tax rates which it proposes to make and levy in accordance therewith.

B. Notice and Publication³³. The Board of Estimate and Taxation shall cause the Proposed Operating Budget as set forth in 10-9.A, above, to be published in

²⁹ 2023 adaptation and 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

³⁰ 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

³¹ 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

³² 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

³³ 2023 Modification and recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-second sentence). See, derivations in fn #31.

accordance with the notice provisions of this Charter or as further required by Ordinance, no later than April 30th of each year.

C. Final Alterations of Proposed Operating Budget, including Tax Rates³⁴. The Board of Estimate and Taxation shall hold a meeting no later than May 7th of 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.

D. No Further Action by Common Council³⁵. 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.

E. Actions Subject to Referendum Provisions of the Charter³⁶. The actions of the Board of Estimate and Taxation at such meeting shall be subject to the provisions of _____ §1-669 of this Charter.

§10-10. Appropriations Shall Not Exceed Estimate of Revenues³⁷.

The Board of Estimate and Taxation shall have no power to make appropriations in excess of the estimate of revenues made by it for any year, and in no case shall the expenses of the City exceed their respective estimated revenues (including tax revenues) for any year, except for the purpose for which the City is authorized to issue bonds, and when bonds are so issued.

§10-11. Limitations on Expenditures and Revenues; Action by Board of Estimate and Common Council.

³⁴ 2023 Modification and recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-third 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

³⁵ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-fourth sentence). See derivations in fn #33.

³⁶ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-fifth sentence). See derivations in fn. #33.

³⁷ 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 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

A. Limits on Expenditures; Special Appropriations and Exemption from Maximum Limit³⁸. No money other than that appropriated as aforesaid by the Board of Estimate and Taxation in the final budget 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 (2/3^{rds}) affirmative vote of the entire member 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.

B. Special Appropriations³⁹. 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 Chief Financial Officer 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 (2/3^{rds}) affirmative vote of the entire membership of the Common Council.

C. Specific Purpose Appropriations⁴⁰. Any appropriation, regular or special for any specific purpose, shall not be expended for any other purpose and, if unexpended, shall be transferred into the treasury ninety 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 purpose of paying bills lawfully contracted during the fiscal year which are properly chargeable to such appropriations.

The Capital Fund Budget

§10-12. Submission of Estimate of Capital Budget Items⁴¹.

³⁸ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-seventh and twenty-eighth sentences).

³⁹ 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

⁴⁰ 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

⁴¹ NEW (2023). Derived from §30-5 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021

A. Submission of Estimate of Capital Budget Items. On or before December 31st of each year, each Department Head and responsible officer for each Budgeted Entity (including the Board of Education and the Norwalk Public Schools) shall submit to the Planning and Zoning Commission and the Chief Financial Officer a detailed estimate of all Capital Budget Items, as defined in **§ 10-12.B.** below, which, in the judgment of each Department Head and responsible officer, should be undertaken within the five succeeding fiscal years in accordance with the Capital Projects Program, as defined in **§10-12.C**, below.. These estimates shall be known as "estimates for capital projects" and shall be in such form as the Chief Financial Officer shall prescribe. These estimates shall be public records and shall be open for inspection at all reasonable times.

B. Capital Budget Items⁴². As defined in 2-2C(7) of this Charter.

C. Capital Projects Program⁴³. The proposed five-year program of capital expenditures to which consideration shall be given by the Departments or other Budgeted Entities in whom that responsibility is vested, and in the manner prescribed by this Charter, shall constitute and be known as the "capital projects program."

§10-13. Chief Financial Officer's Report⁴⁴.

Following the receipt of estimates for capital projects and not later than February 1st of each year, the Chief Financial Officer shall report to the Board of Estimate and Taxation, the Common Council and the Planning and Zoning Commission the amount of the expenditures requested and Chief Financial Officer's (A) estimate of the effect of such expenditures upon the current budget and the bonded indebtedness for the succeeding years; and (B) recommendations relative thereto.

§10-14. Review by the Planning and Zoning Commission⁴⁵.

A. Public Hearings. On or before February 15th in each year, the Planning and Zoning Commission shall hold hearings on the proposed capital projects program for the ensuing five years, at which time the Mayor, Department Heads and responsible officers of other Budgeted Entities (including the Board of Education), the Chief Financial Officer, members of the Board of Estimate and Taxation, and members of the Common Council may be heard in respect to estimates for each of these years.

B. Role of the Planning and Zoning Commission. The role of the Planning and Zoning Commission shall be to ensure that each capital budget item in the proposed capital projects program is consistent with the City's Plan of Conservation and Development.

C. Production of Information. The Planning and Zoning Commission may require the production of all pertinent data in respect to such estimates, including

⁴² NEW (2023). Derived from §30-4 of the Code of Ordinances.

⁴³ NEW (2023) Derived from §30-3 of the Code of Ordinances.

⁴⁴ NEW (2023). Derived from §30-6 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021

⁴⁵ NEW (2023). Derived from §30-7 of the Code of Ordinances. Amended 3-10-1959; 9-28-2021.

preliminary plans, sketches, layouts and surveys.

D. Report of the Planning and Zoning Commission. The Planning and Zoning Commission shall thereupon prepare a report setting forth its determination as to whether each proposed capital budget item for the ensuing fiscal year is or is not consistent with the City's Plan of Conservation and Development. The Planning and Zoning Commission shall deliver such report to the Mayor as provided in §10-15 and also to the Common Council, Board of Estimate and Taxation and Chief Financial Officer.

§10-15. Review by the Mayor⁴⁶.

The proposed capital budgets program, together with the report of the Planning and Zoning Commission as provided in §10-14, shall thereupon, on or before March 5th of each year, be transmitted to the Mayor for review and recommendations; however, the Mayor may not include therein any new Capital Budget Items without first submitting them to the Planning and Zoning Commission for its determination in accordance with §10-14. In the event the Planning and Zoning Commission determines that any such new capital budget item is not consistent with the City's Plan of Conservation and Development, this fact shall be recorded by the Mayor when submitting the Mayor's Proposed Capital Budget so report when submitted to the Board of Estimate and Taxation and the Common Council.

§10-16. Action by the Board of Estimate and Taxation⁴⁷.

A. Transmittal by the Mayor to the Board of Estimate and Taxation. The Mayor's Proposed Capital Budget shall, on or before March 15th of each year, be transmitted to the Board of Estimate and Taxation. The Board shall approve the capital budget incorporating therein such recommendations as the Mayor, the Planning and Zoning Commission and the Chief Financial Officer may make.

B. Transmittal by the Board of Estimate and Taxation to the Common Council. Upon approval of the Mayor's Proposed Capital Budget, the Board of Estimate and Taxation shall forward the same to the Common Council, on or before April 1st of each year, with an expression in writing of its judgment with respect to the amount of funds it is proposed to expend in such capital budget and the effect such expenditures will, in its opinion, have upon the operating expenses and credit of the City.

C. Transfers to Operating Budget. The Board of Estimate and Taxation may transfer from the Mayor's Proposed Capital Budget to the Operating Budget all or such part of such capital items as it believes may feasibly be included in the Operating Budget for the ensuing year.

§10-17. Adoption of Budget⁴⁸.

⁴⁶ NEW (2023). Derived from §30-8 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

⁴⁷ NEW (2023). Derived from §30-9 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

⁴⁸ NEW (2023). Derived from §30-10 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

A. Actions of the Common Council. Upon receipt of the recommendations of the Board of Estimate and Taxation, the Common Council may approve, reject, reduce or reinstate any item in the Proposed Capital Budget by an affirmative vote of the majority of its members, present and voting.

B. Deadline for Approval. The Common Council shall thereupon approve the Proposed Capital Budget, as amended, on or before April 15th of each year, when it shall be certified to the Chief Financial Officer. Any item not rejected or reduced by the Common Council shall be deemed approved by it.

C. Items Deemed Inconsistent with the Plan of Conservation and Development. Notwithstanding anything to the contrary in this Article, if any proposed capital project item has been determined by the Planning and Zoning Commission not to be consistent with the City's Plan of Conservation and Development for the physical development of the City, such item shall not be included in any capital budget or otherwise funded unless and until it has been approved by a two-thirds (2/3^{ds}) affirmative vote of the Common Council, present and voting.

§10-18. Allotments and recommendations for termination or abandonment of capital budget items⁴⁹.

A. Allotments⁵². Funds set aside for a capital budget item shall be deemed to have been allotted for that purpose only.

B. Termination or Abandonment: Actions of Planning and Zoning Commission and Common Council⁵⁵. Any capital budget item may be terminated or abandoned, provided that the Mayor shall give written notice to the Planning and Zoning Commission of the reason for termination or abandonment. Thereafter, the Planning and Zoning Commission shall, within thirty days after the receipt of such notice, forward its recommendations to the Common Council. The Council shall hold a public hearing thereon. In the event of approval by the Planning and Zoning Commission of the Mayor's request, a majority of the Council is required for concurrence; in the event of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by recorded vote of not less than two-thirds (2/3^{ds}) of its entire membership.

C. Unencumbered Funds⁵⁶. Any and all unencumbered funds that constitute a surplus of funds allocated for Capital Budget Items that have been completed, terminated or abandoned shall revert to a capital budget surplus account which shall be used to reduce the net capital budget for the succeeding year, except when such surplus funds are used to finance additional obligations as provided for in §10-20 of this Charter.

⁴⁹ NEW (2023). Derived from §30-10.1 of the Code of Ordinances. Added 1-24-1961; amended 5-13-2003; 9-28-2021.

⁵² NEW (2023). Derived from §30-10.1.B (First sentence) of the Code of Ordinances

⁵⁵ NEW (2023). Derived from §30-10.1.B (Fourth and fifth sentences) of the Code of Ordinances

⁵⁶ NEW (2023). Derived from §30-10.1.C of the Code of Ordinances

§10-19. Restrictions⁵⁷.

No obligations of the City shall be authorized or expenditures made in any fiscal year for or on account of the capital budget unless such obligations or expenditures shall have been included in the capital budget as finally approved for that fiscal year or a prior year, except as hereafter provided. Additional obligations may be authorized and expenditures made; provided that such obligations or expenditures shall be recommended in writing by the Mayor to the Planning and Zoning Commission, which shall, within ten days after receipt thereof, forward the same to the Common Council with its recommendations relative thereto. Except as otherwise provided in §30-17, the Common Council may thereupon, by a majority of its members present and voting, approve, reduce or reject all or any part thereof.

§10-20. Financing Additional Obligations⁵⁸.

Requests for additional obligations to the capital budget shall not be approved unless the request is made necessary by unforeseeable or emergency conditions. Any such request shall be accompanied by a statement from the Chief Financial Officer setting forth, the following: (A) The necessity for using capital budget funds rather than financing through operating budget; and, (B) Recommendations as to the most feasible and economical measures to finance such obligations. Sources of such financing recommendations may be either from overall surplus from any previous bond issue for capital budgets or from the issuance of notes, each of which shall be designated "bond anticipation notes" and which may be renewed from time to time through utilization of funds from Capital Budget Items that have been terminated, abandoned or lapsed. However, all such notes of any fiscal year and any renewals thereof shall be paid from the proceeds of the next regular capital improvements bond issue.

§10-21. Financing Recommendations⁵⁹.

On or before June 1st of each year, the Chief Financial Officer shall transmit to the Common Council and the Board of Estimate and Taxation recommendations in respect to the most feasible and economic measures to finance the capital budget for the ensuing fiscal year. These bodies, at an appropriate time, shall adopt such resolutions as may give force and effect to the financing of such capital budget in accordance with the provisions of the Charter relating thereto.

§10-22. Planning and Zoning Commission and Common Council Authorized to Hold Public Hearings⁶⁰.

⁵⁷ NEW (2023). Derived from §30-11 of the Code of Ordinances. Amended 9-28-2021.

⁵⁸ NEW (2023). Derived from §30-11.1 of the Code of Ordinances. Added 1-24-1961; amended 9-28-2021.

⁵⁹ NEW (2023). Derived from §30-12 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

⁶⁰ NEW (2023). Derived from §30-13 of the Code of Ordinances. Amended 9-28-2021.

The Planning and Zoning Commission and the Common Council shall each, in its discretion, hold such public hearings on the capital projects program and the capital budget as either or both of them may deem necessary to ascertain the opinion of the public on the matters under consideration. The Chair of any such hearings shall permit such public participation in such proceedings as may, in the judgment of the Chair, be necessary to impart to the Board holding such hearing information of value to it in appraising the opinion of the public in relation thereto. Nothing contained herein, expressed or implied, shall be construed as limiting the free expression of the public in relating to any subject pertinent to such hearing, to restrain such public participation as may unreasonably retard the deliberations thereof, or which may not be germane to the subject under deliberation.

City Capital Building Project Administration

§10-23. Implementation and Oversight of City Capital Building Projects⁶¹.

The Common Council shall enact an Ordinance pertaining to the implementation and oversight of City Capital Building Projects.

Borrowing

§10-24. Issuance Authorized: Procedures⁶².

The City shall have the power to incur indebtedness by issuing its bonds or notes for such purposes, upon such terms and to such extent as is authorized by the general statutes. Each such bond or note shall be signed in the name of the City by the manual or facsimile signature of the Mayor, Chief Financial Officer and Comptroller and have the seal of the City or a facsimile thereof affixed. No bonds or notes shall be approved by the Mayor and Common Council until the amount and purpose thereof shall be approved by the Board of Estimate and Taxation at a meeting duly called and held therefor. The Board of Estimate and Taxation, at a meeting held in the fiscal year in which such bonds or notes are issued, shall make a sufficient appropriation to pay all bonds or notes so issued

⁶¹ NEW (2023) .

⁶² 2023 modification and recodification of (1) 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;** (2) current Article IV. The Common Council. §1-201. Derived from Sp. Laws 1929, No. 101, §2. **Historical editor's Note: See also Art. VI; and, (3) Current Article IV. The Common Council. §1-202. Derived from Sp. Laws 1929, No. 101, §2. 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)**

during such fiscal year, and such bonds or notes shall be paid from such appropriation when it shall become available.

Referenda

§10-14. Referendum Procedure.

See, §4-14 of this Charter.

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ARTICLE X: BUDGET, PUBLIC FUNDS AND FINANCE

§10-1. The Budget Process¹.

A. Cooperation of City Officials and Employees². The Mayor, Common Council, Board of Estimate and Taxation, the Board of Education, the Planning and Zoning Commission and all Departments, Boards Commissions and other Budgeted Entities (including any Board, Commission, office, agency, bureau, authority or any other entity receiving or expend City funds or multi-year state or federal funds or grants, including the Board of Education and the Norwalk Public Schools,) are required to work together and share information, in good faith, throughout the year in order to develop, approve and implement the budget of the City, which is comprised of the.

(1) Operating Budget³: The Operating Budget shall be adopted annually and shall consist of all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, including detailed estimates of revenues, capital expenses and operating expenses, including, but not limited to operating expenses, personal and annual facility costs and all expected revenues, all as required by this Charter and any related Ordinances. The Operating Budget is funded primarily through local property taxes; intergovernmental revenue, licenses, fees. Charges for services, fines, interest and other sources of revenue.

(2) Capital Budget⁴: The Capital Budget shall be adopted annually and shall consist of expected costs of improvements to City facilities infrastructure and long-term assets which are contemplated to be financed through borrowing. Each Capital Budget shall include a non-binding five-year projection of upcoming capital needs for the City.

All Public Officials and employees of the City are required to utilize commonly accepted practices and to aspire to employing best practices in the field of municipal and public finance. In order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) Public Officials and employees of the City shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the City.

B. Fiscal Year⁵. The fiscal year of the City shall begin on July 1st and end on

¹ NEW (2023)

² NEW (2023).

³ NEW (2023)

⁴ 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.

⁵ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (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

the June 30th.

C. The Budget: A public record.

(1) **Public Inspection**⁶. Following publication and posting, the budget documents, comprised of the proposed Operating Budget and Capital Budget, shall be a public record filed in the office of the City Clerk. The budget documents shall be available at the Office of the City Clerk and on the City's website or electronic media or public facilities including libraries and schools, as may be determined by the Mayor or the Common Council. Physical copies of the budget shall be provided within seventy-two hours of submission subject to a reasonable charge as permitted by Law. Consistent with the notice provisions of this Charter, the Mayor shall provide electronic access to the budget.

(2) **Public Engagement**⁷. The Mayor, Common Council, Board of Estimate and Taxation, Board of Education and Planning and Zoning Commission shall develop and publicize procedures designed to encourage public participation in the budget process. The Common Council has the legislative authority to enact Ordinances to implement these provisions of the Charter.

D. Budget Calendar⁸. Not later than October 15th of each year, the Chief Financial Officer shall cause to be published a budget calendar, including procedural rules, in order to inform the public of the significant milestones in the budget process, including but not limited to:

- (1) _____
- (2) _____
- (3) _____

Annual Operating Budget Estimates

§10-2. The Operating Budget Process.

A. Authority to Require Operating Budget Estimates⁹. The Mayor has the authority to require each Department and Budgeted Entities (including the Board of Education and the Norwalk Public Schools) to submit to the Mayor or a designee such (1) estimates of revenue and requests for expenditures for the ensuing fiscal year; and (2) any additional information which they possess (including, but not limited to, records,

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

⁶ NEW (2023)

⁷ NEW (2023)

⁸ NEW (2023).

⁹ NEW (2023)

books, accounts, contracts, reports and other papers and documents as specified by the Mayor (or designee) all of which are necessary to discharge the duties imposed upon the Mayor by this Charter.

B. Submission of Operating Budget Estimates¹⁰. Each Department and other Budgeted Entities (including the Board of Education and the Norwalk Public Schools) through their Department Head or other responsible officer, shall, on or before the December 15th of each year, submit and report to the Mayor, or designee, an estimate of the amount of money requested by the respective Departments or other Budgeted Entities (including the Board of Education and Norwalk Public Schools) for the ensuing fiscal year, giving details as prescribed by the Chief Financial Officer:

~~**C. Submission of Annual Departmental Operating Budget Proposals to Chief Financial Officer¹⁴.** Each Department Head shall submit to the Chief Financial Officer or other officer designated by the Mayor, a true copy of its proposed annual budget or any proposed changes or additions on or before the fifteenth (15th) day of December in each year.~~

The Proposed Mayor's Operating Budget

§10-3. Submission of the Mayor's Proposed Operating Budget to the Board of Estimate and Taxation¹² and Common Council¹³. The Mayor or designee shall submit to the Board of Estimate and Taxation at a meeting of the Board to be held on or before February 15th of each year; and, the Common Council, on or before February 22nd of each year, the Mayor's Proposed Operating Budget, comprised of the following:

A. Narrative and Recommendations¹⁴. The Mayor's narrative and recommendation on the contents of the Proposed Operating Budget; and,

¹⁰ 2023 adaptation, modification and 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

¹¹ 2023 adaptation, modification and 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.*

¹² 2023 adaptation, modification and 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.*

¹³ 2023 adaptation, modification and 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

¹⁴ 2023 adaptation, modification and recodification of current Article V, Part 4 – Department of Finance §1-239.D. See, derivations in fn #17, above.

B. Department and Other Budgeted Entity Estimates (Including the Board of Education)¹⁵. An estimate of the amounts requested by each Department and Budgeted Entity (including the Board of Education) giving the particulars as far as possible and recommending appropriations for all the expenses of the City, and recommending a mil rate applied to the assessed value of property (the sum of which for the City is referred to as the Grand List) as deemed necessary to meet such expenses, after deducting the amount of the available revenue for the fiscal year as well as any other necessary adjustments.

§10-4. Review by the Board of Estimate and Taxation.

A. Furnishing of Information¹⁶. The Board of Estimate and Taxation shall have power to require the Department Heads and responsible officers for each Budgeted Entity to furnish such required information requisite, in the opinion of the Board, to enable it to discharge the duties imposed upon it by this Charter.

B. The Power to Levy Taxes, Fiscal Year¹⁷. The Board of Estimate and Taxation shall have power to establish the mil rate on the assessed value of the property within the limits of the City, subject to the maximum limit on total appropriations as set by the Common Council as hereinafter provided and in conformity with Law. **Every tax laid by the Board shall be laid upon the assessment list of the City last completed.**

§10-5. Notice and Publication of the Mayor's Proposed Operating Budget¹⁸.

The Chief Financial Officer or other designee of the Mayor, shall cause the Mayor's Proposed Operating Budget to be published, in accordance with the notice provisions of this Charter or as further required by Ordinance, at least **five days before the fourth Monday of February of each year.**

§10-6. Review by the Common Council.

¹⁵ 2023 adaptation, modification and recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirteenth and fourteenth sentences). See, derivations in fn #18, above.

¹⁶ 2023 adaptation, modification and 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

¹⁷ 2023 adaptation, modification and 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

¹⁸ 2023 adaptation, modification and 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

A. Maximum Limit on Total Appropriations¹⁹. The Common Council shall, at a meeting thereof to be held on or before February 28th of each year, adopt by a resolution approved by an affirmative vote of a of majority of the entire membership of the Council, a maximum limit on total appropriations for the City as set forth in the Mayor's Proposed Operating Budget for the ensuing fiscal year and cause the same to be communicated to the Board of Estimate and Taxation.

B. Exemption from the Referendum Provisions of this Charter (Currently Sec. 1-669 or Sec. 4-14)²⁰. The Common Council resolution shall be exempt from the application of §1-669 of this Charter.

C. Exemption of Grants from Maximum Taxation²¹. 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.

§10-7. Board of Estimate and Taxation Deliberations on the Mayor's Proposed Operating Budget²².

The Board of Estimate and Taxation shall hold a meeting on or before March 30th of each year at which it may hear all the parties who may desire to be heard, including at least one Public Hearing, relative to any alterations in the estimates, and may make any alterations, increases and decreases, in the Mayor's Proposed Operating Budget, and make such additional appropriations, as it deems proper.

§10-8. Transmittal of Board of Estimate and Taxation's Approved Operating Budget to the Common Council.

¹⁹ 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

²⁰ 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

²¹ 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

²² 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

A. Submission of Statement of Appropriations and Tax Rates to Common Council²³. The Board of Estimate and Taxation, having made such alterations, increases and decreases, 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 not later than the April 1st of each year.

B. Deliberations of the Common Council²⁴. The Common Council may, at a regular or special meeting to be held not later than April 15th of each year, amend the maximum limit of total appropriations for the City for the ensuing fiscal year by a two-thirds (2/3^{rds}) affirmative vote of the entire membership of the Council.

C. Exemption from the referendum provisions of this Charter (Currently Sec. 1-669 or Sec. 4-14)²⁵. The Common Council vote shall be exempt from the application of §1-669 of this Charter.

§10-9. Final Actions by Board of Estimate and Taxation.

A. Alteration of Common Council Limits²⁶. The Board of Estimate and Taxation shall thereupon make such alterations in the Proposed Operating Budget, including the tax rates as are necessary to comply with the limit set by the Common Council, and shall prepare a Final Approved Operating Budget, including tax rates which it proposes to make and levy in accordance therewith.

B. Notice and Publication²⁷. The Board of Estimate and Taxation shall cause the Proposed Operating Budget as set forth in 10-9.A, above, to be published in

²³ 2023 adaptation and 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

²⁴ 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

²⁵ 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

²⁶ 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

²⁷ 2023 Modification and recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-second sentence). See, derivations in fn #31.

accordance with the notice provisions of this Charter or as further required by Ordinance, no later than April 30th of each year.

C. Final Alterations of Proposed Operating Budget, including Tax Rates²⁸. The Board of Estimate and Taxation shall hold a meeting no later than May 7th of 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.

D. No Further Action by Common Council²⁹. 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.

E. Actions Subject to Referendum Provisions of the Charter³⁰. The actions of the Board of Estimate and Taxation at such meeting shall be subject to the provisions of _____ §1-669 of this Charter.

§10-10. Appropriations Shall Not Exceed Estimate of Revenues³¹.

The Board of Estimate and Taxation shall have no power to make appropriations in excess of the estimate of revenues made by it for any year, and in no case shall the expenses of the City exceed their respective estimated revenues (including tax revenues) for any year, except for the purpose for which the City is authorized to issue bonds, and when bonds are so issued.

§10-11. Limitations on Expenditures and Revenues; Action by Board of Estimate and Common Council.

A. Limits on Expenditures; Special Appropriations and Exemption from Maximum Limit³². No money other than that appropriated as aforesaid by the Board of

²⁸ 2023 Modification and recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-third 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

²⁹ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-fourth sentence). See derivations in fn #33.

³⁰ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-fifth sentence). See derivations in fn. #33.

³¹ 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 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

³² 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-seventh and twenty-

Estimate and Taxation in the final budget 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 (2/3rds) affirmative vote of the entire member 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.

B. Special Appropriations³³. 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 Chief Financial Officer 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 (2/3rds) affirmative vote of the entire membership of the Common Council.

C. Specific Purpose Appropriations³⁴. Any appropriation, regular or special for any specific purpose, shall not be expended for any other purpose and, if unexpended, shall be transferred into the treasury ninety 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 purpose of paying bills lawfully contracted during the fiscal year which are properly chargeable to such appropriations.

The Capital Fund Budget

§10-12. Submission of Estimate of Capital Budget Items³⁵.

A. Submission of Estimate of Capital Budget Items. On or before December 31st of each year, each Department Head and responsible officer for each Budgeted Entity (including the Board of Education and the Norwalk Public Schools) shall submit

eight sentences).

³³ 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

³⁴ 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

³⁵ NEW (2023). Derived from §30-5 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021

to the Planning and Zoning Commission and the Chief Financial Officer a detailed estimate of all Capital Budget Items, as defined in **§ 10-12.B.** below, which, in the judgment of each Department Head and responsible officer, should be undertaken within the five succeeding fiscal years in accordance with the Capital Projects Program, as defined in **§10-12.C.** below.. These estimates shall be known as "estimates for capital projects" and shall be in such form as the Chief Financial Officer shall prescribe. These estimates shall be public records and shall be open for inspection at all reasonable times.

B. Capital Budget Items³⁶. As defined in 2-2C(7) of this Charter.

C. Capital Projects Program³⁷. The proposed five-year program of capital expenditures to which consideration shall be given by the Departments or other Budgeted Entities in whom that responsibility is vested, and in the manner prescribed by this Charter, shall constitute and be known as the "capital projects program."

§10-13. Chief Financial Officer's Report³⁸.

Following the receipt of estimates for capital projects and not later than February 1st of each year, the Chief Financial Officer shall report to the Board of Estimate and Taxation, the Common Council and the Planning and Zoning Commission the amount of the expenditures requested and Chief Financial Officer's (A) estimate of the effect of such expenditures upon the current budget and the bonded indebtedness for the succeeding years; and (B) recommendations relative thereto.

§10-14. Review by the Planning and Zoning Commission³⁹.

A. Public Hearings. On or before February 15th in each year, the Planning and Zoning Commission shall hold hearings on the proposed capital projects program for the ensuing five years, at which time the Mayor, Department Heads and responsible officers of other Budgeted Entities (including the Board of Education), the Chief Financial Officer, members of the Board of Estimate and Taxation, and members of the Common Council may be heard in respect to estimates for each of these years.

B. Role of the Planning and Zoning Commission. The role of the Planning and Zoning Commission shall be to ensure that each capital budget item in the proposed capital projects program is consistent with the City's Plan of Conservation and Development.

C. Production of Information. The Planning and Zoning Commission may require the production of all pertinent data in respect to such estimates, including preliminary plans, sketches, layouts and surveys.

D. Report of the Planning and Zoning Commission. The Planning and

³⁶ NEW (2023). Derived from §30-4 of the Code of Ordinances.

³⁷ NEW (2023) Derived from §30-3 of the Code of Ordinances.

³⁸ NEW (2023). Derived from §30-6 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021

³⁹ NEW (2023). Derived from §30-7 of the Code of Ordinances. Amended 3-10-1959; 9-28-2021.

Zoning Commission shall thereupon prepare a report setting forth its determination as to whether each proposed capital budget item for the ensuing fiscal year is or is not consistent with the City's Plan of Conservation and Development. The Planning and Zoning Commission shall deliver such report to the Mayor as provided in §10-15 and also to the Common Council, Board of Estimate and Taxation and Chief Financial Officer.

§10-15. Review by the Mayor⁴⁰.

The proposed capital budgets program, together with the report of the Planning and Zoning Commission as provided in §10-14, shall thereupon, on or before March 5th of each year, be transmitted to the Mayor for review and recommendations; however, the Mayor may not include therein any new Capital Budget Items without first submitting them to the Planning and Zoning Commission for its determination in accordance with §10-14. In the event the Planning and Zoning Commission determines that any such new capital budget item is not consistent with the City's Plan of Conservation and Development, this fact shall be recorded by the Mayor when submitting the Mayor's Proposed Capital Budget so report when submitted to the Board of Estimate and Taxation and the Common Council.

§10-16. Action by the Board of Estimate and Taxation⁴¹.

A. Transmittal by the Mayor to the Board of Estimate and Taxation. The Mayor's Proposed Capital Budget shall, on or before March 15th of each year, be transmitted to the Board of Estimate and Taxation. The Board shall approve the capital budget incorporating therein such recommendations as the Mayor, the Planning and Zoning Commission and the Chief Financial Officer may make.

B. Transmittal by the Board of Estimate and Taxation to the Common Council. Upon approval of the Mayor's Proposed Capital Budget, the Board of Estimate and Taxation shall forward the same to the Common Council, on or before April 1st of each year, with an expression in writing of its judgment with respect to the amount of funds it is proposed to expend in such capital budget and the effect such expenditures will, in its opinion, have upon the operating expenses and credit of the City.

C. Transfers to Operating Budget. The Board of Estimate and Taxation may transfer from the Mayor's Proposed Capital Budget to the Operating Budget all or such part of such capital items as it believes may feasibly be included in the Operating Budget for the ensuing year.

§10-17. Adoption of Budget⁴².

A. Actions of the Common Council. Upon receipt of the recommendations of the Board of Estimate and Taxation, the Common Council may approve, reject, reduce

⁴⁰ NEW (2023). Derived from §30-8 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

⁴¹ NEW (2023). Derived from §30-9 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

⁴² NEW (2023). Derived from §30-10 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

or reinstate any item in the Proposed Capital Budget by an affirmative vote of the majority of its members, present and voting.

B. Deadline for Approval. The Common Council shall thereupon approve the Proposed Capital Budget, as amended, on or before April 15th of each year, when it shall be certified to the Chief Financial Officer. Any item not rejected or reduced by the Common Council shall be deemed approved by it.

C. Items Deemed Inconsistent with the Plan of Conservation and Development. Notwithstanding anything to the contrary in this Article, if any proposed capital project item has been determined by the Planning and Zoning Commission not to be consistent with the City's Plan of Conservation and Development for the physical development of the City, such item shall not be included in any capital budget or otherwise funded unless and until it has been approved by a two-thirds (2/3^{rds}) affirmative vote of the Common Council, present and voting.

§10-18. Allotments and recommendations for termination or abandonment of capital budget items⁴³.

A. Allotments⁴⁴. Funds set aside for a capital budget item shall be deemed to have been allotted for that purpose only.

B. Termination or Abandonment: Actions of Planning and Zoning Commission and Common Council⁴⁵. Any capital budget item may be terminated or abandoned, provided that the Mayor shall give written notice to the Planning and Zoning Commission of the reason for termination or abandonment. Thereafter, the Planning and Zoning Commission shall, within thirty days after the receipt of such notice, forward its recommendations to the Common Council. The Council shall hold a public hearing thereon. In the event of approval by the Planning and Zoning Commission of the Mayor's request, a majority of the Council is required for concurrence; in the event of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by recorded vote of not less than two-thirds (2/3^{rds}) of its entire membership.

C. Unencumbered Funds⁴⁶. Any and all unencumbered funds that constitute a surplus of funds allocated for Capital Budget Items that have been completed, terminated or abandoned shall revert to a capital budget surplus account which shall be used to reduce the net capital budget for the succeeding year, except when such surplus funds are used to finance additional obligations as provided for in §10-20 of this Charter.

⁴³ NEW (2023). Derived from §30-10.1 of the Code of Ordinances. Added 1-24-1961; amended 5-13-2003; 9-28-2021.

⁴⁴ NEW (2023). Derived from §30-10.1.B (First sentence) of the Code of Ordinances

⁴⁵ NEW (2023). Derived from §30-10.1.B (Fourth and fifth sentences) of the Code of Ordinances

⁴⁶ NEW (2023). Derived from §30-10.1.C of the Code of Ordinances

§10-19. Restrictions⁴⁷.

No obligations of the City shall be authorized or expenditures made in any fiscal year for or on account of the capital budget unless such obligations or expenditures shall have been included in the capital budget as finally approved for that fiscal year or a prior year, except as hereafter provided. Additional obligations may be authorized and expenditures made; provided that such obligations or expenditures shall be recommended in writing by the Mayor to the Planning and Zoning Commission, which shall, within ten days after receipt thereof, forward the same to the Common Council with its recommendations relative thereto. Except as otherwise provided in §30-17, the Common Council may thereupon, by a majority of its members present and voting, approve, reduce or reject all or any part thereof.

§10-20. Financing Additional Obligations⁴⁸.

Requests for additional obligations to the capital budget shall not be approved unless the request is made necessary by unforeseeable or emergency conditions. Any such request shall be accompanied by a statement from the Chief Financial Officer setting forth, the following: (A) The necessity for using capital budget funds rather than financing through operating budget; and, (B) Recommendations as to the most feasible and economical measures to finance such obligations. Sources of such financing recommendations may be either from overall surplus from any previous bond issue for capital budgets or from the issuance of notes, each of which shall be designated "bond anticipation notes" and which may be renewed from time to time through utilization of funds from Capital Budget Items that have been terminated, abandoned or lapsed. However, all such notes of any fiscal year and any renewals thereof shall be paid from the proceeds of the next regular capital improvements bond issue.

§10-21. Financing Recommendations⁴⁹.

On or before June 1st of each year, the Chief Financial Officer shall transmit to the Common Council and the Board of Estimate and Taxation recommendations in respect to the most feasible and economic measures to finance the capital budget for the ensuing fiscal year. These bodies, at an appropriate time, shall adopt such resolutions as may give force and effect to the financing of such capital budget in accordance with the provisions of the Charter relating thereto.

§10-22. Planning and Zoning Commission and Common Council Authorized to Hold Public Hearings⁵⁰.

⁴⁷ NEW (2023). Derived from §30-11 of the Code of Ordinances. Amended 9-28-2021.

⁴⁸ NEW (2023). Derived from §30-11.1 of the Code of Ordinances. Added 1-24-1961; amended 9-28-2021.

⁴⁹ NEW (2023). Derived from §30-12 of the Code of Ordinances. Amended 11-27-1968; 9-28-2021.

⁵⁰ NEW (2023). Derived from §30-13 of the Code of Ordinances. Amended 9-28-2021.

The Planning and Zoning Commission and the Common Council shall each, in its discretion, hold such public hearings on the capital projects program and the capital budget as either or both of them may deem necessary to ascertain the opinion of the public on the matters under consideration. The Chair of any such hearings shall permit such public participation in such proceedings as may, in the judgment of the Chair, be necessary to impart to the Board holding such hearing information of value to it in appraising the opinion of the public in relation thereto. Nothing contained herein, expressed or implied, shall be construed as limiting the free expression of the public in relating to any subject pertinent to such hearing, to restrain such public participation as may unreasonably retard the deliberations thereof, or which may not be germane to the subject under deliberation.

City Capital Building Project Administration

§10-23. Implementation and Oversight of City Capital Building Projects⁵¹.

The Common Council shall enact an Ordinance pertaining to the implementation and oversight of City Capital Building Projects.

Borrowing

§10-24. Issuance Authorized: Procedures⁵².

The City shall have the power to incur indebtedness by issuing its bonds or notes for such purposes, upon such terms and to such extent as is authorized by the general statutes. Each such bond or note shall be signed in the name of the City by the manual or facsimile signature of the Mayor, Chief Financial Officer and Comptroller and have the seal of the City or a facsimile thereof affixed. No bonds or notes shall be approved by the Mayor and Common Council until the amount and purpose thereof shall be approved by the Board of Estimate and Taxation at a meeting duly called and held therefor. The Board of Estimate and Taxation, at a meeting held in the fiscal year in which such bonds or notes are issued, shall make a sufficient appropriation to pay all bonds or notes so issued

⁵¹ NEW (2023) .

⁵² 2023 modification and recodification of (1) 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;* (2) current Article IV. The Common Council. §1-201. Derived from Sp. Laws 1929, No. 101, §2. *Historical editor's Note: See also Art. VI; and, (3) Current Article IV. The Common Council. §1-202. Derived from Sp. Laws 1929, No. 101, §2. 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)*

during such fiscal year, and such bonds or notes shall be paid from such appropriation when it shall become available.

Referenda

§10-14. Referendum Procedure.

See, §4-14 of this Charter.

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