VII A1-2

City of Norwalk
Personnel &
Labor Relations

Memo

To: Personnel Committee

From: Emmet Hibson

Date: March 23, 2016

Re: Pay Plan Revisions Merit Matrix 2016/17

Attached is the proposed Merit Matrix for July 1, 2016 reflecting an adjustment of between 0% and 2.00% increase. The Mayor is proposing a Merit Matrix that includes a 1.00% raise for employees that are rated "meets expectations" and a 2.00% raise for employees rated "exceed expectations" and "superior", and no raise for employees rated "unacceptable" and "needs improvement".

In addition, a bonus pool of $35,000 has been allocated in the 2016-2017 budget submission. The bonus pool is a discretionary pool of money that the Mayor can award to eligible employees. The Ordinance provides that the Mayor may award up to 5% of an employee's salary as a bonus. However, the bonus pool is limited to $35,000, which represents approximately 2% of base salary for eligible employees. Additionally, the $35,000 figure represents level funding of the bonus pool since the 2012 – 2013 fiscal year.

There are currently 16 members in the Ordinance category with a corresponding 2014/15 salary basis of $1,758,152. The Finance Department has set aside funds n the Contingency Account to cover both the pay raises and bonus pool.

Additionally, this year the City is proposing a two year phase-in adjustment to the pay plan matrix. The phase in includes two years of 3% increases to the entire salary schedule. The effect of the phase in will be to shift the pay scale, which has not been adjusted since February 2013.

The reason for the increase is due to the following: 1) the City has hired seven individuals covered by the pay plan and five of those individuals have been hired close to or at the midpoint of the salary schedule; 2) one pay plan employee reached the maximum salary last year and, as such, has his base pay frozen; and 3) elected officials do not get merit increases and, as such, have had their pay frozen since the February 2013 adjustment.

MERIT MATRIX

FOR

NON-UNION AND APPOINTED OFFICIALS

MERIT MATRIX

Salary Adjustments for 7/1/16

Rating	Wage Increase	Evaluation Overall Score
UNACCEPTABLE	0.0 % **ADJ**	Less than 60
NEEDS IMPROVEMENT	0.0 %	60 - 69
MEETS EXPECTATIONS	1.00 %	70 – 80
EXCEEDS EXPECTATIONS/ SUPERIOR	2.00 %	80 -100

Performance Bonus Pool FY 2016/2017 **$35,000 ***

*** Bonus Pool remains unchanged from the FY 2013/2014, 2014/2015, and 2015/2016 request**

FY 2016 - 2017
Oridnance Pay Plan
Salary Matrix

		7/1/2016 Pay Plan Salary Schedule			Range
Department Heads		Minimum	Midpoint	Maximum	
1	Director of Finance	$ 121,498	$ 142,761	$ 164,023	$ 42,525
2	Director of Public Works	$ 115,424	$ 136,686	$ 157,948	$ 42,525
3	Dir. Rec/Parks/Bldg. Mgmt.	$ 115,424	$ 136,686	$ 157,948	$ 42,525
4	Dir. of Health	$ 115,424	$ 136,686	$ 157,948	$ 42,525
5	Dir. of Personnel and Labor Rel.	$ 115,424	$ 136,686	$ 157,948	$ 42,525
6	Corporation Counsel (PT)	$ 76,949	$ 91,124	$ 105,299	$ 28,350
Supervisors/Administrators					
7	Deputy Corporation Counsel	$ 115,424	$ 136,686	$ 157,948	$ 42,525
8	Dir. Of Mgmt. & Budgets	$ 109,349	$ 130,612	$ 151,875	$ 42,526
9	Grants Coordinator	$ 91,124	$ 103,274	$ 115,424	$ 24,300
10	Risk Manager	$ 91,124	$ 103,274	$ 115,424	$ 24,300
10	Personnel Administrator	$ 78,975	$ 91,124	$ 103,273	$ 24,299
11	Benefits Manager	$ 78,975	$ 91,124	$ 103,273	$ 24,299
12	Deputy Director of Emergency Preparedness Planning	$ 72,899	$ 85,049	$ 97,200	$ 24,301
13	City Clerk	$ 66,825	$ 78,975	$ 91,124	$ 24,299
Support Staff					
15	Mayor's Executive Secretary	$ 54,675	$ 66,825	$ 78,975	$ 24,300
16	Executive Assistant	$ 54,675	$ 66,825	$ 78,975	$ 24,300
17	Assistant City Clerk	$ 54,675	$ 66,825	$ 76,600	$ 21,925

FY 2017 - 2018
Ordinance Pay Plan
Matrix

		7/1/2017 Pay Plan Salary Schedule			Range
Department Heads		**Minimum**	**Midpoint**	**Maximum**	
1	Director of Finance	$ 125,143	$ 147,043	$ 168,944	$ 43,800
2	Director of Public Works	$ 118,886	$ 140,786	$ 162,687	$ 43,800
3	Dir. Rec/Parks/Bldg. Mgmt.	$ 118,886	$ 140,786	$ 162,687	$ 43,800
4	Dir. of Health	$ 118,886	$ 140,786	$ 162,687	$ 43,800
5	Dir. of Personnel and Labor Rel.	$ 118,886	$ 140,786	$ 162,687	$ 43,800
6	Corporation Counsel (PT)	$ 79,257	$ 93,858	$ 108,458	$ 29,201
Supervisors/Administrators					
7	Deputy Corporation Counsel	$ 118,886	$ 140,786	$ 162,687	$ 43,800
8	Dir. Of Mgmt. & Budgets	$ 112,629	$ 134,531	$ 156,431	$ 43,801
9	Grants Coordinator	$ 93,858	$ 106,372	$ 118,886	$ 25,029
10	Risk Manager	$ 93,858	$ 106,372	$ 118,886	$ 25,029
10	Personnel Administrator	$ 81,344	$ 93,858	$ 106,371	$ 25,028
11	Benefits Manager	$ 81,344	$ 93,858	$ 106,371	$ 25,028
12	Deputy Director of Emergency Preparedness Planning	$ 75,086	$ 87,601	$ 100,116	$ 25,030
13	City Clerk	$ 68,830	$ 81,344	$ 91,124	$ 22,294
Support Staff					
15	Mayor's Executive Secretary	$ 56,315	$ 68,830	$ 81,344	$ 25,029
16	Executive Assistant	$ 56,315	$ 68,830	$ 81,344	$ 25,029
17	Assistant City Clerk	$ 56,315	$ 68,830	$ 78,898	$ 22,583

VII. B

Hazard Mitigation Plan 2016-2021- Summary

The HMP was prepared in accordance with 44 CFR 201.6 of the Disaster Mitigation Act of 2000 (DMA; Public Law 106-390). The Disaster Mitigation Act of 2000 (DMA) established a national program for pre-disaster mitigation and helps expedite the administration of disaster relief to impacted are- as. A key requirement of the DMA is the need for a FEMA-approved HMP, which keeps the region and its municipalities eligible for Hazard Mitigation Assistance (HMA) funding. During the past 2 years, the WCCOG worked with municipal staff, as well as local and regional stakeholders to identify and incorporate critical information. This HMP builds on previous iterations in 2005 and more recently in 2011, which currently serves as the existing HMP for the area. The plan was made available for public comment and WCCOG also held community information sessions throughout the region.

The South Western Region (SWR) is comprised of eight municipalities which form the southwestern panhandle of Connecticut. The region shares its western boundary with New York's Westchester County, is bounded by Long lsland Sound (LlS) to the south, and extends inland approximately 13 miles.

The Western Connecticut Council of Governments (WCCOG, formerly SWRPA) received Federal Emergency Management Agency (FEMA) funds through the Connecticut Division of Emergency Management and Homeland Security (DEMHS) to develop the 2016 Natural Hazard Mitigation Plan Update (HMP) for the following municipalities listed below:

- Town of Darien
- City of Stamford
- Town of Greenwich
- Town of Weston
- Town of New Canaan
- Town of Westport
- City of Norwalk
- Town of Wilton

A key goal of this plan is to identify the natural hazards likely to affect the SWR, its eight municipalities and the over 365,000 residents. The plan also identifies areas vulnerable to the aforementioned natural hazards, and incorporates appropriate strategies aimed towards mitigation. Consistent with FEMA and DEMHS goals, the HMP serves to reduce loss of life and property, economic disruptions and the cost of post-disaster recovery for the region's communities.

Specific goals and objectives of the document include:

- Protecting public safety and preventing loss of life and injury;
- Reducing harm to existing and future development;
- Preventing damage to a community's unique economic, cultural, and environmental assets;

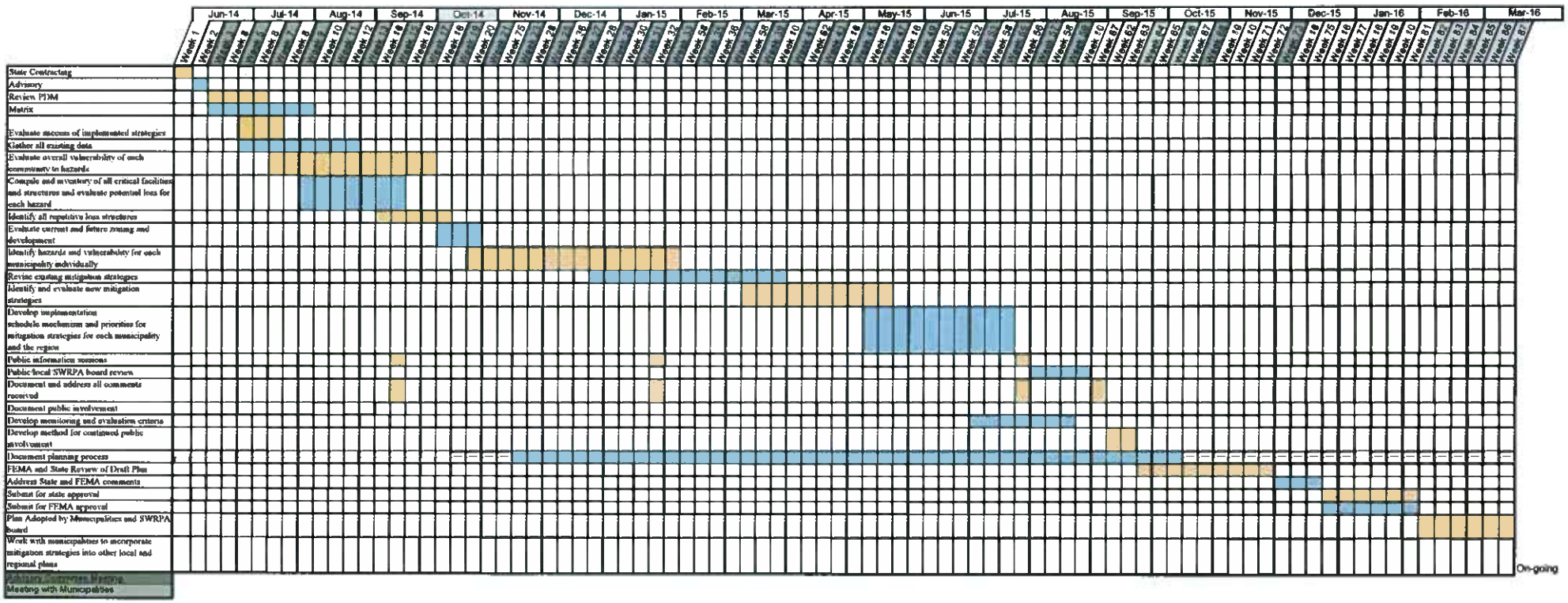
- Minimizing operational downtime and accelerating the recovery of government and business after disasters;
- Reducing the costs of disaster response and recovery, as well as the exposure to risk for first responders; and
- Helping accomplish other community objectives, such as leveraging capital improvements, infrastructure protection, open space preservation, and economic resiliency.

Project benefits include:

- Identifying cost effective actions for risk reduction;
- Directing resources to the greatest risks and vulnerabilities
- Building partnerships by involving people, organizations and businesses;
- Increasing education and awareness of hazards and associated risk;
- Aligning risk reduction with other community objectives; and
- Providing eligibility to receive FEMA federal hazard mitigation grant funds

Upon adoption of the 8 participating communities (through the Resolution), the Hazard Mitigation Plan will be in effect from 2016-2021.

SWRPA Regional Mitigation Plan Update Work Schedule



VII C1-3

THE PLANNING COMMITTEE OF THE COMMON COUNCIL

125 East Avenue
P.O. Box 5125
Norwalk, CT 06856

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: TIM SHEEHAN, EXECUTIVE DIRECTOR
DATE: APRIL 6, 2016
RE: SONO COLLECTION UNDERPASS AND PUBLIC REALM PLANS

In October of 2015 the Common Council conditionally approved the Conceptual Master Site Plan (CMSP) for the SoNo Collection Project as part of the governing Land Disposition Agreement (LDA) as amended related to this development. The approval of the CMSP required that the Common Council have further review of two specific aspects of this development. The areas of review sought related to the developer's Public Realm Plan and the Final Design Plan for the North Water Street Underpass Area. These are the two plans that are advanced for your consideration.

Redevelopment Agency staff and our project design review consultant, The Cecil Group, have fully reviewed the developer's proposed Public Realm Plan and believe it to be consistent with and complimentary to the Public Realm definition as approved by the Common Council and the Redevelopment Agency last fall. The Public Realm Plan, however, is developer's to submit to you for your consideration and anticipated approval **within the context of the Common Council approved definition as attached**.

The Common Council and Redevelopment Agency last fall chose to address the approval of the Design and Activation Plan for the Underpass Area differently than the Public Realm Plan. It was agreed that a planning / architectural firm would be hired to collaborate with GGP regarding the final design for this area. The Common Council in November 2015 approved the Cecil Group to perform this task. At the conclusion of the collaboration process GGP was to provide the Cecil Group with a final design plan for the underpass area. The Cecil Group then was to review the final plan and issue a technical memo to the Common Council and the Redevelopment Agency. The Common Council approved condition further states that if the firm (the Cecil Group) recommends approval of the final design of this area, then neither the Common Council nor the Redevelopment Agency will unreasonably withhold such approval. If no action is taken by either body within fifteen days of the memo being issued (April 15, 2016), then the memo is considered approved.

ACTION:

1. Approve acceptance of the Cecil Group Memo as an approval of the final design of the underpass area for the SoNo Collection project.
2. Approve GGP's Public Realm Plan for the SoNo Collection Project.

Public Realm Definition

The public realm includes all public places, linkages and building elements that are physically and/or visually accessible regardless of ownership. These places and elements can include, but are not limited to, streets, pedestrian ways, bikeways, bridges, plazas, nodes, squares, transportation hubs, gateways, parks, waterfronts, natural features, view corridors, landmarks and building interfaces.

The public realm is organized into four categories: parks, streetscapes, coastal areas and public places (interior & exterior). Definitions for these categories are as follows:

Parks - Public open spaces within a community for recreational use.

Streetscapes - The visual elements of a street including the road, sidewalk, street furniture, trees and open spaces that combine to form the street's character.

Coastal Areas - All land areas along the water's edge.

Public Places - All areas interior or exterior within a community visible to the public or for public gathering or assembly but not specifically used for or directly related to a business purpose. Examples could include a library, public auditorium, community function space.

Furthering this definition, nine principles expand on how the public realm addresses the following key themes:

- Livability
- Identity
- Access
- Connectivity
- Placemaking & Design Excellence
- Environmental Stewardship
- Inclusivity
- Activation
- Shared Ownership & Implementation

The public realm principles will support the City's decision-making process in deeming uses as public realm improvements. These principles will ensure that the public realm development is reflective of an established vision which could be expressed in the following manner:

Norwalk's Public Realm Vision

The public realm in Norwalk expresses its traditional New England culture while serving a diverse, multicultural population. It is a fully accessible and engaging experience that includes diverse public parks and civic spaces; an interconnected system of public walkways, bicycle trails and public transit; a vibrant and active waterfront; and active mixed use areas that are all enhanced through high-quality architecture, streetscape design and public art. It is safe, comfortable and responds effectively to the regional climate and surrounding environment.

The Public Realm uses are those improvements as noted such improvements or enhancements are above and beyond any requirements by any local , state or federal statutes, or any additional improvements required for local, state or federal approvals.

The Cecil Group
A subsidiary of Harriman

MEMORANDUM

Date: March 31, 2016
To: Timothy Sheehan, Director, Norwalk Redevelopment Authority
From: Steven Cecil AIA ASLA Principal, The Cecil Group
RE: SoNo Collection Peer Review:
Review of the Public Realm Plan

Introduction

This memorandum addresses the Public Realm Plan that is a requirement associated with the Land Disposition Agreement (LDA) for the SONO Collection. It is based on the submittals provided by the proponent and reviewed by our firm, and which will be separately submitted.

Findings and Recommendation

The project proponents have provided a Public Realm Plan that complies with all of the requirements associated with the LDA As described in their plan, they have provided significantly more public realm spaces and component that meet the definitions and criteria. We recommend approval of the submitted plan.

We have participated in interim reviews of the public realm components as they were advanced, and are appreciative of the high quality of the designs and the responsiveness of the proponent to input.

1) Conformance with the Definitions of Public Realm Spaces

The "Public Realm" components conform to the special definitions and principles contained in the applicable requirements. The plan clearly lists the relevant categories of each component and the conformance with the associated design principles.

2. Provision of Spaces Meeting and Exceeding Minimum Requirements

We have reviewed the basis of the space calculations and agree with the methodology and extent of the qualifying space. The proponent is to be commended for significantly exceeding the minimum area requirements, which will result in significant community and civic benefits to Norwalk.

170 Milk Street, Suite 5
Boston, MA 02109-3438
TEL 617.426.5050
FAX 617.426.5051

The Cecil Group
A subsidiary of Harriman

MEMORANDUM

Date: March 31, 2016
To: Timothy Sheehan, Director, Norwalk Redevelopment Authority
From: Steven Cecil AIA ASLA Principal, The Cecil Group
RE: SoNo Collection Peer Review:
Requested Design Submittal for the North Water Street Area and North Water Street Pedestrian Areas

Introduction

This memorandum addresses the project coverage and the pedestrian environment related to the North Water Street Overpass Area for the proposed SoNo Collection project. It responds to two Common Council conditions on the Conceptual Master Site Plan (CMSP) approval for the project. These conditions address 1) the coverage length of the air-rights development above North Water Street, and 2) the pedestrian environment that will be created along North Water Street.

As described in this memorandum, we have worked interactively with the proponent and its design team to provided interim reviews as the design has advanced incrementally from the 25% level design contained in the CMSP to its current level of completion. For the purposes of this review, we are considering the submittals provided by the proponent to be at a "100%" level of design. As we have noted, further refinements in the design are anticipated as it is advanced to final construction drawings that are consistent with the current submittals and the findings in this memorandum.

Summary of Findings and Recommendations

1) Building coverage above North Water Street

The proponent has very successfully revised their project design to diminish the impacts associated with the length of the building coverage. We recommend adoption of the amended condition because it better reflects the public interest in the visual qualities and character of North Water Street.

The condition on the CSMP approval employed a dimensional standard regarding the amount of coverage that would be acceptable. The proponent has reorganized the design to substitute an interior light well above North Water Street with a significant recess in the eastern building facades and floor plans, reducing the coverage in this portion of the project. This design will bring a much greater benefit of light and sense of openness along North Water Street.

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2) Pedestrian Environment along North Water Street

The proponent has significantly revised their project design to improve the pedestrian environment along North Water Street relative to the plans contained in the CMSP. We find that the resulting pedestrian character will be consistent with the urban design guidelines for the area.

The CMSP submittal provided limited pedestrian access on the south side of Water Street, and limited features to enliven the space under the building. It had unresolved designs for the walls and ceiling surfaces along and above North Water Street. The plan had and significant potential pedestrian/vehicular conflicts in the area of the proposed "slip ramp".

The 100% Design submittal has significantly improved the pedestrian access on the south side of Water Street by creating a more direct route for pedestrians along the street. This design has decorative, graphic, art and architecture features on the walls of the North Water Street underpass. It has retained active storefront and lobby spaces at various locations along North Water Street. The design of the lighting within the underpass area adds variety and highlights key entrances and transitions that will benefit the pedestrian environment. Although the slip ramp configuration has inherent limitations in promoting the pedestrian environment, the proponent has provided significant improvements to establish a safer and more convenient crosswalk configuration than would have occurred if the CMSP design were implemented.

Findings and Observations

North Water Street

The following condition was contained in the Minutes of the Common Council (October 17, 2015).

> *North Water Street – The CMSP reflects a maximum of 303' linear feet of development area above North Water Street. The opening through the project in the easement area of 31' linear feet for the purpose of providing natural light is considered an architectural feature which is not part of the ascribed maximum linear feet of development allowed in the easement area.*

This condition was intended to limit the amount of North Water Street that would be covered by new development and its parking structure, and provide for natural light that would contribute to a better environment at the street level.

Design review sessions with the proponent and its design team after the completion of the CMSP addressed the pedestrian environment and the massing and façade treatment of the parking structures as viewed from the east. We raised concerns about the urban design and environmental value of the four-story, 31-foot long light well above the street. The proponent explored alternatives to create a series of setbacks from the east façade above the North Water Street and its sidewalks. This alternative approach will provide more consistent light onto North Water Street, reduce the apparent massing, can create a clear demarcation of the North Water Street alignment that will be highly visible. The changes to these areas are indicated in Figure 1. The proponent has made no substantial changes to the coverage or design of the western entrance to the North Water Street underpass.

We find that the revised approach and amended condition better meets the applicable design guidelines for the area in view of the benefits relative to massing, connectivity, and the qualities of the public sidewalk at ground level.

North Water Street Pedestrian Areas

The following condition was contained in the Minutes of the Common Council (October 17, 2015).

> *North Water Street Pedestrian Areas – The Redevelopment Agency will contract with a planning /architectural firm to collaborate with GGP regarding the final design of the area under the overpass visible to pedestrians. The selection of said firm shall be advanced to the Common Council for approval prior to the execution of the contract by the Redevelopment Agency. Said collaboration shall commence immediately upon approval of the LDA/CMSP and the Urban Renewal Plan, by both the Common Council and Redevelopment Agency. As part of the Review process the firm hired will issue a technical memo to the Common*

Council and the Redevelopment Agency. That memo will be filed with the Common Council and Redevelopment Agency for action within fifteen (15) business days of submission of the final design of the underpass area by GGP to the firm. GGP will endeavor to provide said firm with the proposed design plans at approximately 25%, 50% and 75% and 100% completion. If approval of the final design of this area is recommended by said firm neither the Common Council nor Redevelopment will unreasonably withhold such approval. No action by either body within fifteen (15) business days of the firm's memo being filed with them will be considered an approval.

This condition was intended to provide an opportunity for more detailed design consideration of the quality of the pedestrian environment than had been achieved in the preparation of the CMSP submittals. The quality of the pedestrian environment is an important aspect of the applicable design guidelines for the Reed Putnam Urban Renewal Plan that have been adopted by the City. We met with the proponents and reviewed drawings and images associated with the 25%, 50% and 75% levels of completion, leading to the final 100% submittals that are the basis of this memorandum.

The revised design includes many significant improvements in the pedestrian environment relative to the previous design.

Key changes have included:

- Improvements to the pedestrian path and environment on the south side of North Water Street – The original design concepts would have provided a pedestrian path along the south side of the street that required the use of stairs and a crosswalk across a slip ramp accessway to the garage. The pedestrians at the crosswalk would have been shielded from the approaching driver's views by a wall, creating a significant safety risk. The proponent's revised design provides a sequence of ramps and sidewalks along the street edge, shielded from traffic by railings, curbs and bollards. This approach is more convenient, clear and substantially safer.
- Design of the walls along North Water Street – The revised design provides a diverse palette of architectural surfaces in the form of grillwork, artwork, metal-clad columns and graphics to animate the facades along North Water Street. The redesign of the pedestrian ramps decreases the amount of masonry wall panels along the street, creating a more open appearance that will benefit the pedestrian perspective.
- Pedestrian access points – The revised design has more pedestrian access points including an elevator access lobby to parking levels on the south side of North Water Street.
- Signage – The signage has been organized to provide appropriate wayfinding, directions and pedestrian crossing signs. Special artwork and

promotional graphics will add beneficial visual interest from the pedestrian's perspectives.

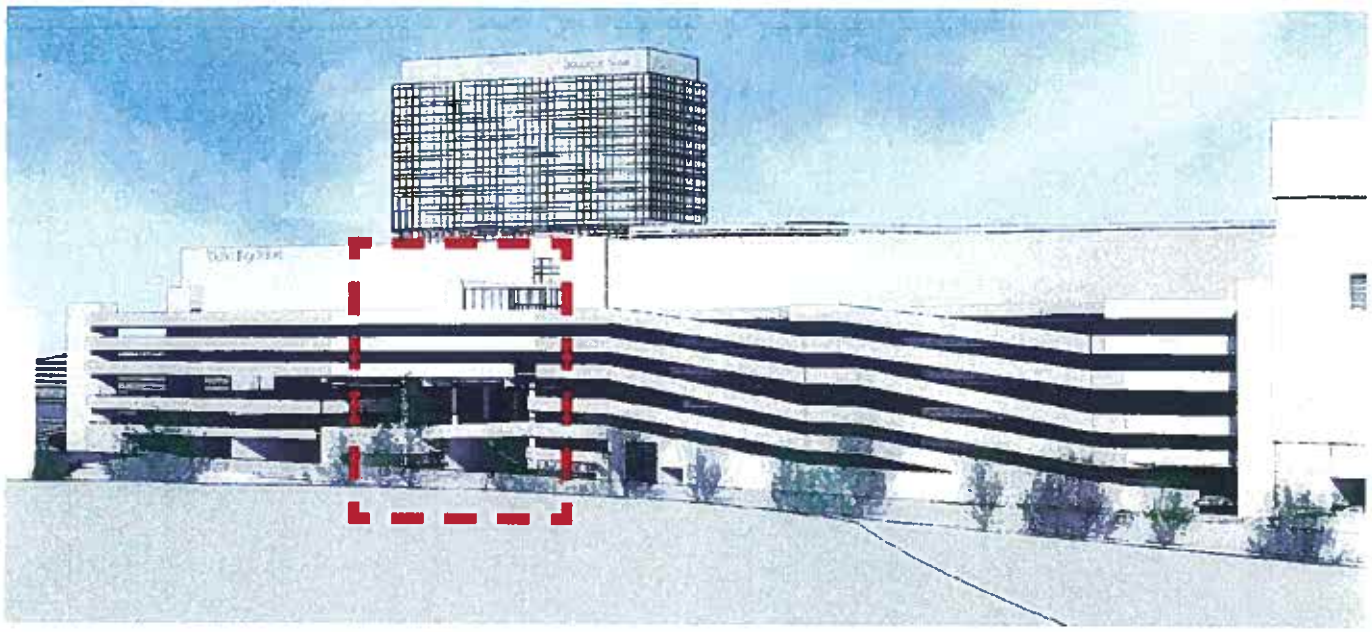
- Lighting – A detailed lighting plan will create a well-lit pedestrian environment and add considerable variety and visual interest, considerably different from typical transportation overpasess or parking structure passageways.
- Vehicle Bridge - The proponents have designed a vehicle bridge connecting adjacent parking levels that is visually less obtrusive than had been envisioned in the CMSP submittal.

These changes accord with many aspects of the applicable design guidelines from the Urban Renewal Plan associated with the pedestrian environment, including an emphasis on the use of sidewalks for pedestrians that are safe and attractive, add to the public life, and provide connectivity throughout the neighborhood.

Figure 1: Comparative Massings and Coverage From the East

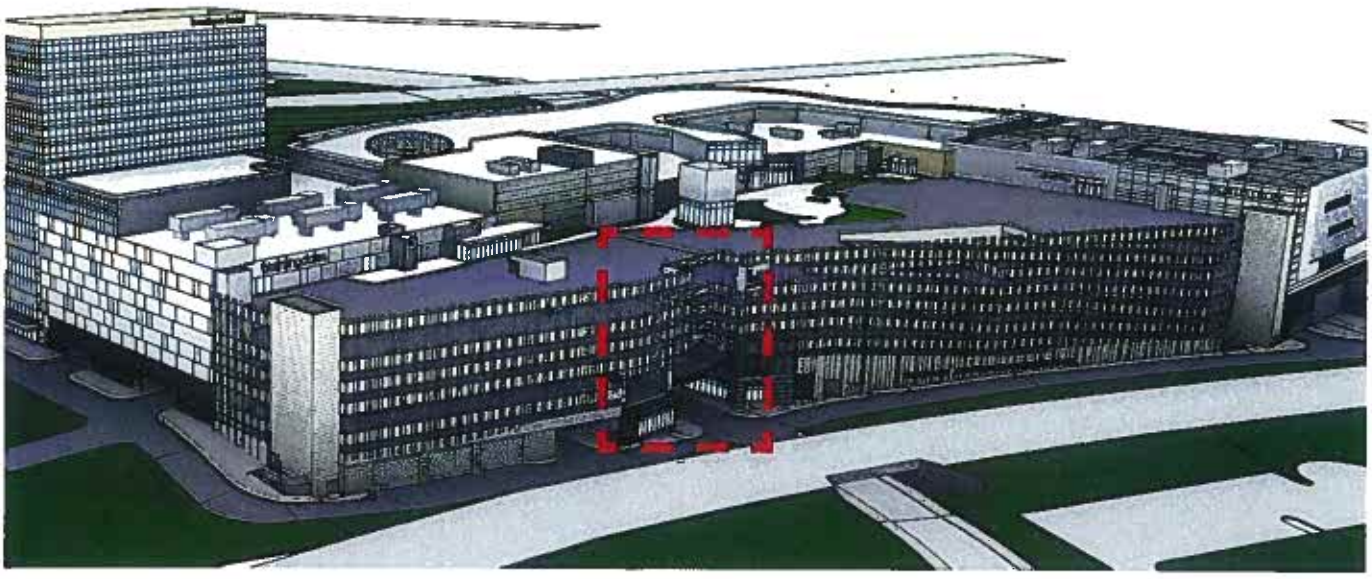
Building, Coverage, and Façade at North Water Street

View from the East:
CMSP Submittal, September 9, 2015



North Water Street coverage at east façade.

View from the East:
100% Design Submittal, March 31, 2016



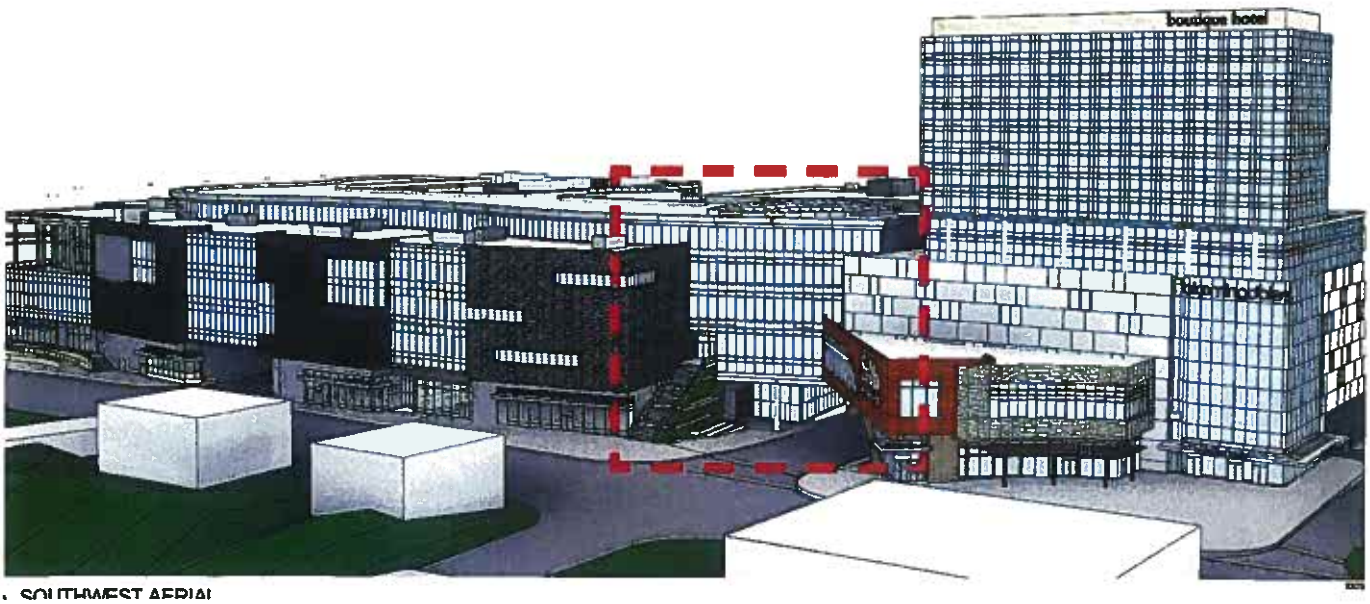
North Water Street coverage at east façade.

Figure 2: Comparative Massings and Coverage From the West

Building, Coverage, and Façade at West Avenue

View from the West:
CMSP Submittal, September 9, 2015

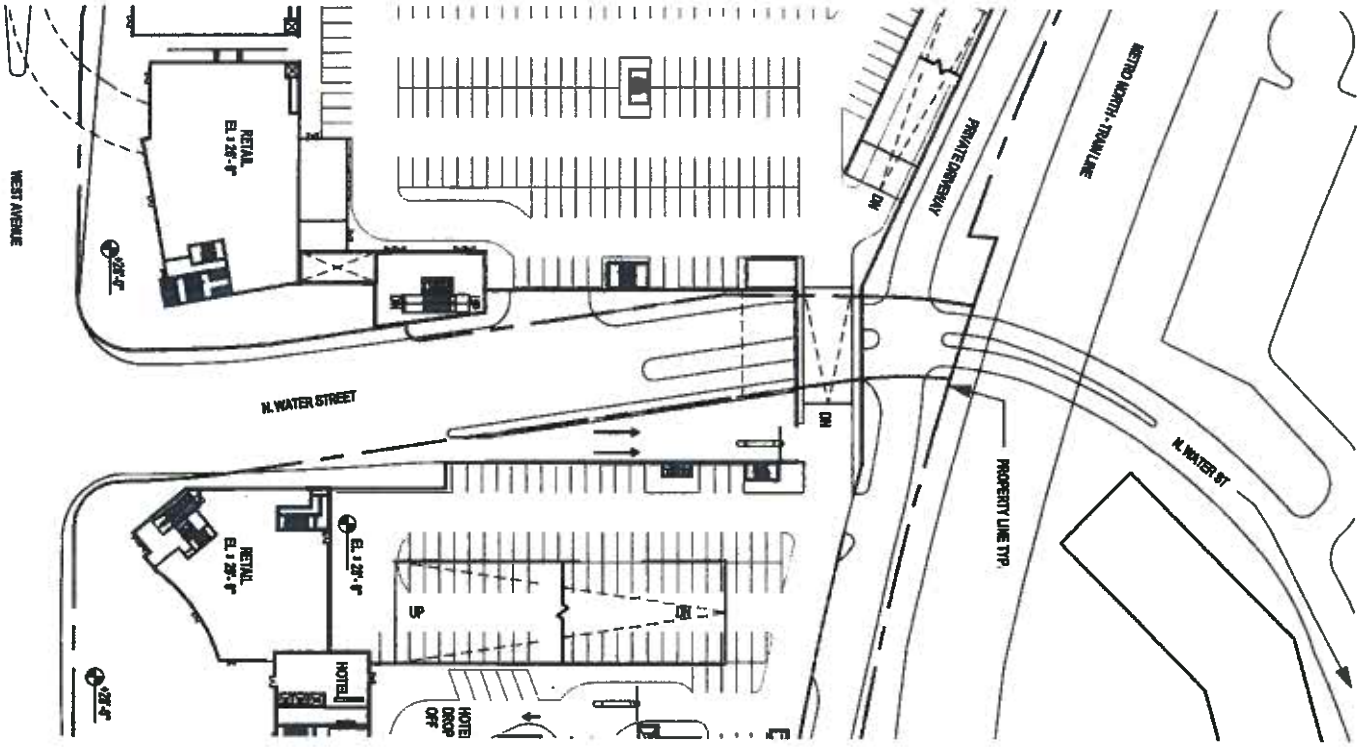
View from the East:
100% Design Submittal, March 31, 2016



SOUTHWEST AERIAL

Figure 3: Comparative Plans, North Water Street

Plan of North Water Street:
CMSP Submittal, September 9, 2015



Plan of North Water Street:
100% Design Submittal, March 31, 2016

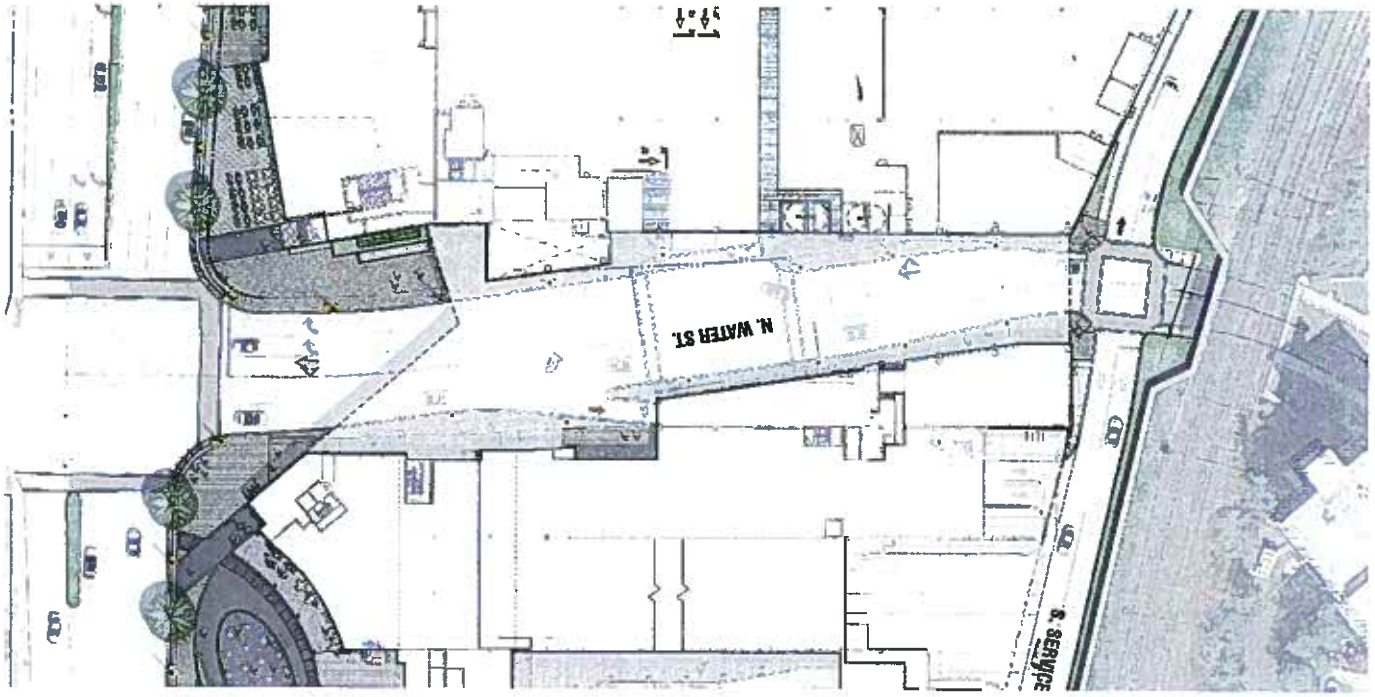
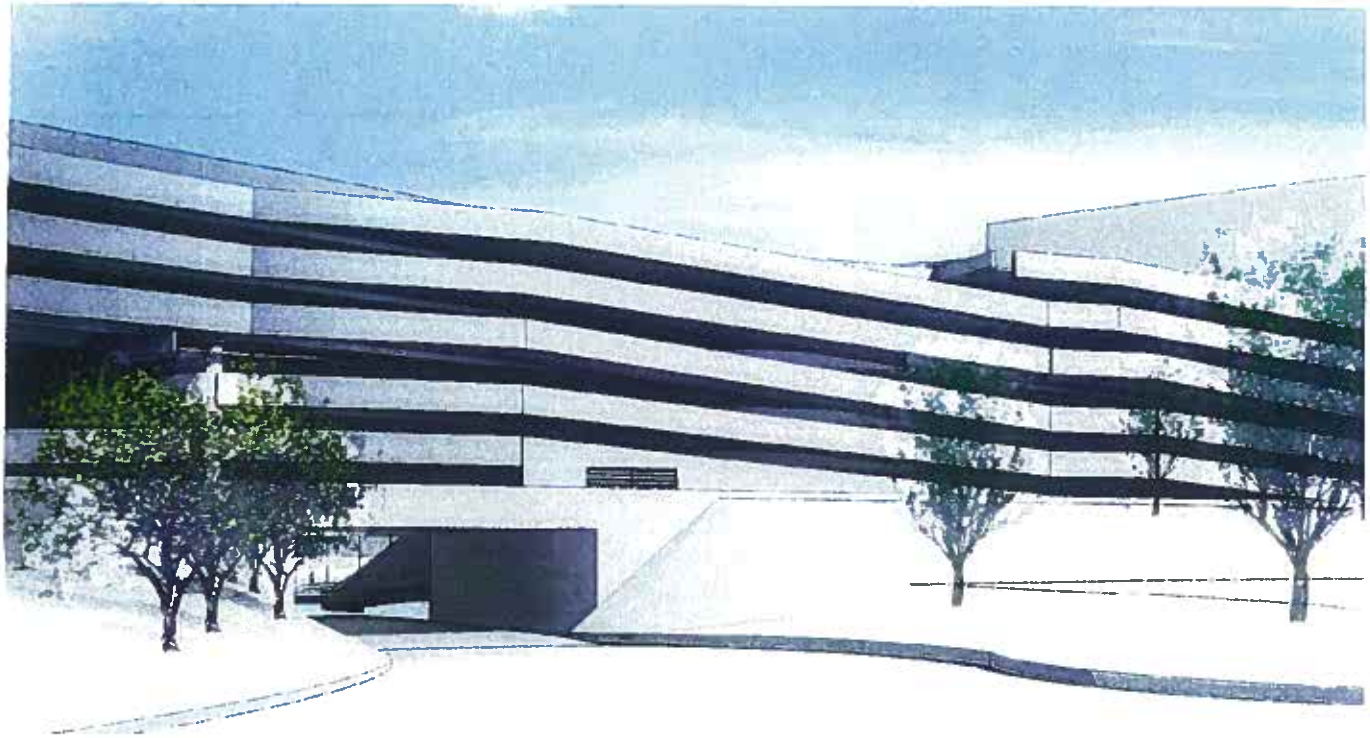


Figure 4: Comparative Perspectives, North Water Street

CMSP Submittal, September 9, 2015



100% Design Submittal, March 31, 2016

MEMORANDUM

RTKL
AN ARCADIS COMPANY

RTKL Connecticut Architecture & Engineering P.C.
901 South Bond Street
Baltimore, MD 21231
410 537 6000
RTKL.COM

Mr. Doug Adams
General Growth Properties
500 Fifth Avenue Suite 3100
New York, New York 10110

RE: Norwalk – The SoNo Collection Peer Review Submittals

Dear Mr. Adams,

On March 31st the Development Team met with Mr. Tim Sheehan and Mr. Steve Cecil as part of the ongoing Design Review process for 'The SoNo Collection' for the purposes of reviewing design progress related to specific areas requiring further study as part of conditions of approval of the CMSP. The requirements for submission for these areas were outlined in two memorandums distributed by the Cecil Group and dated March 22nd 2016 and related to the areas of the North Water Street Overpass and North Water Street Pedestrian Areas, as well as the Public Realm Plan Components

The development team feels we had very productive meetings, and using the framework and structure of the memorandum, feel we have successfully responded to the majority of the requirements and comments and are confident our progress meets the prerequisites as outlined in the conditions of approval, and that these revisions and refinements that have resulted from the positive collaboration between all parties has yielded a more successful design and project.

The design team has made every effort to incorporate and accommodate further design comments and recommendations received during the March 31st meeting into the final submission. However, due to the amount of information within the package, the nature of the request, and required coordination, some revisions, although agreed to be accepted or warranting further study aren't reflected in the final document, but are ongoing and understood to be subject to continued design review through The SoNo Collection peer review design process. These are summarized below;

- Paving detail at public entrance areas: It was suggested that the continuation of the special paving patterns at public entrance areas stop short of extending to the West Avenue Curb Edge. Development team agrees that this is an element that can be reviewed in further detail
- Separation of Pedestrian zone from street edge at Eastern Edge of project: It was mentioned that it would be desirable to introduce some streetscape elements within the sidewalk that would contribute to visually separating the pedestrian zone from the vehicular zone at the street/curb edge. The development team agrees that the introduction of an architectural device, similar to architectural bollards would be an acceptable result. The exact style and spacing of this element will be further studied.

THE PLANNING COMMITTEE
OF THE COMMON COUNCIL
125 East Avenue
P.O. Box 5125
Norwalk, CT 06856

MEMORANDUM

TO: **MEMBERS OF THE COMMON COUNCIL**

FROM: **TIM SHEEHAN, PLANNING COMMITTEE STAFF**

DATE: **APRIL 8, 2016**

RE: **2016-2017 CITY OF NORWALK CAPITAL BUDGET**

The Planning Committee of the Common Council has fully reviewed, considered and approved advancing to the full Council the 2016-2017 Capital Budget of the City of Norwalk for its consideration and final approval with the following modifications:

Board of Education

F1 Facilities Assessment Study Implementation. Reduce by $200,000 to be allocated to F5 District Paving Concrete and Site Work. Required to use contractor under contract with the City.

F1 Facilities Assessment Study Implementation. Reduce by an additional $300,000 to be allocated to F10 Asbestos Abatement Program

Department of Public Works

Reduce G3 by $637,000 with $617,000 allocated to G2 Watercourse Maintenance and $20,000 allocated to H11 Alternative Energy Installation .

RTKL
AN ARCADIS COMPANY

- Architectural Wall treatment and features at pedestrian passageways: The current proposal identifies select areas that would incorporate public art and/or graphical displays. The development team agreed to look at possibility of additionally incorporating similar treatment at wall location adjacent to pedestrian area at base of pedestrian ramp and slip ramp. This could possibly be public art, or graphical signage/display, or both.
- Green Wall at West project Entrance south of Exterior Project stair: The design of the Green Wall has advanced and been refined in consultation with the project consultants. The current proposal incorporates an architectural wall treatment with horizontally striated landscaping zones that appropriately balance the composition while similarly addressing maintenance needs of a 'green wall'. The landscape design drawing and elevation reflect the appropriate design intent within that area.
- Crosswalk widths: the development team agrees to study the possibility of increasing width and/or refining crosswalk orientation to most appropriately define a secure and safe path of pedestrian travel in defined locations, specifically at the North Water Street/West Avenue intersection at North South orientation, and at North Water Street/Slip ramp pedestrian area.

Lastly, there was some discussion regarding the dimension of the curb edge geometry at right turn onto North Water Street from Northbound West Avenue. There was a question as to parameters establishing the street width in that location and whether curb might be moved further north to allow a wider pedestrian walk at that location. The traffic consultant has provided the following response.

"The receiving throat for the dual left-turn lanes onto North Water Street, from West Avenue, is widened to accommodate the tracking characteristics of larger turning vehicles and to provide a buffer between two cars making the left hand turn movement at the same time. The width of the two lanes, per the Connecticut Department of Transportation, could vary between 30 and 36 feet. The current and proposed roadway configuration provides the minimum of 30 feet."

Sincerely,

Robert B Berry Jr
AIA, NCARB, LEED AP
Vice President

SoNo COLLECTION DESIGN PEER REVIEW

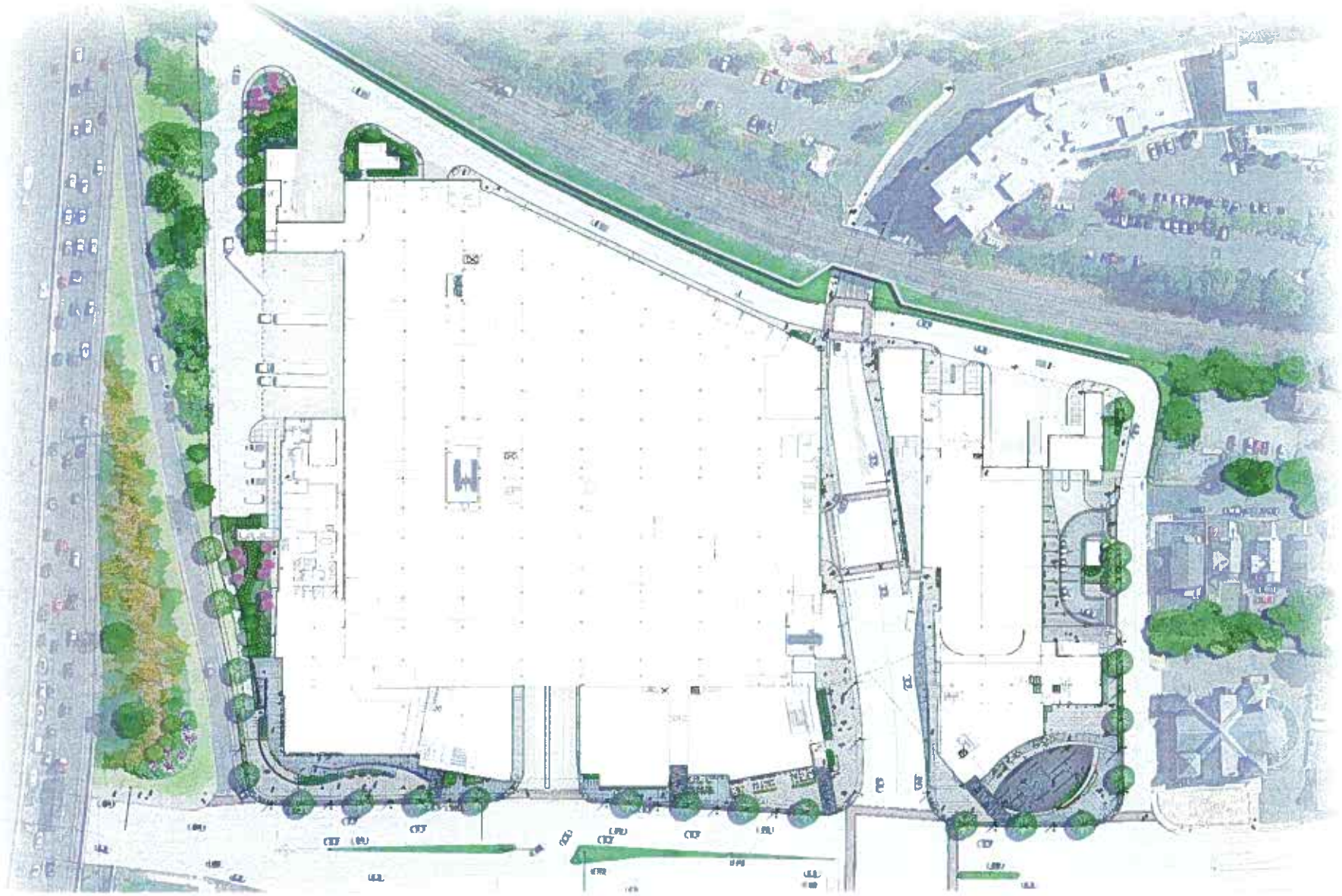
OVERALL PLANS

APRIL 1, 2016

GGP RTKL

NORTH WATER STREET

ILLUSTRATIVE SITE PLAN



N NORTH WATER STREET

ILLUSTRATIVE STREET LEVEL PLAN

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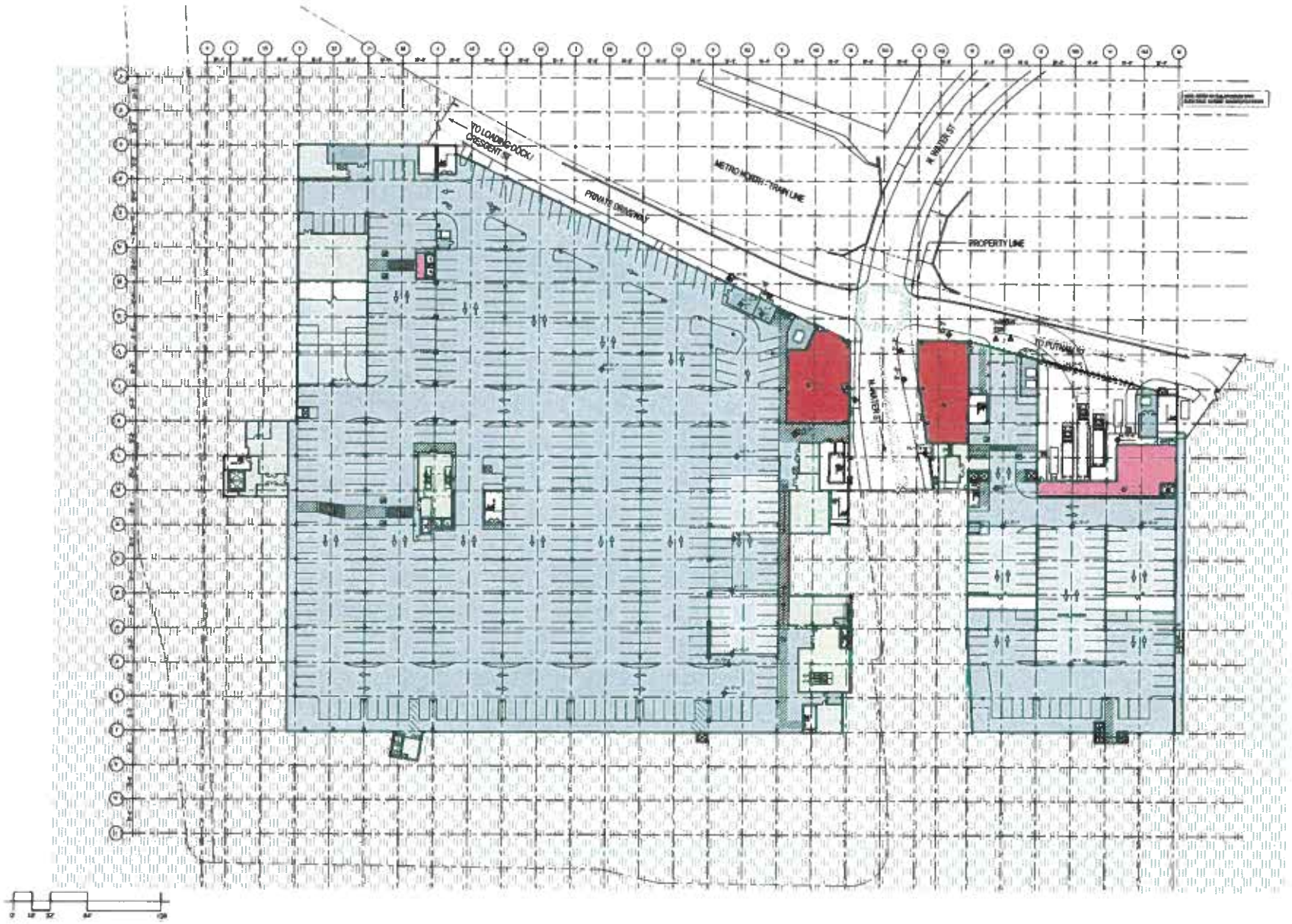

NORTH WATER STREET

LEVEL B2 PLAN

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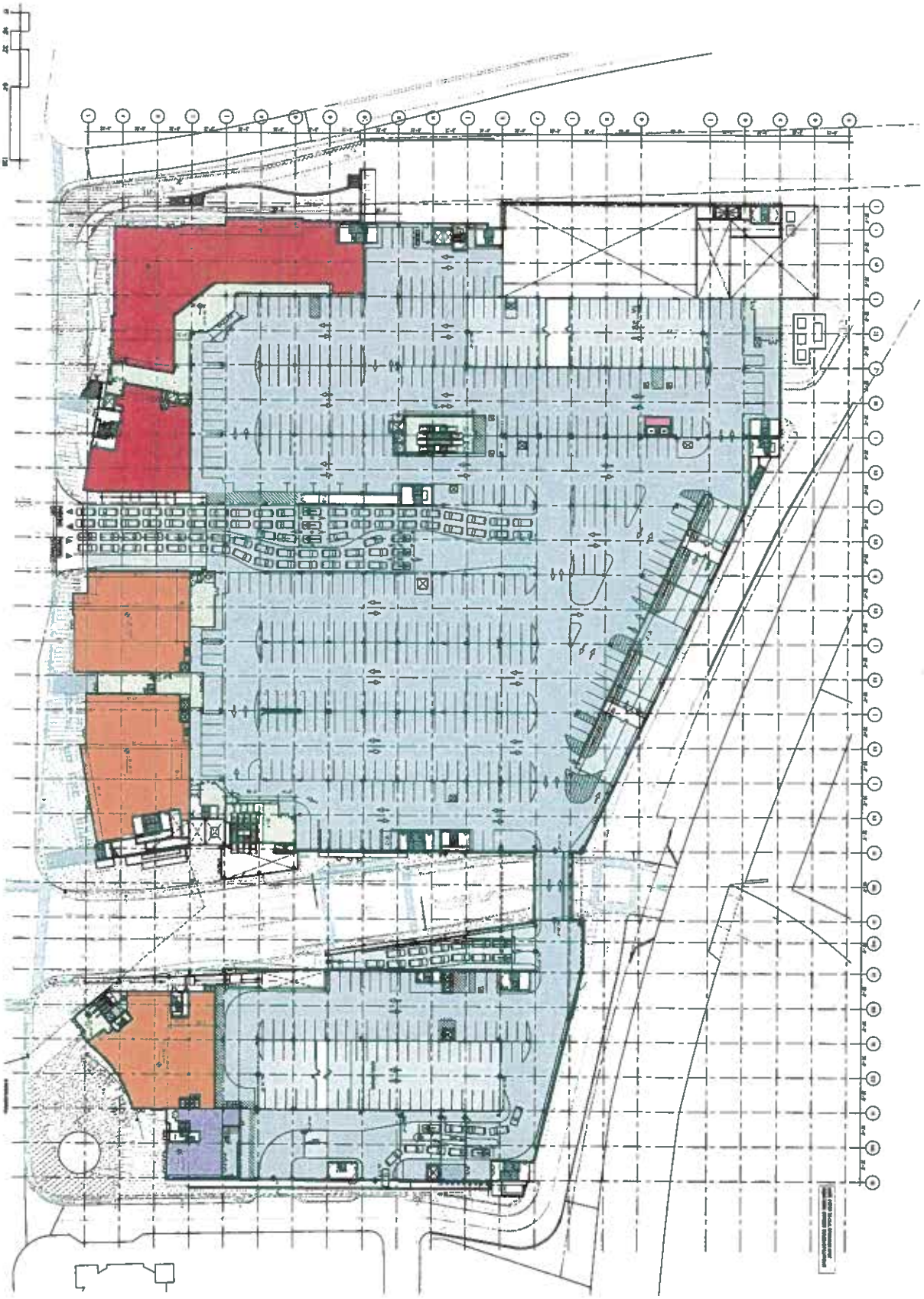
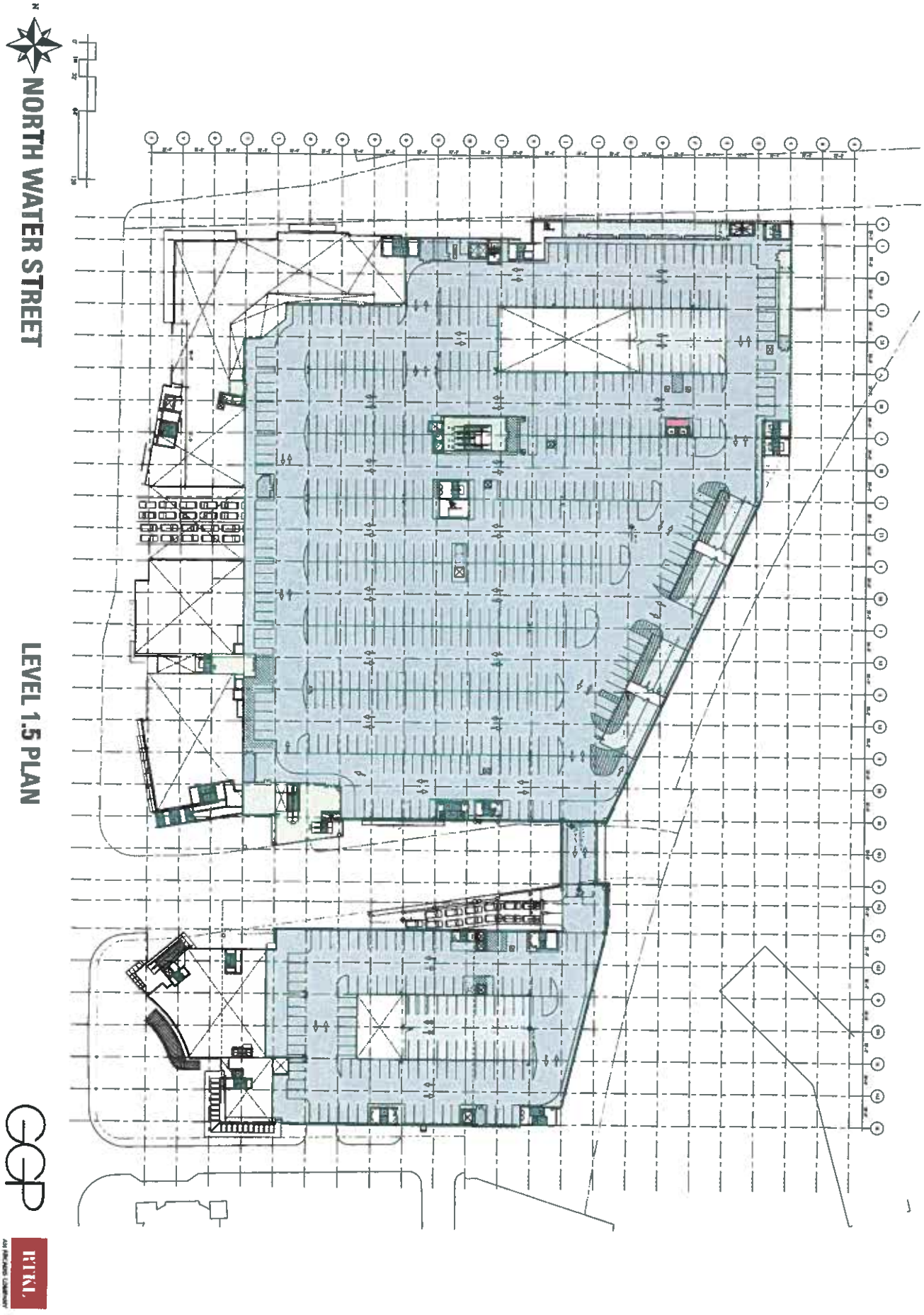
LEVEL B1 PLAN
NORTH WATER STREET
RTKL
GGP

NORTH WATER STREET

LEVEL 1 PLAN

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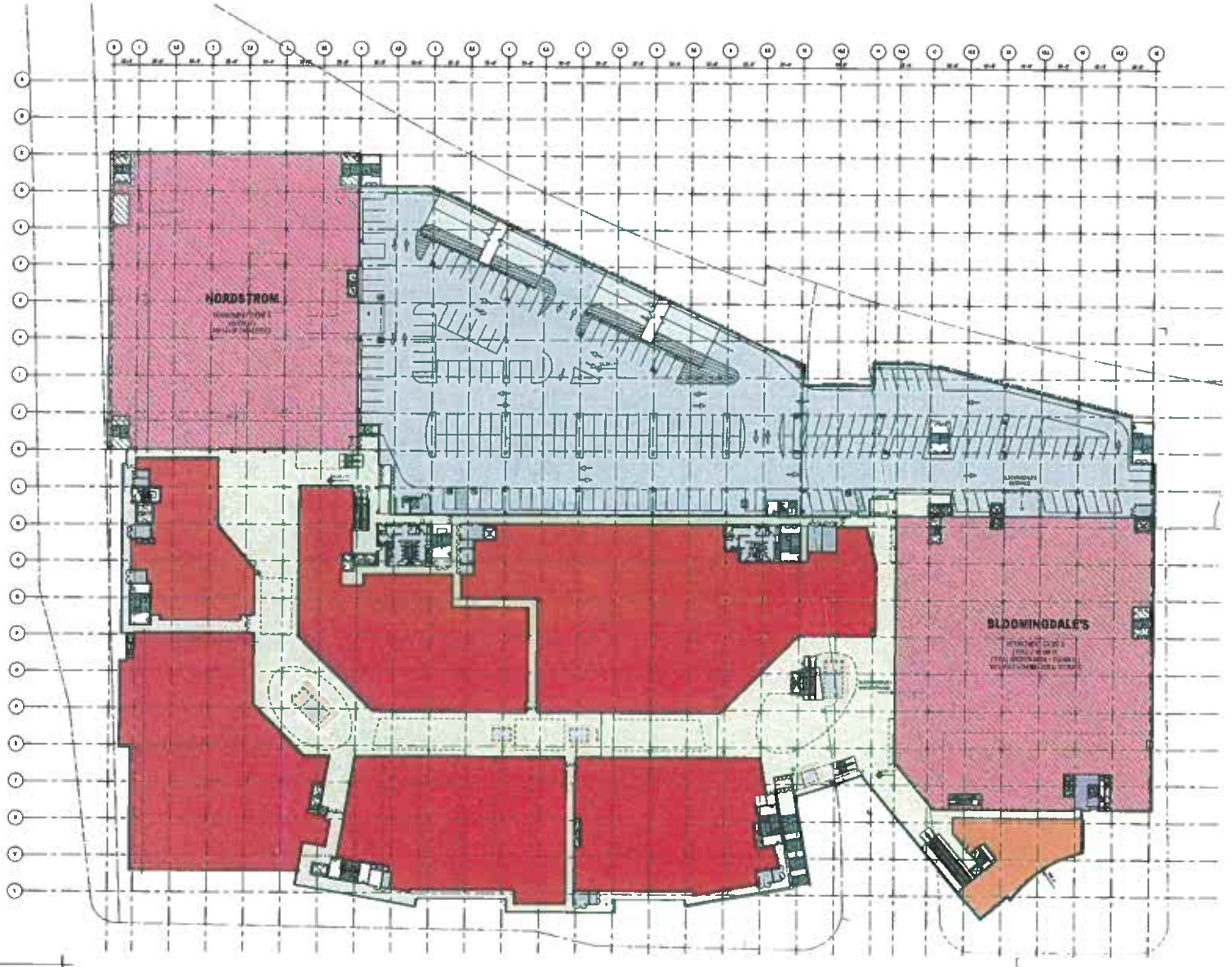
NORTH WATER STREET
LEVEL 1.5 PLAN
CGP
BTKL



NORTH WATER STREET

LEVEL 2 PLAN

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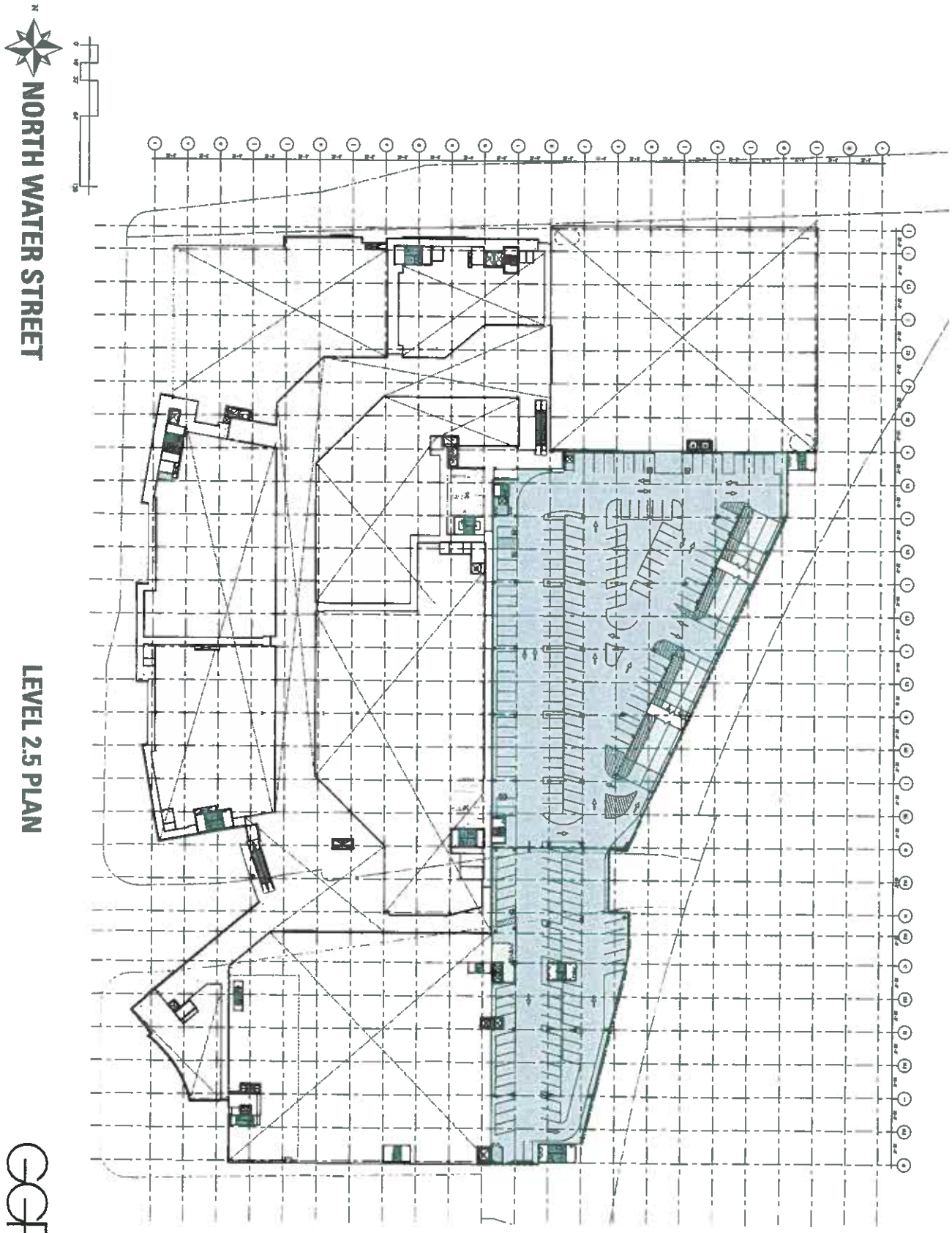
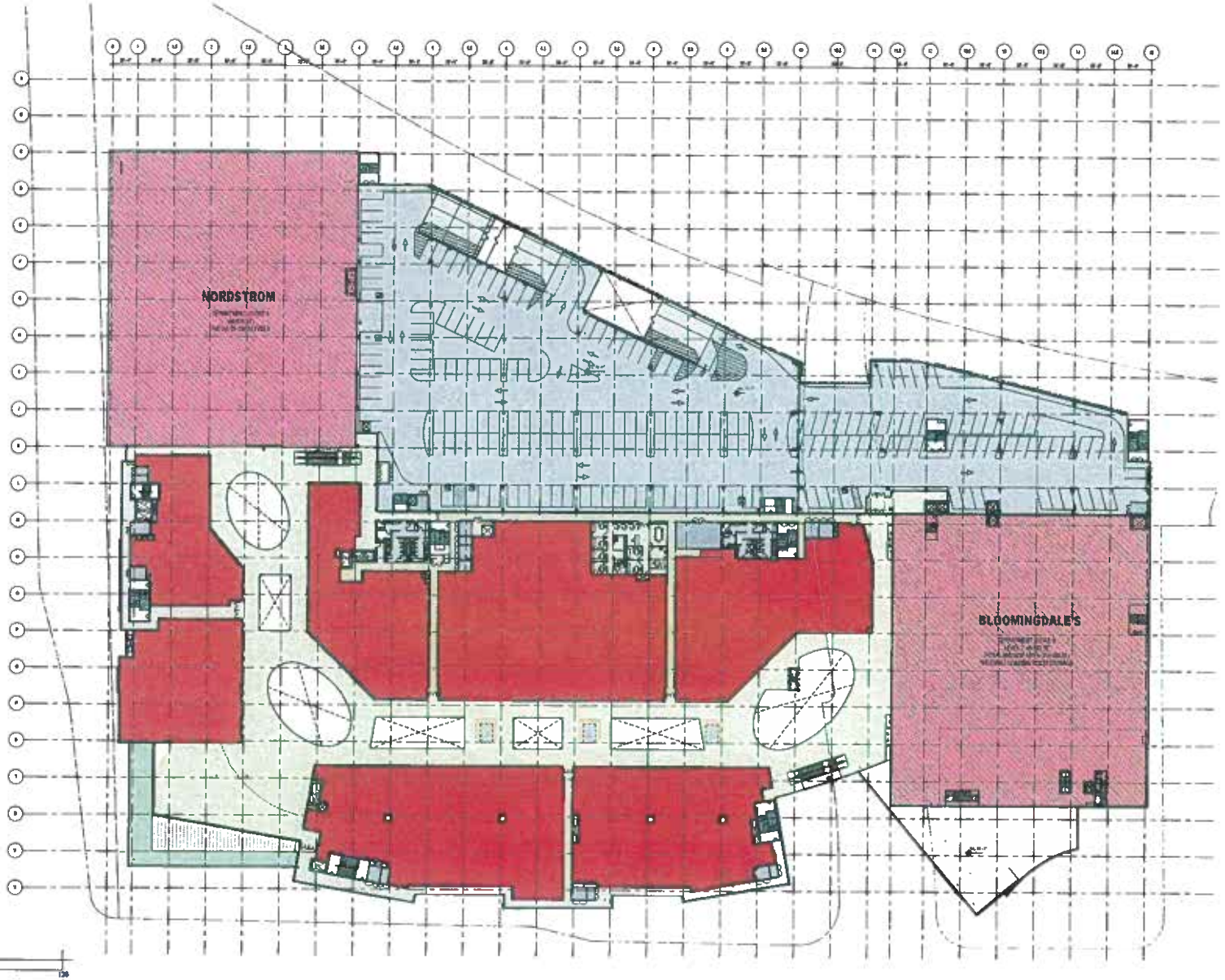
NORTH WATER STREET



LEVEL 2.5 PLAN



NORTH WATER STREET

LEVEL 3 PLAN

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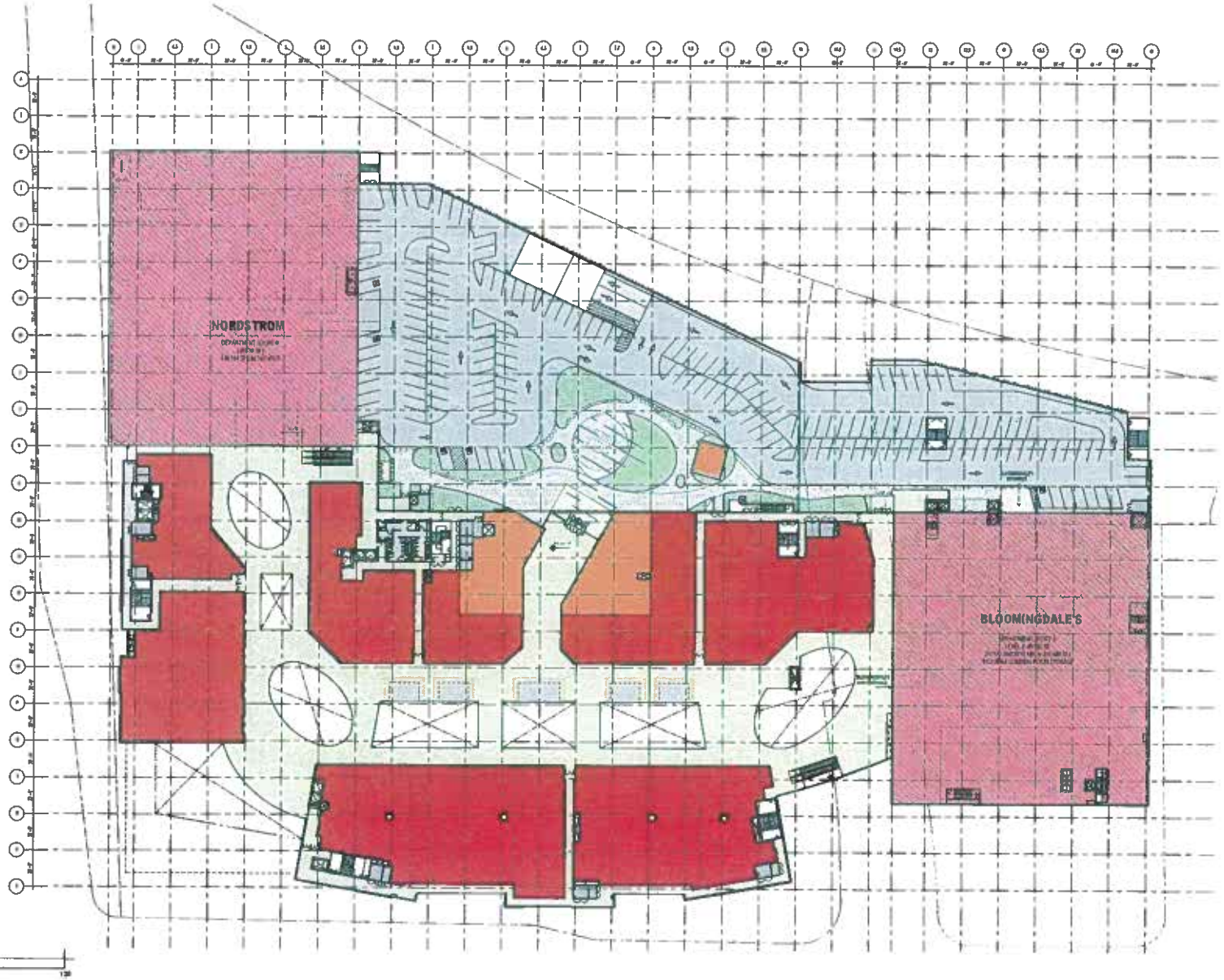
04/01/2016



NORTH WATER STREET

LEVEL 4 PLAN

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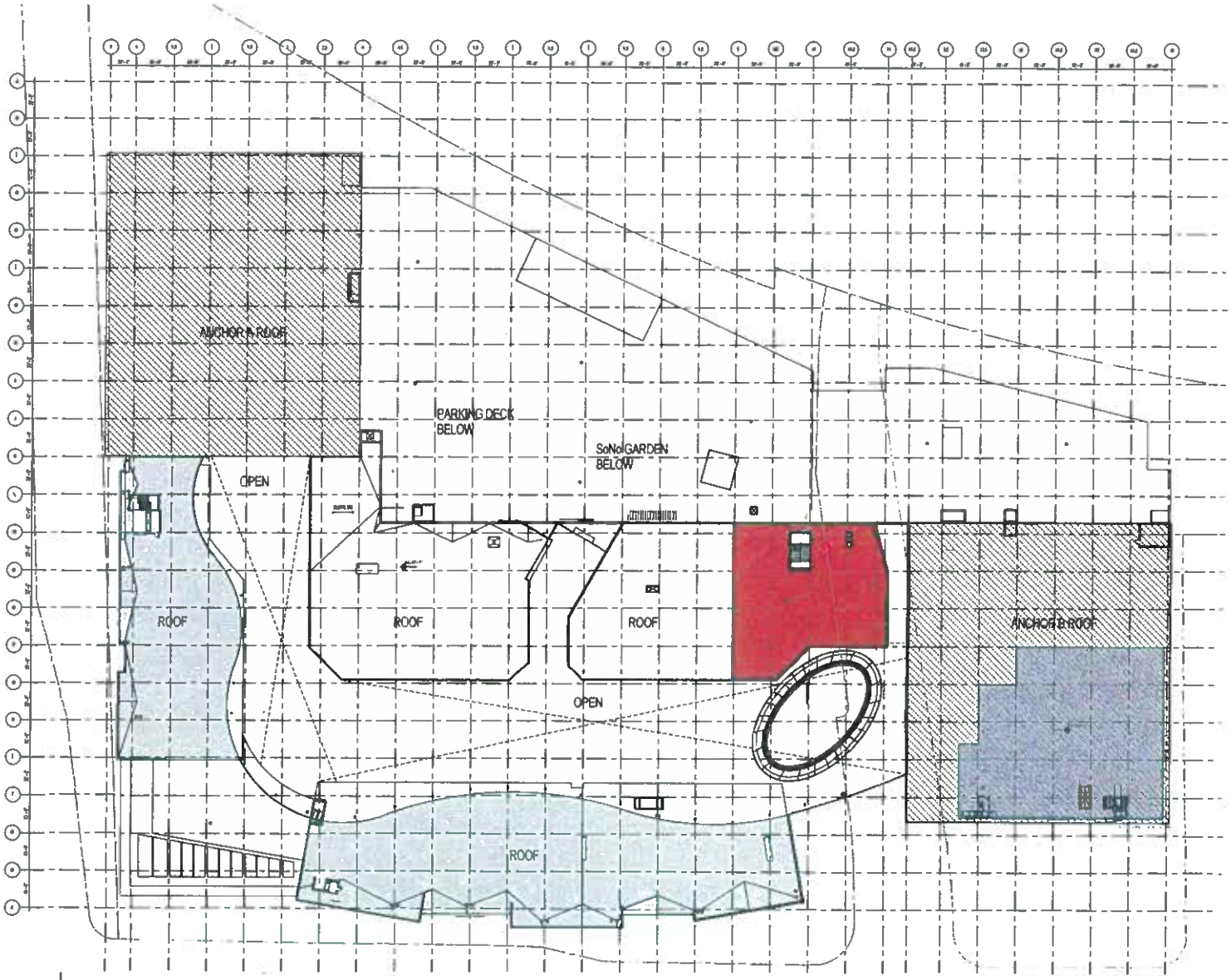

NORTH WATER STREET

LEVEL 4.5 PLAN

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SoNo COLLECTION DESIGN PEER REVIEW

PUBLIC REALM

APRIL 1, 2016

GGP RTKL

Public Realm Definition

The public realm includes all public places, linkages and building elements that are physically and/or visually accessible regardless of ownership. These places and elements can include, but are not limited to, streets, pedestrian ways, bikeways, bridges, plazas, nodes, squares, transportation hubs, gateways, parks, waterfronts, natural features, view corridors, landmarks and building interfaces.

The public realm is organized into four categories: parks, streetscapes, coastal areas and public places (interior & exterior). Definitions for these categories are as follows:

Parks – Public open spaces within a community for recreational use.

Streetscapes – The visual elements of a street including the road, sidewalk, street furniture, trees and open spaces that combine to form the street's character.

Coastal Areas – All land areas along the water's edge.

Public Places – All areas interior or exterior within a community visible to the public or for public gathering or assembly but not specifically used for or directly related to a business purpose. Examples could include a library, public auditorium, community function space.

Further this definition, nine principles expand on how the public realm addresses the following key themes:

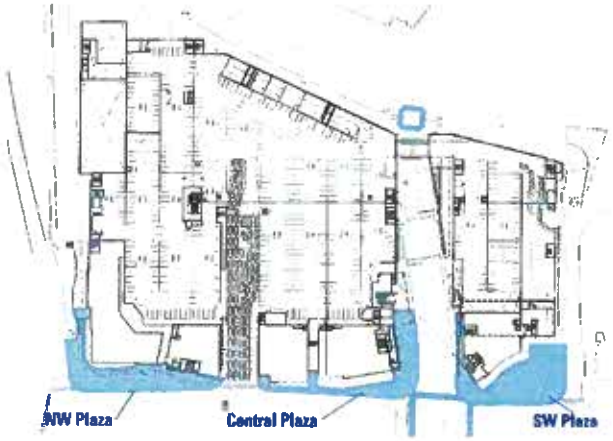
- Availability
- Identity
- Access
- Connectivity
- Placemaking & Design Excellence
- Environmental Stewardship
- Inclusivity
- Activation
- Shared Ownership & Implementation

The public realm principles will support the City's decision-making process in deeming uses as public realm improvements. These principles will ensure that the public realm development is reflective of an established vision which could be expressed in the following manner:

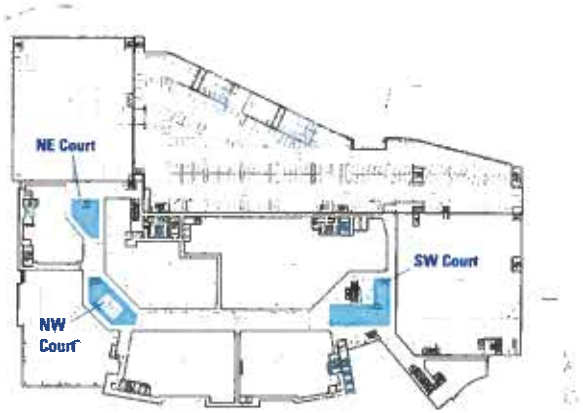
Norwalk Public Realm's Vision

The public realm in Norwalk expresses its traditional New England culture while serving a diverse, multicultural population. It is a fully accessible and engaging experience that includes diverse public parks and civic spaces; an interconnected system of public walkways; bicycle trails and public transit; a vibrant and active waterfront; and active mixed use areas that are all enhanced through high-quality architecture, streetscape design and public art. It is safe, comfortable and responds effectively to the regional climate and surrounding environment.

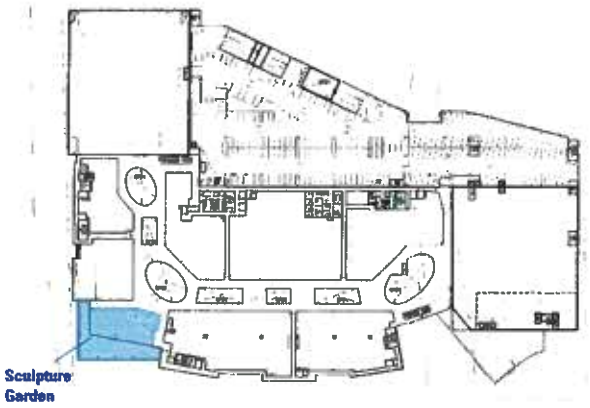
The Public Realm uses are those improvements as noted. Such improvements or enhancements are above and beyond any requirements by any local, state or federal statutes, or any additional improvements required for local, state or federal approvals.



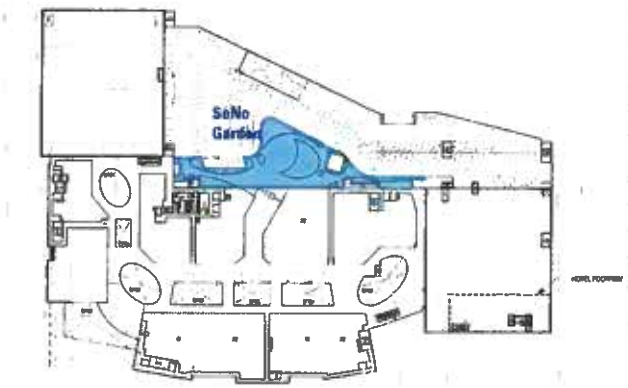
LEVEL 1



LEVEL 2



LEVEL 3



LEVEL 4

4/1/2016

THE SoNo COLLECTION MIXED-USE RETAIL - PUBLIC REALM SPACES

LEVEL	SPACE	AREA (sf)
STREET LEVEL/ LEVEL 1	NORTHWEST PLAZA	14,372
	CENTRAL PLAZA	11,216
	SOUTHWEST PLAZA	15,513
	WEST AVENUE CROSSWALK	2,305
	SERVICE DRIVE CROSSWALK	1,175
	TOTAL - LEVEL 1	44,581
RETAIL LEVEL 1/ LEVEL 2	NORTHEAST COURT	2,401
	NORTHWEST COURT	2,771
	SOUTHWEST COURT	4,705
	TOTAL LEVEL 2	9,876
RETAIL LEVEL 2/	SCULPTURE GARDEN	12,097
RETAIL LEVEL 3/	SoNo GARDEN/ ROOFTOP GARDEN	18,215

PUBLIC IMPROVEMENTS AREA	AREA	%
TOTAL PROVIDED	85,768	8.1
MINIMUM REQUIRED	53,188	5.0
TOTAL PROJECT FLOOR AREA	1,063,753	

THE SoNo COLLECTION

04/01/2016

PUBLIC REALM

PUBLIC REALM AREAS

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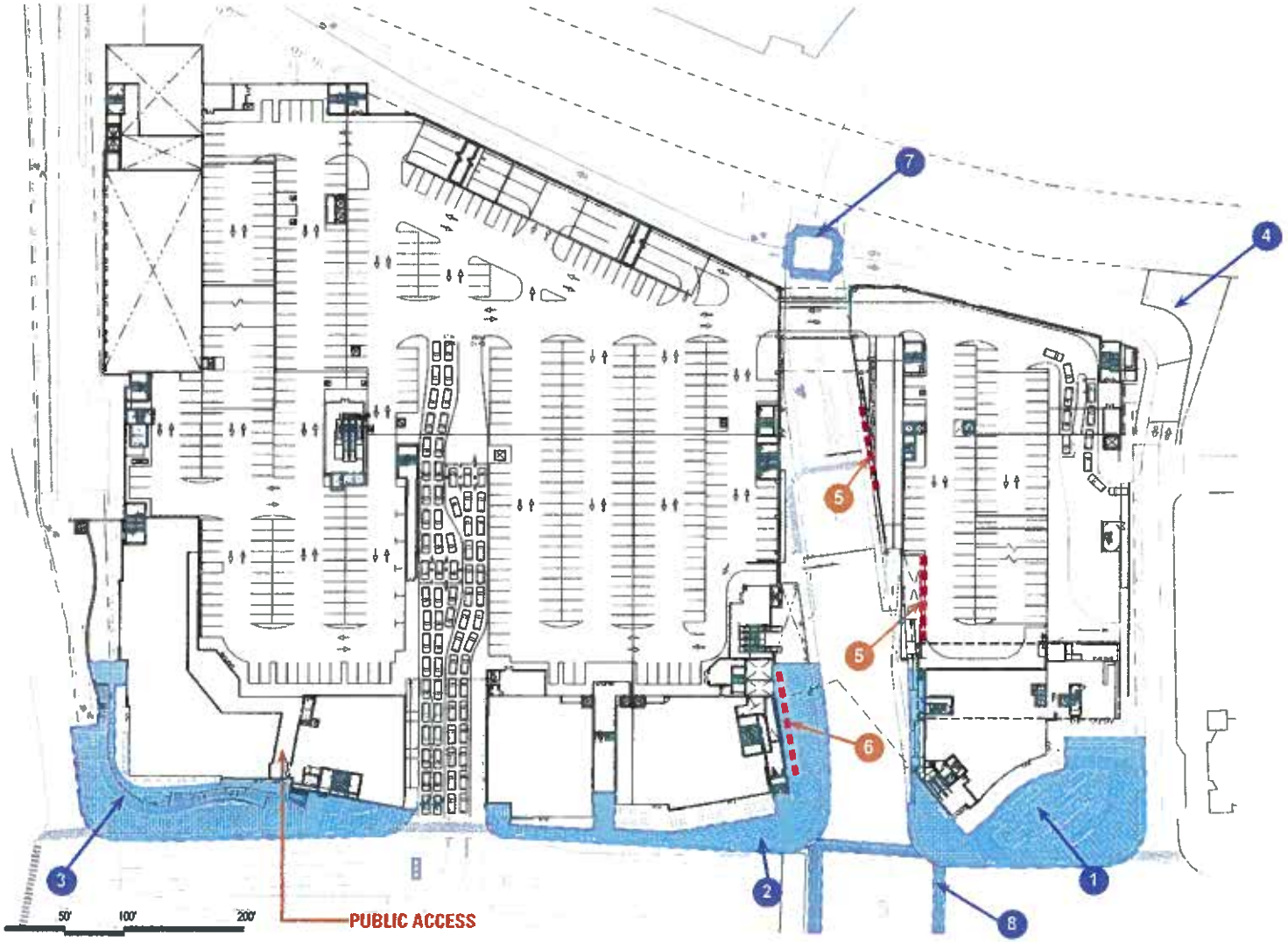

1 SW Plaza | 15,513 SF

2 Central Plaza | 11,216SF

3 NW Plaza | 14,372 SF

4 Green Space

5 Art Wall

6 Green Wall

7 Service Drive Crosswalk

8 West Avenue Crosswalk

PUBLIC REALM

PUBLIC REALM - STREET LEVEL

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THE SoNo COLLECTION

04/01/2016

Scale: 1" = 90'-0"

0 90' 180' 270' 360'

OVERALL PLAN - STREET LEVEL

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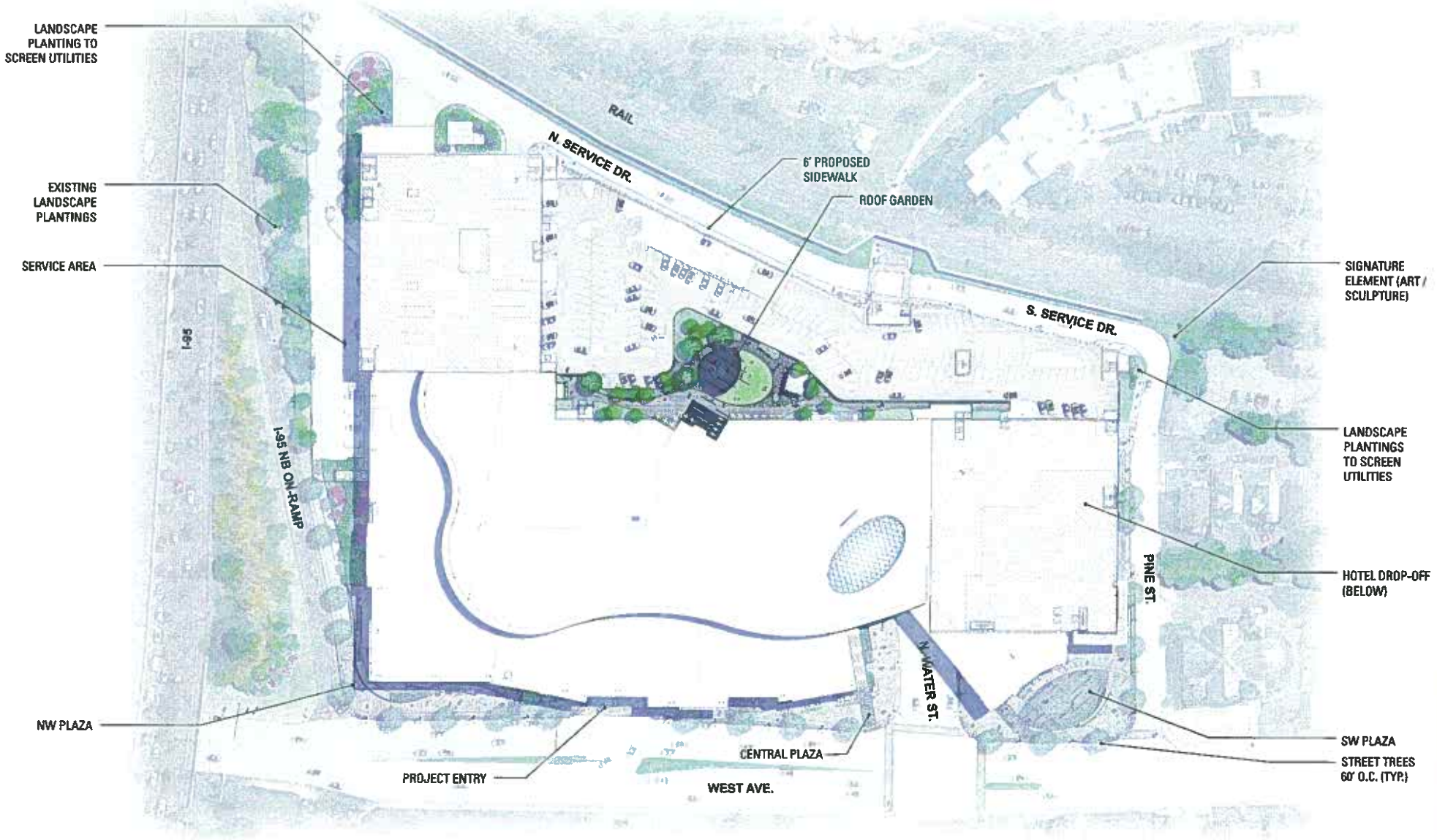
04/01/2016



OVERALL PLAN - ROOF TOP

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Urban Furniture

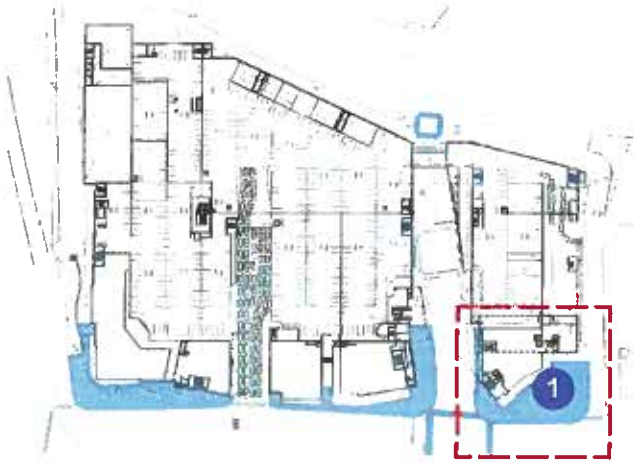
Public Plaza - Community Space

Landscape

Outdoor Seating

Farmers Markets

Youth Activities



Level 1 | SW Plaza

1 Level 1 | SW Plaza | 15,513 SF

Description: The SW Plaza creetes e lerge civic space at the intersection of West Avenue end Pine Street. This dynamic gatewey to the project will include a pop jet water faature, seating elements, outdoor dining, landscape plantings and other pedestrien amenitias.

Qualifying Categories: Streetscape, Exterior Public Speces, Park

Commitments: The SW Plaze will include the following elements:

- Fermers Markets
- Health + Wallness Activities
- Water Feature
- Concerts
- Public Art
- Charity Evants

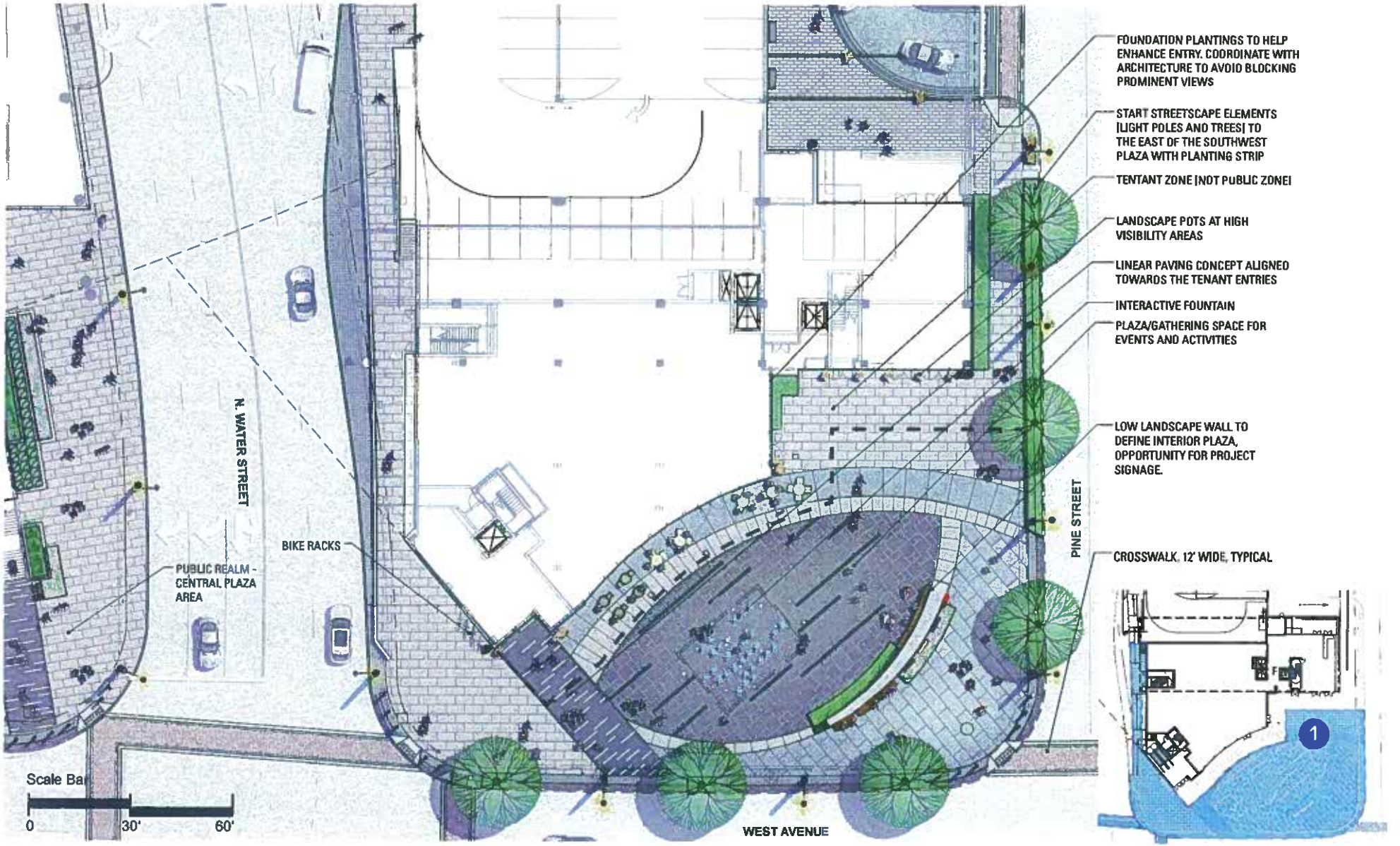
Compliance with Principles:

- **Livability** - The SW Plaza will offer a vibrant civic space for the citizens of Norwalk.
- **Identity** - With its animated pedestrian space, the SW Plaza will edd to the vibrancy and activity along West Avenue, strangthening the adjecent neighborhoods.
- **Access** - The pleze spece is eccassible directly from the street, offering truly public space that can be used by people enjoying the SoNo Collaction or adjacent businesses.
- **Activation**- A variety of programmed activitias will be used to enimate the SW Plaza eree. These could includa markets, concerts or other community events.

Limitations or Conditions

- Subject to 'The Sono Collection' Code of Conduct

Note: Images are representatitve of the types of spaces and activities we envision incorporating into our public realm areas but do not represent the exact environment.



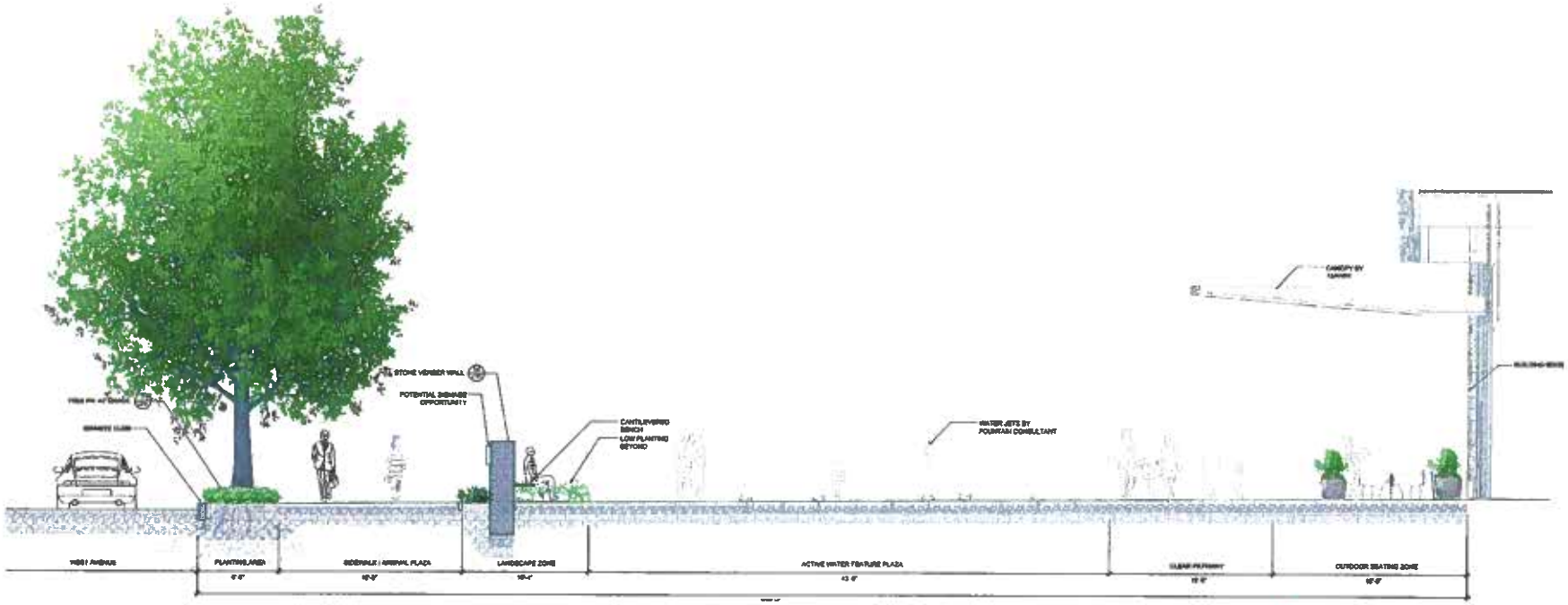
THE SoNo COLLECTION

04/01/2016

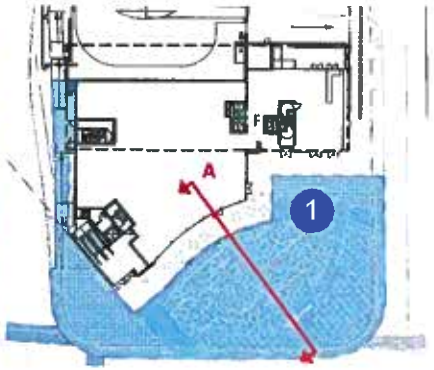
PUBLIC REALM

PUBLIC REALM - SW PLAZA

GGP RTKL AN ARCADIS COMPANY MAHAN RYKIEL



A - West Street Section at SW Plaza



THE SoNo COLLECTION

04/01/2016

PUBLIC REALM

PUBLIC REALM - SW PLAZA

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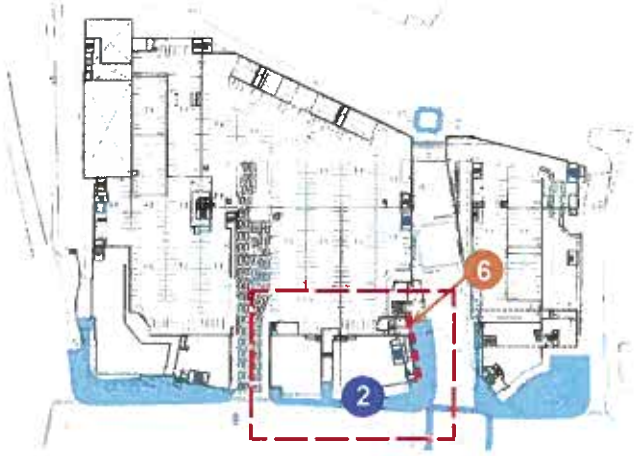
MAHAN RYKIEL

Street Furniture

Sidewalk Cafes

Green Wall

Landscape Planters



Level 1 | Central Plaza

2 Level 1 | Central Plaza | 11,216 SF

Description: The Central Plaze offers a mix of streetscape, pleza end outdoor dining arees thet combine to form a unified and activa pedestrian-realm along West Avenue.

Qualifying Categories: Streetscape, Exterior Public Spaces,

Commitments: The Centrel Pleze will include the following elements:

- Upgraded Pedestrien Amenities
- Enhanced Landscaping end Herdscape
- Graen Wall Element

Compliance with Principles:

- **Identity** - With its enimeted pedestrian space, the SW Pleze will edd to tha vibrancy and activity along West Avenue, strengthening the adjacent neighborhoods.
- **Access** - The plaza and streetscepe spece is accessible directly from the street, offering truly public space that can be used by people enjoying the SoNo Collection or adjacent businesses.
- **Activation**- Potential sidewalk cafes and outdoor dining erees will animate and activete the West Street streetscape, creating an energetic environment.
- **Connectivity**- The proposed streetscape will unify the pedestrian experiance along West Avenue, strengthening the connection between south end north Norwalk.

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct

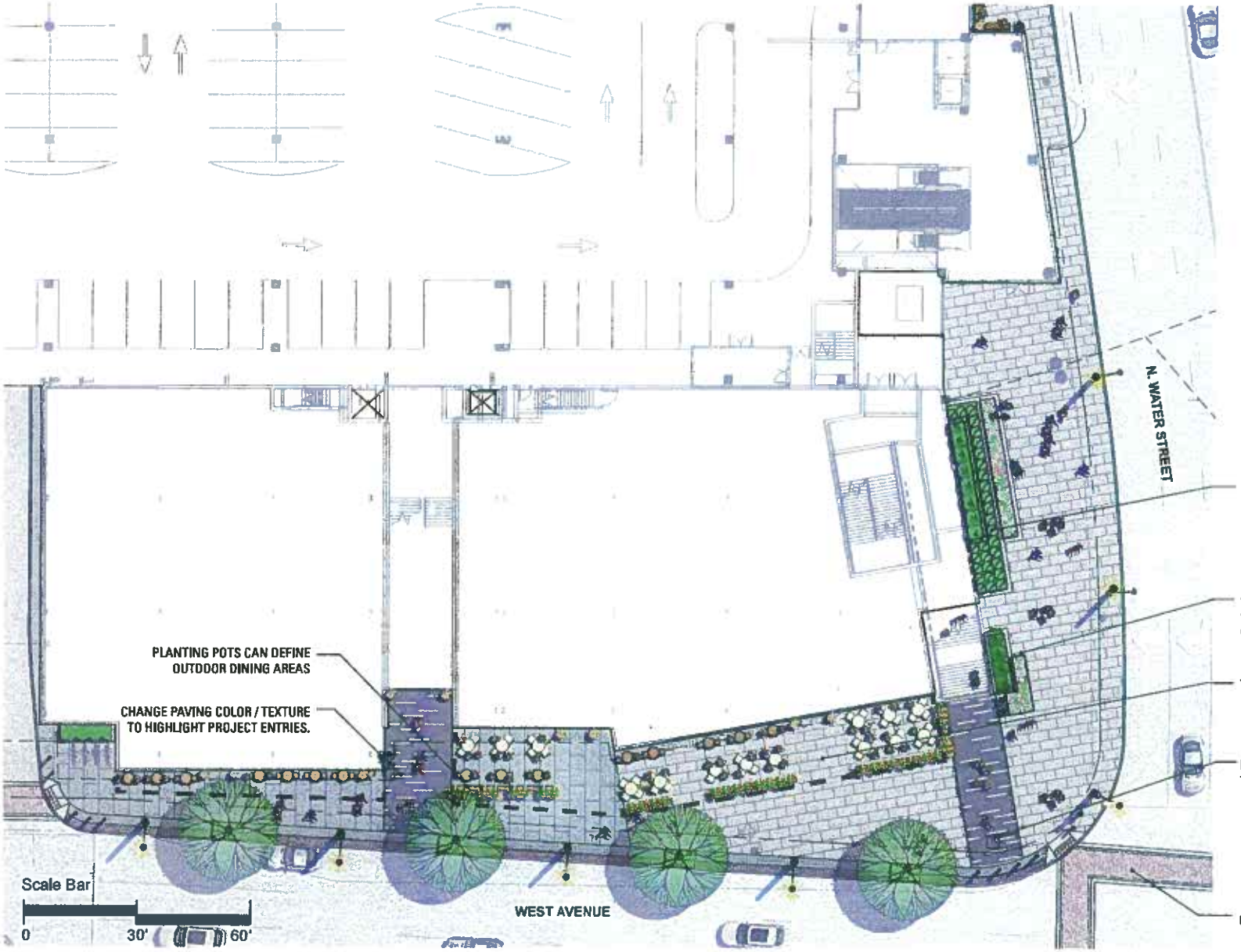
6 Level 1 | Green Wall

Note: Images are representetitve of the types of spaces end activities we envision incorporating into our public realm areas but do not represent tha exact environment.

PUBLIC REALM - CENTRAL PLAZA

THE SoNo COLLECTION

04/01/2016

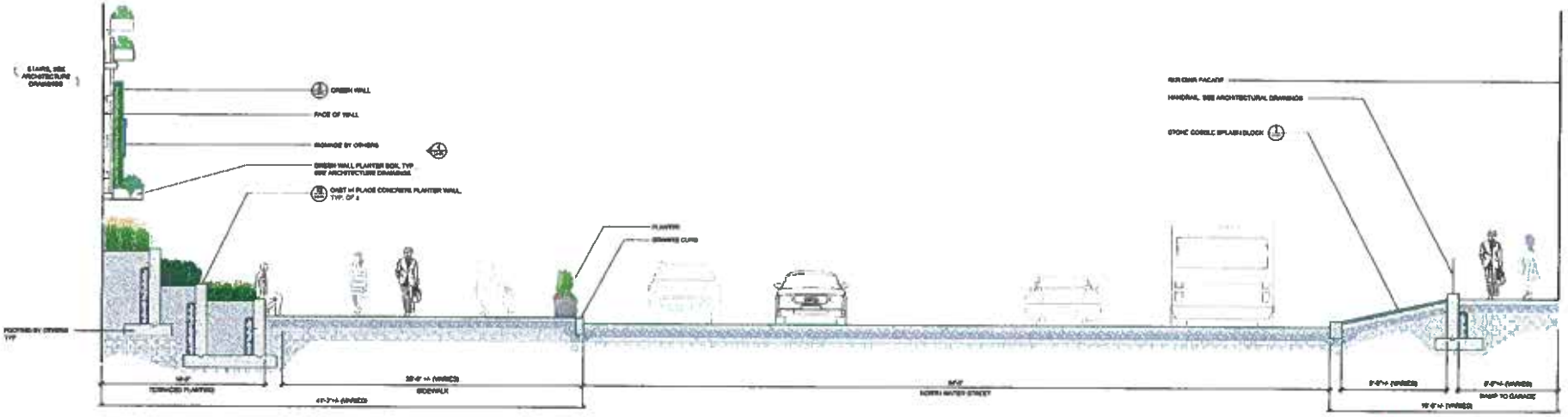


PUBLIC REALM

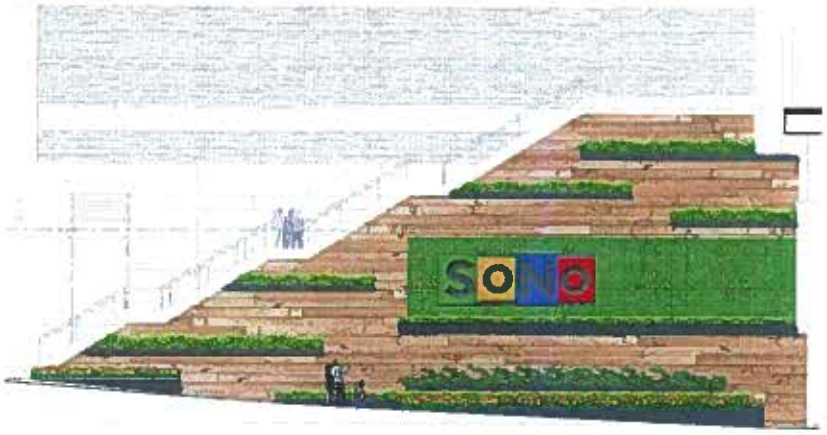
PUBLIC REALM - CENTRAL PLAZA

THE SoNo COLLECTION

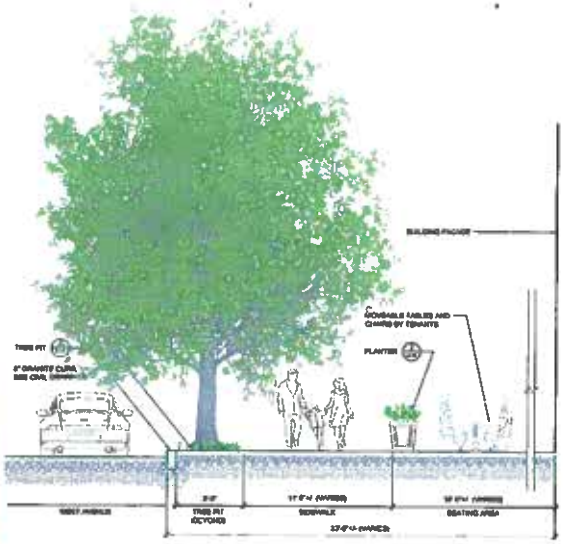
04/01/2016



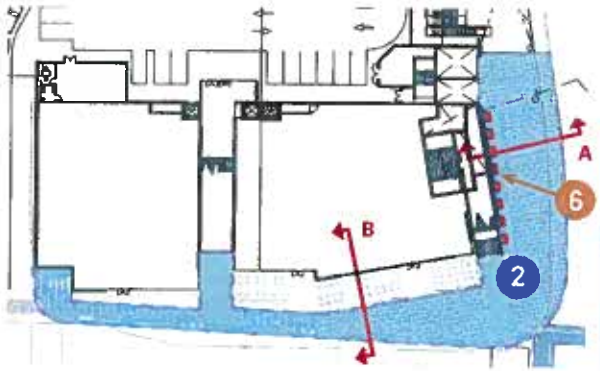
A - Water Street Section



Green Wall Elevation & Images



B - West Street Section



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PUBLIC REALM

PUBLIC REALM - CENTRAL PLAZA

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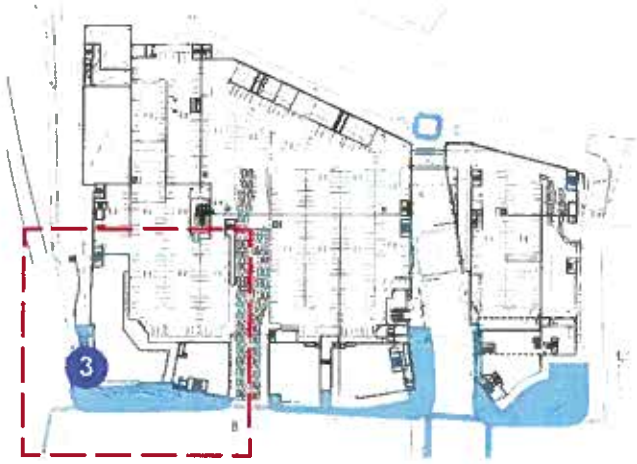
MAHAN RYKIEL

Outdoor Seating

Terraced Walls & Landscape

Signage

Programmed Activities



Level 1 | NW Plaza

3 Level 1 | NW Plaza | 14,372 SF

Description: The NW Pleze creates a gateway space along West Avenue, highlighting errival to the project. This terrecad space features an upper level saeting area, landscepe plantings, signage end other pedestrian emenities.

Qualifying Categories: Streetscape, Exterior Public Spacas

Commitments: The Cantral Plaza will include the following elements:

- Upgraded Pedestrian Amenities
- Health & Fitness Events
- Public Art
- Bicycle Route & Infrastructure
- Enhanced Landsceping

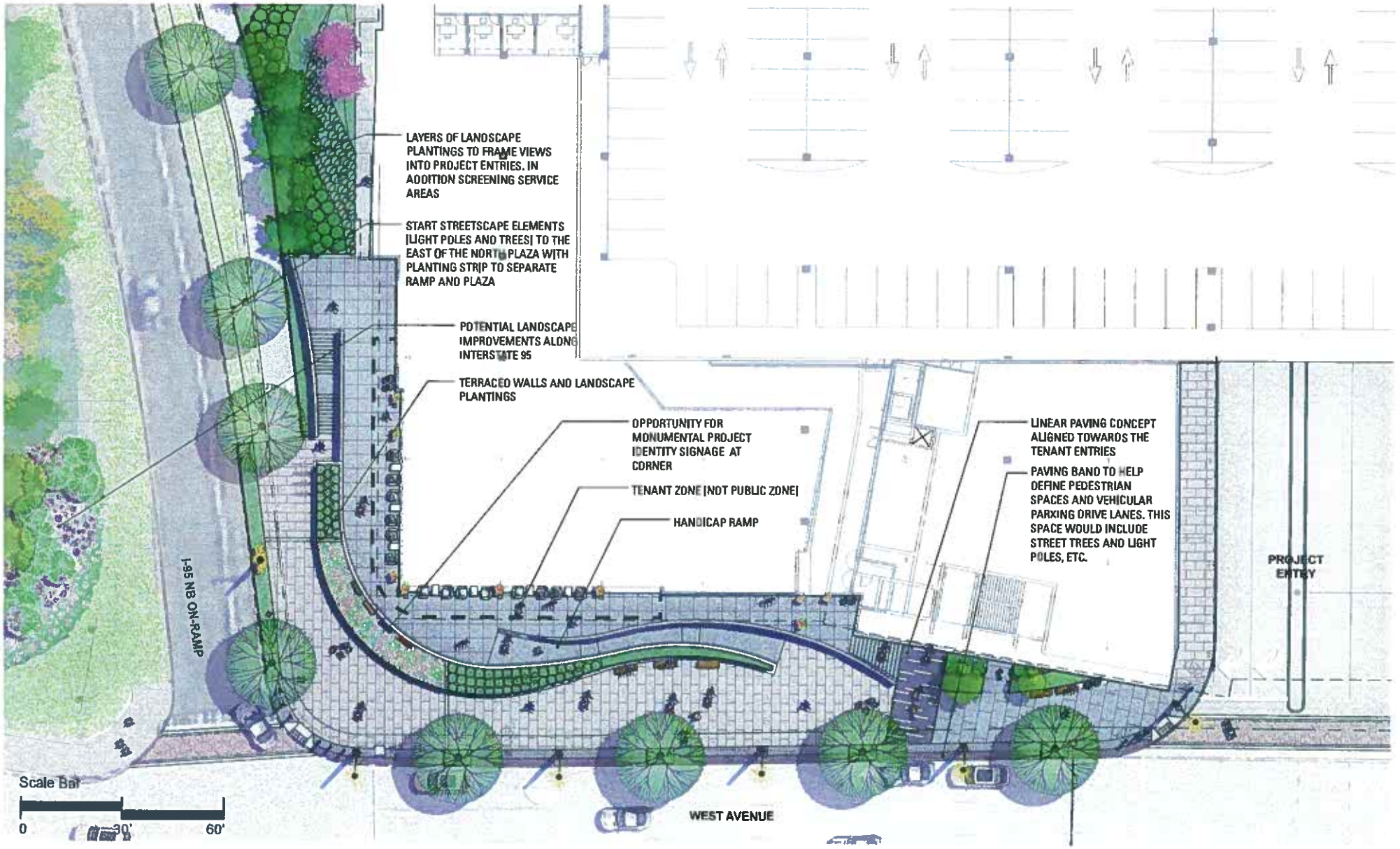
Compliance with Principles:

- **Identity** - Tha NW plaza will anchor the SoNo Collection's presence along West Avenue end I-95, strengthening the City's image at this key gateway.
- **Access** - The plaza and streetscape space is accessible directly from the street, offering truly public spece that cen be used by people enjoying the SoNo Collection or adjacent businesses.
- **Activation**- Potentiel upper level seating areas will animate tha upper portion of the plaza directly adjecent to the retail users.
- **Connectivity**- The proposed pleza will anchors the northern edge of the new pedestrien experience along West Avenue.

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct.

Note: Images are representatitve of the types of spaces end activities we envision incorporating into our public realm areas but do not represent the exact environment.



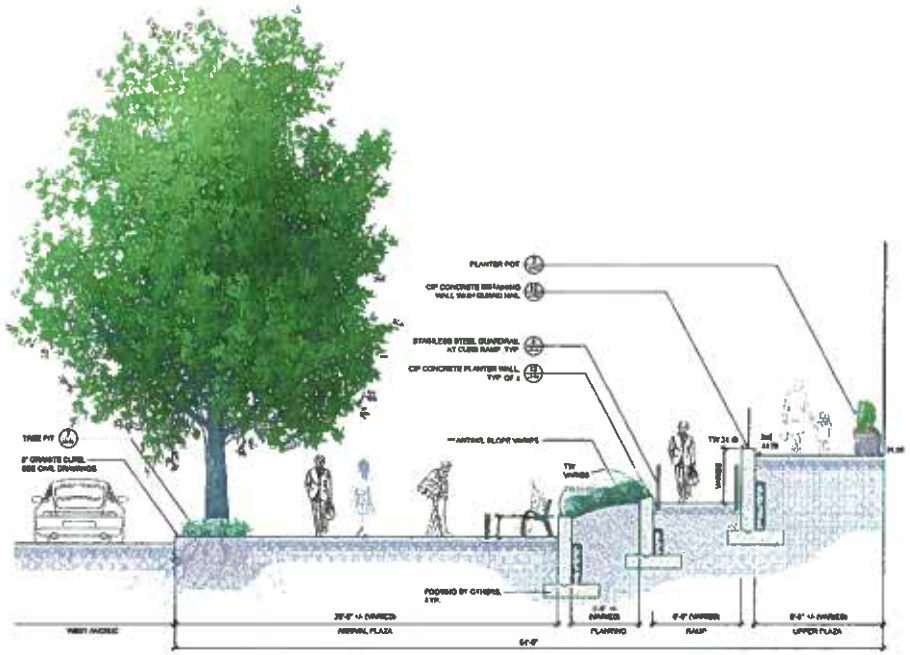
PUBLIC REALM

PUBLIC REALM - NW PLAZA

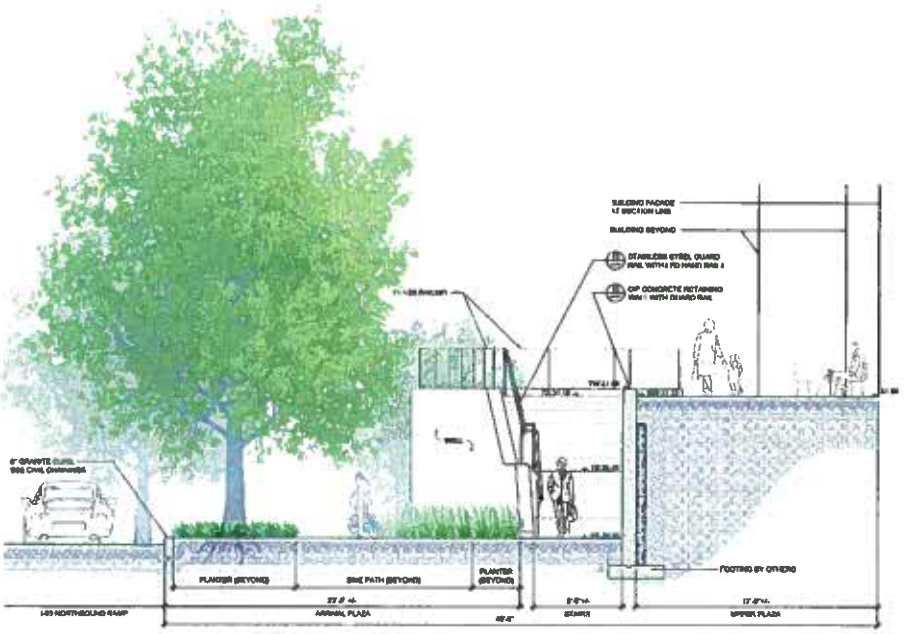
GGP RTKL MAHAN RYKIEL

THE SoNo COLLECTION

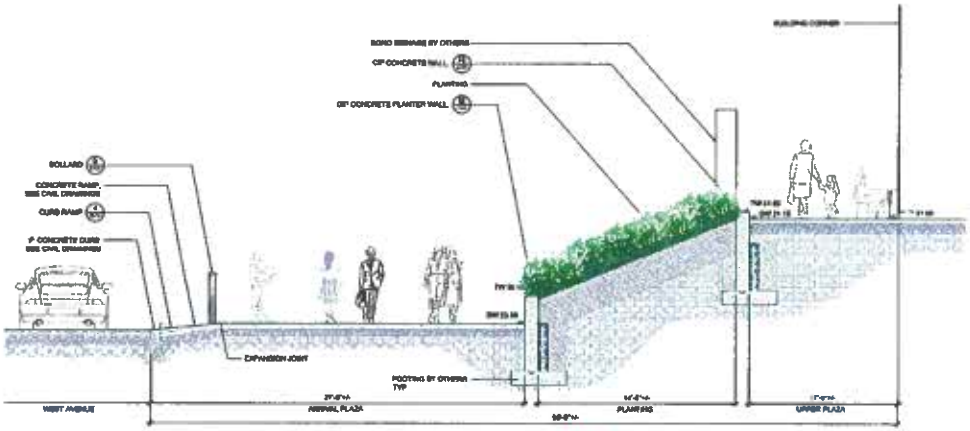
04/01/2016



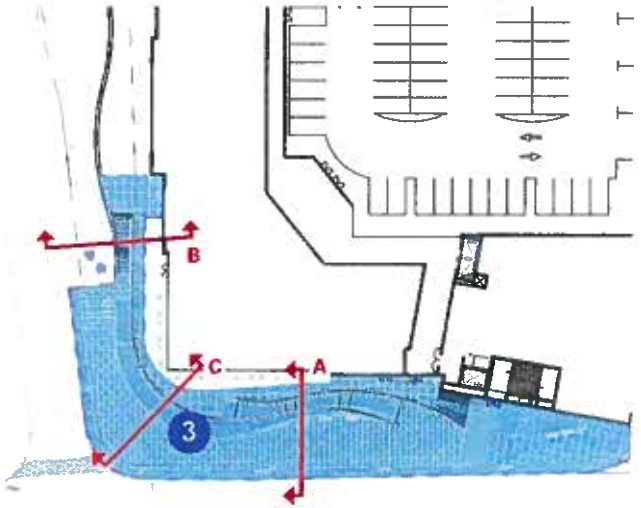
A - West Street Section



B - I-95 Section



C - West Street Section Through Signage



PUBLIC REALM

PUBLIC REALM - NW PLAZA

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RTKL

MAHAN RYKIEL

THE SoNo COLLECTION

04/01/2016

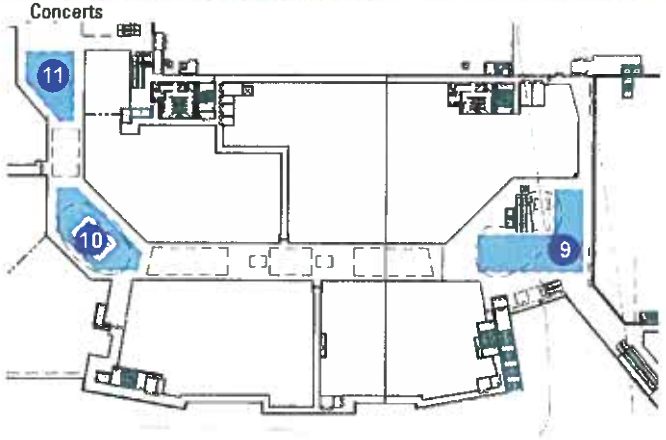
Cultural Presentations

Youth Dance Recitals

Sporting Events

Concerts

Community Events



Level 2 | Interior Courts

Level 2 | Interior Courts

9 Level 2 | SW Court | 4,705 SF

Descriptioo: The Southwest court is en indoors court loceted on the South West corner of Mell Level 1 edjecent to the iconic 3 stories curved curtein well spanning over North Water street. It is directly connected to the Perking Velet drop off thru a set of esceletors end an elevetor, end visuelly open to rest of the mell thru the keyholes ebove.

Qualifying Categories: Interior Public Spece

Commitments: The SW Court will include the following elements:

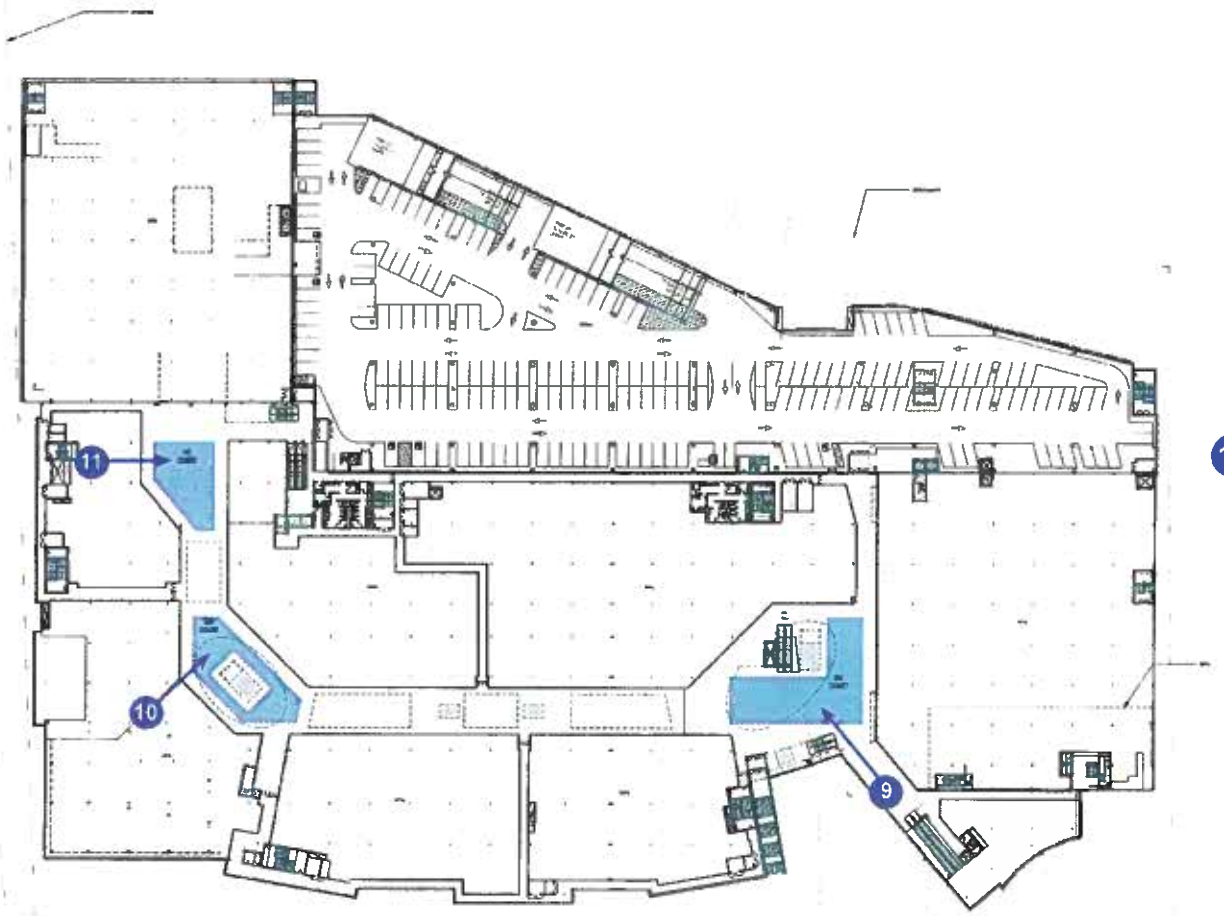
- Cherity Functions
- Performances & Concerts
- Youth Events
- Holidey Events
- Locel Merketing & Tourism

Compliance with Principles:
The SW Court is one of 3 mein interior courts inside SoNo Collection. It sits et e strategic location enchoring the southern end of the retail concourse end is highly visible thru the curtain well thet spens over North Weter street. It hes direct access thet connect ell building levels, from B2 perking to the upper level of retail. This prominent location is plenned to host community related events such es cherity functions, holidey events end locel merketing ettrections. The spetiel quelity is highlighted end eccentueted by the openness of the floors ebove thru e set of keyholes visuelly connecting ell retail levels naturally lit by e centrel skylight crowning the etrium spece

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct.
- Areas to be subject to projects typicel hours of operetion
- Arees to be periodically subject to seesonel ectivities or events.

Note: Imeges ere representetitve of the types of speces end ectivities we envision incorporeting into our public reelm erees but do not represent the exect environment.



10 Level 2 | NW Court | 2,771SF

Description: The Northwest court is an indoors court located on the North West corner of Mall Level 1 adjacent to the iconic Sculpture garden. It is easily accessed thru the pair of elevators serving the sculpture garden.

Qualifying Categories: Interior Public Space

Commitments: The NW Court will include the following elements:

- Public Art
- Cultural Presentations
- Community Displays

Compliance with Principles:
The NW court is another prominent court located at the Northern end of the main concourse. The grand spatial quality is highlighted and accentuated by the openness of the floors above thru a set of keyholes visually connecting all retail levels and its proximity to the two level Sculpture garden.

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct.
- Areas to be subject to projects typical hours of operation

11 Level 2 | NE Court / Anchor Plaza | 2,401 SF

Description: The NE court is an indoors court located on the North East corner of Mall Level 1 adjacent to Nordstrom's and the North Parking deck entrance to the mall. This court is directly accessed thru a set of escalators and elevators serving all parking and retail levels.

Qualifying Categories: Interior Public Space

Commitments: The SW Court will include the following elements:

- Upgraded Public Seating Area
- Local Exhibits

Compliance with Principles:
The NE court sits directly in front of Nordstrom's front entrance and is ideally located next to a set of escalators and elevators connecting all parking and retail levels. It is also adjacent to the North entrance to the mall from Parking level 2, 2m, 3 and 4. The spatial quality is highlighted and accentuated by the openness of the floors above thru a set of keyholes visually connecting all retail levels.

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct.
- Areas to be subject to projects typical hours of operation

50' 100' 200'

PUBLIC REALM

PUBLIC REALM - LEVEL 2

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Planting

Walking and Seating Areas

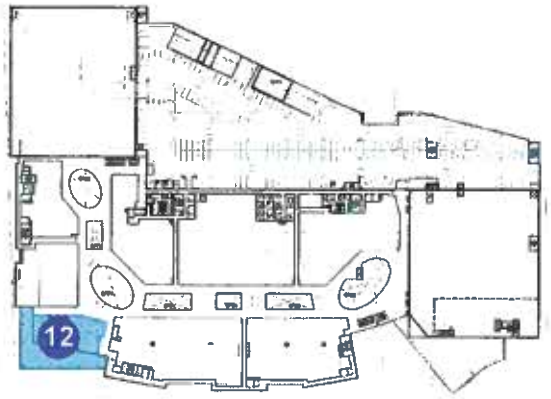
Plaze

Water Feature

Community Activities

Landscape Features

Landscaping Elements



Level 3 | Sculpture Garden

12 Level 3 | Sculpture Garden | 12,097 SF

Description: The Sculpture Garden will offer a contemplative space for relaxation, gathering and other informal events. A variety of seating elements, indoor plantings, sculptures and a water feature will add to the user experience.

Qualifying Categories: Interior Public Spaces

Commitments: The Sculpture Garden will include the following elements:

- Food & Wine Events
- Holiday Activities
- Educational Programs
- Charity Functions
- Art Exhibition

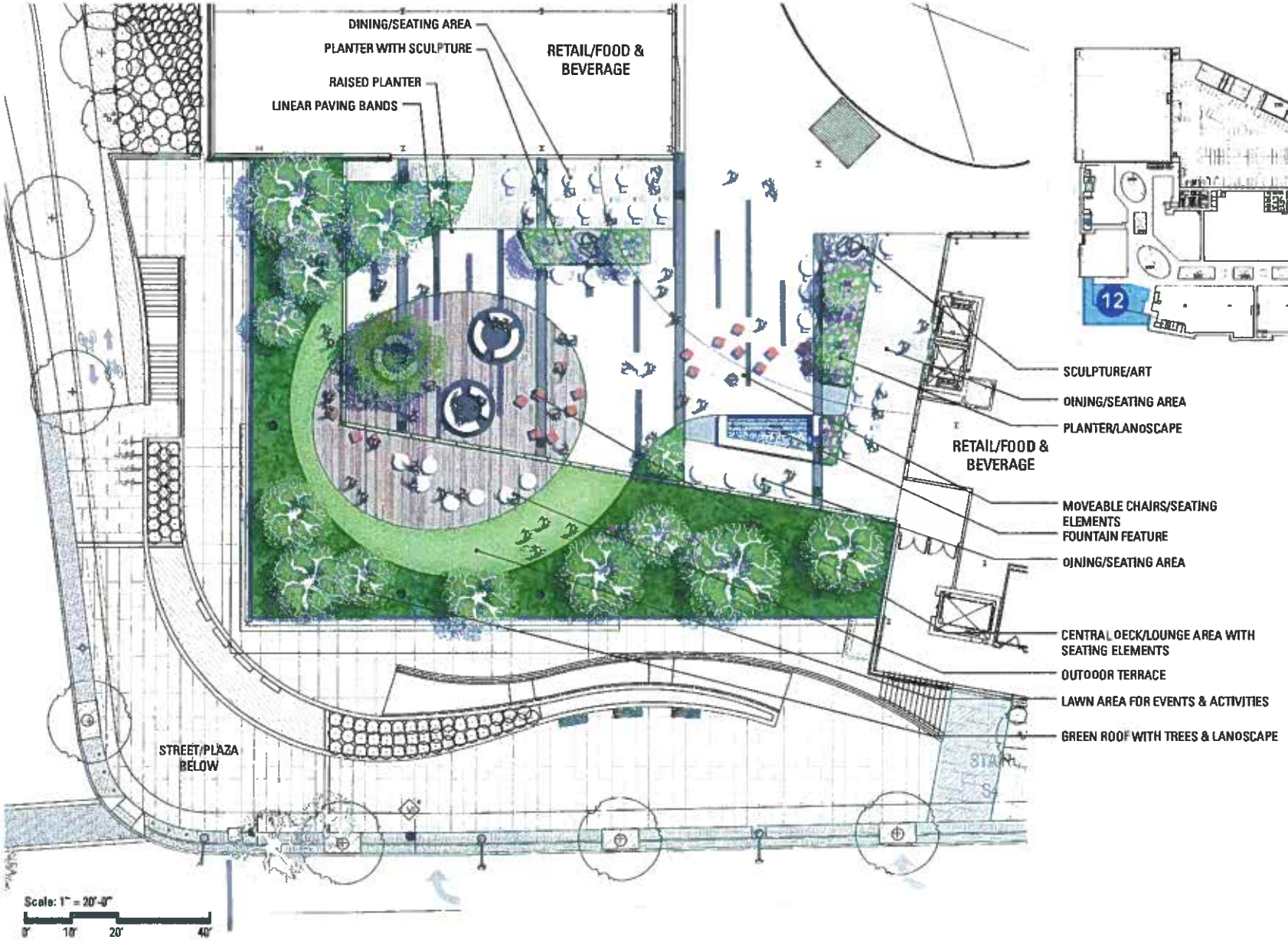
Compliance with Principles:

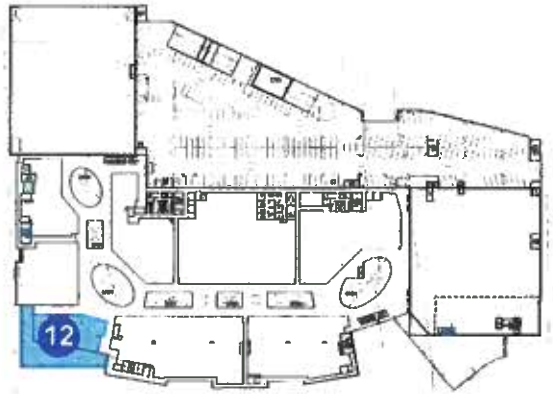
- **Livability** - The Sculpture Garden will offer a year-round, indoor public space for the residents of Norwalk to use and enjoy.
- **Identity** - With its seating, art and engaging atmosphere, the Sculpture Garden will be a popular place for the residents of Norwalk to socialize and gather.
- **Access** - The Sculpture Garden will be open to the public, with access coming from the mall interior.
- **Placemaking/Design Excellence**- The Sculpture Garden will offer a distinct year-round, indoor community space that will be a social hub for the residents of Norwalk. With indoor and outdoor amenities, this space will become a focal point in the community.
- **Activation**- Art, sculpture and other informal programmed activities will add interest and activity to the Sculpture Garden.

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct.

Note: Images are representative of the types of spaces and activities we envision incorporating into our public realm areas but do not represent the exact environment.





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04/01/2016

PUBLIC REALM

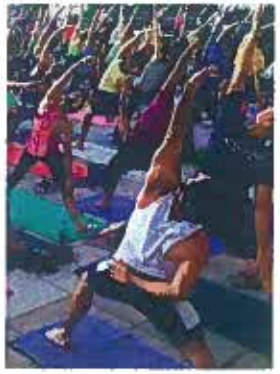
PUBLIC REALM - SCULPTURE GARDEN

GGP RFKL MAHAN RYKIEL

Water Feature

Beer Garden

Outdoor Movies



Athletics Events

Outdoor Seating

Public Plaze

Level 4 | Roof/Sono Garden

13 Level 4 | Roof / SONO Garden | 19,213 SF

Description: The Roof/Sono Garden evokes the sense of movement and water, with a central lawn and plaze fountain focal point. Retail, Food & Beverage and a Retail Kiosk add activity to the space.

Qualifying Categories: Exterior Public Space, Park

Commitments: The Roof Garden will include the following elements:

- Farmer's Market
- Community Activities - Food & Wine Events, Youth Activities, etc.
- Event Lawn
- Exercise + Health Activities
- Film + Sports Screenings
- Community Activities + Games
- Performances + Concerts
- Artificial Ice Skating

Compliance with Principles:

- **Liveability** - The Roof Garden will offer a dramatic civic space overlooking Norwalk and the Norwalk River.
- **Identity** - The Roof Garden will offer a unique park setting for residents, as it will offer expansive rooftop views out to Norwalk and the Norwalk River.
- **Access** - The Roof Garden will be open to the public, with access coming from the mall interior and adjacent parking garage.
- **Placemaking/Design Excellence**- The Rooftop Garden will offer a distinct, modern park space that transforms what would typically be parking into a vibrant civic space.
- **Activation**- Programmed events and activities will be used to encourage daily activity in the Roof Garden. Adjacent outdoor dining and the interactive fountain will add to the overall experience, while encouraging users to stay and mingle.

Limitations or Conditions

- Subject to "The Sono Collection' Code of Conduct.

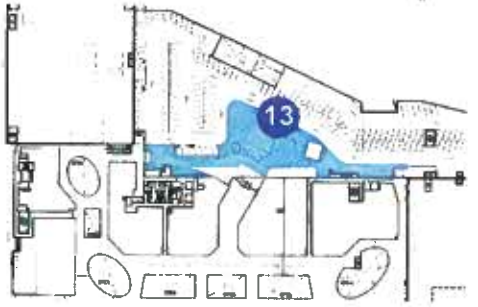
Note: Images are representatitve of the types of spaces and activities we envision incorporating into our public realm areas but do not represent the exact environment.

Informal Activities

Concerts/Movies

Water Feature

Walls & Landscape



Scale: 1" = 30'-0"
0' 15' 30' 60'

PUBLIC REALM - ROOF/SONO GARDEN

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THE SoNo COLLECTION

04/01/2016

SoNo COLLECTION DESIGN PEER REVIEW

NORTH WATER STREET DESIGN

APRIL 01, 2016

GGP RTKL

INDEX:

A. North Water Street Area

B. North Water Street Pedestrian Areas

. Floor Plans

. Roadway and circulation

. Reflected Ceiling Plan & Lighting

. Perspective Views

. Signage

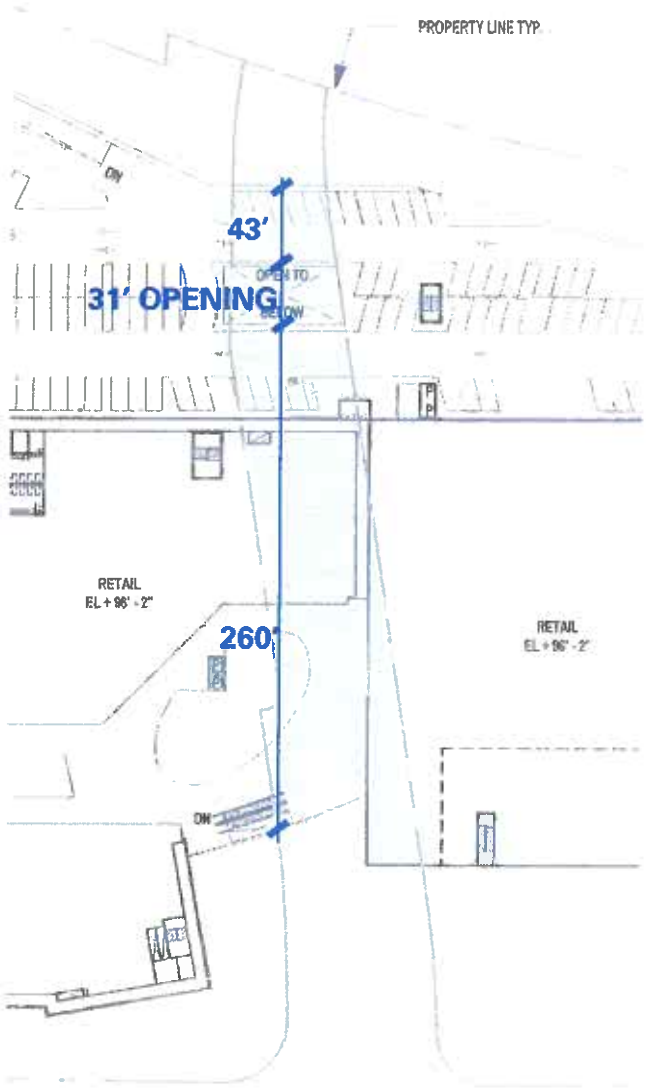
GGP RTKL

A - NORTH WATER STREET AREA

OVERALL ILLUSTRATIVE GROUND LEVEL PLAN

NORTH WATER STREET

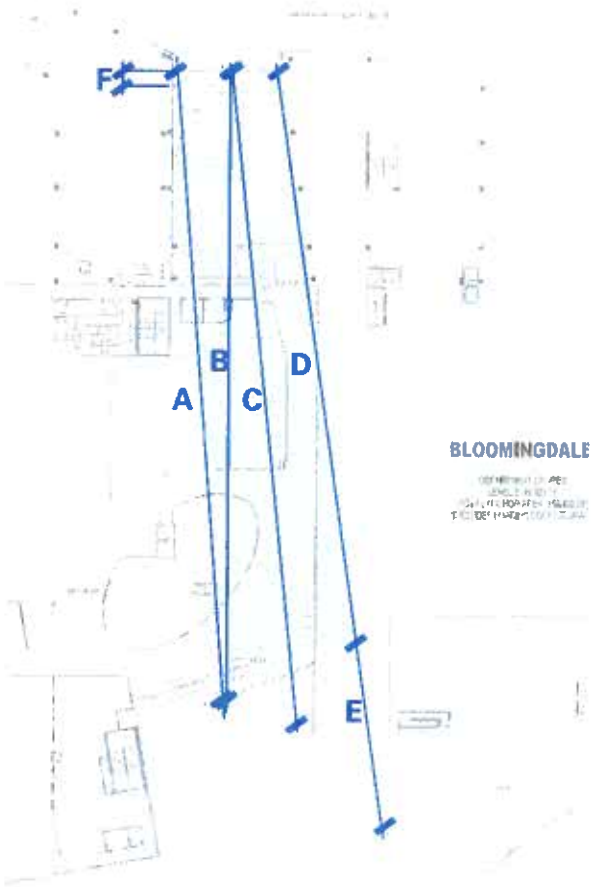
N



9/10/2015 Plan

1/64" = 1'-0"

Dimension line is taken at the same location as dimension line "B" in Current Plan



04/01/2016 Plan

1/64" = 1'-0"

Dimension Legend

A - 334.5'

Dimension measured above the right-of-way at north edge and between east facade of vehicular bridge and west building curved wall face.

B - 332.3'

Dimension measured above North Water Street center at east facade of vehicular bridge and west building curved wall face above right-of-way

C - 349.5'

Dimension measured above and along North Water Street at approximate centerline of roadway between east facade of vehicular bridge and west building angled wall

D - 308'

Dimension measured above the righ-of-way at south edge and between east parking bridge edge and west building curved wall face

E - 96.25'

Dimension measured above the right-of-way at south edge and between west building curved wall face and west building angled wall

F - 8.25'

Dimension measured between east parking bridge edge at level 1and east parking face of levels above

* Current plan shows 332.3' of building coverage above North Water Street measured above center line of street and between eastern building facade and west building face at curved curtainwall boundary. Total length of building measured above the right-of-way at north edge of North Water Street is 334.5'; and total length of building measured above the right-of-way at south edge of North Water Street is 308'. All measurements do not include public connection from Southwest Public Plaza to Mall level 1

N

NORTH WATER STREET

NORTH WATER STREET PLAN COMPARISON

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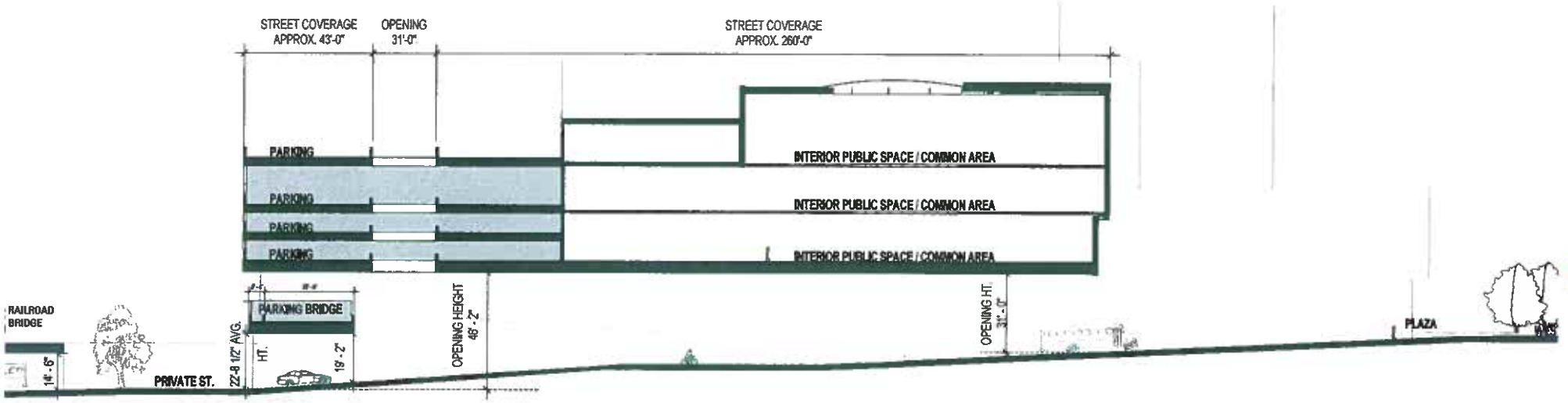
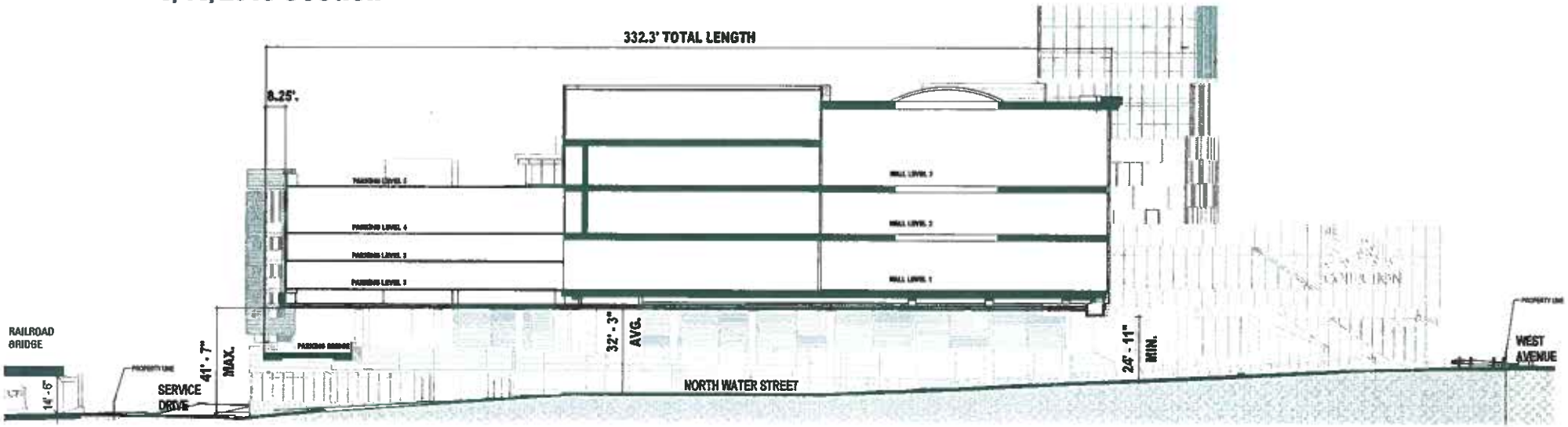
04/01/2016



9/10/2015 Section



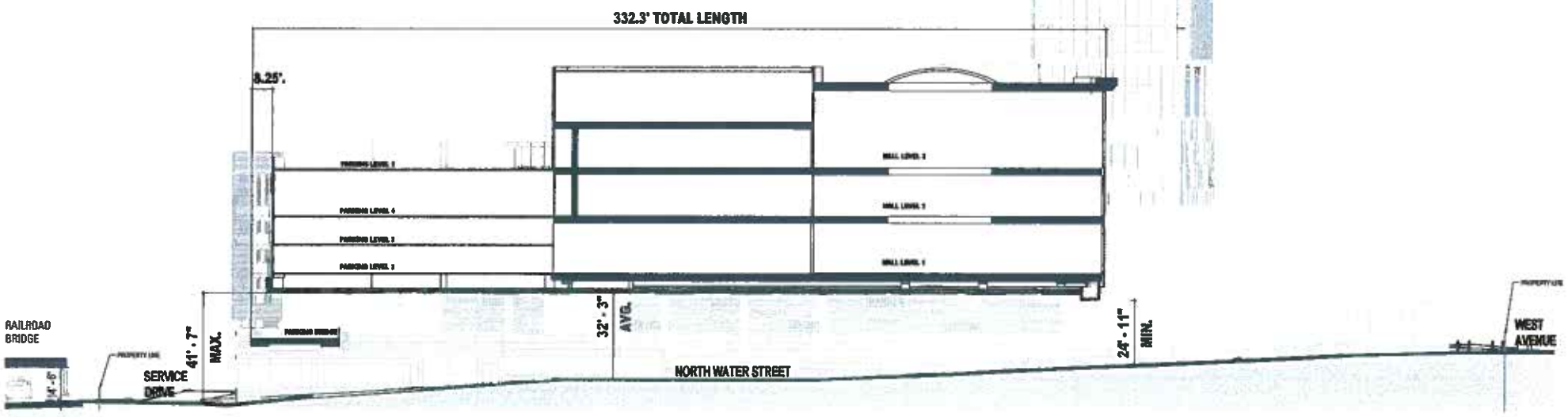
04/01/2016 Section

NORTH WATER STREET

NORTH WATER STREET SECTION COMPARISON

THE SoNo COLLECTION

04/01/2016



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NORTH WATER STREET

NORTH WATER STREET 04/01/2016 SECTION

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04/01/2016

NORTH WATER STREET

VIEW FROM REED STREET

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NORTH WATER STREET **VIEW FROM EAST**

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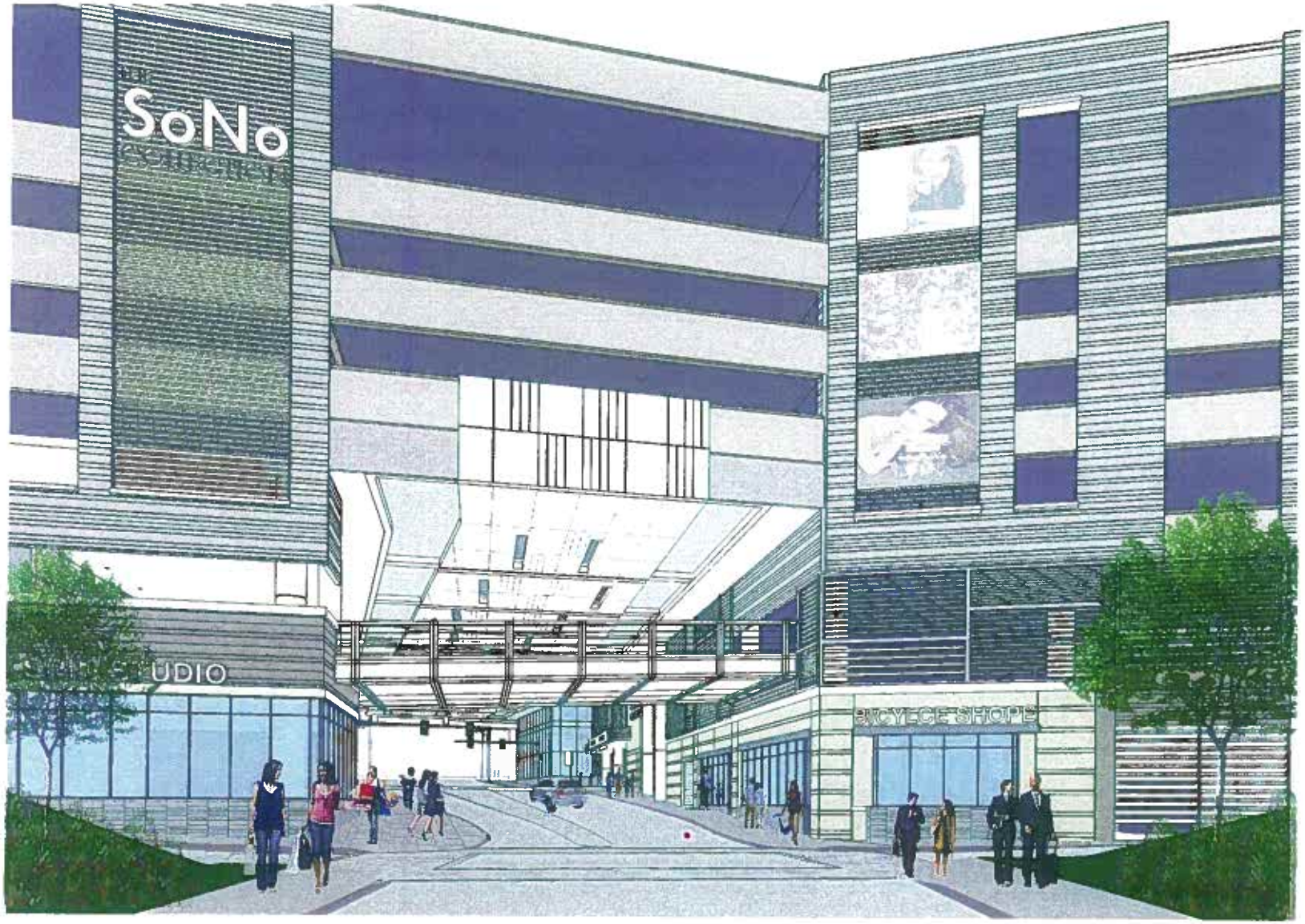
04/01/2016



NORTH WATER STREET

VIEW FROM EAST-ALTERNATE

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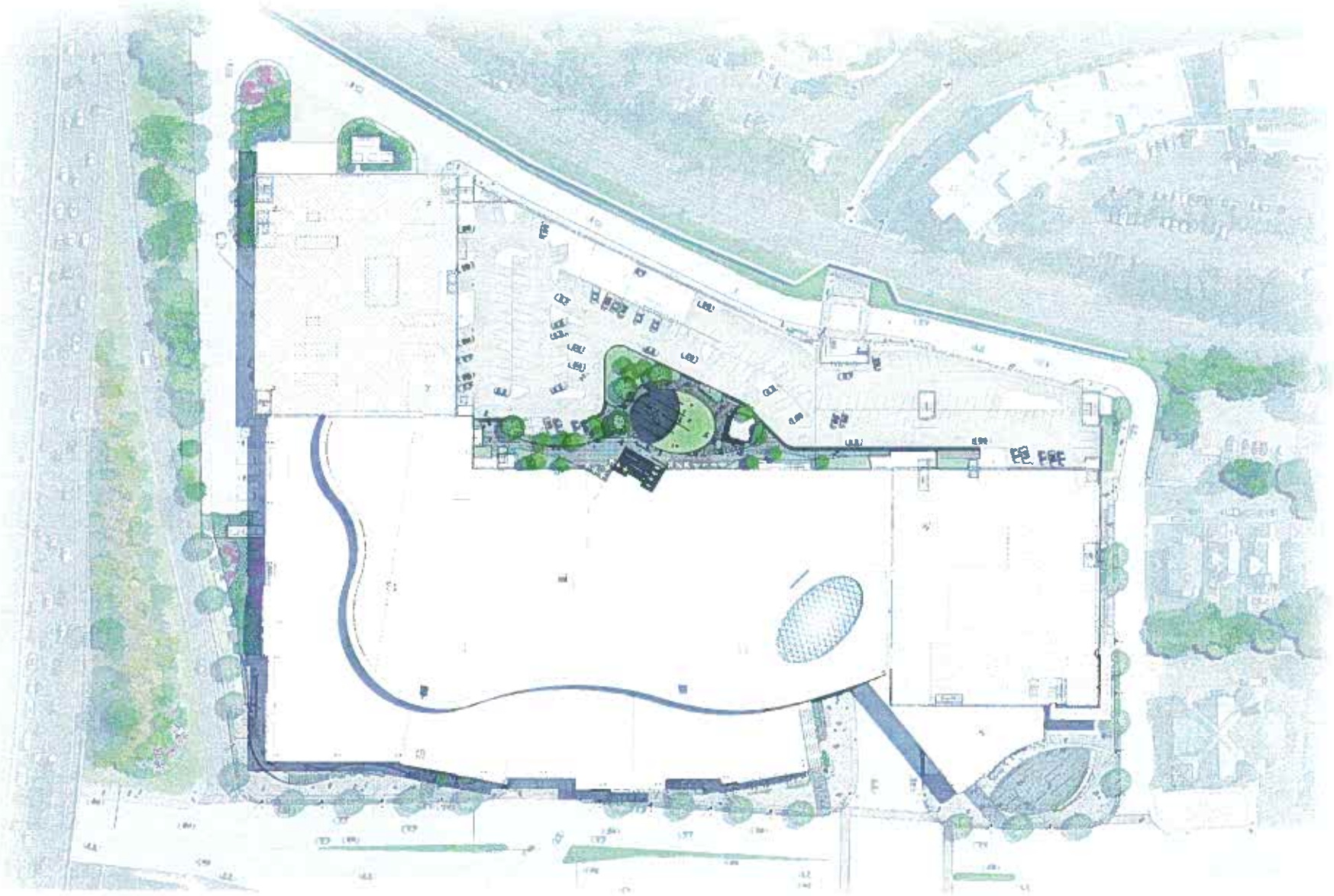
B - NORTH WATER STREET PEDESTRIAN AREA



NORTH WATER STREET

ILLUSTRATIVE SITE PLAN

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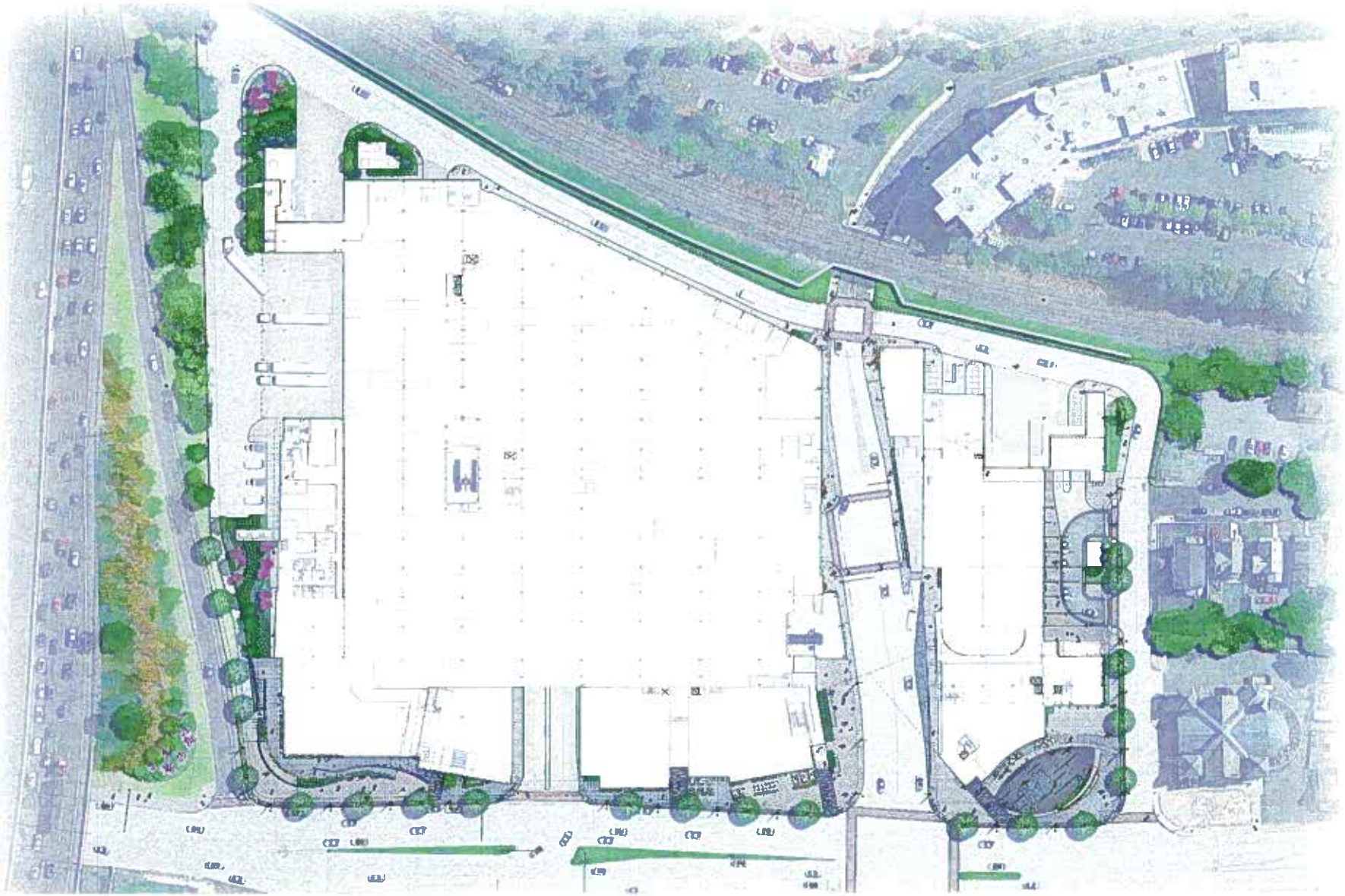

NORTH WATER STREET

ILLUSTRATIVE STREET LEVEL PLAN

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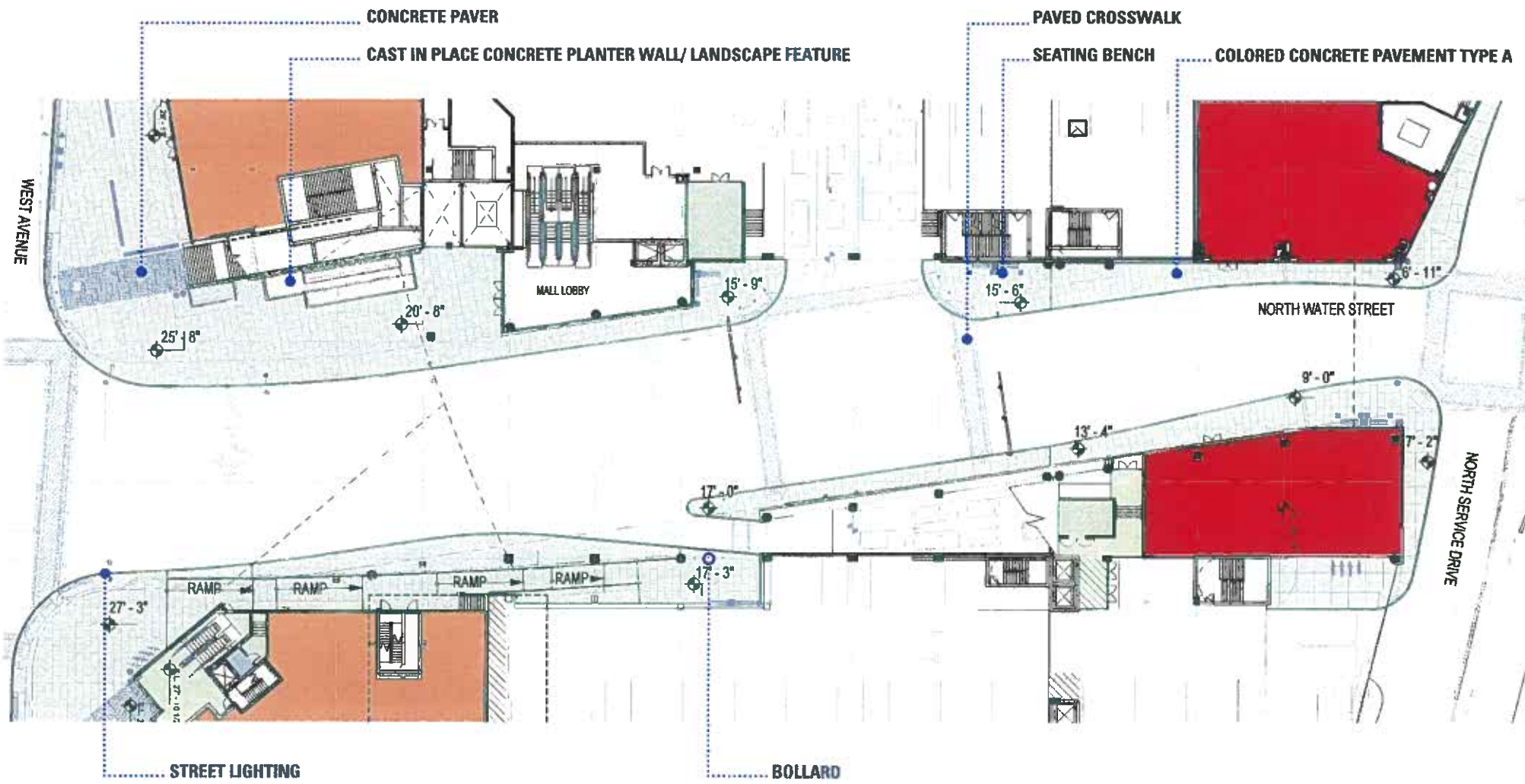
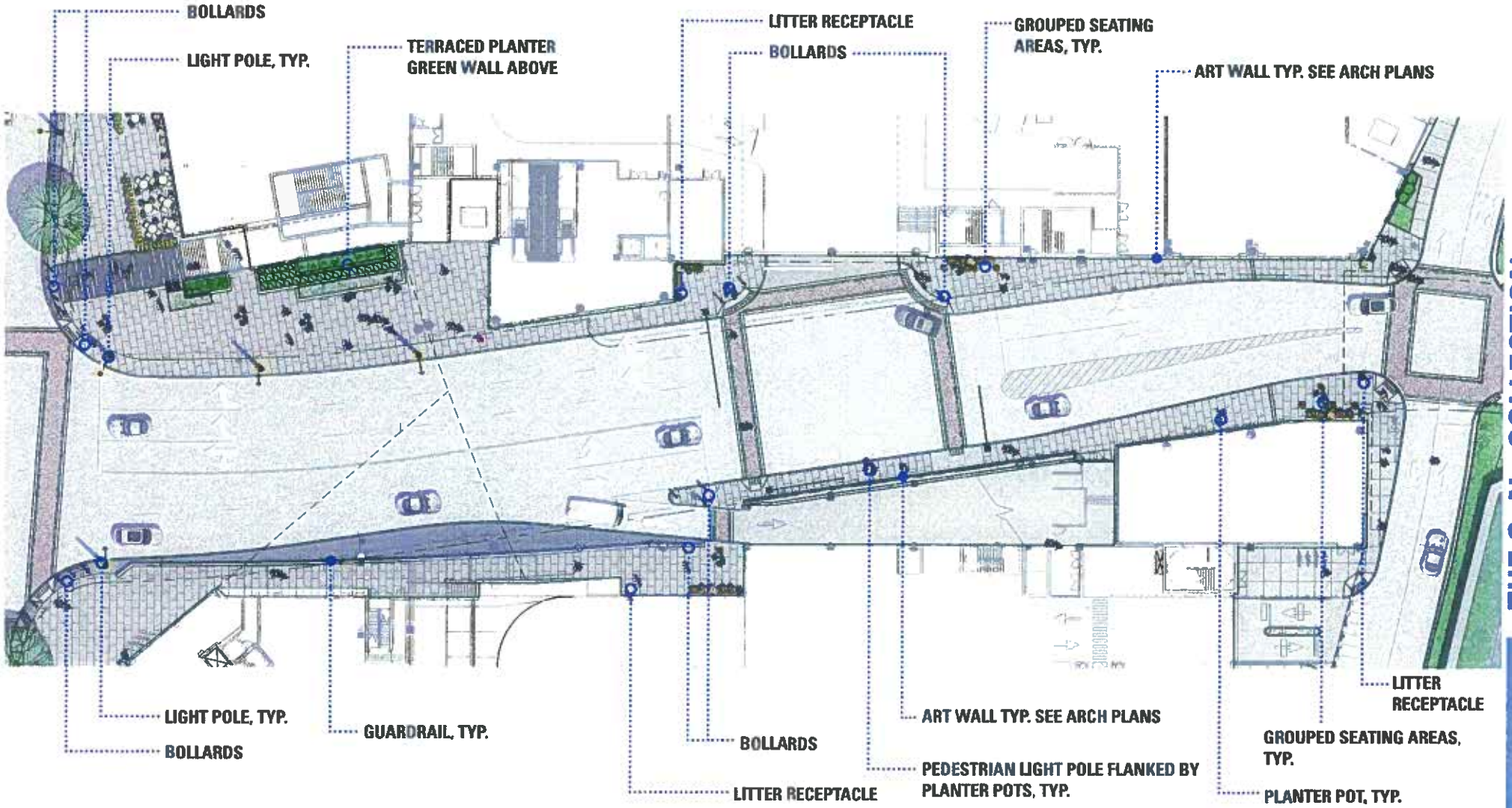


North Water Street overview Levels 1 thru B2

NORTH WATER STREET **FLOOR PLAN**

THE SoNo COLLECTION

04/01/2016



North Water Street overview Levels 1 thru B2

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NORTH WATER STREET

SITE AMENITIES

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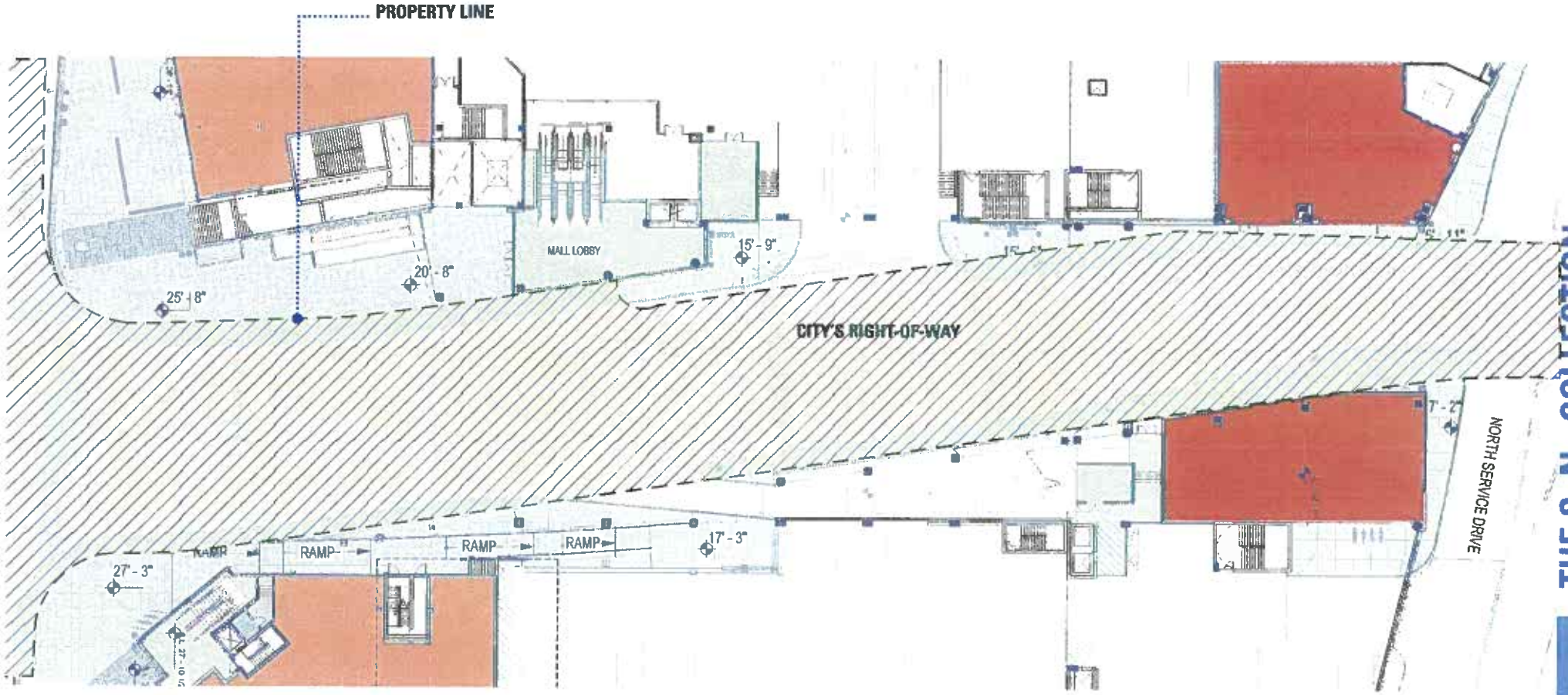

North Water Street overview Levels 1 thru B2

NORTH WATER STREET

CITY'S RIGHT-OF-WAY DIAGRAM

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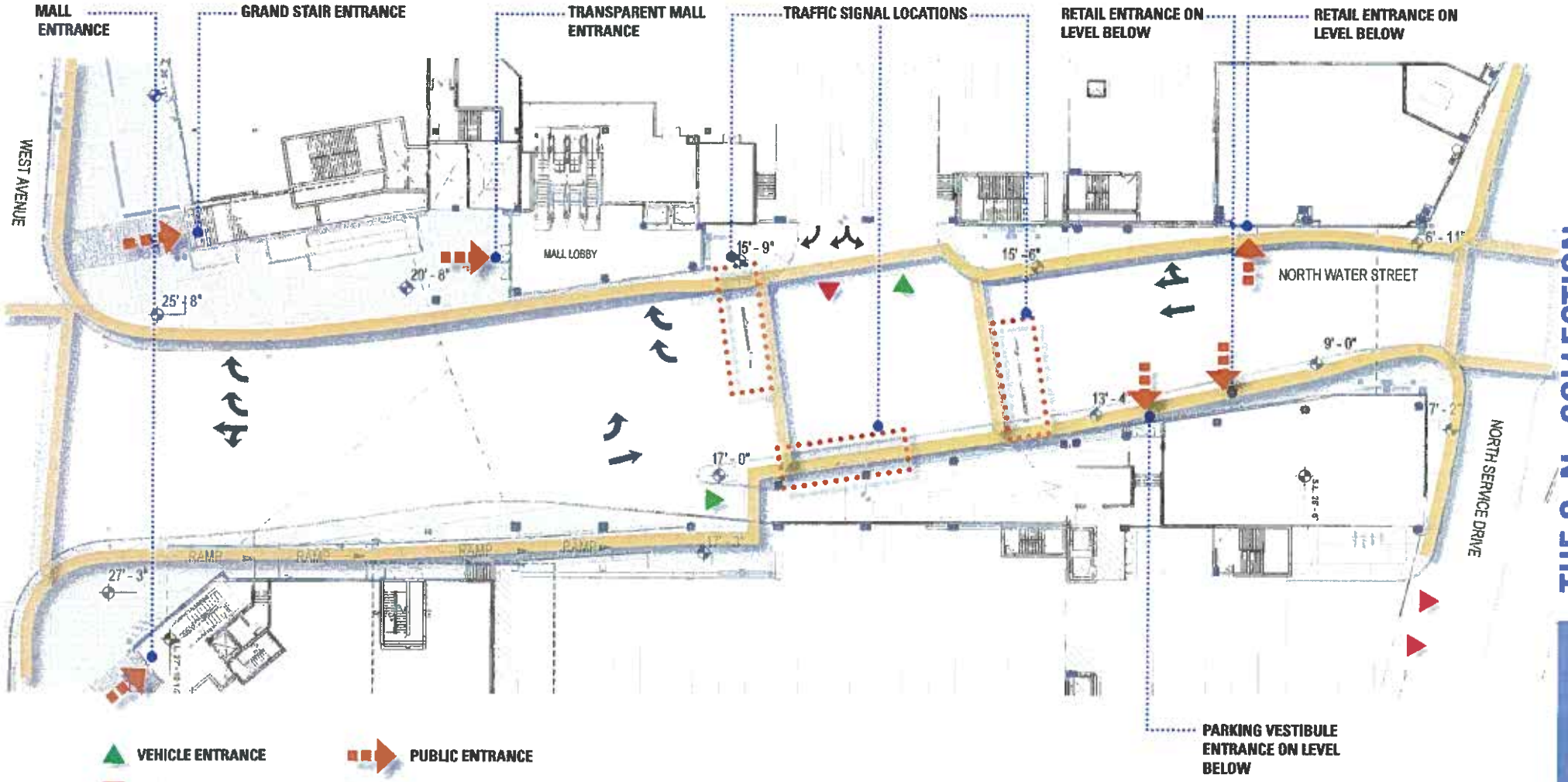

NORTH WATER STREET

CIRCULATION DIAGRAM

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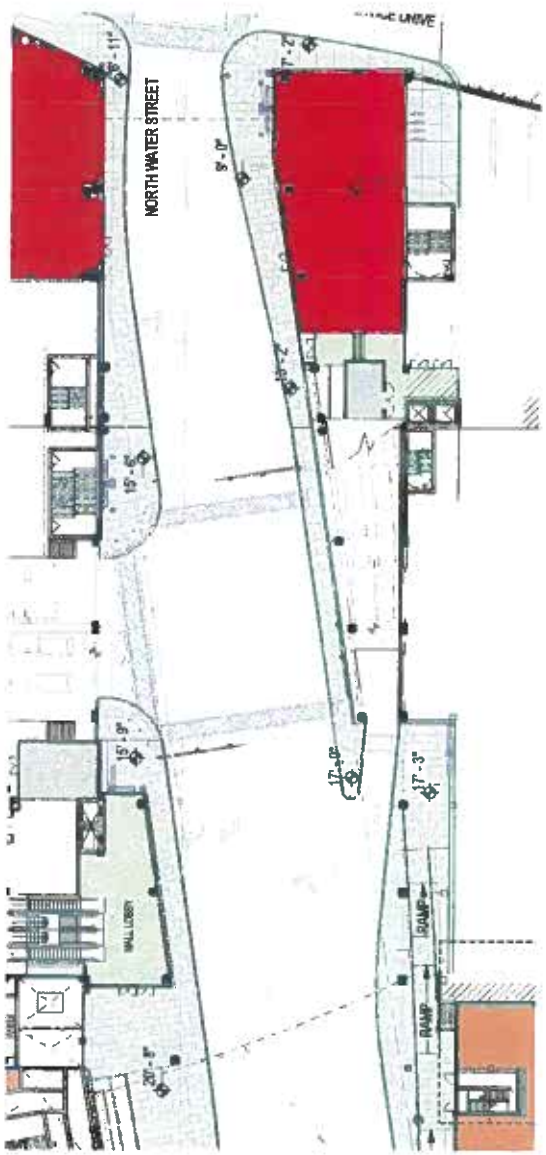
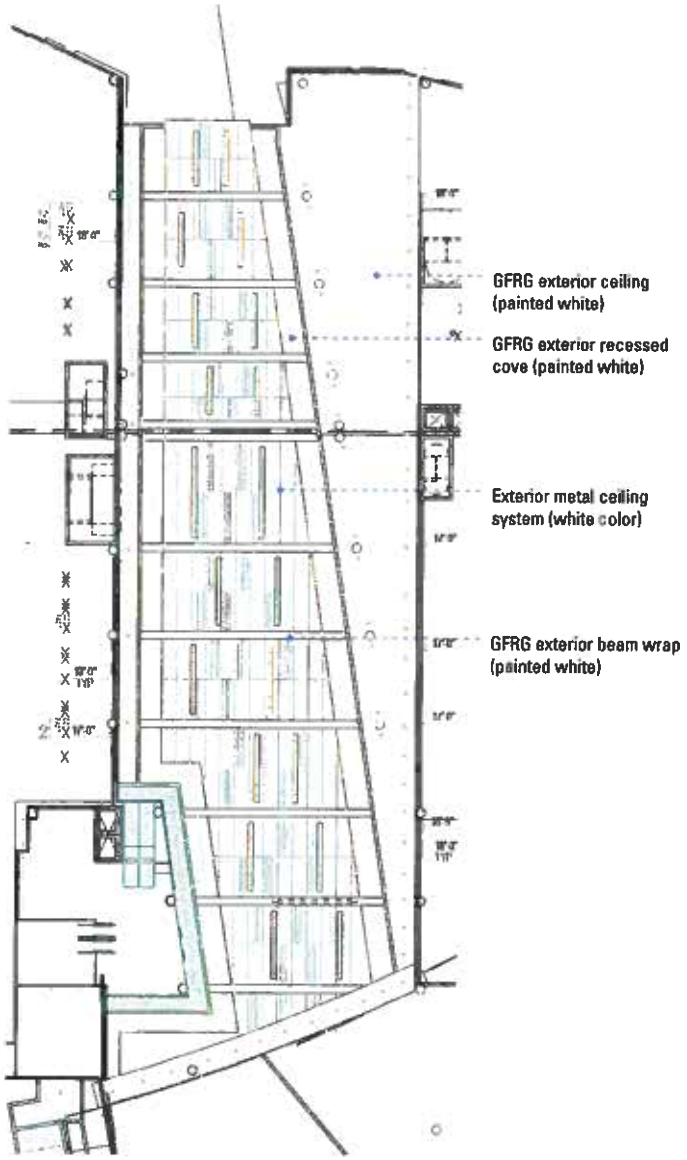


NORTH WATER STREET



REFLECTED CEILING PLAN

Ceiling Design Goals:

. Create a well-lit, inviting environment for pedestrian

. Use light color and reflective materials to enhance the street ambiance

. Create a welcoming end safe environment for both vehicles and pedestriens

. Use architectural lightings, accent lightings, up-lightings to enhance design and function charecteristic of the space

. Use ecoustic proof ceiling system to limit sound transmission

. Use energy efficient LED lightings

. Use solid and level reflective surface that support dynamic movement while creating a stable datum at ceiling plane

. Create rhythmic and consistent ceiling treatment that compliment and visually resolving complex grade and material changes

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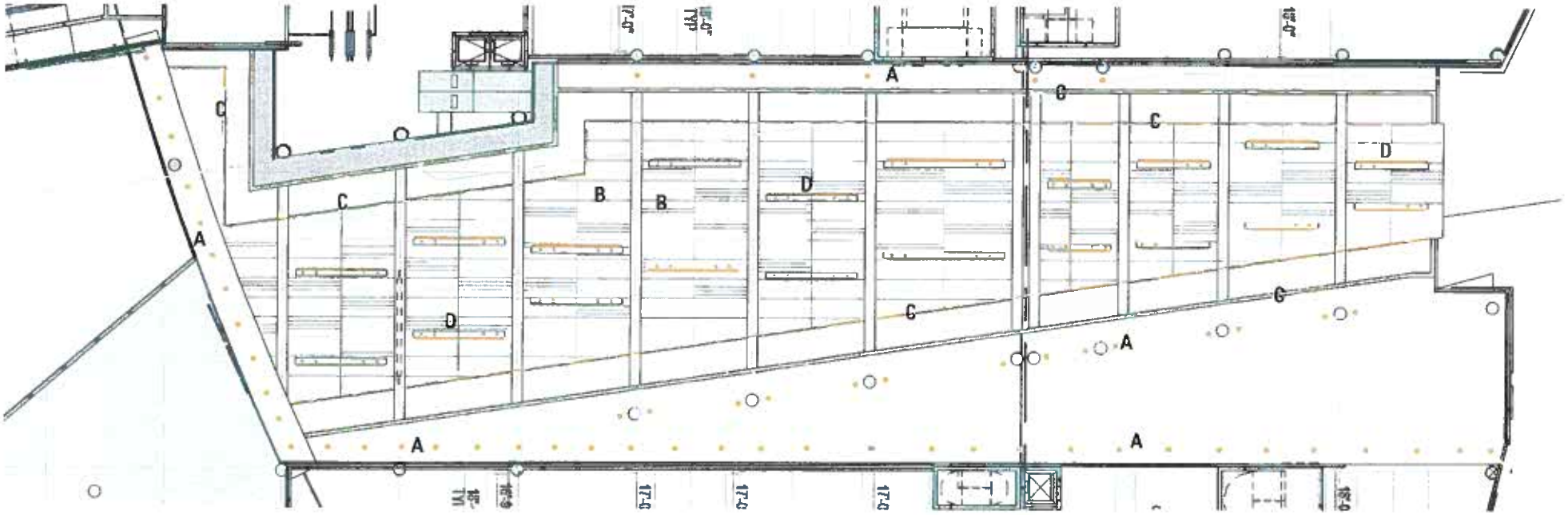
A - Ceiling spot light

B - Reflective metal ceiling

B - Ceiling pattern

C - Cove light

D - Ceiling slot light



NORTH WATER STREET

REFLECTED CEILING PLAN

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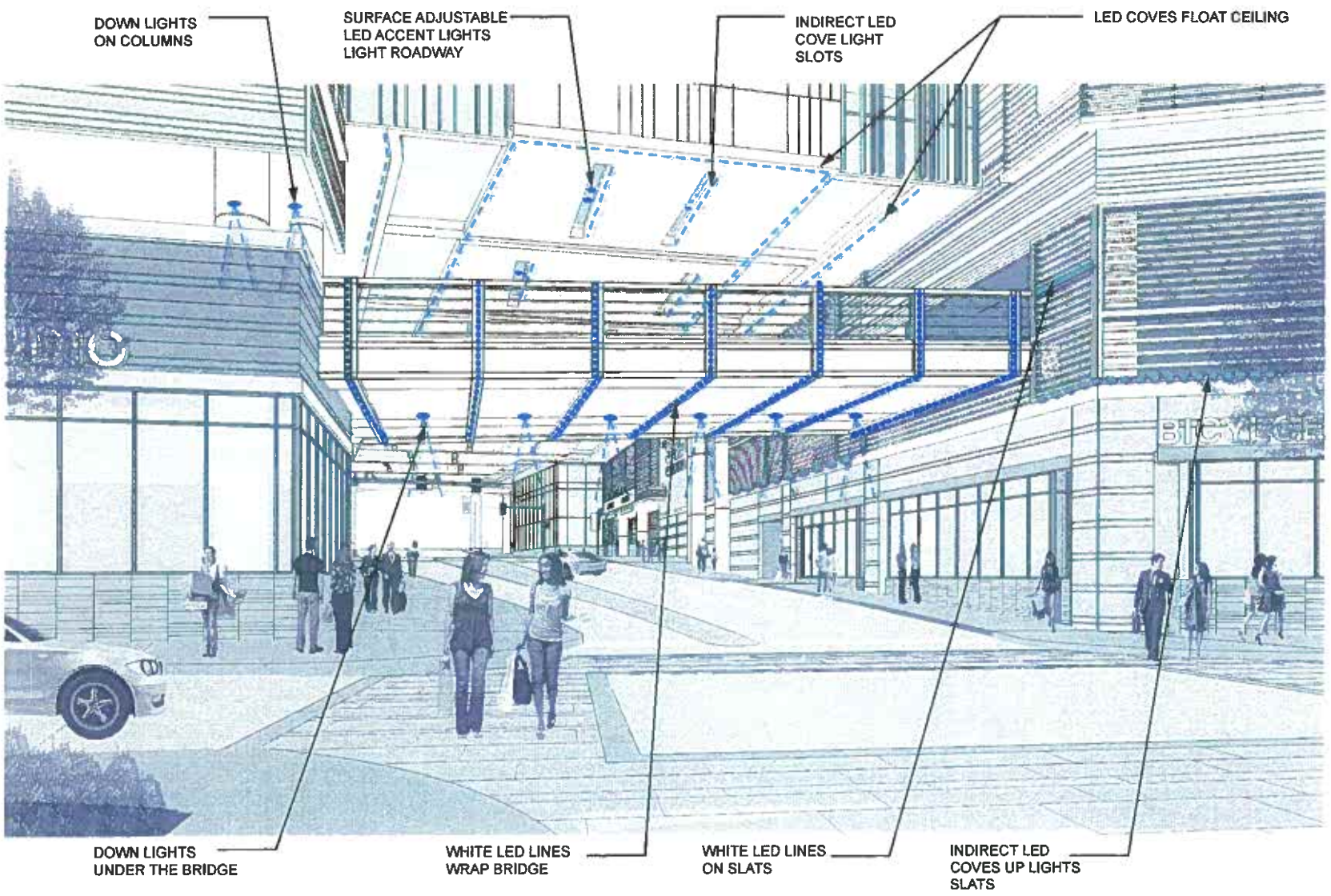
04/01/2016



NORTH WATER STREET

LIGHTING DIAGRAM

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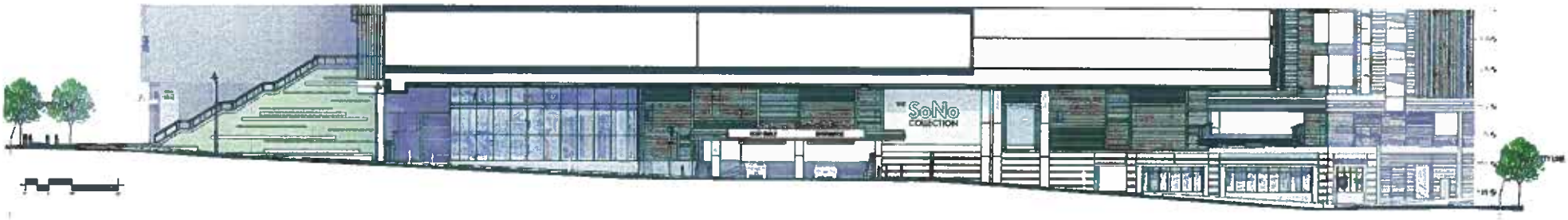
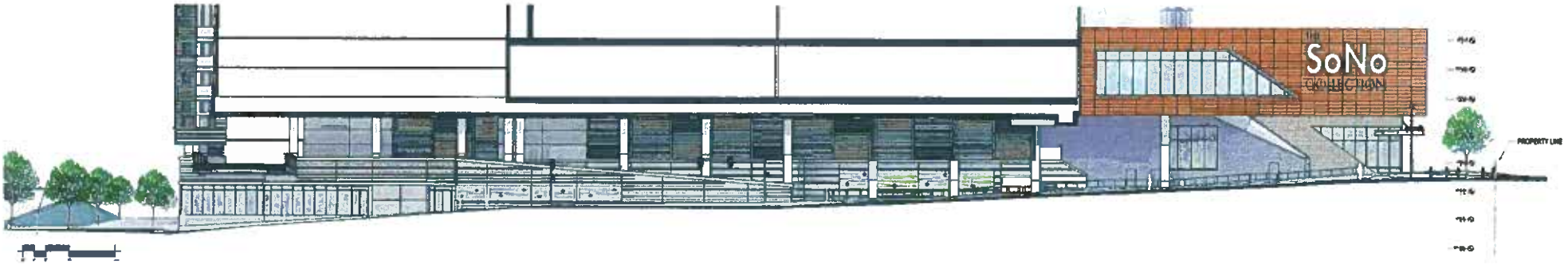


AA-North Elevation



BB-South Elevation

NORTH WATER STREET

ELEVATIONS

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C. Visible garage entrance

D. Architectural precast concrete

E. Architectural screening louvers

A. Green Wall with feature signage

B. Transparent Multi-story Mall Entrance

North Elevation Design Goals:

. Create an attractive environment for pedestrians through introduction of human scale storefronts, material change datums, visual interests, and activated building entrances

. Break down long horizontal facade through series of visual interesting architectural materials

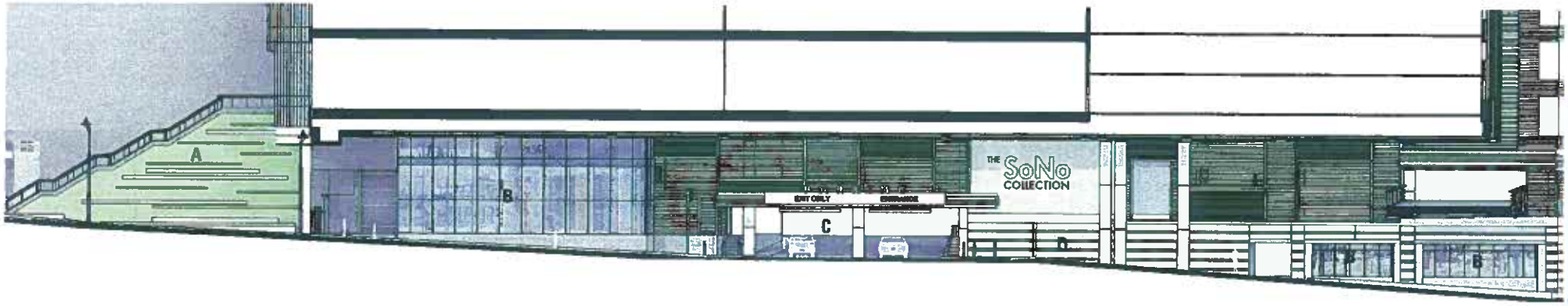
. Use affective and visual interesting louver screens to block views of automobiles while allowing ventilation of gerega structure

. Provide featured green wall to anchor public activities at the west end of North Water Street

. Provide multi-story glass wall entrance as an important activity node for North Water Street

. Provide well-informed and interesting signage for pedestrian friendly environment

. Provide pedestrian scaled features to separate traffic from sidewalk with amenities such as bollards, street furnitures, plantings, and light bollards



AA-North Elevation

NORTH WATER STREET

ELEVATION MATERIAL & CHARACTER

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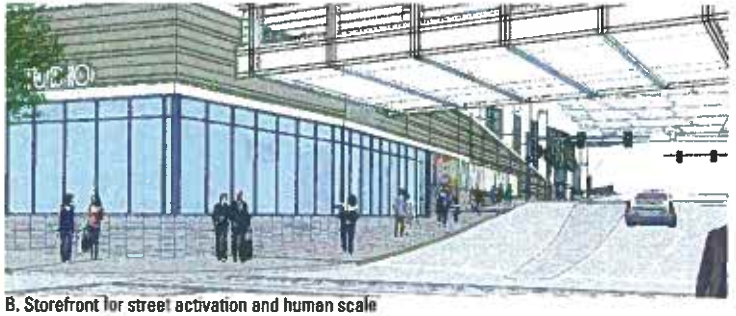
C. Visible public art

D. Architectural screening louver

E. Architectural Precast wall

F. Architectural stone wall

A. Open pedestrian ramp along street



B. Storefront for street activation and human scale

South Elevation Design Goals:

. Create an attractive environment for pedestrians through introduction of human scale storefronts, material change datums, public art visual interests.

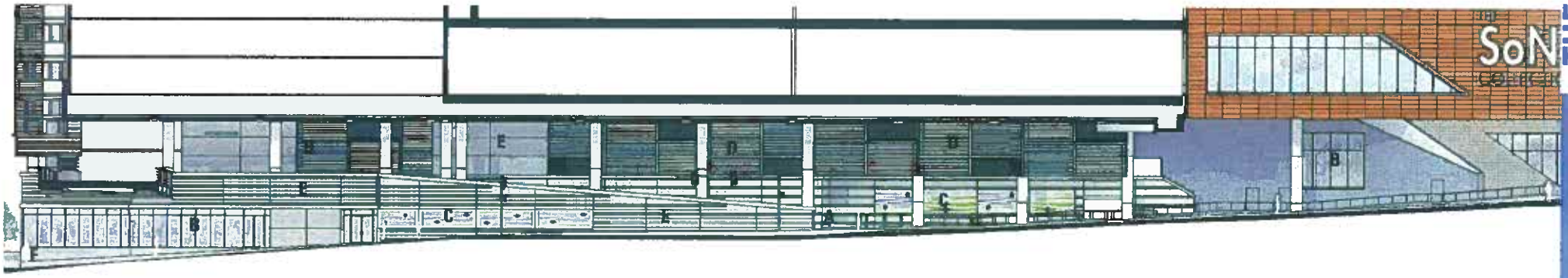
. Break down long horizontal facade through series of visual interesting architectural materials

. Use effective and visual interesting louver screens to block views of automobiles while allowing ventilation of garage structure

. Provide safe pedestrian zone through separation area between pedestrian ramp and street curb

. Provide well-informed and interesting signage for pedestrian friendly environment

. Provide pedestrian scaled features to separate traffic from sidewalk with amenities such as bollards, street furnitures, plantings, and light bollards



BB-South Elevation

NORTH WATER STREET

ELEVATION MATERIAL & CHARACTER

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THE SoNo COLLECTION

04/01/2016

NORTH WATER STREET

VIEW FROM REED STREET

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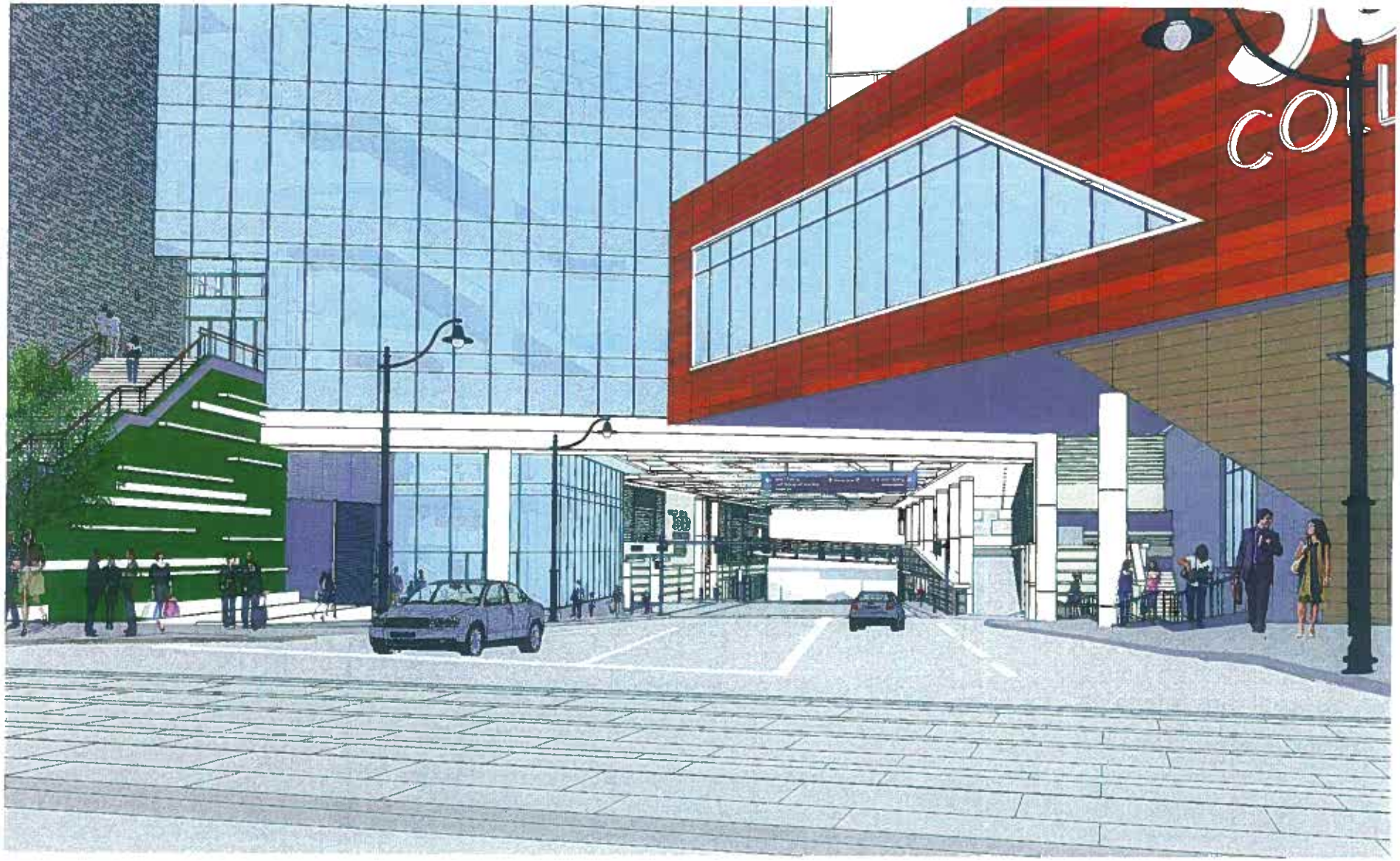
THE SoNo COLLECTION

04/01/2016



NORTH WATER STREET

VIEW FROM MALL ENTRY

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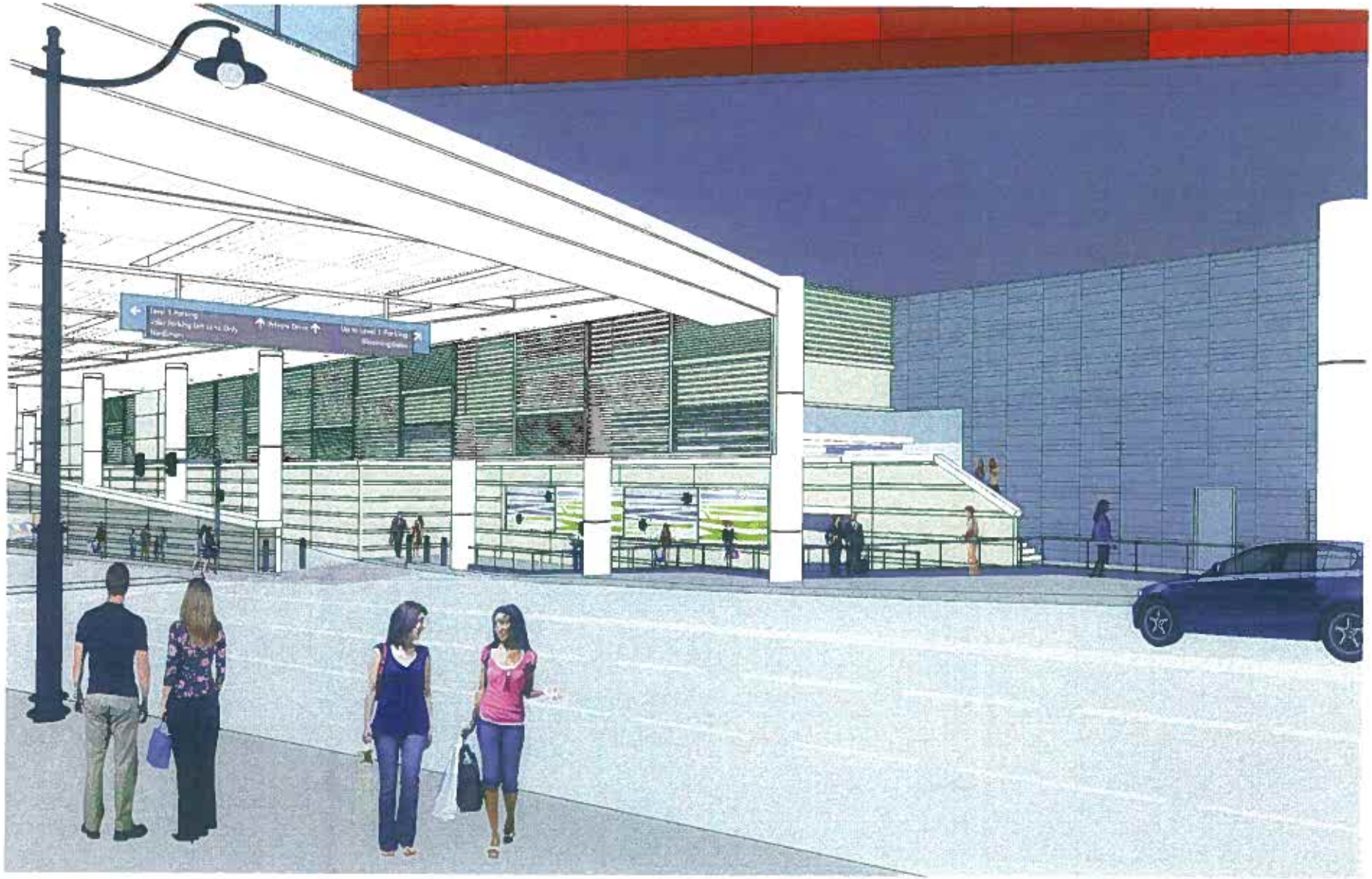

NORTH WATER STREET

VIEW FACING SOUTH

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NORTH WATER STREET

VIEW FACING NORTH

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NORTH WATER STREET

VIEW FROM PRIVATE DRIVE 1

GGP

RTKL

AN ARCADIS COMPANY

THE SoNo COLLECTION

04/01/2016

NORTH WATER STREET

VIEW FROM PRIVATE DRIVE 2

GGP

RTKL
AN ARCADIS COMPANY

THE SoNo COLLECTION

04/01/2016

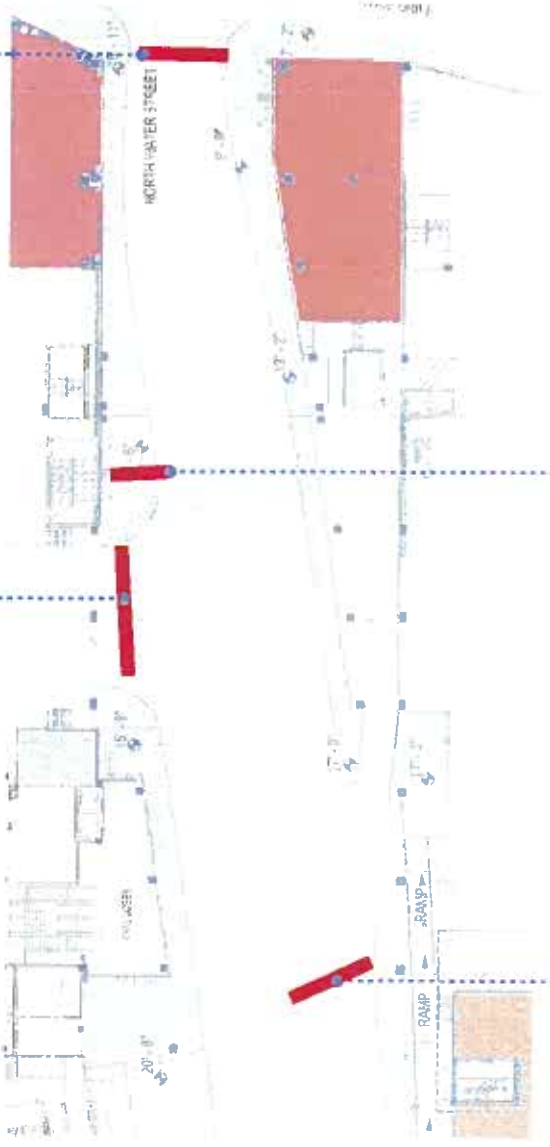
NORTH WATER STREET **VIEW FROM EAST**

GGP RTKL

THE SoNo COLLECTION

04/01/2016

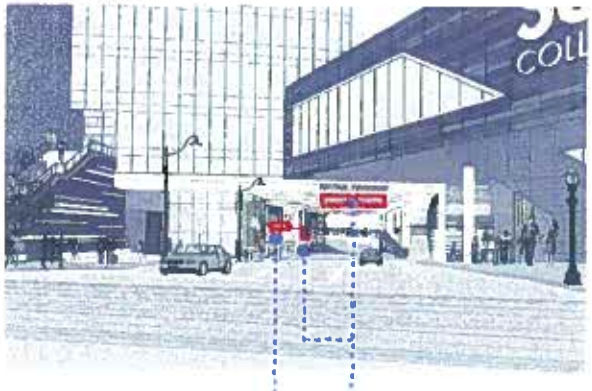
VEHICULAR DIRECTIONAL



VEHICULAR DIRECTIONAL

VEHICULAR DIRECTIONAL
AND CLEARENCE INDICATOR

VEHICULAR DIRECTIONAL



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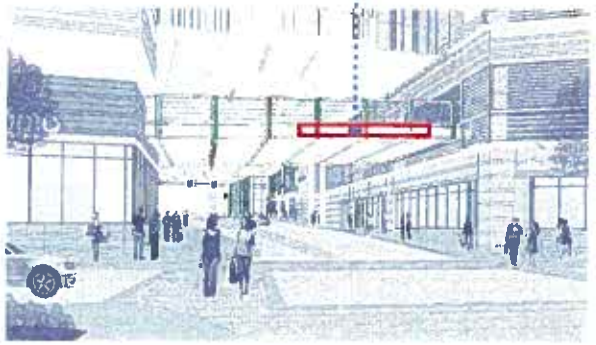
AND CLEARENCE INDICATOR

VEHICULAR DIRECTIONAL



NORTH WATER STREET

SIGNAGE AND WAYFINDING

GGP

RTKL
AN ARCADIS COMPANY

THE SoNo COLLECTION

04/01/2016

VII D1-5

NORWALK

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO:	Bruce J. Chimento, PE, Director of Public Works Lisa O. Burns, PE, Principal Engineer
FROM:	Vanessa Valadares, PE
DATE:	March 14, 2016
SUBJECT:	**ConnDOT Project No. 102-319 Perry Avenue Bridge Replacement – AECOM Agreement for Inspection Services**

At the February 9, 2016 Common Council Meeting a contract between the City of Norwalk and AECOM was authorized for Construction Inspection Services for the Perry Avenue Bridge in the amount of $410,000 (80% Federal Funding, 20% City Funding). DPW has now been informed by CTDOT that this Contract should include additional amounts for reimbursement for Railroad Protective Insurance and an overall 10% contingency for extra work. We have had AECOM update the cost for this project to include these amounts and therefore recommend rescinding the February 9th approval and approving a new resolution for the AECOM Services. The new cost matrix has been provided and has been approved by the DOT for a sum not to exceed $460,000.

Resolutions:

Rescind : Authorize the Mayor, Harry W. Rilling, to execute and agreement with AECOM(formerly URS) for Professional Services for construction administration and inspection during Rehabilitation of Bridge No. 04154 – Perry Avenue Bridge over the Norwalk River, ConnDOT Project 102-319, for a sum not to exceed $410,000.

New: Authorize the Mayor, Harry W. Rilling, to execute and agreement with AECOM(formerly URS) for Professional Services for construction administration and inspection during Rehabilitation of Bridge No. 04154 – Perry Avenue Bridge over the Norwalk River, ConnDOT Project 102-319, for a sum not to exceed $460,000.

80% Federal Reimbursement (Federal Local Bridge Program)

Account Nos. 09-09-040-40210-5777-C0392
09-10-040-40210-5777-C0392
09-11-040-40210-5777-C0392
09-12-040-40210-5777-C0392
09-13-040-40210-5777-C0392
09-15-040-40210-5777-C0392
09-16-040-40210-5777-C0392

125 EAST AVENUE • NORWALK, CT 06851 • TELEPHONE 203-854-7791 • FAX 203-857-0143

January 6, 2016

Perry Avenue over Norwalk River - Project 102-319

FEDERAL LOCAL BRIDGE PROGRAM

CONSTRUCTION INSPECTION MAN-HOURS

(FOR ESTIMATING PURPOSES)

(No. of Calendar Days = 416)

(Field BFO Rate = 114.05%)

EMPLOYEE CLASSIFICATIONS / TASKS	CONSTRUCTION COORDINATOR	*CHIEF INSPECTOR LEVEL 2*	SURVEY PARTY CHIEF	TRANSIT MAN / RODMAN	CLERICAL
Pre-construction Meeting	4	*8*	–	–	–
Review Contract Documents	12	*40*	–	–	–
Inspection	–	*2617*	–	–	131
Technical Support	262	–	–	–	–
Project Close-out	8	*160*	–	–	16
Overtime	–	*131*	–	–	–
Field Survey	–	–	40	40	–
As-Built Plans		*40*	–	–	–
TOTAL HOURS	286	2996	40	40	147
hourly rate	76.75	47.75	44.00	31.26	33.27
direct labor	$ 21,950.50	$143,051.84	$ 1,760.00	$ 1,250.40	$ 4,885.70
profit (20.45% of labor)	$ 4,488.88	$ 29,254.10	$ 359.92	$ 255.71	$ 999.13
audited bfo 114.05%	$ 25,034.55	$163,150.62	$ 2,007.28	$ 1,426.08	$ 5,572.14
Total task fee	$ 51,473.92	$335,456.58	$ 4,127.20	$ 2,932.19	$ 11,456.97

	$ 405,446.63
10% Extra Work Contingency	$ 40,544.68
Direct Cost Items: Mileage, Mailings, Reproduction, *Nuclear Density Testing and RR Liability Insurance*	$ 12,000.00
	$ 457,991.52

Notes:

Inspection hours based on 416 calendar days X 6 X (5/7) = 2377 straight time inspection
plus a second inspector for 30 actual work days X 8 = 240 **
Total inspection hours = 2617

** *Additional inspection hours will be needed to cover overlap of bridge work and paving operations and specifically during the railroad crossing replacement, when the Perry Ave. is closed to traffic and the contractor will have multiple operation for extended work hours.*

The Field BFO's, as audited and approved by the DOT is current (114.05%) and profit shall be 20.45% of the total field direct payroll cost (instead of 10% of payroll plus BFO costs).

NORWALK on the move

August 17, 2015

Mr. Gregg W. Hendrickson
Senior Project Engineer – Utilities Section
Conn DOT
PO Box 317546
Newington, CT 06131-7546

Re: 102-285/102-354 US Route 1 at Stuart Avenue/Utility Breakout Project

Dear Mr. Hendrickson,

The City has reviewed all of the work necessary to relocate our existing fiber optic communication on the pole line at US Route 1 and Stuart and have determined the following work necessary:

- Removal and replacement of existing fiber optic line on US Route 1 from Fairfield Avenue to Connecticut Avenue. The length of this work extends beyond the project limit in order to minimize the number of splices within our main trunk line as each splice location severely compromises the integrity of the system.
- Splice of fiber at 2 locations (US Route 1 at Fairfield; US Route 1 at Connecticut Avenue)

The cost for this work is as follows:

CONSTRUCTION COST

Install City-supplied 72 Strand fiber	2200 LF @ $7.50/LF	$16,500.00
Splice 72 –fiber at Fairfield Avenue	72 EA @ $90.00	6,480.00
Splice 72 –fiber at Connecticut Avenue	72 EA @ $90.00	6,480.00
Cost		$29,460.00

LESS DEPRECIATION CREDIT

Construction Cost (1997)	2200 LF @ $5.50	$12,100.00
Depreciated Value (18 yrs/50 yrs)	12,100 *0.36	4,356.00

REIMBURSABLE COST

Construction Cost	$29,460.00
Less Depreciated Cost	4,356.00
Reimbursable Cost	**$25,104.00**

Should you have any questions, please do not hesitate to contact me at 203-854-7844.

Sincerely yours,

Michael M. Yeosock, PE
Acting Assistant Principal Engineer

125 EAST AVENUE * NORWALK, CT 06851 * TELEPHONE 203-854-7791 * FAX 203-857-0143

STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION

CERTIFICATE OF COMPLIANCE

FOR BUY AMERICA REQUIREMENT

UTILITY CONSTRUCTION ESTIMATE

Project No. 102-285 / 102-354 City/Town: Norwalk

☒ DOMESTIC MATERIAL.(COMPLIANCE) I hereby certify to the best of my knowledge and belief that all the materials in the Utility Construction Estimate DO COMPLY with the BUY AMERICA requirement and the Utility abides as follows:

(1) The Utility shall comply with the "BUY AMERICA" requirement set forth in 23 USC § 313 and 23 CFR § 635.410, as amended from time to time;

(2) The Utility shall furnish predominately steel and iron manufactured products for the Project that are made in the United States according to the applicable provisions of 23 CFR § 635.410. "UNITED STATES" means the United States of America and includes all territory, continental and insular, subject to jurisdiction of the United States. All predominately steel or iron manufactured products incorporated permanently into the Utility's installations and adjustments for the Project must be made of steel or iron produced in the United States and all subsequent manufacturing processes of such products including the application of coatings shall be performed in the United States. Manufacturing is any process that modifies the chemical content; physical shape or size; or final finish of a product. Manufacturing begins with the initial melting and mixing, and continues through the bending and coating stages. If a domestic product is taken out of the United States for any process, it becomes a foreign source material and is not compliant with the "BUY AMERICA" requirement;

(3) The Utility shall promptly furnish documentation showing the domestic origin of all predominately steel and iron manufactured products before they are incorporated into the Utility's installations and adjustments for the Project upon request from the Department, and/or a duly authorized State/Federal representative.

☐ NON-DOMESTIC MATERIAL.(NON-COMPLIANCE) I hereby certify to the best of my knowledge and belief that the noted materials in the Utility Construction Estimate DO NOT COMPLY with the BUY AMERICA REQUIREMENT and the Utility abides as follows:

(1) The Utility shall provide written notification,(attached to the Construction Estimate for the Project), specifying predominately steel and iron manufactured materials/products which are not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality. Therefore, the Utility is requesting the Department, in accordance with 23 CFR § 635.410(c)(1) to seek a waiver from Federal Highway Administration (FHWA) for the installation of these materials. However, upon written notification from the Department, if a waiver of the "BUY AMERICA" requirement is not pursued by Department, or is not granted by FHWA, I certify that the Utility shall comply with the Buy America requirement.

AUTHORIZED UTILITY REPRESENTATIVE:

[signature] ASST. PRINCIPAL ENGINEER

Signature Title

Michael M. Yeosick Norwalk - Public Works

Print Name Name of Utility

7/30/15

Date

UTILITY WORK SCHEDULE Rev 3/2015

CTDOT Project Number:	102-285/102-354
Utility Company:	City of Norwalk, CT (Public Works)
Prepared By:	Michael Yeosock
Total Working Days:	0

Schedule

The following schedule identifies each major activity of utility work in sequential order to be performed by the utility or its contractor. The location of each activity of work is identified by the baseline stationing on the CTDOT plans. All activities identify the predecessor activity which must be completed before a utility work activity may progress. The duration provided is the number of working days required to complete the utility work activity based on historical information and production rates.

Location (Station to Station)	Description of Utility Work Activity	Predecessor Activity	Duration (working days)
Fairfield Ave - CT Ave	Installation of new fiber optic line and splicing	N/A	15 days

UTILITY WORK SCHEDULE Rev 3/2015

CTDOT Project Number:	102-285/102-354	Town:	Norwalk
Project Description:	US Rt. 1 @ Stuart - Utility Breakout Project		
CTDOT Utilities Engineer:	Gregg Hendrickson		
Phone:	860-594-3264	Email:	gregg.hendrickson@ct.gov
Utility Company:	City of Norwalk, CT - Public Works		
Prepared By:	Michael Yeosock	Date Prepared:	7/30/2015
Phone:	203-854-7844	Email:	gregg.hendrickson@ct.gov

Scope of Work

The following is a description of all utility work planned to be completed in conjunction with the CTDOT project. The narrative describes all work to be carried out by the utility or its contractor, including temporary and permanent work required by the project as well as any additional utility infrastructure work the utility intends on performing within the project limits during the construction of the project.

Utility work required as part of this project consists of the replacement of 2200 LF of existing fiber optic trunk line with a new fiber optic trunk line (Rt 1 from Fairfield Avenue to Connecticut Avenue). The reason for this extended length is to eliminate the need for an additional splice in our main trunk line as additional splices create problem points in our communication network. This work would be done by an outside contractor under an existing on-call contract with the City. The price for this work is $29,460.00 excluding the cost of fiber. The City will supply the fiber. The existing fiber was installed at a cost of $5.50/LF or a total amount of $12,100 in 1997. The life expectancy is about 50 years so the value has depreciated by 0.36 or $4,356. The total amount reimbursable to the City is $25,104.00

Special Considerations and Constraints

The following describes the limiting factors that must be planned for in the scheduling and performance of the utility work. For example, restrictions on cut-overs, outages, limitations on customer service interruptions (e.g. nights, weekends, holidays), seasonal and environmental shutdown periods, long lead material procurements, etc..

No special considerations or constraints. Work could be accomplished within 60 days of notice to proceed.

NORWALK on the move!

DEPARTMENT OF PUBLIC WORKS

BID SHEET

PROJECT: **PM 2016-2 BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIRS**

DATE: TUESDAY, MARCH 29, 2016 2:00PM

BIDDER	BID AMOUNT	BID BOND
Deering Construction, Inc. 20 Sheehan Avenue Norwalk, CT 06854	$486,205.00	15%
Laydon Industries, LLC **51 Longhini Lane** **New Haven, CT 06519**	**$332,922.30 (Apparent Low Bid)**	**15%**

ProjectNumber: PM2016-2 **Bid Date:** March 29, 2016

Project Name: BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIRS

Item Number	*Description*	*Quantity*	*Unit*	*Apparent Low Bidder*		*Second Bidder*		*ThirdBidder*		*Engineer's Estimate*	
				UnitPrice	*Amount*	*UnitPrice*	*Amount*	*UnitPrice*	*Amount*	*UnitPrice*	*Amount*
304.0000	PROCESSED AGGREGATE BASE	60.00	CY	$25.00	$1,500.00	$35.00	$2,100.00	$0.00	$0.00	$35.00	$2,100.00
403.0100	ROAD ENCROACHMENT PERMANENT PAVEMENT REPAIR (MAJOR ARTERIAL)	380.00	SY	$118.00	$44,840.00	$200.00	$76,000.00	$0.00	$0.00	$200.00	$76,000.00
403.0200	ROAD ENCROACHMENT PERMANENT PAVEMENT REPAIR (MINOR ARTERIAL)	510.00	SY	$98.00	$49,980.00	$130.00	$66,300.00	$0.00	$0.00	$145.00	$73,950.00
403.0300	ROAD ENCROACHMENT PERMANENT PAVEMENT REPAIR (COLLECTOR)	650.00	SY	$80.00	$52,000.00	$125.00	$81,250.00	$0.00	$0.00	$135.00	$87,750.00
403.0400	ROAD ENCROACHMENT PERMANENT PAVEMENT REPAIR (LOCAL STREET)	1,950.00	SY	$60.00	$117,000.00	$75.00	$146,250.00	$0.00	$0.00	$92.00	$179,400.00
403.0500	ASPHALT PLUGS	30.00	EA	$35.00	$1,050.00	$50.00	$1,500.00	$0.00	$0.00	$40.00	$1,200.00
406.0320	MILL FULL LANE 1.5" (40-200 LF)	610.00	SY	$7.00	$4,270.00	$18.00	$10,980.00	$0.00	$0.00	$19.00	$11,590.00
406.0330	MILL FULL LANE 1.5" (>200 LF)	770.00	SY	$3.99	$3,072.30	$18.00	$13,860.00	$0.00	$0.00	$18.00	$13,860.00
406.4000	1.5" OVERLAY FULL LANE (40-200 LF)	55.00	TON	$150.00	$8,250.00	$200.00	$11,000.00	$0.00	$0.00	$185.00	$10,175.00
406.4100	1.5" OVERLAY FULL LANE (>200 LF)	70.00	TON	$125.00	$8,750.00	$175.00	$12,250.00	$0.00	$0.00	$180.00	$12,600.00
507.0400	RESET MANHOLE	2.00	EA	$500.00	$1,000.00	$500.00	$1,000.00	$0.00	$0.00	$500.00	$1,000.00
507.0500	RESET CATCH BASIN	2.00	EA	$500.00	$1,000.00	$500.00	$1,000.00	$0.00	$0.00	$500.00	$1,000.00
507.1100	RECONSTRUCT CATCH BASIN	4.00	VF	$250.00	$1,000.00	$250.00	$1,000.00	$0.00	$0.00	$350.00	$1,400.00
507.1310	RESET UTILITY GATES	32.00	EA	$40.00	$1,280.00	$50.00	$1,600.00	$0.00	$0.00	$55.00	$1,760.00
811.0000	CONCRETE CURBING	120.00	LF	$35.00	$4,200.00	$35.00	$4,200.00	$0.00	$0.00	$35.00	$4,200.00

ProjectNumber: PM2016-2 **Bid Date:** March 29, 2016

Project Name: BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIRS

Item				*Apparent Low Bidder*		*Second Bidder*		*ThirdBidder*		*Engineer's Estimate*	
Number	*Description*	*Quantity*	*Unit*	*UnitPrice*	*Amount*	*UnitPrice*	*Amount*	*UnitPrice*	*Amount*	*UnitPrice*	*Amount*
815.0000	BITUMINOUS CONCRETE LIP CURBING	200.00	LF	$5.00	$1,000.00	$10.00	$2,000.00	$0.00	$0.00	$10.00	$2,000.00
921.0100	CONCRETE SIDEWALK	1,650.00	SF	$9.00	$14,850.00	$20.00	$33,000.00	$0.00	$0.00	$30.00	$49,500.00
921.0170	HANDICAP RAMPS (ADA COMPLIANT)	8.00	SF	$30.00	$240.00	$30.00	$240.00	$0.00	$0.00	$40.00	$320.00
921.0200	CONCRETE DRIVEWAY	80.00	SF	$15.00	$1,200.00	$25.00	$2,000.00	$0.00	$0.00	$30.00	$2,400.00
921.0210	RELAY PRECAST CONCRETE PAVER SIDEWALK	30.00	SF	$17.00	$510.00	$25.00	$750.00	$0.00	$0.00	$45.00	$1,350.00
922.0100	2" BITUMINOUS CONCRETE SIDEWALK	50.00	SY	$34.00	$1,700.00	$50.00	$2,500.00	$0.00	$0.00	$50.00	$2,500.00
922.0200	BITUMINOUS CONCRETE DRIVEWAY	70.00	SY	$34.00	$2,380.00	$50.00	$3,500.00	$0.00	$0.00	$50.00	$3,500.00
944.0000	FURNISHING AND PLACING OF TOPSOIL, 6" THICK	5.00	CY	$40.00	$200.00	$35.00	$175.00	$0.00	$0.00	$45.00	$225.00
945.0000	FERTILIZING, SEEDING AND MULCHING	50.00	SY	$3.00	$150.00	$1.00	$50.00	$0.00	$0.00	$5.00	$250.00
949.0020	FLEXI-PAVE PAVEMENT	50.00	SF	$35.00	$1,750.00	$30.00	$1,500.00	$0.00	$0.00	$15.00	$750.00
975.0000	MOBILIZATION (MAXIMUM 3% OF TOTAL BID)	1.00	LS	$6,000.00	$6,000.00	$7,200.00	$7,200.00	$0.00	$0.00	$16,500.00	$16,500.00
1111.5100	LOOP VEHICLE DETECTOR SAW CUT	150.00	LF	$25.00	$3,750.00	$20.00	$3,000.00	$0.00	$0.00	$15.00	$2,250.00
					$332,922.30		**$486,205.00**		**$0.00**		**$559,530.00**

Apparent Low Bidder = Laydon Industries, LLC New Haven, CT

Second Bidder = Deering Construction, Inc. Norwalk, CT

Third Bidder =

March 31, 2016

Norwalk Purchasing Department

Response Summary Project # 3671

Wood Chipper

Thank you for your response to our Request for Bids Submission. The following is a summary of the submitted bids for this solicitation process.

CONTRACTORS							
		Bobcat of Connecticut	**Ground Equipment inc.**	**Muench Co. Inc.**	**Newtown Power Equipment**	**Tyler Equipment**	**Westchester Tractor inc.**
	Manufacturer Make	Bandit Industries	Carlton	Bandit Industries	Morbark	Bandit Industries	Bandit Industries
	Model	1390XP	2015 Apache Drum	1390XP	M15RX	1390XP	1390XP
A	UNIT COST	48,382.00	55,873.00	47,822.50	48,591.88	49,620.00	51,967.00
B	TRADE IN OFFER	(5,000.00)	(500.00)	(2,500.00)	(4,500.00)	(5,000.00)	(6,000.00)
	TOTAL	43,382.00	55,373.00	45,322.50	44,091.88	44,620.00	45,967.00
	STANDARD WARRANTY	-	1 Year-Machine & 2 Year Engine : $0	5 Year Guts, 2 Year Engine :$0	2 Years, 3,000 Hours Limited: $0	1 Year: $0	12 Months: Included
	EXTENDED WARRANTY	1 Year Extended, 2Years/200 Hours: $850.0	N/A		3 Years/ 3,000 Hours Full: $2,625	2 Years, 2,000 Hours:$850.0	1 Year Extended Warranty. Total warranty -24 month /2,000 hours: $850.0

VII E1-2

Close

Print Resize:

Chapter 103. Taxation

Article III. Tax Relief for the Elderly and Disabled Homeowners

[Adopted 10-25-1983; amended in its entirety 9-26-2000][1]

[1] *Editor's Note: Original Section 9 of this ordinance provided that it shall not be applicable prior to taxation on the Grand List of October 1, 1983.*

§ 103-5. Enactment; purpose.

The City of Norwalk hereby enacts a tax relief program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the City of Norwalk, on the terms and conditions provided herein. This ordinance is enacted for the purpose of assisting elderly and disabled homeowners with a portion of the costs of property taxation.

§ 103-6. Eligibility.

Any resident of the City of Norwalk who qualifies under the following requirements is eligible for property tax relief with respect to real property owned and occupied by such person as his or her principal residence.

A. Such resident is 65 years of age or over or his or her spouse, who is living with such resident, is 65 years of age or over; or such resident is 60 years of age or over and is the surviving spouse of a taxpayer who was qualified in the City of Norwalk under this ordinance at the time of his or her death, with respect to real property on which any such resident or spouse is liable for taxes under the provisions of § 12-48 of the Connecticut General Statutes; or

B. Such taxpayer is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or has not been engaged in employment covered by social security and, accordingly, has not qualified for benefits thereunder, but has qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act, and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to the requirements under social security; and provided that

C. Such person shall have been a taxpayer of the City of Norwalk and have paid taxes for a period of five years immediately prior to his or her receipt of tax relief under this ordinance. No tax relief shall be given under this ordinance to any person who owes delinquent taxes to the City of Norwalk.

D. The property for which the tax relief is claimed is the legal domicile of such person and is occupied more than 200 days of each year by such person.

E. Such person shall have applied for property tax relief under any state statutes for which he or she is eligible; or if such person has not applied for tax relief under any state statutes because he or she is not eligible, he or she shall so certify by filing a form acceptable to the Tax Collector swearing to his or her ineligibility under current qualification requirements.

F. All permanent residents in the domicile who are aged 25 years and older and who occupy such domicile for more than 200 days of each year shall have combined annual aggregate adjusted gross income as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest per Section 103 of the Internal Revenue Code of 1954, as amended, dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1954, as amended, social security benefits, railroad retirement benefits and income from other tax-exempt sources of an amount less than ~~114.33%~~ 121.45% of the maximum qualifying income defined in Connecticut General Statutes, Section 12-170aa. For the Grand List of October 1, 1999, this amount shall be $33,500. The amount shall be adjusted annually as provided by Section 12-170aa(2) for the calendar year immediately preceding the year for which tax relief if sought and shall be posted in the office of the Assessor.
[Amended 3-27-2001]

§ 103-7. Filing of application.

A. In order to be entitled to the benefits provided herein, an application must be filed with the Assessor not earlier than February 1 nor later than May 15 of each odd-numbered year so that these benefits shall be available to the taxpayer in the next following two fiscal years. This application for such tax relief must be acted on in accordance with the eligibility standards hereinabove set forth. The Assessor is empowered to require all necessary documents to determine eligibility, and the withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax relief.
[Amended 5-28-2002; 10-28-2014]

B. For tax relief on the Grand List of 1999, applications must be filed no later than October 27, 2000, and for tax relief on the Grand List of 2000, applications must be filed no later than April 15, 2001. Application for tax relief filed prior to the passage of this amendment shall automatically be eligible for the increased tax relief provided herein for the Grand List of 1999 and the increased relief provided herein shall be applied retroactively by the Assessor on such applications.

§ 103-8. Limits of tax relief.

No property tax relief provided for any person shall exceed, in the aggregate, 75% of the tax which would, except for benefits provided by state statutes and the within program, be laid against said person.

§ 103-9. Maximum credits.

The total tax relief granted under the provisions of this program shall not exceed an amount equal to 1/2 of 1% of the total property tax assessed in Norwalk in the preceding fiscal year.

§ 103-10. Benefits to be prorated.

Only one tax credit shall be allowed for each parcel of real property eligible for tax relief under the within program. In the event that title to real property is recorded in the name of the taxpayer or his or her spouse, who are eligible for tax relief, and any other person or persons, the tax relief under the within program shall be prorated to allow tax relief equivalent to the fractional share in the property of such taxpayer or spouse, and the person or persons not eligible shall not receive any tax credit.

§ 103-11. Effect on other tax benefits.

The tax relief granted to any person under the within program shall not disqualify such person with respect to any benefits for which such person is eligible under state statutes, and any tax relief provided under the within ordinance shall be in addition to any such benefits.

§ 103-12. Amount of benefits; annual adjustment.

[Amended 3-27-2001; 4-27-2004; 2-26-2008; 3-22-2011; 10-28-2014]
Any individual or married couple eligible for tax relief as provided by this article, having income as provided in § 103-6F of this article, shall be entitled to tax relief as follows:

A. For the 2014 grand list and all subsequent tax years:

(1) Tier 1: ~~0% to 93%~~: ~~$1,265~~. 100% of maximum qualifying State income.: $1,390.

(2) Tier 2: ~~93.01%~~ 100.01% to ~~114.33%~~ 121.45%; $750, except that, if the maximum credits granted under the provisions of this program shall exceed an amount equal to 1/2% of the total property tax assessed in Norwalk in the preceding fiscal year, then the amount of benefits for Tier 2 shall be adjusted by subtracting the total amount of benefits for Tier 1 from the maximum tax relief allowed under the program pursuant to § 103-9, leaving a balance of tax relief available to Tier 2. The amount of benefits for each Tier 2 recipient shall be calculated by dividing the remaining funding for tax relief available to Tier 2 by the total number of eligible persons in Tier 2.

Close

Print Resize:

Chapter 103. Taxation

Article VII. Tax Deferral Program for Elderly and Disabled Homeowners

[Adopted 4-9-2002]

§ 103-16. Enactment; purpose.

The City of Norwalk hereby enacts, for the assessment year commencing October 1, 2001, and each assessment year thereafter, a tax deferral program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the City of Norwalk, on the terms and conditions provided herein. This article is enacted for the purpose of assisting elderly and disabled homeowners with a portion of the costs of property taxation.

§ 103-17. Eligibility.

Any resident of the City of Norwalk who qualifies under the following requirements is eligible for property tax deferral with respect to real property owned and occupied by such person as his or her legal domicile and principal, permanent residence:

A. Such resident at the close of the preceding calendar year has attained age 65 or over, or his or her spouse, who is living with such resident, is 65 years of age or over; or such resident is 60 years of age or over at the close of the preceding calendar year and is the surviving spouse of a taxpayer who was qualified in the City of Norwalk under this program at the time of his or her death, with respect to real property on which any such resident or spouse is liable for taxes under the provisions of Section 12-48 of the Connecticut General Statutes; or

B. Such resident is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security; or has not been engaged in employment covered by social security and accordingly has not qualified for benefits thereunder, but has qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act, and any government-related teachers' retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to the requirements under social security; and

C. Such resident shall have been a taxpayer of the City of Norwalk and have paid taxes for a period of at least the 12 months immediately preceding his or her application for tax deferral under this article;

D. No tax deferral shall be given under this article to any person who owes delinquent property taxes, sewer fees or assessments or other delinquent charges to the City of Norwalk;

E. The property for which the tax deferral is claimed is the tax lot which is the legal domicile and principal, permanent residence of such person, together with all improvements thereon, and is occupied for more than 200 days of each year by such person;

F. Such resident shall have individually, if unmarried, or jointly, if married, qualifying income in an amount not to exceed $40,000 for the calendar year 2002 and $45,000 for the calendar year 2003 and thereafter equal to Local maximum Qualifying income.
"Qualifying income" is defined as adjusted gross income, as defined in the Internal Revenue Code of 1986, as may be amended from time to time, plus the nontaxable portion of any social security benefits, railroad retirement benefits, income from other tax exempt retirement and annuity sources and income from tax exempt bonds, less an amount equal to the medical and dental expense deduction allowed or allowable under Section 213(a) of the Internal Revenue Code of 1986, as may be amended from time to time (currently allowed deduction for medical and dental expenses only if in excess of 7.5% of adjusted gross income);
[Amended 1-28-2008]

G. [1]Such resident, if eligible, shall have applied for, and have received, state-reimbursed property tax relief under the homeowners' program as outlined in Connecticut General Statute Section 12-170aa, or the program formerly known as the freeze program, as outlined in Connecticut General Statute Section 12-129b, for the same grand list year as the claimed deferral;
[1] *Editor's Note: Former Subsection G, which provided for the adjustment of the maximum amount of qualifying income, was repealed 1-28-2003. The ordinance also provided for the redesignation of former Subsections H through J as Subsections G through I, respectively.*

H. The market value of the real property for which the tax deferral is claimed shall not exceed 915,000, as determined by the most current property records on file in the office of the Tax Assessor; and

I. Such resident may not receive both a locally funded tax credit, pursuant to § 103-5 of the Code of the City of Norwalk; and tax deferral hereunder simultaneously for the same grand list year. Applicants may receive either the local tax credit program, or for the tax deferral program, in any grand list year. A resident may receive the local credit for some grand list years, and the tax deferral for other grand list years.

§ 103-18. Filing of application.

A. In order for an eligible resident to receive a tax deferral hereunder an application must be filed with the office of the Tax Assessor not earlier than February 1 or later than May 15 of each year for the next fiscal year. This application for such tax deferral shall be accompanied by a copy of the applicant's most recent federal income tax return for the previous calendar year and written documentation of all other income.

B. The Tax Assessor shall require all necessary documents to determine eligibility. The withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax deferral.

C. The Tax Assessor shall establish such application forms and procedures as may be necessary to implement this tax deferral program. The Tax Assessor, or his or her agent, shall determine what evidence of qualifying income is pertinent for the determination of eligibility under this article, and shall be responsible for requesting and reviewing the same.

D. All applications, including federal income tax returns filed under this program, as well as any and all additional evidence of qualifying income required by the Tax Assessor, shall be kept in strict confidence

the City, and shall be included on the lien continuing certificate recorded in the Norwalk Land Records to reflect the deferral of taxes.

C. Interest shall be calculated on a monthly basis, with any portion of a month being considered a full month. Interest shall be simple interest, not compounded, and shall accrue from the month and year of the deferral until the month and year of the final payment to the City.

§ 103-22. Maximum credits.

The total tax deferral granted under the provisions of this program, together with the total tax relief granted under the provisions of §§ 103-5 through 103-12 of the Norwalk Code, shall not exceed an amount equal to 0.5% of the total property tax levy assessed in Norwalk in the preceding fiscal year.

§ 103-23. Deferral to be prorated.

A. Only one tax deferral shall be allowed for each parcel of real property eligible for deferral under this program. The Tax Collector's Office shall mail a bill for such taxes, which shall be immediately due and payable in a single installment, with a grace period of 30 days from the date the bill is mailed.

B. If such property is a multifamily dwelling, such deferral shall be prorated to reflect the fractional portion of such property that is currently occupied by the eligible resident.

C. Such tax, as well as any previous deferred taxes, shall be immediately due and payable, collectible in the same manner as all other property taxes, and subject to the same liens and collection enforcement proceedings, provided that such tax shall be payable in a single installment within 30 days after the date the bill is mailed by the Tax Collector.

D. If payment is not made upon demand at the conclusion of the deferral period, due to the death of the applicant or the conveyance of the property, the property shall become subject to Tax Collector's demand for payment and collection enforcement action in accordance with state statute. All deferred taxes, accrued interest, lien recording fees and collection costs, if any, shall be collectible in the same manner as all other property taxes, and subject to the same statutory penalty interest, liens and collection enforcement proceedings, as all other property taxes.

§ 103-24. Effect on other tax benefits.

The tax deferral granted to any eligible resident under this program shall not disqualify such eligible resident, or his or her surviving spouse, with respect to any tax relief for which such person is eligible under state tax relief programs. Any tax deferral provided shall be in addition to such state tax relief.

§ 103-25. Conclusion of deferral period.

A. All deferred taxes, accrued interest, and lien recording fees shall become due and payable to the City upon

and shall not be open to public inspection, in accordance with State Freedom of Information guidelines.

§ 103-19. Limits of tax deferral.

A. For any eligible resident, for any given grand list year, the total of all tax credits, abatements, exemptions, and deferrals provided under state statutes for elderly and permanently disabled taxpayers, shall not exceed 75% of the tax which would have been levied against such resident. For the purpose of this section, the term "exemption" shall not be construed to include the graduated increase in property tax assessments due to revaluation of property. If the total of all tax credits, abatements, exemptions and deferrals provided under state statutes for elderly and permanently disabled taxpayers does exceed 75% of the tax which would have been levied against any eligible resident, for any given grand list year, the Office of the Tax Assessor shall administer the programs so as to allow for maximization of state-funded property tax relief, in accordance with § 103-24, herein.

B. For each grand list year, deferral hereunder shall be limited to the lesser of either an amount up to $4,500, or an amount up to 50% of the tax principal due, less any tax credits, abatements, exemptions and other benefits provided under state statutes for elderly and permanently and totally disabled taxpayers. For each grand list year, the minimum amount allowed for deferral hereunder shall be equal to the amount of the tax credit allowed under § 103-12.

C. The total deferral is not to exceed 75% of the market value of the subject real property, as determined by the Office of the Tax Assessor.

§ 103-20. Tax deferral benefits; lien on property.

A. An eligible applicant shall enter into a written agreement with the City providing for payment to the City of the tax deferral. A separate agreement shall be entered into for each grand list year.

B. The principal amount of such tax deferral benefit, and the rate of interest on the deferred amount, as described herein, shall be recorded in the Norwalk Land Records and shall constitute a continuing, priority lien against the subject property, payable upon the death of the applicant or the conveyance of the subject property.

C. The eligible resident shall be charged the current statutory fees for releases of lien continuing certificates at the time of payment to the City.

§ 103-21. Rate of interest on deferred taxes.

A. All deferred taxes shall be subject to an interest charge, determined annually by the Director of Finance on January 1. Such interest charge shall be equal to the annual percentage rate of the most recent City bond issue, rounded to the nearest 0.5%, plus an additional 1.5%, per year.

B. All such interest charges shall be included in the written agreement entered into by the eligible resident and

the death of the applicant or the conveyance of the subject property, at which time the deferral period shall be deemed concluded. In the case of a conveyance of the subject property, payment in full shall be made to the City upon conveyance of said property.

B. The estate of the applicant, or his or her agent or other party in interest, heirs and/or assignees, shall be solely responsible for notifying the Tax Assessor and Tax Collector of the death of the applicant within 60 days of the death and notify the Tax Assessor and Tax Collector of any Certificate of Devise within 60 days of the issuance of such certificate by the Probate Court.

C. The grantor of the property conveyed, his or her agent or other party in interest, heirs or assignees, shall be solely responsible for notifying the Tax Assessor and Tax Collector directly of the conveyance of the property formerly subject to deferral, within 30 days.

D. If payment is not made upon demand at the conclusion of the deferral period due to the death of the applicant or the conveyance of the property, the property shall be subject to the Tax Collector's demand for payment and collection enforcement action in accordance with state statutes.

E. In the case of the death of an applicant, the deferral period shall not be deemed concluded if there remains a surviving spouse who qualifies for deferral under § 103-17A, herein.

§ 103-26. Funding.

The Director of Finance shall make every effort to include in his or her annual budget an amount from the Undesignated Fund Balance to offset the estimated amount of taxes to be deferred under this program.

VII F1-5

The City of Norwalk Connecticut

OFFICE OF INFORMATION TECHNOLOGY

To: Members of the Land Use Committee

From: Karen Del Vecchio, City of Norwalk Director of IT

Ralph Valenzisi, Chief of Technology, Innovation and Partnerships, Norwalk Public Schools

Subject: Managed Network Services/Municipal Area Network for City, Library & Board of Education; Project 3633

Date: March 28, 2016; updated April 7, 2016

In 2006, the City, Library, and Board of Education jointly entered into a 10 year agreement with Advanced Corporate Networking to lease a pro-actively managed Municipal Area Network (MAN) which would connect City Hall, Police Headquarters, Public Works locations, all fire locations, the City libraries, the Central Office and all 19 public schools with high speed fiber-optic communications. Advanced Corporate Networking, a Connecticut Small/Minority Business Enterprise, was selected through a public RFP (Project #2074) for these services.

The Library and Board of Education portions of the MAN project were eligible for Universal Service Fund (E-Rate) funding, which offsets approximately 50% of the MAN costs for the Board of Education and Library. The total ten year cost of the original Agreement was $4,829,969, which was offset by $1,792,860 in E-rate reimbursements for the Library and Schools.

In 2006, the City executed a Memorandum of Agreement (MOA) with the Norwalk Transit District to integrate the Transit District onto the City portion of the MAN for the length of the MAN agreement. Access to the MAN allows the Transit District access to the City's numerous traffic camera feeds and other authorized key traffic maintenance information maintained by the City's Department of Public Works, as well as cost-efficient video surveillance of the Pulse Point site. In consideration of this access, the Transit District paid the City a lump sum amount of $66,731.00 or the equivalent of $556.00 per month.

The MAN is the communication backbone for the City, the Libraries, and the Board of Education. Over the years, this enabling technology has allowed the City, Library, and Board of Education to deploy a host of technology applications and solutions, including unified Voice over IP telephony, shared services like email and internet, GIS, public safety communications,

surveillance and traffic camera video, disaster recovery/backup, and a host of academic applications, which were not possible without high speed data transmission capability. Moreover, having its own fiber network has allowed the City and Board of Education to consolidate duplicate services, such as eliminating CableVision internet connectivity at each location for an annual savings of $56,000, and eliminating redundant teleco circuits at a savings of $80,000 in annual operating expenses. Given the amount and type of voice, data, internet and video communications the combined 38 locations drive over the Municipal Area Network today, it would be impossible for these entities to serve the public or student body without it.

The City and Board of Education have been pleased with the level of proactive support received from Advanced Corporate Networking and have developed a very positive working relationship. In 10 years, the MAN experienced one unplanned outage, occurring during Superstorm Sandy, which was restored within 12 hours.

In advance of the expiration of the ten year MAN agreement, in December, 2015, the City, Library, and Board of Education jointly released RFP #3633 for a Managed Network Services partner to assume responsible for the operation and support of the MAN.

The E-Rate funding process has strict rules and timelines for applications and awards. To continue to receive E-Rate reimbursement for the Library and Board of Education portions of the MAN, the Board's E-Rate consultant assisted with submitting the necessary forms to the Universal Services Fund by the 1st deadline in December 2015. The required posting of the RFP was also made available to all vendors who participate with the Universal Services Fund. We will not receive notification of funding approval until all supporting documents and approvals by the City are received and reviewed by E-Rate. Moreover, Erate is not considering funding ten year leases as it had in the past. As a result, the lease period proposed herein is for five years with two optional two year extensions.

The City, Library and Board of Education held two pre-bid conferences to outline the project and respond to questions. Several local and national vendors attended the conferences. Two vendors requested a 30 day extension, however, granting an extension would have significantly jeopardized the Board of Education's ability to meet the E-Rate application deadline by April 15, 2016 and risk being disqualified for reimbursement consideration.

Advanced Corporate Networking was the only firm who submitted a proposal by the RPF response deadline. Their technical and pricing proposals were thoroughly vetted with the City's and Board's technical staffs, as well as further pricing negotiation. The results are satisfactory to meet the City's needs for the next 5-9 years.

In a meeting on February 25, 2016, the Transit District expressed their continued interest in accessing the City's MAN and has agreed to execute a new Memorandum of Agreement with the City. Under the new MoA, The Transit District will pay the City a $39,150.00 fee for its access to the MAN which equates to monthly payments of $652.50.

The total 5 year cost of this Agreement is **$511,804** for the City, Transit District and Libraries which we expect will be offset by **$103,956** in E-Rate reimbursements if approved by E-Rate for

the Library and by **$39,150** in Transit District fees for the City. **Five year costs for the Library are $10,000 in non-recurring costs and $163,260 in recurring costs. Five year costs for the City are $47,274 in non-recurring costs and $252,120 in recurring costs.**

The Agreement provides for level recurring costs for the entire length of the Agreement unless the Norwalk parties expressly request changes. The recurring costs will be paid for out of respective operating budgets of the City, Library, and Board of Education.

The one-time costs for the City and Library, which consists of all new equipment at each location, setup, configuration, and testing, will be paid for out of City IT capital funds. The Agreement includes a provision for the City to connect its internal PCs and telephones directly into the vendor network equipment, thus eliminated the need for the City's own network equipment at 7 locations. As a result of this provision, the City will avoid spending **$43,750** in capital budget year 2017-2018 to refresh its own 10 year old network equipment at these 7 locations.

The Board of Education is responsible for its own capital expense and its own portion of the annual operating expense. The Board of Education 5 year cost of the Agreement is **$2,294,250.00** which we anticipate will be offset by **$1,147,125.00** in E-Rate reimbursements if approved by E-Rate. **Five year costs for the Board are $70,290 in non-recurring costs and $2,223,960 in recurring costs.**

The net cost is approximately **$229,450.00 annually.** The per-pupil cost of the Agreement is **$3.18** per pupil per month.

The award recommendation was approved by the ITT Committee at its April 4, 2016 meeting.

The actions requested are:

1a) Authorize the Mayor, Harry W. Rilling, to execute a contract with Advanced Corporate Networking, Inc, d/b/a Digital Back Office for the implementation, support and managed network services of the Municipal Area Network project #3633 for a 5 year lease term for an amount not to exceed $2,806,054.00 with the option of 2 two-year extensions, City accounts 010600-5245 & 09120600-5777-C0375, Library account 016200-5245, Board of Education funding through State Grant for Network Upgrades.

1b) Authorize the Mayor, Harry W. Rilling, to execute a Memorandum of Agreement with the Norwalk Transit District for integration into the City Municipal Area Network for as long as the Municipal Area Network remains in operation up to a maximum of 5 years, with the option of 2 two-year extensions.

And forward onto the Common Council for further action.

Att: ITT Approval Form

City of Norwalk

Information Technology Department
125 East Ave., Rm203
Norwalk, CT 06850
Phone: 203-854-7714 Fax:203-854-7803

ITT Request Form

Municipal Area Network City, Library, Board of Education

Request Number: IT MAN 2016-20 Modification Number : 0 Date of Request: 4-Apr-16

FUNDED IN CURRENT CAPITAL OR EXPENSE BUDGET: YES **CONSISTENT WITH CITY TECHNOLOGY PLAN:** Yes

BUDGET ACCOUNT: 010600-5245, 09120600-5777-C0375,016200-5245 & BoE Grant Accounts

VENDOR DATA

Per proposal to City RFP # 3633, with revisions dated 2/25/2016

Advanced Corporate Networking / DBO

192 Naugatuck Ave

Dale Bruckhart

Milford CT 06460

PRICING INFORMATION

QTY.	DESCRIPTION	MAKE	MODEL	PRICE/UNIT	EXT PRICE
60	Managed Network Services for	the MAN fiber network	Board of Education	months	$2,294,250.00
60	Managed Network Services for	the MAN fiber network	City	months	$299,394.00
60	Managed Network Services for	the MAN fiber network	Library	months	$173,260.00
60	Managed Network Services for	the MAN fiber network	Transit District	months	$39,150.00
				Shipping	
				Total Price	$2,806,054.00

Date Presented: 4-Apr-16 **Date Approved:** 4-Apr-16

PROJECT MAN 2016 2021 **ITT Signature:**

Updated 4/7/2016 MAN Costs

Library (Erate reimbursable)

Non-Recurring Costs	$10,000
Recurring Costs (5 YR)	$163,260
GRAND TOTAL - LIBRARY	$173,260

City

Non-Recurring Costs	$47,274
Recurring Costs (5 YR)	$252,120
GRAND TOTAL CITY	$299,394

Transit District

Non-Recurring Costs	$7,830
Recurring Costs (5 YR)	$31,320
GRAND TOTAL TRANSIT DISTRICT	$39,150

CITY + LIBRARY + Transit	$511,804

BOE (Erate reimbursable)

Non-Recurring Costs	$70,290
Recurring Costs (5 YR)	$2,223,960
GRAND TOTAL - BOE	$2,294,250

BOE + CITY + LIBRARY + Transit	$2,806,054

Historical Commission
City of Norwalk
125 East Avenue
Norwalk, CT 06851

March 30, 2016

Land Use & Building Management
Common Council, City of Norwalk
125 East Avenue
Norwalk, CT 06850

Dear Committee Members:

The City of Norwalk has been awarded an Urban Act grant in the amount of $500,000 to finance ADA compliance improvements to the city-owned Lockwood Mathews Mansion Museum. In addition to the ADA improvements, this phase of work will also include basement and first floor exterior renovations, interior surface restorations and exterior door repairs. To agree and accept the OPM funding, the City is required to submit a Financial Assistance Proposal (See attached).

The Historical Commission accepted and approved the DECD Financial Assistance Proposal at its meeting on March 23, 2016. We are requested that the Land Use Committee approve and refer to the full council.

ACTION REQUESTED: Authorize the Mayor, City of Norwalk to agree and accept the State DECD Financial Assistance Proposal.

Sincerely yours,

David G. Westmoreland
Chairman

Attachment

Department of Economic and Community Development

Connecticut
still revolutionary

Catherine H. Smith
Commissioner

February 25, 2016

Mr. Harry W. Rilling
Mayor
City of Norwalk
125 East Avenue
P.O. Box 5125
Norwalk, CT 06856-5125

Dear Mr.Rilling:

The Department of Economic and Community Development is pleased to submit a proposal for assistance in support of the City of Norwalk's plans to make ADA improvements to the Lockwood Mathews Mansion. The following pages contain a project description and supporting details of a financial assistance package developed jointly between your staff and ours.

This proposal represents the Governor's continuing commitment to support Connecticut's municipalities and we are pleased to have an opportunity to work with you on this project. The success of your project and your community are important to us.

Our staff will continue to be available to you and your staff throughout the duration of the project. If you have any questions concerning this proposal please contact Christine Marques, your development manager, at 860-270-8050.

Sincerely,

Catherine H. Smith
Commissioner

Agreed and Accepted By:

City of Norwalk

Name	Title	Date

TO: MEMBERS OF LAND USE & BUILDING MANAGEMENT COMMITTEE

FROM: MICHAEL SGOBBO, PROPERTY MANAGER

DATE: MARCH 31, 2016

RE: NORWALK POLICE HEADQUARTERS – RESTORATION OF EXTERIOR PLANTERS AT ENTRY AREA

****

On February 25, 2016 the City's Purchasing Department solicited proposals for the restoration of the planters at the entry area of Police Headquarters. The City received eight (8) bids. The results are as follows:

FIRM	Low Bidder
Better Homes Bureau, LLC	**$34,786.00**
Rizzo Corporation	$38,868.00
Frank Capasso & Son. Inc	$43,220.00
Re-Tech, LLC.	$44,449.00
Scenic Designs, Inc.	$46,898.00
Ezold General Contracting, Inc.	$47,644.00
Structural Preservation Systems, LLC	$48,412.00
G. L. Capasso, Inc	$48,780.00

After reviewing the response submissions for the above mentioned project, the Purchasing Department and the Office of Building Management recommend award to the lowest bidder, Better Homes Bureau, LLC of 65 High Ridge Road #283, Stamford, CT 06905.

ACTION REQUESTED:

a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Better Homes Bureau, LLC of 65 High Ridge Road #283, Stamford, CT. Funds are available from account #09167100 5777 C0137.

b. Authorize the Office of Building Management to issue change orders on the contract for a total not to exceed $3,478.60.

TO: **MEMBERS OF LAND USE & BUILDING MANAGEMENT COMMITTEE**

FROM: **MICHAEL SGOBBO, PROPERTY MANAGER**

DATE: **MARCH 31, 2016**

RE: **NORWALK CITY HALL – BUILDING FACADE REPAIRS**

****

The former Norwalk High School was renovated in 1986 forming the current Norwalk City Hall. Over the years, there has been deterioration to the original (1936) building façade around the exterior portion of the building. Building Management had requested funding in the fiscal year 2011-2012 Capital Budget in the amount of $160,000 for this work. Previous repairs were made to the Selective Cast Stone around the building and this is the next step in the process.

On March 3, 2016 the City's Purchasing Department received bids for Building Façade Repairs for the Norwalk City Hall. The City received six (6) bids. The results are as follows:

Contractors	Lump Sum Total
Better Homes Bureau, LLC	**$126,786.00**
Corner Restoration, Corp.	$138,222.00
G.L. Capasso, Inc.	$154,800.00
Frank Capasso & Sons, Inc.	$189,840.00
New England Masonry & Roofing Co.	$270,357.00
NAC Industries, Inc.	$475,000.00

After reviewing the response submissions for the above mentioned project, the Purchasing Department and the Office of Building Management recommends award to the lowest bidder, Better Homes Bureau, LLC.

ACTION REQUESTED:

a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Better Homes Bureau, LLC for a total not to exceed $126,786.00. Funds are available from account #0912 7100 5777 C0439.

b. Authorize the Office of Building Management to issue change orders on the contract for a total not to exceed $12,678.60.

TO: **MEMBERS OF LAND USE & BUILDING MANAGEMENT COMMITTEE**

FROM: **MICHAEL SGOBBO, PROPERTY MANAGER**

DATE: **MARCH 31, 2016**

RE: **CITY HALL – NEWSSTAND CONCESSION**

****

The current City Hall Newsstand Concession vendor, Debo Food Services, agreement expires on June 30, 2018. They have informed the City that they no longer desire to continue operating the City Hall Newsstand Concession as outlined in their contract. They have the option to terminate, under Article VI of the agreement between the City and the Vendor "either party may, at any time, and for no reason, terminate this Agreement and all rights and permission hereby granted". In response to the need to secure a new vendor, the Purchasing Department issued a Request for Proposals. On February 19, 2016 the City received three proposals.

Firm
Marinellos Pizzeria & Deli
Dominick Pisano, Jr./ Dominick's Deli
Varsha Trivedi

The Purchasing Department and the Office of Building Management have interviewed all three respondents and recommends marinello's Pizzeria & Deli as the most responsible proposer to operate the Newsstand Concession at City Hall.

ACTION REQUESTED:

a. Authorize the Mayor, Harry W. Rilling, to execute a license agreement with Marinello's Pizzeria & Deli to operate the Newsstand Concession at City Hall for a initial term of 3 years plus two - one (1) year options. Effective dates from 5/1/16 – 4/30/2019 and two – one (1) year options from 5/1/2019 – 4/30/2021.

Annual payment to the City shall be as follows:

FY 2016 – 2017	**$3,600.00**
FY 2017 – 2018	**$3,700.00**
FY 2018 – 2019	**$3,800.00**
Option Years:	
FY 2019 – 2020	**$3,800.00**
FY 2020 – 2021	**$3,800.00**

COMMON COUNCIL
NORWALK, CONNECTICUT

AGENDA
7:30 PM EST

April 12, 2016
COUNCIL CHAMBERS

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

I. **ROLL CALL**

II. **ACCEPTANCE OF MINUTES**

Regular Meeting(s): **March 22, 2016**

III. **PUBLIC PARTICIPATION**

IV. **MAYOR**

A. **RESIGNATIONS AND APPOINTMENTS**

RESIGNATIONS:

APPOINTMENTS: Christopher Torre, Tree Warden

REAPPOINTMENTS: Darren Oustafine, Water Pollution Control Authority
Frederika Bikakis-Haijan, Water Pollution Control Authority

MAYOR'S REMARKS:

V. **COUNCIL PRESIDENT**

A. **GENERAL COUNCIL BUSINESS:**

1. Receive report from Charter Revision Commission and schedule a public hearing for May 2, 7:00 PM, in the Community Room of Norwalk City Hall.

RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

APPOINTMENTS: Henry G. Floyd, Ethics Board

REAPPOINTMENTS:

B. **CONSENT CALENDAR**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

VII. COMMON COUNCIL COMMITTEES

A. PERSONNEL COMMITTEE

1. Approve Pay Plan Revisions.

2. Approve Merit Matrix for 2016/2017.

B. HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE

1. **Resolution Adopting the 2016-2021 South Western Region Natural Hazard Mitigation Plan Update**

WHEREAS, the City of Norwalk Common Council recognizes the threats that natural hazards pose to people and property within the City of Norwalk; and

WHEREAS, the City of Norwalk, in collaboration with the Western Connecticut Council of Governments (WESTCOG), has prepared a multi-hazard mitigation plan, hereby known as the 2016-2021 South Western Region Natural Hazard Mitigation Plan Update (the Mitigation Plan Update) in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2016-2021 South Western Region Natural Hazard Mitigation Plan Update has identified mitigation goals and actions to reduce or eliminate long-term risk to people and property from the impacts of future hazards and disasters that affect the City of Norwalk and the region; and

WHEREAS, public and committee meetings were held between August 14, 2013 and October 8, 2015 in furtherance of the development and review of the Mitigation Plan Update; and

WHEREAS, the Federal Emergency Management Agency/Department Homeland Security has approved the 2016-2021 South Western Region Natural Hazard Mitigation Plan Update, on condition of local adoption, which enables the City of Norwalk to apply for Hazard Mitigation Grant funding; and

WHEREAS, adoption by the City of Norwalk Common Council of the Mitigation Plan Update demonstrates Norwalk's commitment to hazard mitigation and the achievement of the goals outlined in the City of Norwalk's section of the Mitigation Plan Update.

NOW THEREFORE, BE IT RESOLVED, that the City of Norwalk Common Council hereby adopts the 2016-2021 South Western Region Natural Hazard Mitigation Plan Update.

C. PLANNING COMMITTEE

1. Approve acceptance of the Cecil Group Memo as an approval of the final design of the underpass area for the SoNo Collection project.

2. Approve GGP's Public Realm Plan for the SoNo Collection Project.

3. Approve the 2016-2017 Capital Budget of the City of Norwalk with modifications as outlined on the attached memo.

D. PUBLIC WORKS COMMITTEE

1. Rescind the February 9, 2016 resolution to Authorize the Mayor, Harry W. Rilling, to execute an agreement with AECOM (formerly URS) for Professional Services for construction administration and inspection during Rehabilitation of Bridge No. 04154 – Perry Avenue Bridge over the Norwalk River, ConnDOT Project 102-319, for a sum not to exceed $410,000.

   80% Federal Reimbursement (Federal Local Bridge Program)

2. Authorize the Mayor, Harry W. Rilling, to execute an agreement with AECOM (formerly URS) for Professional Services for construction administration and inspection during Rehabilitation of Bridge No. 04154 – Perry Avenue Bridge over the Norwalk River, ConnDOT Project 102-319, for a sum not to exceed $460,000.

   80% Federal Reimbursement (Federal Local Bridge Program)

   Account No. 09 09 4021 5777 C0392
   09 10 4021 5777 C0392
   09 11 4021 5777 C0392
   09 12 4021 5777 C0392
   09 13 4021 5777 C0392
   09 15 4021 5777 C0392
   09 16 4021 5777 C0392

3. Authorize the Mayor, Harry W. Rilling, to execute a 2nd Amendment to the July 29, 2013 Contract with X-Pert General Services LLC for Project #TRF 2013-1 On-Call Fiber Optic and CCTV Installation for Traffic for an amount not to exceed $30,000.

   Account No. 09 03 4120 5777 C0232
   CT DOT Reimbursement

4a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Laydon Industries, LLC for Project No. PM 2016-2 Bituminous Concrete Permanent Pavement Repairs, for a sum not to exceed $332,922.30.

4b. Authorize the Director of Public Works to execute Orders on Contract with Laydon Industries, LLC for Project No. PM 2016-2 Bituminous Concrete Permanent Pavement Repairs, for a sum not to exceed $33,292.23.

Account No.030000-2602
09 16 4021 5777 C0021

5. Authorize the Purchasing Agent to issue a Purchase Order to Muench Co. Inc., for the purchase of one (1) Bandit Industries 1390 XP Wood Chipper for a sum not to exceed $47,822.50.

Account No.09 16 4031 5777 C0313

E. ORDINANCE COMMITTEE

1. Approve revisions to Norwalk City Code Chapter 103, Article III Tax Relief for the Elderly and Disabled Homeowners

2. Approve revisions to Norwalk City Code Chapter 103, Article III Tax Deferred Program for the Elderly and Disabled Homeowners

F. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1a. Authorize the Mayor, Harry W. Rilling, to execute a contract with Advanced Corporate Networking, Inc, d/b/a Digital Back Office for the implementation, support and managed network services of the Municipal Area Network project #3633 for a 5 year lease term for an amount not to exceed $2,806,054.00 with the option of 2 two-year extensions, City accounts 010600-5245 & 09120600-5777-C0375, Library account 016200-5245, Board of Education funding through State Grant for Network Upgrades.

1b. Authorize the Mayor, Harry W. Rilling, to execute a Memorandum of Agreement with the Norwalk Transit District for integration into the City Municipal Area Network for as long as the Municipal Area Network remains in operation up to a maximum of 5 years, with the option of 2 two-year extensions.

2. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary to receive and implement State DECD Grant in the amount of $500,000 for ADA improvements at Lockwood Mathews Mansion Museum.

3a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Better Homes Bureau LLC for masonry repairs of planter retaining walls at Police Headquarters Plaza for a total not to exceed $34,786.00. Funds are available from account #09167100 5777 C0137.

3b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed $3,478.60.

4a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with Better Homes Bureau, LLC for masonry restoration at City Hall for a total not to exceed $126,786.00. Funds are available from account #09127100 5777 C0439.

4b. Authorize the Office of Building Management to issue change orders on the contract for a total not to exceed $12,678.60.

5. Authorize the Mayor, Harry W. Rilling, to execute a license agreement with Marinello's Pizzeria & Deli to operate the Newsstand Concession at City Hall for an initial term of 3 years plus two - one (1) year options. Effective dates from 5/1/16 – 4/30/2019 and two – one (1) year options from 5/1/2019 – 4/30/2021.

Annual payment to the City shall be as follows:

FY 2016 – 2017	$3,600.00
FY 2017 – 2018	$3,700.00
FY 2018 – 2019	$3,800.00

Option Years:

FY 2019 – 2020	$3,800.00
FY 2020 – 2021	$3,800.00

VIII. **RESOLUTIONS FROM COMMON COUNCIL**

IX. **MOTIONS POSTPONED TO A SPECIFIC DATE**

X. **SUSPENSION OF RULES**

XI. **ADJOURNMENT**

APPOINTMENTS

TREE ADVISORY — M/C — Nwlk Code 112-3B

CHRISTOPHER TORRE
30 Stuart Avenue
Norwalk, CT 06850

Tree Warden

ETHICS BOARD — C — Chapter 32-12

HENRY G. FLOYD, SR. (D)
300 Ely Avenue, Unit 1
Norwalk, CT 06854

Term Expires – 3/10/2019

REAPPOINTMENTS

WATER POLLUTION CONTROL AUTHORITY — M/C — Nwlk. Code 91-2

DARREN OUSTAFINE (U)
9 Brookhill Lane
Norwalk, CT 06851

Term Expires – 4/1/2019

FREDERIKA BIKAKIS - HAIJAN (D)
73 Fort Point Street
Norwalk, CT 06850

Term Expires – 4/1/2019

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

Mayor Rilling called the meeting to order at 7:34 p.m. and led the Assembly in reciting the Pledge of Allegiance. He asked for a moment of silence - one second for each person killed in the recent terrorist attack in Belgium.

Ms. King, City Clerk read the notice stating that the meeting was being videotaped and audio recorded for the public broadcast and that assisted listening devices were available.

I. ROLL CALL

Ms. King called the Roll. The following Common Council members were present:

Council at Large:	Mr. Richard Bonenfant	Mr. Michael Corsello
	Mr. Douglas Hempstead	Mr. Nick Sacchinelli
District A:	Ms. Eloisa Melendez	Mr. Steven Serasis
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole Giandurco	Mr. Michael DePalma
District E:	Mr. Thomas Livingston	Mr. John Igneri

There were 14 (fourteen) Common Council members present and one (1) absent (Mr. Kimmel).

Mayor Harry Rilling, Ms. Donna King, City Clerk and Mr. Mario Coppola, Corporation Counsel were also present.

** **MR. IGNERI MOVED TO SUSPEND THE RULES TO DEAL WITH ITEM 7C11**

AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO A LEASE AGREEMENT WITH GO ADVENTURE FOREST LLC T/A GO APE FOR A 10-YEAR TERM WITH 2 FIVE YEAR OPTIONS FOR THE USE OF A PORTION OF CRANBURY PARK (NOT EXCLUSIVE USE) FOR A ROPE ZIP LINE COURSE, SUBJECT TO A SATISFACTORY AGREEMENT BEING NEGOTIATED THROUGH THE CORPORATION COUNSEL'S OFFICE.

** **MOTION PASSED WITH TEN (10) IN FAVOR (MR. CORSELLO; MR. SACCHINELLI; MS. MELENDEZ; MR SERASIS; MS. BOWMAN; MR. SIMMS; MR. KYDES; MR. DEPALMA; MR. LIVINGSTON AND MR IGNERI AND FOUR (4) IN OPPOSITION (MR. BONENFANT;**

MR. HEMPSTEAD; MS. O'TOOLE-GIANDURCO AND MS. MAGGIO)

** **MR. SIMMS MOVED TO TABLE ITEM 7C11 TO SEPTEMBER 13, 2016**

AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO A LEASE AGREEMENT WITH GO ADVENTURE FOREST LLC T/A GO APE FOR A 10-YEAR TERM WITH 2 FIVE YEAR OPTIONS FOR THE USE OF A PORTION OF CRANBURY PARK (NOT EXCLUSIVE USE) FOR A ROPE ZIP LINE COURSE, SUBJECT TO A SATISFACTORY AGREEMENT BEING NEGOTIATED THROUGH THE CORPORATION COUNSEL'S OFFICE.

** **MOTION PASSED WITH TEN (10) IN FAVOR (MR. CORSELLO; MR. SACCHINELLI; MS. MELENDEZ; MR SERASIS; MS. BOWMAN; MR. SIMMS; MR. KYDES; MR. DEPALMA; MR. LIVINGSTON AND MR IGNERI AND FOUR (4) IN OPPOSITION (MR. BONENFANT; MR. HEMPSTEAD; MS. O'TOOLE-GIANDURCO AND MS. MAGGIO)**

Mr. Bonenfant commented that the public wasted their night coming out. Mayor Rilling explained that the reason the item was tabled was because the Common Council did not have enough information to make a decision and felt that it would not be appropriate to vote on this item. He said that tabling this item precludes any discussion because it is off the agenda.

Mr. Hempstead said that Common Council rules say that the public can speak on any item on the agenda and this item is on the agenda. Mr. Coppola said that this item was on the printed version of the agenda, but once and item is tabled it is inappropriate to discuss and item that will not be considered for several months. Mr. Hempstead said that he disagreed.

III. PUBLIC PARTICIPATION

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

Ms. Deborah Goldstein said that it was unfortunate that people came out to discuss an item that was tabled.

Mayor Rilling said that both Mr. Igneri and Mr. Simms said that there will be a public hearing on this item. He said that this item will not appear on the agenda until September 13th. In addition, he said that there will be no vote on an item without a contract.

Mr. Serasis said that he brought to the attention of others that more time is needed to validate the names on the petitions.

Ms. Anna Duleep said that she wanted to speak on the process and said that it is basic courtesy and that the item could have been tabled after public participation. She said that she was creeped out about a number of e-mails that came from the same ip address. She said that she was deeply disappointed at such disrespect to neighbors. She said that next time, give all who voted for you the chance to tell you what they think before you go and screw them.

II. ACCEPTANCE OF MINUTES

March 8, 2016 – Regular meeting

The following corrections were made to page 4:

** **MS. MELENDEZ MOVED TO AMEND THE SEPTEMBER 8, 2015 RESOLUTION APPROVING THE INSTALLATION OF AN HONORARY STREET NAME SIGN, "PASTOR SADIE MILES WAY", ONE AT WEST AVENUE AND BERKELEY STREET AND ONE AT ELM STREET AND BERKELEY STREET**

** **MOTION PASSED UNANIMOUSLY**

** **MR. LIVINGSTON MOVED TO SUSPEND THE RULES TO REMOVE THE FOLLOWING ITEM FROM THE AGENDA:**

DESIGNATE A PORTION OF BERKELEY STREET IN HONOR OF PASTOR SADIE MILES IN ACCORDANCE WITH CHAPTER 95 OF THE CITY CODE. TWO SIGNS: ONE AT WEST AVENUE AND BERKELEY STREET AND ONE AT ELM STREET AND BERKELEY STREET (RESCINDED)

** **MOTION PASSED UNANIMOUSLY**

** **MINUTES AS AMENDED PASSED WITH ONE (1) ABSTENTION (MR. DEPALMA)**

IV. MAYOR

Resignations and Appointments

Resignations: There were no resignations announced this evening.

Appointments: There were no appointments announced this evening.

Reappointments: William M. Harden, Parking Authority

** **MR. BONENFANT MOVED TO APPROVE THE REAPPOINTMENT OF WILLIAM M. HARDEN TO THE PARKING AUTHORITY**

Mr. Bonenfant said that Mr. Harden works hard in the community.

** **MOTION PASSED UNANIMOUSLY**

MAYOR'S REMARKS

Mayor Rilling said that March is National Women's' month. The next Mayor's Night Out will take place on March 29th in the Community Room. He is calling for residents to form teams for the City Wide Clean Up on April 9th. He thanked Lowes for being a partner.

On April 2nd at 10:00 a.m. the Consumer Protection Officer will update residents on fraud. The first 100 people will receive an LED lightbulb.

Mayor Rilling wished everyone a happy spring and a happy Easter.

V. COUNCIL PRESIDENT

a. **GENERAL COUNCIL BUSINESS:**

Resignations and Appointments

Resignations: Elizabeth M. Broncati. Ethics Board

Mayor Rilling announced that Ms. Broncati resigned from the Ethics Board.

Appointments: There were no appointments announced this evening.

Reappointments: Kara A. T. Murphy, Ethics Board

** **MR. CORSELLO MOVED TO APPROVE THE REAPPOINTMENT OF KARA A. T. MURPHY TO THE ETHICS BOARD**

Mr. Corsello said that Ms. Murphy is a respected and energetic attorney.

** **MOTION PASSED UNANIMOUSLY**

b. **CONSENT CALENDAR**

** **MR. IGNERI MOVED THE FOLLOWING CONSENT CALENDAR:**

CORPORATION COUNSEL
6A1

BOARD OF ESTIMATE AND TAXATION

6B1
6B2

FINANCE COMMITTEE
7A1
7A2
7A3
7A4

ORDINANCE COMMITTEE
7B2
7B4

RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE
7C2
7C3
7C4
7C5
7C6
7C7
7C8
7C9
7C10

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

AUTHORIZATION FOR SETTLEMENT: ARIAS-SORTO V. TR SONO

ET AL
EXECUTIVE SESSION

B. BOARD OF ESTIMATE AND TAXATION

1. **RESOLVED, THAT A SUM NOT TO EXCEED $26,567 BE AND THE SAME IS HEREBY TRANSFERRED FROM CONTINGENCY TO THE REGISTRAR OF VOTERS DEPARTMENT TO COVER THE COSTS OF PRIMARY ELECTION, TRAINING AND BACK-UP BATTERIES FOR VOTING MACHINES IN VARIOUS ACCOUNTS. (ACCOUNT #VARIOUS).**

2. **RESOLVED THAT A SUM NOT TO EXCEED $13,035 BE AND THE SAME IS HEREBY TRANSFERRED FROM TO THE POLICE**

DEPARTMENT SPECIAL SERVICES DIVISION OVERTIME AND STATE AND FEDERAL REIMBURSEMENTS DUE TO INCREASED ESTIMATED REVENUES. (ACCOUNT #01-3035-5120).

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. **ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: MARCH 1, 2016**

2. **FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED MARCH 10, 2016.**

3. **FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: FEBRUARY 29, 2016**

4. **AUTHORIZE THE MAYOR. HARRY W. RILLING, TO SUBMIT AN APPLICATION TO THE STATE OF CONNECTICUT FOR GRANT FUNDS PROVIDED UNDER THE STATE OF CONNECTICUT'S LOCAL CAPITAL IMPROVEMENT FUND FOR 2016 LOCAL CAPITAL IMPROVEMENT PROGRAM ($638,740 -2016 ENTITLEMENT).**

B. ORDINANCE COMMITTEE

2. **APPROVE REVISIONS TO NORWALK HARBOR MANAGEMENT COMMISSION, RULES AND REGULATIONS FOR MOORING AND ANCHORING VESSELS**

4. **APPROVE REVISIONS TO NORWALK CITY CODE CHAPTER 103, ARTICLE ILL TAX DEFERRED PROGRAM FOR THE ELDERLY AND DISABLED HOMEOWNERS**

C. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

2. **AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE NATIONAL MS SOCIETY FOR USE OF CRANBURY PARK FOR THEIR "BIKE MS" TO BE HELD SUNDAY, JUNE 12, 2016 FROM 4:00 AM-5:00 PM. ESTIMATED ATTENDANCE 300.**

3. **AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE CT FOOD BANK FOR THE USE OF CALF PASTURE BEACH FOR A "CT FOOD BANK 5K TO BE HELD SUNDAY, JUNE 5, 2016 FROM 6:00 AM-11:00 AM. ESTIMATED ATTENDANCE 450.**

4. **AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH NINETY 9 BOTTLES FOR THE USE OF OYSTER**

SHELL PARK FOR THEIR ANNUAL 'NINETY 9 BOTTLES CRAFT BEER FESTIVAL TO BE HELD SATURDAY, JUNE 4, 2016 FROM 10:00 AM-5:00 PM WITH A RAIN DATE OF SUNDAY. JUNE 5. 2016. SET UP TO TAKE PLACE SATURDAY. JUNE 4, 2016 FROM 10:00 AM-2:00 PM WITH TEAR DOWN TO TAKE PLACE FROM 5:00 PM-7:00 PM. ESTIMATED ATTENDANCE 1.200.

5. **AUTHORIZE THE MAYOR. HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH NATIONAL MARINE MANUFACTURERS ASSOCIATION FOR THE USE OF CALF PASTURE. SHADY BEACH. TAYLOR FARM AND MARVIN SCHOOL FOR A $10.00 PARKING FEE FOR THE ANNUAL 2016 PROGRESSIVE INSURANCE NORWALK BOAT SHOW TO BE HELD THURSDAY, SEPTEMBER 22, 2016 THROUGH SUNDAY, SEPTEMBER 25. 2016 FROM 10:00 AM-7:00 PM DAILY.**

6. **AUTHORIZE THE MAYOR. HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH STAR SHINE EVENTS MANAGEMENT TO USE CALF PASTURE BEACH FOR A STAR KIDS TRIATHLON TO BE HELD SUNDAY. JUNE 12. 2016 FROM 7:30 AM-10:30 AM.**

   SET UP TO TAKE PLACE ON SATURDAY. JUNE 11. 2016 AT 12:00 NOON WITH TEARDOWN NO LATER THAN 12:00 NOON ON SUNDAY, JUNE 12. 2016. ESTIMATED ATTENDANCE 220.

7. **AUTHORIZE THE MAYOR. HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH YOUNG LIFE FOR THE USE OF CALF PASTURE BEACH AND PAVILION #2 FOR THE 5K SPLATTER RUN TO BE HELD SATURDAY, MAY 14, 2016 FROM 6:00 AM-10:30 AM. ESTIMATED ATTENDANCE 500.**

8. **AUTHORIZE THE MAYOR. HARRY W. RILLING TO ENTER INTO A LEASE AGREEMENT WITH TYRONE MARTYLEWSKI FOR THE USE OF THE CRANBURY PARK CARETAKERS COTTAGE FOR 5 YEARS WITH A RENT OF $1,271.93 PER MONTH EACH YEAR STARTING JUNE 2016.**

9. **AUTHORIZE THE MAYOR, HARRY W. RILLING TO APPLY AND ACCEPT FUNDS FOR THE OPERATION AND MAINTENANCE OF A LAND BASED MSDF (PUMPOUT STATION). THE GRANT IS IN THE AMOUNT OF $7,198.50 WHICH IS PAYING 75% OF OUR OPERATION IN EFFECT THROUGH DECEMBER 31, 2016.**

10. **AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH DIVERSIFIED CONTRACTORS, LLC FOR PROJECT #3659 INA CLARK COMMUNITY GARDENS, SAN VINCENZO PLACE FOR A SUM NOT TO EXCEED $95,000.00 ACCOUNT #'S 030000-2690, 09166030-5777, C0131, 09176030,5777-C0131 50% BY STATE DEEP GRANT.**

** **MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

C. ORDINANCE COMMITTEE

** **MS. MELENDEZ MOVED TO APPROVE THE FOLLOWING ITEM:**

1. **APPROVE PROPOSED NEW "DON'T BLOCK THE BOX" ORDINANCE**

Ms. Melendez explained that the Ordinance specifies two intersections – Rt. 1 and France Street and East Avenue and Exit 16. Ms. Melendez said that the Ordinance is tied to the State Statute and they would have to go through the complete Ordinance process to add more intersections. The $100.00 fine would go to the State.

** **MOTION PASSED UNANIMOUSLY**

** **MS. MELENDEZ MOVED TO APPROVE THE FOLLOWING ITEM:**

2. **APPROVE REVISIONS TO NORWALK CITY CODE CHAPTER 103, ARTICLE III TAX RELIEF FOR THE ELDERLY AND DISABLED HOMEOWNERS**

Mr. Serasis spoke in support of this item and said that he was completely appreciative of it. He said that he was appreciative to everyone from both parties for making this available for our seniors. Mr. Serasis said that they made Norwalk great and they need the help.

** **MOTION PASSED UNANIMOUSLY**

C. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

Due to a potential conflict of interest, Mr. Bonenfant recused himself and left the Common Council chambers.

** **MR. SIMMS MOVED TO APPROVE THE FOLLOWING ITEM:**

13. **AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE RINK AT HARBOR POINT, LLC TO SET UP, OPERATE AND MANAGE PORTABLE RINKS AT VETERANS MEMORIAL PARK FOR OCTOBER 1, TO MARCH 30 EACH YEAR WITH TERMS AS OUTLINES, SUBJECT TO A SATISFACTORY AGREEMENT BEING NEGOTIATED THROUGH THE CORPORATION COUNSEL'S OFFICE.**

** **MR. KYDES MOVED THE FOLLOWING AMENDMENT:**

A. THE CITY WILL HAVE THE RIGHT TO APPROVE OF THE FEES CHARGES FOR SKATING (INCLUDING RINK TIME AND RENTALS) AT THE BEGINNING OF EACH SEASON. NO CHANGES WILL BE MADE IN THE APPROVED FEES WITHOUT THE CITY'S PRIOR APPROVAL, ACTING BY THE DIRECTOR OF RECREATION AND PARKS.

B. ALL SCHOOL CHILDREN IN NORWALK (INCLUDING THOSE ATTENDING LOCAL NORWALK PRIVATE AND CHARTER SCHOOLS) WILL BE GIVEN ONE FREE PASS EACH YEAR FOR SKATING AND RENTALS TO BE USED DURING EITHER PERIOD: OCTOBER 15 TO THE WEEKEND BEFORE THANKSGIVING AND THE PERIOD FOLLOWING MARTIN LUTHER KING JR. DAY TO THE END OF THE SEASON IN MARCH EACH YEAR.

C. THE DIRECTOR CAN NOT ONLY CHANGE THE HOURS DURING WHICH MUSIC IS PLAYED BUT ALSO PROHIBIT THE PLAYING OF MUSIC ALTOGETHER IF THERE ARE COMPLAINTS FROM NEIGHBORS.

** **THE AMENDMENT PASSED UNANIMOUSLY**

Mr. Hempstead said that this was a good exercise. He said that as the Common Council gets these large contracts, it is important that they weigh in. He added that he was glad this was moving ahead.

Mr. Coppola said that going forward departments have to have term sheets or letters of intent.

** **MOTION AS AMENDED PASSED UNANIMOUSLY**

Mr. Bonenfant returned to the Common Council chambers.

** **MR. IGNERI MOVED FOR A FIVE MINUTE RECESS AT 8:24 P.M.**
** **MOTION PASSED UNANIMOUSLY**

The meeting resumed at 8:30 p.m.

** **MR. SIMMS MOVED TO APPROVE THE FOLLOWING ITEM:**

1. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO A 5 YEAR LEASE AGREEMENT WITH A 2 YEAR OPTION WITH LIVE GREEN CT FOR A SPACE AT THE FODOR FARM HOUSE AT A RATE OF $150.00 PER MONTH STARTING MARCH 15, 2016. GROUP WILL PAY FOR THEIR OWN PHONES AND

INTERNET. LIVE GREEN WILL BE RESPONSIBLE TO HOST A FUNDRAISER WITH THE OTHER 3 GROUPS FOR THE PRESERVATION OF FODOR FARM.

Mr. Hempstead said that in the future there should be a written agreement. He asked about the required goal for the fundraising events and where the money will go. Mr. Mocciae said that the goal is to raise $10,000 and the money would go through the Norwalk Preservation Trust. Mr. Hempstead said that there should be a one-page written agreement.

** **MOTION PASSED UNANIMOUSLY**

** **MR. SIMMS MOVED TO APPROVE THE FOLLOWING ITEM:**

12. APPROVE THE DEPARTMENT FEES & CHARGES FOR THE 2016-17 SEASON.

Mr. Bonenfant said that the major change will be the requirement to have a beach pass to get into Cranbury Park. If someone does not have a pass, they will pay $5.00 or have the option of purchasing a seasonal pass. People attending events, will not have to pay, because the parking fee will be paid for by the group sponsoring the event.

Mr. Bonenfant said that he was not sure if he was in favor of charging the fee at Cranbury Park, but when he walked through there recently, there were a lot of out of towners who did not pick up after their dogs.

Mr. Hempstead said that he was glad to put in a non-resident parking fee and hoes that someone will be there to collect the fee. Mr. Mocciae said that someone will be there beginning on July 1st.

** **MOTION PASSED UNANIMOUSLY**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none.

X. SUSPENSION OF RULES

XI. ADJOURNMENT

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

There was no further business and the meeting was unanimously adjourned at 8:40 p.m.

ATTEST: _____
Donna King, City Clerk

Christopher Torre

30 Stuart Avenue, Norwalk CT 06850
Phone: 203-216-1296
Ctorre206@gmail.com

Objective: As an experienced Municipal Public Works Manager I would like to maximize my multilayer management skills in project management, team building, communications skills, and resource utilization. I have a successful track record related to public infrastructure specializing in road maintenance, tree removal, and operational management in a union environment.

Experience

Superintendent of Highways / Deputy Tree Warden
2012–Present Department of Public Works Norwalk, CT

- Manage 64 Public Works Employees and 6 Supervisors with an operating budget of `$13,000,000.
- Acted as liaison between the City of Norwalk operations staff and utilities during Hurricane Sandy for all tree and power wire related road closures.
- Created Department of Public Works Snow Removal Guidelines Manual and coordinated winter operations for 2012-2013, which accounted for the largest snowstorm in the State of Connecticut's history.
- Coordinate multiple crews for snow removal operations for 260 center-lane miles of road, 22 municipal parking lots, and 6.8 miles of sidewalk/footpaths.
- Developed and implemented a new Heavy Equipment Operators Training Program.
- Created a new employee orientation Safety Training Manual.

Supervisory / Deputy Tree Warden
2004-2012 Department of Public Works Norwalk, CT

- Certified Public Tree Warden – Responsible for all public trees including assessment, maintenance, and removal. Assisted with reorganizing tree removal operations and establishing dedicated Tree Crew.
- Responsible for general road maintenance, drainage infrastructure; installation, repair/replacement, permitting, and staff assignments for heavy construction projects.
- Coordinate multiple crews for snow removal operations for 90c enter-lane miles of road, 9 municipal parking lots, and 3.5 miles of sidewalk/footpaths.
- Use computerized database management system and GIS/GPS to track work requests, productivity, and costs reducing winter maintenance costs.
- Create policies and take necessary disciplinary action in a unionized environment.
- Make fleet capital recommendations to improve productivity, efficiency, and reduce departmental expenses.

Heavy Equipment Operator / Driver
1992-2004 Department of Public Works Norwalk, CT

- Operated heavy construction machinery such as; backhoe, frontend loader, sweepers, and vacuum trucks needed for highway maintenance functions.
- Utilized single and double axle dump trucks for general maintenance and snow removal duties.
- Performed all maintenance functions such as; potholes, cutback, installation/repair and drainage infrastructure.

Education

- Liberty University – BS Public Administration, anticipated completion September 2016
- University of Phoenix – AS Business Management 2010

Certifications

- Connecticut CDL License 1991
- Certified Public Weigh Master 2002
- Certified Public Tree Warden 2006
- Connecticut Roads Master Certified 2013, University of Connecticut

Software

- Interfleet GPS
- Desert Micro
- CityWorks
- Microsoft Access, Word, Excel, and PowerPoint

Professional Affiliations

- American Public Works Association
- Connecticut Tree Warden Association
- Connecticut Tree Protective Association

DARREN OUSTAFINE, P.E.
9 Brookhill Lane
Norwalk, CT 06851
(203) 846-6750

I am a registered professional engineer with over 25 years of adult work experience including: municipal and project management; civil engineering and design; utility and building construction; drafting; and, inspection. I am seeking a position which requires leadership and a high level of responsibility. Please find my career history and major accomplishments below:

2000 to Present

Town of Darien Department of Public Works. Assistant Director of Public Works, Darien, CT. As the Assistant Director of Public Works for the Town of Darien DPW, I perform responsible administrative and professional engineering work in assisting the Director of Public Works in the direction of a broad range of municipal public works functions. I assist in recommending departmental policy and planning and direct and administer activities of all divisions of the DPW. I work in close contact with the Director of Public Works and assume duties of the Director in his absence. Some of my specific duties at the Town of Darien are:

- Assists the Director in supervision of personnel (30 persons) including disciplinary actions;
- Assists the Director in reporting to Board of Selectmen, budget preparations and presentations to the Board of Finance;
- Assists the Director in administration, reporting and recommendations to Darien Sewer Commission (designated WPCA);
- Assists the Director in maintaining 80 miles of existing sanitary sewer with approximately 13 existing sanitary sewer pumping stations;
- Administers sanitary sewer extensions from inception to completion (approximately 5 extensions in progress concurrently);
- Developed sewer lateral house connection standards and updated permits requirements;
- Developed town construction standards including roadway and sewer details;
- Administers road opening permit (encroachment) process;
- Applies and presents to Inland Wetlands and Planning and Zoning for DPW projects;
- Interacts with town counsel relative to; litigation, claims, and easement procurement;
- Administers solid waste transfer station, recycling center, and leaf composting facility;
- Assists Director with solid waste consortium related negotiations and issues;
- Administers tree warden, tree removal and tree replacement program;
- Maintains work request system, tracking response times, and trends of public requests;
- Administers maintenance including snow removal, of 80 miles of public roads, resurfacing up to 4 miles per year, 15 miles of sidewalks, replacing approximately ½ mile per year, 1,500 catch basins and associated stormwater drainage maintenance;
- Administers DEP permits including, NPDES Phase II stormwater, stormwater associated with an industrial activity for salt storage and transfer station, oil water separator floor drain, discharge of minor boiler blowdown water, and any required sampling and testing;
- Administers Autumn leaf pickup, Spring bulk waste pickup, Christmas tree pickup, town wide sweeping, Household Hazardous Waste Day programs.

1987 to 2000

Stearns & Wheler, LLC, Civil Engineers. Project Engineer, responsible for: proposals; project management; client service; site, stormwater, sanitary sewer and septic system design; CADD;

accounts receivables; and, applications, and presentations to land use boards. Between 1990 and 1994 maintained a limited relationship with the firm while attending university in pursuit of engineering degree. Joined the firm as an inspector, surveyor and drafter.

1981 to 1987
Union Construction Worker. Past member of Laborers International Union of North America (Local 146) and International Brotherhood of Carpenters and Joiners (Local 210).

Education
University of New Haven. B.S. Civil Engineering, GPA 3.64, (cum laude).
Norwalk Community Technical College. Most coursework completed towards A.S. in Architecture.

Awards, Certificates and Memberships
Professional Engineer; Certified DEP Transfer Station Operator, Certified NEWEA Wastewater Collection Systems Operator Grade II; Chi Epsilon national civil engineering and Alpha Sigma Lambda honor societies; Dodd's Scholarship recipient; past president of student chapter and Fairfield County Branch of ASCE; private pilot license; Chairman of the City of Norwalk WPCA.

Personal
Birth May 1963. Married with two children. Four civilian parachute jumps. Amateur photographer and woodworker.

References

Mr. Robert S. Steeger, Jr., P.E.	Director of Public Works, Town of Darien, CT. (203) 656-7364
Mr. Gary Dufel, P.E., DEE	Managing Member, Steams & Wheler, LLC (203) 268-8990
Robert F. Maslan, Jr., Esq.	Proprietor, Maslan and Associates, LLP (203) 656-3800
Mr. Gregory Bazydola, P.E.	Project Engineer, Malcolm Pimie (949) 450-9901
Mr. Christopher Mannella, P.E.	Project Manager, FGB Construction (203) 857-0332
Ms. Joanne Iacono	Administrative Assistant, Town of Darien DPW (203) 656-7346
Dr. Gregory P. Broderick	Professor of Geotechnical Engineering, U of New Haven (203) 932-7005

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D

73 Fort Point Street
East Norwalk, CT 06855

Ph: (203) 838-0510
Fax: (203) 831-9250

Frederika Bikakis Hajian

Certified Public Accountant – 11658

Experience

1986 – Present **Self-Employed** **East Norwalk, CT**
Public Accounting

- Accounting; Consulting, Tax Preparation of Personal, Corporate, Partnerships, Non Profit Organizations and Estates.

1982 – 1986 **Nichbell, Schrebinck, Zaluda & Karp** **Bridgeport, CT**
Public Accounting

- Compilations, Reviews, Tax Returns, Audits

1981 – 1982 **Shapis & Shapis** **New Rochelle, NY**
Public Accounting

- Compilations, Reviews, Tax Returns, Audits

Education

1980 **University of Bridgeport** **Bridgeport, CT**

- B.A. in Accounting
- Norwalk Public School System

Interests

Gardening, Reading, Spending time with family, Swimming

Volunteering

President of St. George Greek Orthodox Afternoon School

WPCA Board Member

Personal

Born in Greece, immigrated to The United States with family in 1969. Resident of Norwalk, CT from 1969 to present. Received United States Citizenship in 1981. Married with four children.

D

Reverend Henry Glenn Floyd, Sr., Pastor
300 Ely Avenue, Unit 1
Norwalk, CT 06854

Reverend Henry Glenn Floyd, Sr. a native of Conway, South Carolina is the founder and pastor of New Jerusalem Baptist Church in Norwalk, Connecticut.

With this leadership, his challenge is to reach out to the community through ministry projects and to challenge the church to reach the world through salvation, growth and wisdom.

Recognizing the call and anointing upon his life, Reverend Floyd became licensed to minister in 1985 and was ordained in 1989 at the Mount Zion Baptist Church under the leadership of the late Reverend Dr. George B. Monts. Prior to his calling, Reverend Floyd was ordained as a Deacon in 1982. He was named Assistant Pastor of Mt. Zion Baptist Church in Norwalk, CT holding this position for more than nine years before serving as Acting Pastor from 2004-2005, following Reverend Mont's retirement.

He was the President of the George B. Monts Male Chorus, and an original member of the Mount Zion Baptist Ensemble and Choir for over thirty years.

Reverend Floyd is a member of the Connecticut State Missionary Baptist Convention, Interdenominational Ministers Fellowship of Norwalk and Vicinity, and the National Baptist Sunday School & Baptist Training Union Congress. Reverend Floyd attends the Annual Hampton University Ministers Conference. He also served as the Secretary on the Executive Board of Directors for the South Norwalk Community Health Center in South Norwalk, Connecticut. Currently, Reverend Floyd is the President of the Interdenominational Ministers Fellowship of Norwalk and Vicinity.

Education in Ministry
Andersonville Baptist Theological Seminary Doctorate (Candidate) 2015-2017
A graduate of Andersonville Baptist Seminary (Master of Divinity) Theology 2003

Undergraduate
A graduate of Andersonville Baptist Seminary B.A. Theology 2000
C.I.C.R. Street Ministry/Counselor 1990-1991
Connecticut Institute of Christian Religion 1985-1990
(Obtained by Virginia Union University of Theology)

His mission as a servant of God is to see God's Kingdom exhibited on this earth and to help followers of Christ be equipped to do the work of the ministry through the power of the Spirit. Reverend Floyd's desire is to walk with God and serve people faithfully through leading, nurturing and teaching.

Reverend has ministered the gospel of Christ in various churches in the United States. His outstanding gifts are; his love, compassion and respect for all God's children. He is married to First Lady Elouise Floyd, and is the proud parent to two daughters, three sons and nine grandchildren.

Vision Statement:
But as it is written, "Eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love him." - 1 *Corinthians* 2:9

I.A.1

CITY OF NORWALK

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April 5, 2016

By Hand

Honorable Bruce Kimmel
Council President
City of Norwalk Common Council
125 East Avenue
Norwalk, CT 06856

Dear Bruce:

I am pleased to enclose the Charter Revision Commission ("CRC") Report to the Norwalk Common Council dated April 5, 2016.

First, I would like to acknowledge the hard work and dedicated efforts of each of the CRC members.

I would also like to acknowledge Steve Keogh who drafted the CRC Report, and Vice Chairman, Jerry Petrini for his carefully considered opinions and guidance.

I would also like to acknowledge the Corporation Counsel Mario Coppola. Mario's legal advice was indispensable to the CRC's efforts.

Finally, I would like to acknowledge Barbara Tiscia's ongoing assistance during the CRC process.

I am grateful for the opportunity to serve the City of Norwalk as Chairman of the CRC.

Respectfully submitted,

Bill Fitz

William F. Fitzgerald, Chairman
Charter Revision Commission

cc: The Members of the Charter Revision Commission
Mario Coppola, Corporation Counsel

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REPORT OF THE CHARTER REVISION COMMISSION TO THE COMMON COUNCIL OF THE CITY OF NORWALK
APRIL 5, 2016

I. Introduction

The Common Council, at its January 12, 2016 meeting, empaneled this Charter Revision Commission, pursuant to the procedure set out in Connecticut General Statutes Section 7-187, et seq., to consider specific changes in regard to the Charter of the City of Norwalk, adopted by Special Act of the Legislature in 1913, and revised and amended from time to time since then. Specifically, the Common Council sought recommendations of the Commission in regards to whether charter revisions should be proposed to the voters to:

1. Amend Section 1-166 to provide that the town and city election for the office of Mayor shall occur every four years rather than biennially

2. If the Mayoral term is increased to four years, then amend Charter Section 1-166 so there is a two-term limit for the Mayor

3. Investigate the possibility of extending the terms of Common Council members, the Town Clerk and other City officials to four years

4. Investigate the possibility of amending Charter Section 1-167 to correspondingly adjust the election of the members of the Board of Education, which are currently on the ballot "at each general municipal election"

5. Amend Charter Section 1-166 to remove all references to Selectman, City Treasurer and Sheriff

6. Amend Charter Sections 1-215 and 1-224 to remove all references to the salaries of City

officials; or, investigate the possibility of amending those sections so the Board of Estimate and Taxation sets the salaries of city officials

In carrying out its charge, the Commission held one organizational meeting, two public hearings, and three deliberation (i.e. work) sessions. It received testimony and written submissions from a number of members of the public, as well as from the Board of Education, the Registrars of Voters and other civic and/or political groups. It is notable that at both public hearings, there were speakers who asked that the Commission expand the scope of its consideration and proposals to include other subjects that were not included within the initial set of subjects that the Common Council requested the Charter Revision Commission to consider.

The Commission, due to the short timetable necessitated by the April 5 due date for its report, has (with one exception hereinafter noted) focused on that charge as its first priority, a focus that has not left sufficient opportunity to fully and seriously consider the policies and revisions that would be necessary to address the other matters raised before the Commission. The Commission further recognizes that, while the Commission does have the ability to consider matters beyond its charge, great deference is due to the Common Council that empaneled it on the question of scope, as that Common Council is comprised of the people's representatives, chosen by the electorate through the democratic process. The Commission does, nonetheless, acknowledge the value of the hearing process in bringing forward for further consideration and possible future Charter Revision Commission(s), proposals regarding Norwalk's governmental structure. Accordingly, in an Appendix to this report, the Commission transmits to the Council an overview of the subject matters outside of the Commission's charge that were brought forward at those hearings.

The following report is a summary of the results of the Commission's work, setting out those revisions to the Charter that the Commission is proposing, as well as address those items that were within the Commission's charge concerning which, after due consideration, the Commission proposes no changes.

II. Proposed Changes - Text and Discussion

The Commission proposes four sets of revisions to the Charter. These are addressed as follows, with each being captioned by the language that the Commission suggests as the ballot question language for each proposal that the Common Council chooses to send to the voters for action.

A. "Shall the term of Mayor and Town Clerk be changed from 2 to 4 years?"

The Commission is unanimous in its support of changes to the Charter that would extend the term of the Mayor and Town Clerk from two years to four years (Exhibit 1). In this regard, the Commission proposes certain revisions to the Charter that would preserve the current staggered biennial appointment of

members of the Board of Estimate and Taxation (Exhibit 2), as well as to provide for the filling of a vacancy in the office of Mayor at the next municipal election if that vacancy occurs early enough in the mayoral term (Exhibit 3). The Commission proposes that each of these three revisions be included on the ballot under the quoted ballot question above.

The reasons for adopting a four-year term for Mayor and Town Clerk are several. First, the members of the Commission believe that adoption of a four-year term will promote effective administration in both offices.

The Office of the Town Clerk, while selected as part of the political process, once elected is almost entirely administrative and ministerial in nature. The duties of that Office are both extensive and complex, involving maintaining the town's land records and vital statistics, as well as administering certain state functions such as the issuance of hunting and fishing licenses. The Town Clerk's office also plays an important role in the election process in regard to the issuance of absentee ballots. Given the extent and nature of the Town Clerk's responsibilities, the consensus of the Commission is that a four-year term gives even a new Town Clerk a sufficient period of time to familiarize himself or herself with those responsibilities and provide the voters with a sufficient track record to judge his or her success in that office.

While the office of Mayor is more political than that of the Town Clerk, the administrative duties of the Mayor are a core function of that office as well, and a large portion of the Mayor's time is spent overseeing the provision of basic municipal services. In this respect, the argument in favor of a four-year term is the same as for the Town Clerk, i.e., that a new Mayor has an extensive learning curve, and that a four-year term allows a Mayor sufficient time to learn the ropes of the position before being judged by the electorate on his or her performance in the job.

Beyond the purely administrative functions of the office, the Mayor has an important governmental role that has no equivalent in the Town Clerk -- that role in defining and promoting public policy on a wide range of local issues. This function is carried out in conjunction with the Common Council and other city bodies, and is a function not just of the Mayor's day-to-day involvement with municipal administration, but also and importantly: 1) as a function of the Mayor's appointment powers; and 2) the Mayor's role on city boards and commissions, most notably the Board of Estimate and Taxation, and the Police and Fire Commissions. In this area of public policy, the lengthening of the mayoral term to four years would allow the Mayor to focus on a longer time frame for policy decisions, enabling her or him to play a leadership role in

adopting policies that may require several years before they can be appraised in their full context by the electorate.

As the cost of mayoral election campaigns has increased over the last decades, our city is approaching a point where continued biennial elections contribute to a political culture where the Mayor (and the Mayor's prospective challengers) will need to fund-raise from the very beginning of the two year term in order to meet the financial demands of election or re-election. Shifting to a four-year term opens up a greater space for governing rather than campaigning and fundraising. And in conjunction with the longer-term policy focus discussed above, the four-year term creates greater possibilities for thoughtful and well-planned policy and leadership at the Mayoral level.

While the Commission does recognize the perception that less frequent elections provide fewer opportunities for voters to hold the Mayor accountable, the four-year term puts a Mayor in office for a long enough period to allow voters to fairly judge the entirety of that term at the next election.

The other concern that the Commission considered was the likelihood that in the "mid-term" municipal elections, i.e., the elections in which there is no Mayoral contest, there will be a fall-off in voter turnout. While the Commission recognizes that there will likely be some fall-off in voter turnout when there is no "top of the ticket", the Commission has chosen to recommend no other changes to municipal elected official terms or electoral timetables. It is the Commission's hope that the preservation of the established voting schedule in all other respects will minimize confusion in regard to the electoral process and continue to sustain turnout in the off-year elections, as voters elect their representatives to the Common Council, Board of Education and taxing district offices.

B. **"Shall the offices of City Treasurer, City Sheriff and Selectman be eliminated?"**

At the time of the adoption of the Charter in 1913, the offices of City Treasurer and City Sheriff had specific duties that were necessary to the City at that time. Throughout the years and as the result of various revisions to the Charter, these two offices have lost any real function in Norwalk's government. Likewise, the functions of the three Selectmen, already significantly limited by the original 1913 Charter, no longer exist in any real way.

Under these circumstances, the elimination of these offices should not effect the functioning of municipal government in any significant manner. Elimination would bring a small cost savings (each of these three offices carries a very small

salary under current Charter provisions), but perhaps more importantly, would allow the shortening of the municipal ballot to the point where at some elections municipal ballots may be printed on one side.[1]

The proposal involves revising Charter Section 1-166 (Exhibit 1) to eliminate the offices in question, as well as deleting or revising specific Charter sections to delete both the salaries and the language regarding official functions of these positions, language that as noted above has been rendered superfluous by prior revisions to the Charter. (Exhibits 5 and 6)

C. **Shall the annual salary of each Common Council member be set at two percent (2%) of the base salary of the Mayor?**

Section 1-225 of the Charter provides that "the compensation of all officers and employees of said City of Norwalk shall be fixed by the Council" with the exception of the compensation of the members of the Common Council itself, whose compensation is currently fixed at $600 per year.

Service on the Common Council is important to the proper functioning of our municipal government, and is extraordinarily time-consuming for its members. The current compensation level, in place since 1980, does not approach a fair level of compensation for the time and effort most members of the Common Council give to the job. Nevertheless, the Commission did not envision any adjustment of the Council's compensation as giving a salary commensurate with the time and responsibility of a Council member's job.

Rather, the Commission recognizes that service on the Common Council is *and ought to be* primarily driven by the impulse towards public service, and that it would not benefit or improve our municipal government if compensation for Common Council members were set at a level high enough to attract candidates as a money-making opportunity. Still, it is only fair that Common Council members, who often informally and regularly expend out-of-pocket expenses in furtherance of their public role, receive a level of compensation that recognizes their service and ensures that this service is not inevitably a money-*losing* proposition for them.

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[1] The switch over the last decade from mechanical voting machines to optically-scanned, computer-tabulated paper ballots has resulted in the need at some elections for the paper ballot to be two sided, in order to accommodate all of the offices up for election. This has, in turn, resulted in some voter confusion and the failure of some voters to cast votes on the second side of the ballot. While ultimately this phenomenon must be addressed by ongoing voter education efforts, the Commission accepts that there is a value to being able to group all elective offices on one side of the ballot.

From the start, the Charter has wisely provided that the Common Council does not control its own compensation level. To date, however, this has been accomplished by fixing a dollar amount for Council compensation in the Charter itself. This approach has resulted in multiple decades passing between adjustments of Council compensation, which in turn has resulted in that compensation over time coming to represent only a fraction of that compensation's original value in real dollar terms.

The Commission's proposal would address this situation in two ways. First, it would re-set the Common Council compensation at a level that is more realistic than the current $600 per year level. The proposed formula, 2% of the Mayor's base salary, would currently represent approximately $2,281.70. (Exhibit 4). By contrast, $600.00 in 1980 dollars (the year the current figure was adopted) is the equivalent of $1,850.26 in 2016 dollars.[2] The proposed level, then, is not out of line with historical levels of Common Council compensation.

The second manner in which the Commission's proposal addresses the Council's compensation is by abandoning the approach of fixing that compensation in the Charter as a straight dollar amount, choosing instead to peg that compensation as a percentage of the Mayor's base salary. In that manner, neither the Council nor the Board of Estimate and Taxation would directly set the Council's compensation, but that compensation instead would be able to rise appropriately over time to reflect inflation. This latter goal could be achieved by introducing an annual percentage adjustment, but the Commission suggests at a fixed percentage of the Mayor's base salary is a simpler approach, readily understandable to the public and not requiring an ever-lengthening series of annual calculations, each based on prior years.

Likewise, the political process in Norwalk has historically kept the Mayor's salary in check, and the Commission does not see a great danger of the Common Council voting runaway mayoral salaries as a means towards increasing their own compensation.

Finally, it is worth noting that the fiscal impact of the proposed change would be minimal. By definition, the collective cost of 15 Common Council member salaries would be equal to 30% of the Mayor's base salary in total. This is well within the ability of the City's finances, and it will be well worth the expense if it encourages and supports the proper functioning of a public-spirited Common

2 By comparison, the Common Council salary of $300 per year set in 1933 would be worth $5,416.60 in 2016 dollars, and the original Common Council salary of $100 per year, effective January 1, 1914, would be worth $2,365.25 in 2016 dollars.

Council.

D. **Shall all Charter references to members of the Common Council be gender-neutral?**

This is the one proposal that falls outside of the Commission's original charge, but the Commission's members feel strongly that the time has come for this adjustment to be made. The existing Charter was adopted approximately seven years before the Twentieth Amendment assured women the right to vote, and as the one hundredth anniversary of the ratification of that Amendment approaches, it is fitting that the City of Norwalk take this step. While these revisions do not change the substance or structure of the Charter, they do represent a long-overdue and important recognition that our municipality's governing document should be free of language that would even suggest gender bias of any sort.

III. Items for Which No Change is Proposed - List and Discussion

A. **Mayoral Term Limits**

The Commission considered the question of whether or not a four-year mayoral term should be accompanied by a two-term limit on the office of Mayor, and has chosen to not recommend the adoption of term limits.

The strongest rationale for electoral term limits occurs in circumstances where the inherent advantages of incumbency are such as to create a permanent structural bias in favor of the incumbent office holder. This has not proven to be a difficulty in Norwalk's political system, and Norwalk voters over the years have proven themselves quite happy to eject incumbent mayors from office after one, two or more terms. Indeed, only one Mayor in the century-plus history of our current Charter has served more than 8 consecutive years, and in the end the advantages of years in office were insufficient to prevent his eventual loss of the office at the polls.

Term limits by their very nature deny the voters the ability to return to office a public official who is doing a good job and retains the support of a majority of the electorate. In a representative democracy, voters should be allowed the widest choice of potential candidates, and, absent the sort of significant systemic bias in favor of incumbents, the last thing that should disqualify a person from being elected to a particular office -- in this case Mayor -- is the fact that that person has

done the job well enough to earn repeated re-election in the past.

B. **Common Council Terms**

The Commission has chosen not to make any changes in the terms of the Common Council. While the administrative functions of the Mayor and the benefits of a four-year term help outweigh any loss of accountability in regard to that office, the same considerations are not as strong in regard to the Common Council. As the people's legislative representatives at the municipal level, members of the Common Council benefit from the close contact with the electorate that biennial elections entail.

From a campaign finance point of view, Common Council elections are markedly less expensive than mayoral elections, and biennial elections for the Common Council pose a much smaller risk of requiring constant fundraising than would continued biennial mayoral elections.

Finally, the Commission's members noted that, while the Charter does include provisions for the recall of a Mayor under some circumstances, there is no parallel provision in the Charter concerning members of the Common Council. Maintaining biennial elections for the Common Council serves this function, allowing the electorate frequent opportunities to vote out any Common Council member who is not performing his or her duties in a manner satisfactory to the voters.

C. **Board of Education Electoral Schedule and Terms**

Given the Commission's decision to not alter the terms of the members of the Common Council, the Commission has determined that it is not necessary or beneficial at this time to alter the terms of the Board of Education. the Commission also received input from the Board of Education at the beginning of the Charter Revision process, in which the Board of Education strongly opposed making any changes to the terms of its members.

IV. Conclusion

The Com ission believes that the four proposed sets of revisions set forth above represent a thoughtful approach to maintaining the delicate balance between maintaining electoral accountability and allowing the executive offices of Mayor and Town Clerk to have terms that are more appropriately calibrated in length to promote administrative effectiveness and policy leadership. The Commission seeks to eliminate superfluous officers, and set Common Council

compensation that is fair to Common Council members and capable of adjusting for economic realities without further recourse to Charter Revision for those adjustments. Finally, the Commission proposes to the Common Council, and it hopes to the voters, that the language of the Charter be revised to be gender-neutral, so as to bring this document into conformance with modern norms of legislative drafting.

The Commission proposes that the proposed changes take effect as of the November 2017 municipal election. That is, if all the proposals are placed on the ballot and approved in November 2016, then in the November 2017 election, the candidates for Mayor and Town Clerk would be running for a four-year term, and there would be no candidates for City Treasurer, City Sheriff or Selectman (as those positions would no longer exist). Any change to the salaries of the members of the Common Council would take effect for the Common Council serving in the 2017-2019 term. In this manner, no office-holder, whether Mayor, Town Clerk or Common Council member, would be affected by any of these changes until after the next municipal election.

Finally, the Commission and its members wish to thank the Common Council and the public for the opportunity to serve Norwalk in this manner.

Respectfully Submitted

Charter Revision Commission
William Fitzgerald, Esq., Chair
Jerry E. Petrini, Vice-Chair
Glenn Iannaccone
Stephen B. Keogh, Esq.
Yvonne Rodriguez
Mary B. Roman
Michael L. Witherspoon, Esq.

APPENDIX TO REPORT OF CHARTER REVISION COMMISSION

March 28, 2016

Common Council
City of Norwalk

On January 12, 2016, you (the Common Council of the City of Norwalk) voted to appoint a Charter Revision commission made up of seven individuals. We, the Commission, were charged with investigating whether we should amend the Charter pertaining to six topics that were clearly indicated to us. Once the Common Council voted to enable the Commission, not only do we have the power to present to you our opinion of the six topics you asked us to investigate, but we could, by a simple majority vote of the Commission, recommend any additional changes to the Charter, whether you asked us to or not.

With full knowledge of the responsibility that was placed in our hands we, the Commission, decided to only investigate the topics that you asked to do, with one exception. We will be asking the Council to consider amending the Charter to reference its members to be gender neutral. The reason that we decided to deviate from your specific-only items in the Charter was that we felt this small, but very important change should have been done years ago. Since we left the election of the Common Council and the Board of Education untouched, and we decided not to impose any term limits on the mayor, we were able to put forth to you only four proposed referendums that will appear on the ballot, with your approval, including the gender neutral question.

During the months that this Commission has been established, we had numerous posted meetings and two public hearings. On February 10, 2016, we held our first public hearing and there were 21 speakers. On March 22, 2016, we held our second public hearing and there were nine speakers, three first-time contributors and six individuals that we already heard from on the February 10, 2016, hearing. There were a number of topics that these 24 different individuals asked us to investigate and hopefully change.

Some of the topics that were asked were:

1. Investigate unfair practice of the beach sticker process.
2. District water rates for out-of-district customers.
3. Citizens review board for the Police Department.
4. Eliminate or make changes to the Redevelopment Agency.
5. Hire a City Manager.
6. Eliminate the non-substantial language in the Charter.

One topic that seven of the 24 speakers asked us to look into was to restructure the Planning and Zoning Department and hire a City Planner that would head the department.

Once you have reviewed our proposed changes to this Charter and, by procedure, you will be holding a public hearing of your own, you will probably hear more on the City Planner issue. We suggest that you listen and look into this matter and address it with another Charter Revision Commission in the near future or at your discretion, this Commission can be reconvened to explore the feasibility of a City Planner.

The Charter Revision Commission

EXHIBITS TO CHARTER REVISION COMMISSION REPORT

1. Proposed amendment to Chapter 1, Article III, § 166 (Election of Officers)

2. Proposed amendment to Chapter 1, Article VI, § 1-288 (Board of Estimate and Taxation; appointment, qualifications, term and compensation; vacancies)

3. Proposed amendment to Chapter 1, Article III, § 1-174 (Vacancies)

4. Proposed amendment to Chapter 1, Article V, § 1-255 (Compensation fixed by Council)

5. Proposed amendment to Chapter 1, Article V, § 1-214 (Authority and Duties Previously Assigned to City Sheriff and City Treasurer)

6. Provisions of the Charter that are proposed to be eliminated

7. Memorandum of Law, dated February 4, 2016, regarding legal issues pertaining to potential Charter Revisions

8. Proposed changes to the Charter necessary in order to change every provision to make all references to "Common Council Member"

9. Memorandum of Law, dated March 22, 2016, regarding issues that the Charter Commission requested to be researched

10. Memorandum of Law, dated March 22, 2016, regarding Mayoral appointments in Charter

Exhibit 1

Chapter 1. Charter and Related Laws
ARTICLE III. Elections
Part 1. In General
§ 1-166. Election of officers.

On the first Tuesday after the first Monday of November 2017 ~~1979~~, and biennially thereafter, there shall be held a town and city election for the choice of the following officers of the Town and City of Norwalk, by a plurality of ballots, ~~as follows: city officers: a Mayor,~~ as many ~~Councilmen~~ Common Council Members as are provided for in § 1-3~~,~~ ~~a Treasurer and a City Sheriff; town officers: three Selectmen,~~ and seven Constables ~~and a Town Clerk who shall be ex officio Registrar of births, marriages and deaths.~~ No person shall vote for more than four Constables.

All of said Common Council Members ~~officers~~ and Constables 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.

On the first Tuesday after the first Monday of November 2017, and quadrennially thereafter, there shall be held a town and city election for the choice of Mayor of the City of Norwalk and Town Clerk, the latter of which shall be ex officio Registrar of births, marriages and deaths.

Said Mayor and said Town Clerk shall hold office for the term of four 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.

Exhibit 2

Chapter 1:

Charter and Related Laws

ARTICLE VI:

Board of Estimate and Taxation

§ 1-288 Board of Estimate and Taxation; appointment, qualifications, term and compensation; vacancies.

There shall be in said city a Board of Estimate and Taxation composed of six electors who shall serve without pay. Said members shall be appointed by the Mayor, subject to approval by the affirmative votes of a majority of the membership of the Common Council, and there shall be not more than two members from any one Council District, and not more than three appointed members shall belong to the same political party. Whenever a vacancy shall occur in said Board, the Mayor shall, subject to approval by the affirmative votes of a majority of the membership of the Common Council, appoint a member for the balance of the unexpired term. Such balance of unexpired term shall be considered as a full term for the purpose of tenure as hereinafter provided. Each term of membership shall be of four years' duration, and no member shall serve more than two consecutive terms unless the Mayor's appointment for a third term shall be approved by the affirmative votes of 2/3 of the membership of the Common Council, and in no instance shall an appointed member serve more than three consecutive terms. Within one week after taking office in 1983, the Mayor shall appoint one member for a term of two years and one member for a term of four years, and biennially thereafter, within one week after the newly-elected Common Council taking office, the Mayor shall, in the manner herein provided, appoint three members of said Board, each for a term of four years. Such appointments are subject to approval by the affirmative votes of a majority of the membership of the Common Council.

Exhibit 3

Chapter 1. Charter and Related Laws
ARTICLE III. Elections
Part 1. In General

§ 1-174

Vacancies.

Whenever any elective officer of said town or city shall die, resign or remove his residence from said city or, by reason of permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of his office or shall be convicted of malfeasance in office or any infamous crime or when any vacancy shall occur in any elective office of said town or city from any cause, the Council of said city shall, having been called together for the purpose by the Clerk of said city, upon one weeks's notice, declare such office vacant and shall forthwith fill such vacancy; and the person chosen to fill such vacancy shall have all the powers and duties of the former incumbent of such vacant office and shall continue therein until the expiration of the term for which said incumbent was elected and until his successor is duly elected and qualified, including a successor Mayor duly elected by special election as hereinafter provided. A plurality of ballots shall be sufficient to elect. If such vacancy occurs in the office of the Mayor, it shall be filled from the ~~Councilmen~~ Common Council Members of said city; if in the members of the Council, from the electors of the council district or districts in said city from which the former incumbent of such office was chosen; and if in any other elective office of said town or city, from the electors of said city, but 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. If a vacancy occurs in any elective office of the First, Second, Third or Sixth Taxing District of said city, such vacancy shall be filled by the Commissioners of the district in which the same occurs. The provisions of Section 9-221 of the General Statutes shall apply to the filling of vacancies occurring during the periods specified in said statute; provided, however, that nothing herein contained shall supersede the application of Section 9-167a of the Connecticut General Statutes. Provided, if a vacancy occurs in the office of ~~Councilman~~ Common Council Member, such vacancy shall be filled by the town and city committee of the political party to which the ~~Councilman~~ Common Council Member 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 Education.

Notwithstanding any of the foregoing, if a vacancy occurs in the office of Mayor and the unexpired term of the office of Mayor exceeds thirty (30) months, there shall be a special election held, coinciding with the next Common Council general election, to fill the vacancy for the balance of said term only. Between the occurrence of the vacancy and the election of the Mayor at said special election, said vacancy shall be filled by the Common Council on a temporary basis as hereinbefore provided.

Exhibit 4

Chapter 1. Charter and Related Laws

ARTICLE V. Officers and Employees
Part 1. General

§ 1-225. Compensation fixed by Council.

The compensation of all officers and employees of said City of Norwalk shall be fixed by the Council, except the salary of the Common Council Members. ~~Councilmen, which shall be set at $600 per annum.~~ The salary of each Common Council Member shall be equal to two percent of of the Mayor's base salary (said base salary not including any benefits, pension payments or contributions or other compensation).

Exhibit 5

Chapter 1. Charter and Related Laws

ARTICLE V. Officers and Employees

Part 1. General

§1-214 ~~Sheriff; authority and duties.~~ Authority and Duties Previously Assigned to City Sheriff and City Treasurer

~~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. Said 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.~~

Except as otherwise set forth in this Charter, any authority and duties otherwise conferred upon the City Sheriff or City Treasurer by virtue of other provisions of this Charter, by any Ordinance of the City of Norwalk, or otherwise by law, shall be vested in such City or Town official or officials, or such other person or persons, as shall be determined by such Ordinance or Ordinances of the Common Council that may be enacted from time to time.

Exhibit 6

Provisions of the Charter to be Eliminated:

§1-215 Salary of Selectmen of the Town of Norwalk

§1-216 Powers and Duties of Selectman

§1-224 Salaries of the officers of the City and Town of Norwalk

§1-246 City Treasurer

Exhibit 1

CITY OF NORWALK

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125

LAW DEPARTMENT

TEL: (203) 854-7750
FAX: (203) 854-7901

MEMORANDUM OF LAW

Date: February 4, 2016

To: Norwalk Charter Revision Commission
Cc: Mayor Harry Rilling
Norwalk Common Council

From: Mario F. Coppola, Corporation Counsel

RE: Legal Issues Pertaining To Potential Charter Revisions

I. TERM LENGTHS FORCHIEF ELECTED OFFICIALS IN FAIRFIELD COUNTY

You inquired about the terms of other chief elected officials (i.e. either Mayor or First Selectman) in other Fairfield County municipalities. We researched that question and the results of our research are set forth in the table below. As you can see, seven (7) of the twenty-three (23) municipalities in Fairfield County have four (4) year terms for the chief elected official. Those seven (7) municipalities are: Bridgeport, Fairfield, Ridgefield, Stamford, Stratford, Westport and Wilton.

Municipality	CEO Term
Bethel	2
Bridgeport	**4**
Brookfield	2
Danbury	2
Darien	2

Easton	2
Fairfield	**4**
Greenwich	2
Monroe	2
New Canaan	2
New Fairfield	2
Newtown	2
Norwalk	2
Redding	2
Ridgefield	**4**
Shelton	2
Sherman	2
Stamford	**4**
Stratford	**4**
Trumbull	2
Weston	2
Westport	**4**
Wilton	**4**

II. TERM LIMITS

You also inquired about whether the charters of any other Connecticut municipalities set term limits for the chief elected official. We posed that question to the Connecticut Secretary of State's office, and that State Department was unable to reference any such municipalities. Our own internet research found only one Connecticut municipality that appears to have a term limit for its chief elected official. The City of Bristol has a term limit of four (4) consecutive terms for its Mayor. The relevant section of the Bristol charter is attached hereto as **Exhibit 1** for your reference. Please note that the Bristol charter appears to have been amended in December 2013 to add this provision which provides for a term limit for the mayor.

III. SALARIES OF LEGISLATORS

You requested that we find out whether or not legislators in the larger Connecticut cities receive compensation, and if so, the respective amount that they are paid in other cities. Attached hereto as **Exhibit 2** please find a survey of legislative salaries provided by the Connecticut Conference of Municipalities ("CCM"). The list includes municipalities with a population of 60,000 and over. There were twelve (12) municipalities cited in the survey. Exactly half of the municipalities in the survey pay their legislators. The compensation paid to the legislators ranged from $600 to $15,000.

Where the municipality paid its legislators, you requested that we find out the process (i.e., set by ordinance, charter or as part of the annual budget process) by which said compensation is set. We found the following information:

- Bristol - The City Council and Board of Finance must approve a salary increase for the City Council members and it does not take effect until the next election cycle.
- Hamden - The compensation is voted upon as part of their annual budget.
- Hartford - The compensation is set forth in the Charter and requires a referendum to be changed.
- Meriden - The compensation is voted upon as part of their annual budget.
- New Haven - The compensation is set forth by ordinance and requires a referendum to be changed.

IV. IS IT IMPROPER OR ILLEGAL TO REMOVE SELECTMAN OR TREASURER OR SHERIFF FROM CITY CHARTER?

A. Selectman

There is no requirement in the State Constitution for the position of selectman. Conn. Gen. Stat. ("C.G.S.") §9-185 provides municipalities with the authority to create the position of selectman by charter, but does not require that municipalities have such a position created by charter. Several other state statutes list duties and powers of selectmen, such as drawing orders on the town treasurer (C.G.S. §§7-12 and 7-13), filling vacancies in elected municipal offices (C.G.S. §9-220), examining the land records (C.G.S. §7-14), defining the boundaries of highways (C.G.S. §13a-39), calling special town meetings (C.G.S. §7-1(a)), settling fence disputes (C.G.S. §47-50), settling drainage disputes (C.G.S. 52-461), shellfish powers (C.G.S. §26-240), etc. This is a non-exhaustive list of the various state statutes referencing "selectman" or "selectmen", however, it provides you with an understanding of the types of duties carried out by a selectman.

In practice, most of the functions of the selectman are performed by other city officials and departments, including the Mayor and the Department of Public Works. Moreover, Norwalk City Charter §1-229, entitled "Mayor shall perform all duties of Selectmen of towns", states that "[a]ll duties required by law of Selectmen of towns, except such as are imposed upon them by the constitution of the state, shall be performed by the Mayor except as otherwise herein provided." Therefore, the duties of the selectman would still be carried out by a City official (i.e., the Mayor) if you were to remove the position of selectman from the charter.

B. Sheriff

There is no requirement in the State Constitution for sheriff. The state statute entitled "Sheriffs", C.G.S. § 9-182, was repealed on December 1, 2000. Moreover, other references to "sheriff" in the state statutes have been replaced with "state marshal" (e.g. C.G.S. §9-173, §9-212, §9-215, §9-218, and §9-230).

Norwalk City Charter §1-214, entitled "Sheriff; authority and duties", states that "[t]he 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. Said 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" (emphasis added).

Over the years, the provisions of the Connecticut General Statutes which provide for the duties and powers of municipal sheriffs provide that all of those duties and powers could be administered by a state marshal. Therefore, most municipalities use a state marshal for whatever functions were previously conducted by a municipal sheriff. There may still be some valid reasons for the City to have its owner sheriff even though a state marshal could conduct any of the same services.

C. Municipal Treasurer

There is no requirement in the State Constitution for treasurer. The Connecticut General Statutes, in Chapter 94, sets out the duties of a Town Treasurer but does not mandate the position in municipalities.

Norwalk Charter §1-246 states that "[t]here shall be a City Treasurer" and prescribes the duties as examining the records of the Comptroller related to cash receipts, and certifying "to the Director of Finance the accuracy thereof." In reality the treasurer does not perform these duties. Under Charter §1-240, the Comptroller is responsible for maintaining and supervising the general accounting system for all departments, offices, boards commissions and agencies of the City. Further, the last sentence of part A of §1-240 states "[t]he Comptroller shall have the same relative powers and duties within the City of Norwalk as the Town Treasurers under the general statutes in their respective towns except as herein provided." Additionally, part F repeals all inconsistent sections of the Charter that deal with treasurer.

Therefore the only thing to do is to repeal the sections that mention the City Treasurer, specifically §1-246, and make some technical revision to the §1-240 on the Comptroller. The proposed revisions to §1-240 are attached hereto for your review as **Exhibit 3** in marked-up format.

EXHIBIT 1

City of Bristol, CT

Sec. 12A. - Limits on successive terms for mayor and city council.

No person who has been elected after the effective date of this section to the office of mayor for four successive two-year terms shall be eligible to run for election to the office of mayor until at least one term has elapsed. Provided, any person elected or appointed to the office of mayor to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to the office of mayor to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for election to the office of mayor for any term or terms that are not successive.

No person who has been elected after the effective date of this section to the city council in any district for four successive two-year terms shall be eligible to run for election to the city council or to be appointed to serve on the city council in any council district for any additional successive term until at least one term has elapsed. Provided, any person elected or appointed to serve on the city council to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to serve on the city council to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for any term or terms that are not successive.

This section does not disqualify a person who has served for successive terms as mayor pursuant to subsection (a) from being elected or appointed to any other elective or appointive office.

This section does not disqualify a person who has served for successive terms as a city council member pursuant to subsection (b) from being elected or appointed to any other elective or appointive office.

(Amend., eff. 12-5-13)

EXHIBIT 2

POPULATION: 60,000 AND OVER

Municipality	2014 CT Health Dept. Pop. Est.	Mayor	First Selectman	Chief Appointed Official	Deputy Chief Appointed Official	Elected Legislative Body	Executive Administrative Assistant	Administrative Assistant
Bristol	60,570	110,446 :N3				9,649 :P:N16	44,688 :N1	
Danbury	83,784	109,814 :N3		83,930			57,600 :N1	
Fairfield	61,347		131,428 :N3	93,636 :N17	65,866 :N15	P:N18		57,471 :N1
Greenwich	62,610		133,810 :N11	190,000			77,804 :N1	61,783 :N1
Hamden	61,422	110,000 :N19		92,000	72,000	2,160 :P:N16	52,000 :N1	61,216 :N2
Hartford	124,705	146,780 :N10		170,000	150,000	15,000 :P:N12	60,000 :N1	55,626 :N20
Meriden	60,293	16,788 :P:N4		147,878		5,400	41,000 :N1	66,373 :N2
New Haven	130,282	131,000 :N5		132,000	106,596	2,000 :P:N1	74,755 :N7	40,000 :N1
Norwalk	88,145	141,524 :N8				600 :P:N16	67,119 :N9	
Stamford	128,278	168,509 :N13		155,150	155,150			96,236 :N2
Waterbury	109,307	125,702		124,000 :N6	85,000 :N15	4,000 :P:N21	40,000 :N14	35,000 :N14
West Hartford	63,324	V:P		156,832		V:P:N16	70,850 :N1	

Footnotes:

N1 Non-union position.
N2 Union position.
N3 Eligible for retirement benefits: Defined Benefit Plan.
N4 Hours per week varies. Non-union position.
N5 Eligible for retirement benefits: Defined Contribution Plan.
N6 Senior Aide to the Mayor.
N7 Two (2) Executive Administrative Assistants. Non-union. Same salary.
N8 Eligible for retirement benefits: 401 (a) Defined Contribution.
N9 Non-union, ordinance position.
N10 Eligible for pension plan.
N11 Eligible for retirement benefits: 401k / Defined Contribution Plan plus Defined Benefit 457.
N12 Council Person. Hours vary.
N13 Eligible for retirement benefits: 401(a) match.
N14 Appointed. Non-union position.
N15 Actual job title: Deputy Chief of Staff.
N16 Council Members. As needed.
N17 Actual job title: Chief of Staff.
N18 $11,330 per Selectman (2). Representative Town Meeting members are volunteers.
N19 Not eligible for retirement benefits.
N20 Non-union. More than one Administrative Assistant.
N21 Aldermen. Less than 20 hours per week.

N#=FOOTNOTES • P=PART-TIME • V=VOLUNTEER

EXHIBIT 3

There shall be a Division of Accounting and Treasury headed by the Comptroller, who shall be appointed for a term of four years. The Mayor elected in November 1979, subject to confirmation by the City Council, shall appoint a City Comptroller to hold office for a term of four years beginning July 1, 1980, and until his or her successor shall be duly appointed and shall have qualified. ~~The[d1] salary of the Comptroller shall be fixed by the Common Council. He or she shall give a bond in an amount to be determined by the Common Council to the city conditioned against defalcation or malfeasance in office, with a surety company as surety[d2].~~ The Comptroller in office at the time of the passage of this provision shall continue in office until his successor shall be appointed and shall have qualified as provided for herein. The Comptroller shall maintain and supervise the general accounting system for all departments, offices, boards, commissions and agencies of the city; he or she shall keep or cause to be kept complete books of records and accounts showing the financial conditions of the city and all financial transactions, including all districts of the city but more especially those districts which are not under the supervision of District Commissioners as provided in the Charter of said city; he or she shall keep separate accounts for the appropriations in the budget and the allotments thereof and shall encumber immediately each appropriation and each allotment for the amount of any purchase order, payroll or contract upon approval; he or she shall maintain for each account a record of the amounts paid and remaining unpaid, all encumbrances and unencumbered balances; he or she shall keep a record of accounts payable by the city and accounts receivable by the city; he or she shall prescribe and control receipts to be used by all departments, offices, agencies and commissions of the city; he or she shall audit before payment all bills, invoices, payroll and other evidences of claims, demands or charges against the city and approve them only if proper and legal and only if moneys have been appropriated and an unspent and unencumbered balance is available; he or she shall administer the payroll of the city; he or she shall, subject to the control and supervision of the Director of Finance as aforesaid, manage and invest the excess funds of the city and shall administer the debt of the city; he or she shall certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each department, board or commission and officer of the city, and no purchase order or contract shall be a valid obligation of the City of Norwalk unless it shall bear such certification of the Comptroller, and he or she shall refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in his or her opinion, will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation. The Comptroller, under the direction of the Director of Finance, shall supervise the methods of accounting for all departments and offices of the city and shall prescribe such methods of accounting and reporting as will enable him to keep a true record of all financial acts of the city. The Comptroller shall have the same relative powers and duties within the City of Norwalk as the Town Treasurers under the general statutes in their respective towns except as herein provided. **(Added by Charter Amendment 8-29-1978, § 5.[1])**

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

B.

Office of City Comptroller. On and after September 1, 1931, the office of City Auditor shall be abolished, and in lieu thereof there is created the office of City Comptroller. **(Sp. Laws 1931, No. 323, § 1.)**

C.
Vested powers. All powers and duties vested in said City Auditor by statute or by the Charter of the City of Norwalk shall be vested in the City Comptroller. **(Sp. Laws 1931, No. 323, § 2.)**

D.
Former duties of Auditor which are now performed by Comptroller. The Auditor shall quarterly and oftener when required by the ordinances of said city examine and audit the accounts of all appointed or elected officers of said city, including like officers of the First, Second and Third Taxing Districts, who are authorized to receive or disburse money belonging to said city, or said districts, and shall compare the items of such accounts with the vouchers therefor, and shall report the result of such examination to the Council, and at the end of the current year, he shall examine the yearly statement of accounts of all such officers and report the result to the Council, which report shall be entered by the City Clerk upon the records of said city and published in such manner as the Council may order. **(Sp. Laws 1913, No. 352, § 70.)**

E.
All c~~C~~hecks ~~or~~and orders shall to be ~~counter~~signed by City Comptroller. ~~No funds may be withdrawn by the City Treasurer unless such checks or orders shall be countersigned by the City Comptroller.~~ **(Sp. Laws 1931, No. 323, § 7.)**

F.
Repeal of inconsistent sections that deal with Treasurer. So much of the Charter of the City of Norwalk, concerning the duties of the City Treasurer~~, as is inconsistent herewith~~ is repealed. **(Sp. Laws 1931, No. 323, § 8.)**

§ 1-241 Division of Purchasing.
(Added by Charter Amendment 8-29-1978, § 6.m)

A.
There shall be a Division of Purchasing headed by the Purchasing Agent who shall be appointed for a term of four years. The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for an initial term from the date of his appointment to June 30, 1981, and thereafter the Mayor, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for a term of four years beginning July 1, 1981, and until his or her successor shall be duly appointed and shall have qualified. The salary of the Purchasing Agent shall be fixed by the Common Council.

B.
Following the certification by the Comptroller of any requisition from a department head as provided hereinabove, he or she shall proceed to purchase the article, commodity or thing required, including those required by the Board of Education except for items unique to the Board of Education, provided that in all purchases of $1,000 or more he or

she shall obtain at least two competitive bids before making the purchase, and further provided that in the case of all purchases of over $3,000, including a continuing order or contract for the purchase of the same article, commodity or thing over a period of time, competitive bids on the basis of specifications prepared by the department requiring the article, commodity or thing shall be advertised for, and the order shall be awarded in conformity with such regulations as the Common Council may establish by ordinance governing purchasing procedure. Where any article, commodity or thing is known to the Purchasing Agent to be required during the fiscal year by any two or more departments or agencies of the city, he or she shall have power to require them to file their requests therefor within 60 days from the beginning of such fiscal year. When the Purchasing Agent receives less than two competitive bids or where the goods or services sought are obtainable from a single source, the Purchasing Agent may purchase from such sole bidder or single source; providing, however, that every such purchase in excess of $3,000 shall be subject to the approval of the Common Council. The Common Council may empower special committees to obtain for the city goods or services, and the requirements for advertising and bidding shall apply to such committees. The Common Council shall further have the power to establish and amend by ordinance such rules, regulations, policies and procedures as it may deem necessary or appropriate to define and govern the powers, duties, responsibilities and operations of such Purchasing Division.[2]

[2]
*Editor's Note: Procurement Guidelines were adopted 2-8-2005 by the Common Council of the City of Norwalk and last amended 7-8-2014. A complete copy of these guidelines and any amendments thereto are on file in the City offices. See also § **19-1**, Threshold for bidding, of this Code.*

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

Exhibit 8

Coppola, Mario

From:	Coppola, Mario
Sent:	Friday, March 18, 2016 1:53 PM
To:	Wells, Stuart; 'SPOONTITLE@AOL.COM'; 'LUCCIBAR@AOL.COM'; 'rodriguezy360 @live.com'; Iannaccone, Glenn A.; 'JERRYPETRINI@GMAIL.COM'; 'williamfitzgerald@wilsonelser.com'; 'wffitzgerald@pbnlaw.com'
Cc:	Sapienza, Matt; Tiscia, Barbara
Subject:	RE: Proposed Revisions to Charter to change references to "Councilman" or "Councilmen" to "Common Council Member(s)"
Attachments:	Changes in Charter - 'Councilman' to 'Common Council Member' (00015853xD9291).docx

Dear Charter Commission Members:

You have expressed interest in changing every reference within the Charter to "Councilman" or "Councilmen" to "Common Council Member(s)". Per your requested, attached please find a document in which I have proposed every necessary revision (via the track change feature) to every provision within the Charter in order to make all references to "Common Council Member(s)".

Please do not hesitate to contact me if you have any questions or if I could provide you with any further assistance.

Regards,

Mario F. Coppola
Corporation Counsel
City of Norwalk
P.O. Box 798
125 East Avenue
Norwalk, CT 06856
Tel: 203-854-7750
Email: mcoppola@norwalkct.org

Chapter 1. Charter and Related Laws

ARTICLE I. General

§ 1-1. Body politic and corporate.

(Sp. Laws 1913, No. 352, § 1.)
All the electors of this state, inhabitants of the Town of Norwalk, 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. Said city may have a common seal and alter the same at pleasure.[1]
Editor's Note: See Ch. 7, Administration, §§ 7-9, 7-10 for designation and custody of seal.

§ 1-2. Territorial limits of the City of Norwalk.

(Sp. Laws 1913, No. 352, § 2.)
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 this act, and the boundaries of said town as they so exist shall be the boundaries of said city.

§ 1-2.1. Council districts established.

(Sp. Laws 1969, No. 186, No. 283, § 1; Charter Amendment 11-7-1972.)
The City of Norwalk is divided into five council districts as hereinafter set forth. The Common Council of the City of Norwalk shall designate such council districts, by letter or number, as it shall deem proper. There shall be two ~~Councilmen~~Common Council Members elected from each of said Council districts and ~~Councilmen~~Common Council Members-at-Large elected from the City of Norwalk equivalent in number to the number of council districts as they may exist from time to time. The electors shall vote in the council district wherein they reside. 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 Norwalk.
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 Ingelside 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.
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.

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.

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 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.

District C, to consist of that portion of Norwalk not included in Districts D, E, A, and B.

§ 1-3. Division of city into wards.

(Sp. Laws 1969, No. 186, § 2.)[2]

Said city is divided into five wards: So much of the territory of said city as is included within the boundaries of the former City of Norwalk as the same existed prior to its consolidation with the City of South Norwalk and the East Norwalk Fire District in 1913 shall be the First Ward. So much of the territory of said city as is included within the boundaries of the former City of South Norwalk as the same existed at its consolidation with the City of Norwalk and the East Norwalk Fire District in 1913 shall be the Second Ward. So much of the territory of said city as is included within the following boundaries: Commencing at a point on the boundary line between said city and the Town of Westport where the center line of the New York, New Haven and Hartford Railroad intersects the same, thence southerly along said boundary line to the southeast corner of said city, thence westerly along the southerly line of said city to the southeast corner of the Fifth Ward, thence northerly along the easterly line of said Fifth Ward to the intersection of the same with the southerly line of the Second Ward, thence northerly along the easterly line of said Second Ward to the intersection of the same with the southerly line of the First Ward, thence easterly along the southerly line of the First Ward to the southeast corner of said First Ward, and thence easterly in a straight line to the point or place of beginning, shall be the Third Ward. So much of the territory of said city as lies southerly and westerly of a line commencing at the intersection of the center line of Connecticut Avenue and the boundary line between said city and the Town of Darien, thence running easterly along the center line of said Connecticut Avenue to the westerly line of said Second Ward, thence running southerly along the westerly line of said Second Ward and easterly along the southerly line of said Second Ward to the intersection of the same with the westerly line of the former East Norwalk Fire District, and thence southerly in a direct north and south line along the westerly line of the former East Norwalk Fire District to the southerly line of said city, shall be the Fifth Ward. All the remaining portion of the present City of Norwalk not included in the description of the First, Second, Third and Fifth Wards shall be the Fourth Ward.

[1]

Editor's Note: See Art. II, § 1-16, for division of city into taxing districts.

[2]

Editor's Note: Former § 1-3 adopted as § 55 of Sp. Laws 1913, No. 352, as amended, was repealed by Sp. Laws 1969, No. 186, § 3.

§ 1-4. Transfer of rights and liability from town to city.

(Sp. Laws 1913, No. 352, § 5.)
All property, both real and personal, and all rights of action and other rights with all securities and liens belonging to or vested in said Town of Norwalk, are hereby transferred to said city, and said city is hereby made liable for all debts and obligations of said Town of Norwalk.

§ 1-5. Liability of city.

(Sp. Laws 1913, No. 352, § 6.)
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, shall be borne by said city, and shall be payable out of the treasury of said city, and said city shall hereafter perform all the duties and have and exercise all the rights, powers, and privileges conferred upon said 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 said city.

§ 1-6. Exclusion of town meetings.

(Sp. Laws 1913, No. 352, § 9.)
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.

§ 1-7. Rights, privileges, and immunities vested in the Cities of Norwalk, South Norwalk, East Norwalk Fire District and the Town of Norwalk.

(Sp. Laws 1913, No. 352, § 173.)
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.[1]

[1]
*Editor's Note: See also § **1-433**, for inclusion of bridge into the sate highway system.*

§ 1-8. Building, owning, leasing and using docks, wharves, piers, bridges and property along waterfront.

(Sp. Laws 1921, No. 400, § 8.)
The City of Norwalk may build, own and maintain docks and wharves, piers and bridges upon such property along the waterfront as it now owns, or may hereafter acquire or any part thereof, and may lease the same from time to time upon such terms as the ~~Councilmen~~Common Council Members of said city may fix, and collect and receive compensation therefor, or may reserve said piers and docks for public uses other than business uses, and may from time to time adopt, amend and repeal bylaws or ordinances regulating such use.[1]

[1]
Editor's Note: For "Shorefront Property Acquisition and Improvement Boards," see §§ 1-654 to 1-658.

§ 1-9. Acquisition of public lands and buildings owned by any taxing district.

(Sp. Laws 1931, No. 283, § 1.)
The City of Norwalk is authorized to acquire, take over and own, by purchase or otherwise, as in the judgment of the Council of said city may seem advisable or necessary, and upon such terms as said Council may agree upon with the owner or owners thereof, any buildings of a public nature and the lands used therewith, now or hereafter owned by any taxing district within the corporate limits of said city.

§ 1-10. Acquisition of property for public use by condemnation.

(Sp. Laws 1931, No. 283, § 2.)
In the event that said Council and the owner or owners of any such lands and buildings shall be unable to agree upon the price to be paid by said city for any such lands and buildings advisable or necessary to be acquired or taken over by said city, said city may proceed to acquire the same in the manner provided by statute for acquiring property for public use by condemnation.

§ 1-11. Acquisition or school property owned by taxing districts.

(Sp. Laws 1931, No. 283, § 3.)
Nothing herein contained shall authorize said city to pay any money to any taxing district in said city to acquire any school property claimed to be owned by any such district.

§ 1-12. Care and maintenance of sewer systems; continuance of former municipality Police and Fire Departments.

(Sp. Laws 1913, No. 352, § 44.)
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.
[1]
*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.*

§ 1-13. Maintenance of garbage-disposal plant.

(Sp. Laws 1913, No. 352, § 45.)
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.
[1]

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.

§ 1-14. Authorization of Council to establish a building district where it shall be unlawful to construct or remove wooden buildings.

(Sp. Laws 1913, No. 352 § 139.)
The Council is authorized to establish a building district within which it shall be unlawful to erect, elevate, enlarge, or repair, or into and within which it shall be unlawful to remove any wooden building except by permission of said Council, and to prescribe such penalties for violation of any ordinance made in pursuance hereof as authorized by § 1-191 and § 1-192 hereof. If any person, without a permit therefor, within the district so established, shall threaten to erect, elevate, enlarge, or repair any building as aforesaid, or move the same, the Corporation Counsel may, in the name of said city, institute, before the town court or any other court having jurisdiction, a proceeding to restrain such person from making such erection, elevation, enlargement, or repair of such building, or from moving the same, and said court shall render such judgment therein as may be proper and tax the costs of such proceeding as provided for the taxation of costs in civil actions.[1]

[1]
Editor's Note: § 1-268, as to provision for lien for costs.

§ 1-15. Building lines in Fourth Taxing District; and removal of buildings.

(Sp. Laws 1913, No. 352. § 140.)
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.[1] Any person violating either provision of this section shall be fined nor 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.

[1]
Editor's Note: See § 1-439, for Council procedure in designating building lines.

ARTICLE II. Taxing Districts

Part 1. General

§ 1-16. Division into six taxing districts.

(Sp. Laws 1913, No. 352. § 4; Sp. Laws 1929, No. 82, § 1.)
Said city is divided into six taxing districts. The First and Second Wards[1] shall be the First and Second Taxing Districts.[2] So much of the territory of said 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 District.[2] So much of the territory of said 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 Council of said city, as provided in § 1-17 shall be the Fourth Taxing District. The Fifth Taxing District shall be the entire city.

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

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

[3]
Editor's Note: For Third Taxing District see Art. II, Part 4.

§ 1-17. Extensions and exclusions of taxing districts.

(Sp. Laws 1913, No. 352, § 4; Sp. Laws 1929, No. 82, § 2; Sp. Laws 1949, No. 399.)
The Council of said City of Norwalk is empowered to extend the limits of said Fourth Taxing District to include any part or parts of the Fourth or Fifth Wards of said city. Notice of such proposed action by said Council shall be given by publication thereof, at least 10 days prior to any such meeting, in a newspaper published in said city, which notice shall describe the territory so to be included. If the territory of said Fourth or Fifth Wards to be included in the extension of the limits of said Fourth Taxing District shall be connected by sewer or sewers with said Fourth Taxing District, such extension may be made at the will of said Council after notice as aforesaid. In case the territory so to be included shall not be connected by sewer or sewers with said Fourth Taxing District, the limits of said Fourth Taxing District shall not be extended by said Council to include such proposed additional territory unless a petition for such extension and inclusion, signed by a majority of the electors of said city residing in the territory so to be included, shall be filed with the City Clerk of said city.
The Council of the City of Norwalk is empowered to exclude from the Fourth Taxing District any territory of the Fourth and Fifth Wards of said city, if such territory shall not be connected by sewer or sewers of said Fourth Taxing District. Notice of such proposed action by said Council shall be given by publication thereof, at least 10 days prior to such meeting, in a newspaper published in said city, which notice shall describe the territory so to be excluded.

§ 1-18. Proportioning of former expenses and burdens.

(Sp. Laws 1913, No. 352, § 10; Sp. Laws 1915, No. 367, § 1.)
All inhabitants and property within the limits of the Fifth Taxing District shall be liable to the burdens and expenses heretofore borne by the Town of Norwalk and herein imposed upon the city by this act to the same extent as they would be liable if said burdens, expenses, duties, and powers had not been transferred from the Town of Norwalk to the city, and in addition thereto, for the expenses of the Board of Health, and the salaries of all elective officials of the city, and the clerical and incidental expenses of their respective offices, except the Commissioners and Treasurer elected in the First, Second, and Third Taxing Districts of said city. All expense of permanent improvement of the highways in the Fourth Taxing District, including paving and the care of the same, shall be borne by said Fourth Taxing District. All other burdens and expenses of the city shall be met by taxes levied upon the inhabitants and property within the limits of the Fourth Taxing District, and it shall be the duty of the assessors to indicate in the completed list of the city, and by separate lists, the property and amount thereof taxable in each of the several taxing districts herein created, and the money derived from the taxation of the inhabitants and property of each of the aforesaid taxing districts shall not be used for any other purpose than to defray the burdens and expenses of such taxing districts as herein imposed.

§ 1-19. Fiscal year and annual meeting of First, Second and Third Taxing Districts.

(Sp. Laws 1937, No. 283, § 1; Sp. Laws 1939, No. 183; Sp. Laws 1945, No. 265, §§ 1, 2; Sp. Laws 1955, No. 438, § 1.)
The fiscal year[1] of the First Taxing District, of the Second Taxing District and of the Third Taxing District, respectively, of the City of Norwalk shall begin on the first day of January and terminate on the last day of December. Beginning in the year 1956, the annual meeting of each of said districts shall be held on the first Wednesday of March, and notice of each such meeting shall be given in the same manner as is provided in the Charter of said city.
[1]
*Editor's Note: See also, § **1-289**.*

§ 1-20. Repeal of inconsistent, former provisions.

(Sp. Laws 1937, No. 283, § 2.)
Any provisions of §§ 1-23, 1-77 or 1-116[1] of an act, approved June 6, 1913, entitled "An Act consolidating the Town of Norwalk with the Cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk," inconsistent with the provisions of this act, is [are] repealed.

[1]
Editor's Note: See § 1-23; § 1-77; § 1-116.

§ 1-21. Appropriation and acquisition of land for parking.

(Sp. Laws 1941, No. 445; Sp. Laws 1959, No. 93)
To relieve congestion on the highways of the First, Second and Third Taxing Districts of the City of Norwalk, said taxing districts are authorized to acquire, by lease, deed or gift, such real estate in said districts as to the Commissioners of said districts shall appear necessary to provide suitable spaces or places for the parking of automobiles and other vehicles, and to make any necessary appropriation of funds for such purposes. In the event that said districts, acting through their said Commissioners, shall be unable to agree with any property owners whose land shall be deemed necessary for such parking spaces or places, on the price to be paid therefor, said Commissioners, for and in the name of said districts, may acquire the same by condemnation proceedings, in which case said districts shall follow the same procedure for acquiring said land as is prescribed and set forth in the Charter of the City of Norwalk to be followed by the First and Second Districts for the acquisition of land for the uses of the water department of said First and Second Districts.

Part 2. First Taxing District

§ 1-22. Body politic and corporate; rights and liabilities.

(Sp. Laws 1913, No. 352, § 11; Public Act 1972, No. 277, § 1; amendment approved 11-5-1985.)
All electors of this state dwelling within the territorial limits of the First Taxing District are hereby constituted a body politic and corporate by the name of the First Taxing District of the City of Norwalk, and by that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling and conveying any estate, real or personal, and of having a common seal, and as such corporation shall succeed to and possess all the property, both real and personal, of the City of Norwalk and all the rights, powers, franchises, privileges and immunities heretofore granted to the City of Norwalk and the Water Commissioners of said city in relation to the taking of water, the construction, maintenance and operation of waterworks, and supplying water for the use of said City of Norwalk and the inhabitants thereof, and any other persons or corporations, and all property, rights and interests heretofore acquired by said City of Norwalk or the Water Commissioners of said city for the purpose of supplying water as aforesaid, and the same are hereby vested and confirmed in said First Taxing District. Said First Taxing District is hereby authorized to manage, operate and control said water system, with the same authority, rights and liabilities, and in the same manner as said former City of Norwalk, and, except as herein otherwise provided, to care for, maintain and keep in repair all estate, both real and personal, which said district may acquire, to sell and convey any of said property, and property held by said former city in trust excepted, and apply the proceeds to the reduction of the indebtedness of said district. Said First Taxing District shall succeed to and possess all the rights and privileges heretofore possessed by said City of Norwalk in respect to the public library of said city, and shall continue to support and maintain the same. All the inhabitants and property within the limits of said First Taxing District shall be liable to taxation to defray any burdens, expenses and liabilities of the former City of Norwalk at the passage of this act and such other liabilities as said taxing district may incur under the provisions of this act. Said First Taxing District is hereby authorized to use the water of any stream, lake or pond in whole or in part within the limits of the Towns of Norwalk, Weston, New Canaan, Wilton and Ridgefield, to hold, convey and distribute such water to the persons and corporations whom it may supply by means of any necessary reservoirs, pipes, aqueducts, pumps

and other suitable works, in such quantities as the necessities of said district may require, to take and hold any lands, property or privileges, and to exercise any powers that may be necessary or convenient for said district in order that a satisfactory supply of water may be obtained, and the same stored and distributed to the persons and corporations said district may supply. To the extent not already provided by law, said First Taxing District is authorized to use the water from any subsurface body of water within the limits of said towns in order that a satisfactory supply of water may be obtained. In addition to any rights, franchises, privileges and immunities granted hereunder, said First Taxing District is hereby authorized to supply water to any person or corporation within or without the geographical limits of said district.
[1]
Editor's Note: For authority of First Taxing District as to the acquisition of land for parking purposes, refer to § 1-21. As to taxing districts in general, see Art. II. See also Ch. 5, Special Acts.

§ 1-23. Purpose and holding of annual and special meetings.

(Sp. Laws 1913, No. 352, § 12; amendment approved 11-5-1985.)
The annual meeting of the electors residing in said taxing district shall be held on the third Wednesday of November for the purpose of hearing the reports of the Commissioners of said district, making annual appropriations, and action on such matters as may be properly brought before said meeting. Notice of the time and place of said meeting shall be given by said Board of Commissioners by publishing in a newspaper having a circulation in said district at least 10 days before said meeting, which notice shall set forth all matters to be considered at such meeting. The Commissioners shall deliver the proposed budgets for the district and the Water Department to the office of the District Clerk and make them available for public inspection at least one week before the annual meeting. Special meetings of said district may be called in like manner by said Board, and shall be called upon written petition of 25 electors of said district, to consider and act upon the matters set forth in said notice and petition. No appropriation or expenditure of money may be authorized at a special meeting unless announcement of the proposed appropriation or expenditure is made in the published notice of the meeting and the amount authorized is equal to or less than the amount appearing in said notice. In addition, no authorization at a special meeting to appropriate or expend more than $25,000 shall be valid or final until ratified by a majority of electors present at a second special meeting called for the purpose of ratifying said authorization. Said second special meeting shall be called by the Board of Commissioners and held within 30 days of the meeting at which the authorization was first made.
[1]
Editor's Note: See also § 1-19.

§ 1-24. Board of Commissioners, Treasurer, Clerk, mechanics and laborers.

(Sp. Laws 1913, No. 352, § 13; amendment approved 11-5-1985.)
Said district shall elect a Board of Commissioners and a Treasurer of said district, all of whom shall be, at the time of their election and throughout their term, electors of said district and domiciled therein, and all of whom shall be sworn to a faithful discharge of their duties, shall hold office as hereinafter provided and shall receive such compensation as said district shall determine. Said Commissioners shall appoint a Clerk, who shall receive reasonable compensation as determined by said Commissioners. It shall be the duty of said Clerk to keep a record of all transactions of said district and of said Board of Commissioners and discharge such duties as such Board may prescribe. Said Commissioners may employ such mechanics and laborers as may be necessary to operate, manage, control and keep in repair the real, personal and mixed estate of said district.
[1]
Editor's Note: See also § 1-175.

§ 1-25. Authorization and powers of the Board of Commissioners.

(Sp. Laws 1913, No. 352, § 14; Sp. Laws 1931, No. 292, § 1.)

Said Commissioners are authorized to purchase and take conveyances in the name of said First Taxing District of all lands, property and privileges necessary or convenient for the purpose of the waterworks of said district; to hold in sufficient quantities the water of any stream, either within or without said district, and in either of the towns as set out in § 1-22 by the construction of suitable dams; to enter upon any lands near such proposed dams and procure earth, stone or other materials for the construction and maintenance thereof, to make suitable wasteways for the surplus water of such streams; to change the location of any road or passway which may be covered by the waters of any reservoirs so formed and take land thereof; to enter upon and use the ground or soil under any railroad, street, private way or public or private grounds; to lay, construct and maintain all necessary pipes, pumps and aqueducts in such manner as least to damage or impede travel thereon; to make contracts for labor and materials for the general purpose of said waterworks; to establish public reservoirs; to erect and maintain hydrants under the direction of the Council of the city; to make rules and regulations regarding the use and distribution of said water and establish the prices to be paid therefor; to collect all water rents and pay the same to the Treasurer of said district; to admit, allow and draw orders on said Treasurer for the payment of all claims against said district on account of said waterworks, including payment of interest on notes issued on account of said works; to attend to the construction, care, supervision and management of said waterworks; to appoint Directors of the public library of said district as vacancies shall occur; to care for, maintain and keep in repair, except as herein otherwise provided, all the property of said district, with power to lease or sell the same or exchange the same for other property; and to execute and deliver on behalf of said district all documents which may be necessary or proper to effectuate any such letting, sale or exchange, delivering the income and proceeds therefrom to the Treasurer of said district and to apply the proceeds therefrom in such manner as said Board may be authorized by said district; and to exercise any powers that may, from time to time, be conferred on them by said district. a majority of said Commissioners shall constitute a quorum for the transaction of business.

§ 1-25.1. Vacancies.

(Added approved 11-5-1985.)

A.

If a vacancy occurs in any elective office of the First Taxing District. such vacancy shall be filled by the Commissioners within 60 days following the occurrence of the vacancy. Said Commissioners shall fill said vacancy with an elector of the same political party with which the former incumbent was registered. If the former incumbent was not registered with a political party. then the Commissioners shall fill said vacancy with an unaffiliated elector. Upon failure of the Commissioners to fill the vacancy within said 60 days. the position may be filled with an elector selected by Town Committee members of the party of the former incumbent who reside in the district. If the former incumbent was registered with a party not having a Town Committee, then the position may be filled with an elector selected by a caucus of the registered members of said party who reside in the district. Such appointee shall serve through the remainder of the term of the office left vacant. No Commissioner serving in office may be appointed to fill any vacancy on the Board of Commissioners. The procedure provided under this section shall supersede any vacancy-filling procedure heretofore existing under any special act.

B.

The term "political party" or "party," as used in this section, shall mean any political organization whose members appear on the current list or last official list required to be maintained under § 9-66 of the Connecticut General Statutes.

§ 1-25.2. Removal of officials.

(Added approved 11-5-1985.)

A.

Definitions.

(1)

The phrase "formal notice," as used in this section, shall mean receipt by the District Clerk of a written instrument issued by any person having knowledge of the appropriate events attesting to the occurrence of that event.

(2)
The term "official," as used in this section, shall mean any Commissioners or Treasurer of the First Taxing District.

B.
Grounds for removal from office. Any official of the district shall be subject to removal from office upon any of the following grounds:

(1)
Conviction of a felony while he is an official of the district.

(2)
Conviction of a misdemeanor involving misconduct in office while he is an official of the district.

(3)
A finding of incapability according to Connecticut General Statutes Section 45-70d.

(4)
Removal of domicile from the First Taxing District of the City of Norwalk.

C.
Removal Committee; creation and action.

(1)
The Removal Committee shall consist of five electors, excluding Commissioners and the Treasurer of the district, chosen at the annual meeting of the electors. Within 30 days of its election, the Removal Committee shall meet to organize and to elect a Chairman, Vice Chairman and such other officers as it deems appropriate. The District Clerk shall act as Secretary to the Committee but shall have no vote.

(2)
Within 30 days after receipt of formal notice of the indictment or arrest for a felony, or a misdemeanor involving misconduct in office, or an application for involuntary representation pursuant to C.G.S. Section 45-70c, or removal of domicile from the First Taxing District of the City of Norwalk of an official of the district, the Committee shall hold a meeting to discuss grounds for suspension or removal as set forth in this section.

(3)
Notice of all meetings held under this section shall be published in a newspaper having general circulation within the First Taxing District no more than 15 nor less than five days before the date of each meeting.

(4)
Should the Committee determine that grounds for suspension or removal should be considered or examined, it shall hold a second meeting for purposes of such consideration or examination. Written notice of the second meeting shall be sent by certified mail to the official who is the subject of the examination to his address in the First Taxing District by the Committee not less than five days before the meeting date. The notice shall specify the grounds for suspension and removal; the legal consequences thereof; and the time and place of the meeting. The notice shall further state that the official has a right to be present at the meeting and has a right to be represented by an attorney at his or her own expense.

(5)
The Committee shall consider the allegations involving each official so indicted, arrested, subject to incapability hearing or accused of removing his domicile, separate and apart from the allegations involving any other official. The Committee shall decide whether there is sufficient evidence based on the facts adduced at the hearing to require suspension of said official: the length of said suspension, if required; and the terms of reinstatement to office. These matters shall be determined by a simple majority vote of the entire Committee.

(6)
Upon a decision by the Committee to suspend an official, said official shall be forthwith suspended from all duties, authority and compensation relating to his or her office until reinstatement. Upon reinstatement, all compensation due said official that he would have earned had he or she not been suspended shall become due and payable. No term of office shall be extended by any action of the Committee.

(7)
Within 10 days of receipt of formal notice of a plea of guilty, an entry of a plea of nolo contendere or verdict finding said official guilty of a felony or misdemeanor involving misconduct in office or upon a finding by court of competent jurisdiction that said official is incapable of managing his or her affairs or incapable of caring for himself or herself pursuant to C.G.S. Section 45-70d or upon a finding by the Special Committee that said official has removed his or her domicile from the First Taxing District of the City of Norwalk, the Committee shall declare the office of said official vacant and so notify the official. After the vacancy has been declared, it shall be filled as provided in this Charter.

(8)
Within seven days of receipt of notice of a verdict finding said official not guilty or upon the entering of a nolle prosequi by the state's Attorney or dismissal of a felony or misdemeanor involving misconduct in office or upon the dismissal of the application to appoint a conservator or similar petition or upon a finding that said official has not removed his or her domicile from the First Taxing District of the City of Norwalk, the Special Committee shall be reconvened by its Chairman for the purpose of declaring the suspension revoked and the official reinstated to his or her office.

(9)
The Committee may hold as many meetings is it deems appropriate during its consideration of grounds for suspension or removal. The Committee may employ an attorney of its choice, whose reasonable fee shall be paid out of district funds.

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

§ 1-25.3. Code of ethics.

(Added approved 11-5-1985)
A.
Disclosure and use of confidential material. No member of the Board of Commissioners, Treasurer or employee of said district shall improperly disclose confidential information concerning the property, government or affairs of the district, nor shall be knowingly use such information to advance the financial or other private interests of himself or others.

B.
Conflict of interest.
(1)
No member of the Board of Commissioners, Treasurer or employee of said district shall participate in hearings, deliberations or decisions connected with his office, commission or department upon any matter in which he is directly or indirectly interested in a personal or financial sense.

(2)
No member of the Board of Commissioners, Treasurer or employee of said district shall have any financial interest, direct or indirect, in any contract with the district or in the sale to the district of any supplies, materials, services, land, buildings or equipment unless he shall have filed with the District Clerk, at least seven days prior to entering upon such contract or selling such item, a written statement setting forth fully the nature and extent

of his interest therein. To comply with this provision, it shall be the duty of any member of the Board of Commissioners, Treasurer or employee of said district owning stock in a corporation engaged or seeking to be engaged in any financial transaction between such corporation and the district to make a full disclosure of the amount of stock owned by him by filing a written statement thereof with the District Clerk at least seven days prior to the commencement of the financial transaction; provided, however, that such filing shall be unnecessary for shareholders of a publicly held corporation engaged in any of the aforementioned transactions within the district in the usual course of said corporation's business. It shall also be the duty of any member of the Board of Commissioners, Treasurer or employee of said district having any interest in a proprietorship or partnership engaged or seeking to be engaged in any financial transaction between such entity and the district to make a full disclosure of the nature and degree of his interest in such entity by filing a written statement thereof with the District Clerk at least seven days prior to the commencement of the financial transaction.

C.

Committee of Ethics.

(1)

The administration of this code shall be charged to the members of the Removal Committee elected at the annual meeting, who shall act as a Committee of Ethics for purposes of this section. Any member of the Committee shall disqualify himself and not participate in Committee functions where a complaint or investigation under this section pertains to any employee or official who is a relative of such Committee member.

(2)

The principal duties of the Committee of Ethics shall be as follows:

(a)

To receive and initiate complaints regarding violations of the code of ethics.

(b)

To conduct investigations and/or hearings regarding alleged violations of this code. In conducting its investigation, the Commission shall have complete access to all necessary and relevant district agencies, officers, officials and employees.

(c)

To transmit the findings of such investigations and/or hearings to the Board of Commissioners, to the district and/or to individuals directly involved.

(d)

To render advisory opinions to the officers, employees, officials and Board of Commissioners or any of its committees pursuant to written request or upon its own initiative.

D.

Responses to the Committee of Ethics. The Board of Commissioners, upon receiving any finding indicating a violation of the code of ethics by the Committee of Ethics, shall, within 30 days, take action on the finding of the Committee and give written notification of such action to the Committee of Ethics.

§ 1-26. Liability for damages of injuries incurred in construction or maintenance of waterworks.

(Sp. Laws 1913, No. 352, § 15.)

Said district shall be liable to pay all damages that shall be sustained by any person or corporation by the taking of any land or estate as aforesaid or by the construction or laying of any reservoirs, pipes, pumps, aqueducts or other works for the purposes of said waterworks. If at any time it shall appear that any damage has occurred or may be likely to occur to any person or corporation by reason of taking or using their land or estate for the purposes of said waterworks or in the construction of said waterworks, and said Board or Commissioners cannot agree with the owners of such property or privileges as to the amount of compensation

or damages to be paid to them, such compensation or damages may be assessed by three disinterested persons under oath, to be appointed by a Judge of the Superior Court, on application by either party, upon such notice as said Judge shall prescribe. Said appraisers shall report their doings and the amount of their assessments to the Superior Court for Fairfield County. Said court may set aside such report for any irregular or improper conduct and may appoint another committee, but, if said report is accepted, it shall be recorded, and such assessments shall be a final adjustment of said compensation and damages between said parties, and payment thereof or a deposit of the amount thereof with the Treasurer of said county for the use of such owner shall release said district from liability to further claims for compensation or damages.

§ 1-27. Water-rent income and disposal thereof.

(Sp. Laws 1913, No. 352, § 16; Sp. Laws 1957, No. 362.)
All income from water rents shall be applied to defraying the current expenses of said waterworks and to paying the principal of and interest on notes, bonds or certificates of indebtedness incurred in relation to said waterworks. If there shall be a surplus, said Commission shall make report thereof to the next annual or special meeting of said district, which may direct the same to be applied to the payment of the principal of or interest on bonds, notes, certificates or other indebtedness of said district or to any other lawful purpose for which said district is authorized to appropriate money.

§ 1-28. Taxation.

(Sp. Laws 1913, No. 352, § 17; Sp. Laws 1921, No. 189, § 1.)
In case the income from water rents is inadequate to meet the current expenses of said waterworks and the interest of said notes, bonds, or certificates, a tax on all property and persons liable to taxation in said district shall be laid to supply such deficiency by the Board of Estimate and Taxation of the city at any meeting called for that purpose upon application of said Board of Commissioners, and said tax shall be collected in the same manner as other city taxes. Said Board of Estimate and Taxation may lay and collect taxes for the purpose of paying the debts of said district or any part thereof and of establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of the district for application for said purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the public library of said district to the amount appropriated by said district at any annual or special meeting.[1]

[1]
Editor's Note: As to appropriations for libraries see Art. XIX.

§ 1-29. Liens and warrants for water rents.

(Sp. Laws 1913, No. 352, § 18; Sp. Laws 1933, No. 340, § 1.)
Any claim of said district for the use of water, or for rent of hydrants, shall be a lien upon the real estate or property wherein or in connection with which such water was used, or on which such rent was assessed and such lien shall have the same effect as a lien for taxes under the provisions of the general statutes and shall have precedence over any prior encumbrance on such property except a tax lien. Such lien may be foreclosed by said district before any court having jurisdiction in the same manner as a mortgage may be foreclosed. The Board of District Commissioners shall have power to issue warrants for the collection of all such claims in the form prescribed by law for the collection of taxes, which warrants shall be signed by said Commissioners and directed to the Collector of city taxes, or to some indifferent person named therein, who shall have the same power to levy and collect as have Collectors of town taxes.

§ 1-30. Accounts and reports of the Board of Commissioners.

(Sp. Laws 1913, No. 352, § 19.)

It shall be the duty of said Board of Commissioners to keep a record of its proceedings and an accurate account of its receipts and disbursements appertaining to said waterworks, and a like account of its receipts and disbursements in connection with all other properties of said district, verified by proper vouchers, which accounts shall be open at all reasonable times to inspection by any taxpayer of said district. Said Board shall annually render to said district a statement of said accounts, which shall be swom to by a majority of said Commissioners and recorded in the records of said district. Said Board shall include in its annual report a statement of its doings, and a general statement of the condition of the waterworks and the property of said district, with an estimate of all sums required for said works and other purposes of said district, and a detailed statement of all claims outstanding against said district. The Treasurer of said district shall render annually to said district a statement of his account as a part of the report of said Board of Commissioners, and said Treasurer shall render at all times such statements and reports as said district may require.

§ 1-31. Supplying water to any person or corporation.

(Sp. Laws 1913, No. 352, § 20.)
Said Board of Commissioners may, with the consent of the district, supply water from the waterworks of said district to person or corporation.

§ 1-32. Unlawful destruction of waterwork property; violations and penalties.

(Sp. Laws 1913, No. 352, § 21.)
Any person who shall willfully injure the water of any reservoir, aqueduct, hydrant, pipe, pump, or other portion of said waterworks, or destroy or injure any portion of such works, or any material or property used in connection therewith, shall be fined not more than $500 or imprisoned not more than one year, or both. Such district shall have power to enact by-laws at any annual or special meeting imposing penalties and forfeitures for the violation of any of the rules and regulations of the Board of Commissioners of said district, provided such penalties or forfeitures shall not exceed $20 for each offense. Said by-laws shall not become effective until published in a newspaper having a circulation in said district.

§ 1-33. Authorization of New Canaan Water Company and First Taxing District as to the purchase and selling of water.

(Sp. Laws 1947, No. 432, §§ 1, 2.)
The New Canaan Water Company is authorized to purchase water from or to sell water to the First Taxing District of the City of Norwalk.
The First Taxing District of the City of Norwalk is authorized to purchase water from or sell water to the New Canaan Water Company.

§ 1-34. Federal Social Security System.

(Sp. Laws 1955, No. 40.)
Section three Number 408 of the Public Acts of 1955 is inapplicable to the First Taxing District of the City of Norwalk so far as said section may prevent said taxing district from participating in the Federal Old Age and Survivor's Insurance System while said taxing district is participating in the Connecticut Municipal Employees' Retirement Fund.

§ 1-35. Authorization to issue bonds, notes and other certificates of indebtedness and purpose; funding and refunding bond issue of 1917.

(Sp. Laws 1917, No. 337, § 1.)
The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or other certificates of indebtedness, to an amount not exceeding $250,000 for the purpose of funding any floating debt of the district, refunding at their maturity any bonds, notes or other certificates of indebtedness issued by said district or by the former City of Norwalk or providing moneys to pay any expenses incurred in increasing and extending the water supply or system of said district.

§ 1-36. Funding and refunding bond issue of 1917; details.

(Sp. Laws 1917, No. 337, § 2.)
Said district, at a special meeting called for that purpose, shall determine the several and aggregate amounts of such bonds, notes or other certificates which may be issued for any of the foregoing purposes, the annual rate of interest, the time and place of payment of the principal and interest, the dates and times of issue and maturity of the same, the manner in which such bonds, notes or other certificates shall be issued and the person or persons by whom such bonds, notes or other certificates shall be executed, sold and delivered for and in behalf of the district.

§ 1-37. Funding and refunding bond issue of 1917; obligation.

(Sp. Laws 1917, No. 337, § 3.)
Such bonds, notes or other certificates, when executed and delivered by said district, or its officers duly authorized, shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same, provided the bonds, notes or other certificates issued to provide moneys for the increase of the water supply or system shall not exceed in amount $250,000.

§ 1-38. Funding and refunding bond issue of 1917; limitation.

(Sp. Laws 1917, No. 337, § 4.)
No bonds shall be so issued under the provisions of this act[1] as to permit the net bonded indebtedness of said district at any time to exceed 5% of the grand list of said district as the same may be compiled for the year of such issue, provided in computing the debt limitation, bonds issued or to be issued for the construction or maintenance of municipal waterworks or lighting plants shall not be included.

[1]
*Editor's Note: §§ **1-35** to **1-38**.*

§ 1-39. Authorization to issue bonds, notes or certificates of indebtedness; water refunding bond issue of 1929.

(Sp. Laws 1929, No. 220, § 1.)
The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or certificates of indebtedness to an amount not exceeding $350,000, in coupon form or otherwise and registered or not registered, bearing interest at a rate not greater than 5% per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be serial in form, payable in substantially equal annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period not more than 40 years from their date. It may be stipulated therein that the principal and interest shall be payable in gold coin of the present standard of weight and fineness. The proceeds of such bonds shall be used for refunding $200,000 of City of Norwalk refunding gold bonds maturing July 1, 1929, for reimbursing the district sinking fund, the sum of $46,000 advanced therefrom for the payment of $46,000 of City of Norwalk water bonds which matured June 1, 1928, and $104,000 for payment of water department floating debt and extensions, enlargements and improvements of the water system of the district.

§ 1-40. Water refunding bond issue of 1929; details.

(Sp. Laws 1929, No. 220, § 2.)
Said district, at any meeting called for that purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

§ 1-41. Water refunding bond issue of 1929; payment provisions.

(Sp. Laws 1929, No. 220, § 3.)
Said district shall, at the time of authorizing such bonds, provide for the payment thereof in accordance with the provisions of § **1-39** and, when a vote to that effect shall have been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating the waterworks and interest as it accrues on such bonds and other water debt of the district and to make such payments on the principal as may be required under § **1-39** to § **1-43**, shall be assessed upon said district annually until the debt incurred by such bonds shall be paid.

§ 1-42. Water refunding bond issue of 1929; obligations of district.

(Sp. Laws 1929, No. 220, § 4.)
Such bonds, when executed and delivered, shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-43. Water refunding bond issue of 1929; issuance for water purposes.

(Sp. Laws 1929, No. 220, § 5.)
Such bonds shall be deemed to be issued for water purposes and to be outside all statutory debt limits.

§ 1-44. Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1931.

(Sp. Laws 1931, No. 237, § 1.)
The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or certificates of indebtedness to an amount not exceeding $40,000 in coupon form or otherwise, and registered or not registered, bearing interest at a rate not greater than 5% per annum, payable semiannually, which bonds shall be sold at not less than per and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 20 years from their date. It may be stipulated therein that the principal and interest may be payable in gold coin of the present standard of weight and fineness. The proceeds of such bonds shall be used for the payment of lands acquired by the First Taxing District, in condemnation proceedings for water purposes, and for extensions, enlargements and improvements of the water system of the district.

§ 1-45. Water bond issue of 1931; details.

(Sp. Laws 1931, No. 237, § 2.)
Said district, at any meeting called for that purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the

form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

§ 1-46. Water bond issue of 1931; obligations.

(Sp. Laws 1931, No. 237, § 3.)
Such bonds, notes or certificates of indebtedness, when executed and delivered, shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-47. Authorization to issue bonds, notes or certificates of indebtedness; paving refunding bond issue of 1931.

(Sp. Laws 1931, No. 238, § 1.)
The First Taxing District of the City of Norwalk is authorized to issue bonds, notes or certificates of indebtedness to an amount not exceeding $40,000, in coupon form or otherwise and registered or not registered, bearing interest at a rate not greater than 5% per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more taken two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 15 years from their date. It may be stipulated therein that the principal and interest may be payable in gold coin of the present standard of weight and fineness. The proceeds of such bonds shall be used for refunding paving bonds in the amount of $40,000, due July 1, 1931.

§ 1-48. Paving refunding bond issue of 1931; details.

(Sp. Laws 1931, No. 238, § 2.)
Said district, at any meeting called for that purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

§ 1-49. Paving refunding bond issue of 1931; obligations.

(Sp. Laws 1931, No. 238, § 3.)
Such bonds, notes or certificates of indebtedness, when executed and delivered, shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-50. Paving refunding bond issue of 1931; limitations.

(Sp. Laws 1931, No. 238, § 4.)
The amount of bonds issued the provisions of § 1-47 to § 1-50, together with the amount of the aggregate outstanding indebtedness of the consolidated town and city, the area of which consolidated town and city is occupied in part by said First Taxing District and of each independent and dependent political or territorial division or subdivision coterminous with or within said consolidated town and city, shall not exceed, exclusive of the amount of bonds issued for the supply of water, gas or electricity or the construction of subways or underground conduits for cables, wires and pipes and exclusive of the value of bonds, notes and other intangible assets placed in the sinking fund of said consolidated town and city and placed in the sinking fund of each such political or territorial division or subdivision, 5% of the last completed grand list of said consolidated town and city as "grand list" is defined in Section 470 of the General Statutes.

§ 1-51. Fire house bond issue of 1933; purpose.

(Sp. Laws 1933, No. 382, § 1.)
A new fire house and appurtenances in the First Taxing District of the City of Norwalk in substitution for the present leased buildings of the former City of Norwalk used as fire houses by the present City of Norwalk is declared to be of public convenience and necessity.

§ 1-52. Authority to erect and construct firehouse.

(Sp. Laws 1933, No. 382, § 2.)
The Commissioners of the First Taxing District of the City of Norwalk are authorized to erect and construct a fire house and appurtenances in said district, and the powers of the former City of Norwalk for that purpose are continued and vested in said First Taxing District and its Commissioners, any provisions in the laws or charter of the present City of Norwalk notwithstanding, until the fire house and appurtenances herein provided for shall be acquired and taken over by the City of Norwalk or a Fourth Taxing District thereof, if the same shall be authorized.

§ 1-53. Fire house bond issue of 1933; authorization and details.

(Sp. Laws 1933, No. 382, § 3.)
For the purposes aforesaid, the First Taxing District of the City of Norwalk by its Commissioners is authorized to borrow in the name of said district not exceeding the sum of $65,000 and to issue bonds or other evidences of indebtedness therefor. Such bonds shall be designated "Fire House Bonds," shall be in coupon form or otherwise and registered or not registered, bearing interest at a rate not greater than 6% per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 15 years from their date. Said district, at any meeting called for that purpose, shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the maximum annual rate of interest. Other particulars of the form of such bonds and the manner of issuance not determined hereby or by district vote may be determined by the District Commissioners and the Treasurer.

§ 1-54. Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1933.

(Sp. Laws 1933, No. 383, § 1.)
The First Taxing District of the City of Norwalk is authorized to issue, without vote of its electors, but by and through the action of the Commissioners and the Treasurer of said district, bonds, notes or certificates of indebtedness to an amount not exceeding $140,000, in coupon form or otherwise, and registered or not registered, bearing interest at a rate not greater than 6% per annum, payable semiannually, which bonds shall be sold at not less than par and accrued interest, and shall be in serial form, payable in substantially equal annual installments, beginning not more than two years from date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 20 years from their date. The proceeds of such bonds shall be used for the payment for lands and rights-of-way to be acquired by the district for water purposes, by condemnation proceedings or otherwise, and for extensions, reinforcements, enlargements and improvements of the water system of the district. Such bonds may be issued from time to time and nothing herein contained shall require the whole amount of such bonds to be issued or prevent their issuance in amount less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each such loan shall be payable in annual installments and within the period of time specified herein from its date.

§ 1-55. Water bond issue of 1933; details.

(Sp. Laws 1933, No. 383, § 2.)
The Commissioners and Treasurer of said district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds and the annual rate of interest and other particulars of the form of such bonds and the manner of issuance not determined hereby.

§ 1-56. Water bond issue of 1933; payment provisions.

(Sp. Laws 1933, No. 383, § 3.)
Said district, by its Commissioners, shall, at the time of authorizing such bonds, provide for the payment thereof in accordance with the provisions of § 1-54, and, when a vote to that effect shall have been passed, a sum which, with income derived from water rates, will be sufficient to pay the annual expense of operating the waterworks and interest as it accrues on such bonds and other water debt of the district and to make such payments on the principal as may be required under § 1-54 to § 1-58, shall be assessed upon said district annually until the debt incurred by such bonds shall be paid.

§ 1-57. Water bond issue of 1933; obligations.

(Sp. Laws 1933, No. 383, § 4.)
Such bonds, when executed and delivered, shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-58. Water bond issue of 1933; issuance.

(Sp. Laws 1933, No. 383, § 5.)
Such bonds shall be deemed to be issued for water purposes and to be exempt from any limitations imposed by Statute.

§ 1-59. Bond issue of 1945 for extending and enlarging waterworks system; authorization.

(Sp. Laws 1945, No. 91, § 1.)
The electors of the First Taxing District of the City of Norwalk having, on September 19, 1944, authorized the issuance of bonds in an amount not to exceed $750,000 for the purpose of financing the construction of a dam and reservoir in the Town of New Canaan, and suitable connections to said dam and reservoir, as a part of the waterworks system of said district, said district is authorized to issue, without a further vote of its electors, bonds of said district in an amount not exceeding $750,000 for the purpose of extending and enlarging the waterworks system of said district by constructing, installing, erecting and completing a dam and reservoir in the Town of New Canaan, and suitable connections to said dam and reservoir as part of the waterworks system of said district, including the acquisition of any and all real estate and flowage or other rights therein necessary or suitable for such purpose. Said bonds shall be issued in the name of the First Taxing District of the City of Norwalk and shall be signed by the Commissioners of said district and by the Treasurer of said district. Said bonds shall bear interest at a rate not exceeding 4% per annum, and shall be payable, as to principal, serially in annual installments commencing four years from the date of the bonds in amounts as follows: $5,000 bonds in each of the first three years, $15,000 bonds in the fourth year, $20,000 bonds in each of the fifth and sixth years, $25,000 bonds in each of the seventh and eighth years, $30,000 bonds in each of the ninth through 14th years, $35,000 bonds in each of the 15th through 18th years, $40,000 bonds in each of the 19th through 22nd years and $50,000 bonds in each of the 23rd through 25th years, of such maturities.

Said bonds shall be authorized by a resolution to be adopted by the Commissioners of said district and shall be sold in such manner as said Commissioners shall determine, at either public or private sale, but none of said bonds shall be sold for less than the par value thereof and accrued interest to date of delivery. In the event that less than the total amount of bonds authorized to be issued shall be sold at any one time, said Commissioners shall, by resolution, designate the particular bonds of the maturities aforesaid which shall be sold at any one time.

§ 1-60. Bond issue of 1945; payment provisions.

(Sp. Laws 1945, No. 91, § 2.)
Said bonds shall be payable, both principal and interest, from the revenues derived from the operation of the waterworks system of said district, and if such revenues are insufficient for that purpose, taxes shall be levied upon all the taxable property of said district without limitation as to rate or amount, sufficient for the payment of the principal of and interest on said bonds.

§ 1-61. Bond issue of 1945; fixing water rates.

(Sp. Laws 1945, No. 91, § 3.)
The Commissioners of said district are authorized to fix rates for water which shall be sufficient for the maintenance and operation of the water system of said district and the payment of the principal of and interest on the indebtedness of the district, including said bonds.

§ 1-62. Bond issue of 1945; obligations of district.

(Sp. Laws 1945, No. 91, § 4.)
Said bonds when executed and delivered, shall be the general obligations of said district and obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-63. Bond issue of 1945; issuance for water purposes.

(Sp. Laws 1945, No. 91, § 5.)
Said bonds shall be deemed to be issued for water purposes and shall be exempt from any limitation of indebtedness imposed by statute.

§ 1-64. Bond issue of 1945; authority and repeal of conflicts.

(Sp. Laws 1945, No. 91, § 6.)
§§ **1-59** to **1-64** shall constitute full and complete authority for the issuance of said bonds, and all acts or parts of acts in conflict herewith are hereby declared inoperative so far as in conflict herewith.

§ 1-65. Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1951.

(Sp. Laws 1951, No. 108, § 1.)
The First Taxing District of the City of Norwalk, acting through the Commissioners and Treasurer of said district, is authorized to issue, upon approval by the electors of said district at a meeting of the district, bonds, notes or certificates of indebtedness of said district to an amount not exceeding $175,000, in coupon form, or otherwise, with privilege of registration and reconversion into coupon form, bearing interest at a rate or rates not greater than 6% per annum, payable semiannually, which bonds, notes or certificates of indebtedness shall

be sold at not less than par and accrued interest and shall be in serial form payable in substantially equal installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 15 years from their date. The proceeds of such bonds, notes, or certificates of indebtedness shall be used for the cost of lands and rights-of-way to be acquired by the district for water purposes, by condemnation proceedings or otherwise and for extensions, additional installations, reinforcements, enlargements and improvements of the water system of the district. Such bonds, notes, or certificates of indebtedness may be issued from time to time, and nothing herein contained shall require the whole amount of such bonds, notes or certificates of indebtedness to be issued or prevent their issuance in amounts less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each loan shall be payable in annual installments and within the period of time specified from the date of issue.

§ 1-66. Water bond issue of 1951; details.

(Sp. Laws 1951, No. 108, § 2.)
The Commissioners and Treasurer of said district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds, notes or certificates of indebtedness, and the annual rate of interest and other particulars of the form of such bonds, notes or certificates of indebtedness and the manner of issuance not determined hereby.

§ 1-67. Water bond issue of 1951; notes for water; payment provisions.

(Sp. Laws 1951, No. 108, § 3.)
The Commissioners of the district are authorized to fix rates for water which shall be sufficient for the maintenance and operation of the water system of the district and the payment of the principal of and interest on the indebtedness of the district, including the obligations authorized hereby. The bonds, notes or certificates of indebtedness authorized shall be general obligations of the district, and for the payment of principal of and interest on the bonds, notes or certificates of indebtedness, taxes may be levied upon all of the taxable property in the district without limitation as to rate or amount; provided, to the extent revenues derived from the operation of the water system of the district are available, sufficient for the payment of the principal of and interest on the bonds, notes or certificates of indebtedness when the same become due, it shall not be necessary that taxes be levied for that purpose.

§ 1-68. Water bond issue of 1951; obligations.

(Sp. Laws 1951, No. 108, § 4.)
Such bonds, notes or certificates of indebtedness, when executed and delivered shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-69. Water bond issue of 1951; issuance for water purposes.

(Sp. Laws 1951, No. 108, § 5.)
Such bonds, notes or certificates of indebtedness shall be deemed to be issued for water purposes and to be exempt from any limitations imposed by statute.

§ 1-70. Authorization to issue bonds, notes or certificates of indebtedness; water bond issue of 1955.

(Sp. Laws 1955, No. 136, § 1.)

The First Taxing District of the City of Norwalk, acting through the Commissioners and Treasurer of said district, is authorized to issue, upon approval by the electors of said district at a meeting of the district, bonds, notes or certificates of indebtedness of said district, to an amount not exceeding $250,000, in coupon form, or otherwise, with privilege of registration and reconversion into coupon form, bearing interest at a rate or rates not greater than 6% per annum, payable semiannually, which bonds, notes or certificates of indebtedness shall be sold at not less than par and accrued interest and shall be in serial form payable in substantially equal installments beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 15 years from their date. The proceeds of such bonds, notes or certificates of indebtedness shall be used for the cost of lands and rights-of-way to be acquired by the district for water purposes, by condemnation proceedings or otherwise and for extensions, additional installations, reinforcements, enlargements and improvements of the water system of the district. Such bonds, notes or certificates of indebtedness may be issued from time to time, and nothing herein contained shall require the whole amount of such bonds, notes or certificates of indebtedness to be issued or prevent their issuance in amounts less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each loan shall be payable in annual installments and within the period of time specified from the date of issue.

§ 1-71. Water bond issue of 1955; details.

(Sp. Laws 1955, No. 136, § 2.)
The Commissioners and Treasurer of said district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds, notes or certificates of indebtedness, and the annual rate of interest and other particulars of the form of such bonds, notes or certificates of indebtedness and the manner of issuance not determined thereby.

§ 1-72. Water bond issue of 1955; notes; payment provisions.

(Sp. Laws 1955, No. 136, § 3.)
The Commissioners of the district are authorized to fix rates for water which shall be sufficient for the maintenance and operation of the water system of the district and the payment of the principal of and interest on the indebtedness of the district, including the obligations authorized hereby. The bonds, notes or certificates of indebtedness authorized hereby shall be general obligations of the district, and for the payment of principal of and interest on the bonds, notes or certificates of indebtedness, taxes may be levied upon all of the taxable property in the district without limitation as to rate or amount, provided, to the extent revenues derived from the operation of the water system of the district are available, sufficient for the payment of the principal of and interest on the bonds, notes or certificates of indebtedness when the same become due, it shall not be necessary that taxes be levied for that purpose.

§ 1-73. Water bond issue of 1955; obligations.

(Sp. Laws 1955, No. 136, § 4.)
Such bonds, notes or certificates of indebtedness when executed and delivered shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-74. Water bond issue of 1955; issuance for water purposes.

(Sp. Laws 1955, No. 136, § 5.)
Such bonds, notes or certificates of indebtedness shall be deemed to be issued for water purposes and to be exempt from any limitations imposed by statute.

Part 3. Second Taxing District

[1]
Editor's Note: See § 121 for authority of Second Taxing District as to appropriations for parking purposes. For taxing districts in general, see Art. II.

§ 1-75. Body politic and corporate; rights in general.

(Sp. Laws 1913, No. 352, § 22; Charter Amendment 11-8-1983; Charter Amendment 11-4-2003, effective 12-4-2003.)

All electors of this state dwelling within the territorial limits of the Second Taxing District are hereby constituted a body politic and corporate by the name of the "Second Taxing District of the City of Norwalk" and, by that name, shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling and conveying any estate, real or personal, and of having a common seal, and as such corporation shall succeed to and possess all the property, both real and personal, of the City of South Norwalk, together with all the rights, powers, franchises, privileges and immunities heretofore granted to the City of South Norwalk and to the Water Commissioners of said city in relation to the taking of water, the construction, maintenance and operation of waterworks and supplying water for the use of said City of South Norwalk and the inhabitants thereof and any other persons or corporation as the said Second Taxing District shall determine, together with all property, rights and interest hereto acquired by said city or the Water Commissioners of said city for the purpose of supplying water as aforesaid and all the rights, privileges and powers said city has acquired by virtue of having complied with the requirements of Section Two of Chapter CCXXXI of the Public Acts of 1893 and all property acquired by said city as a part of its electric light and power plant and all of said property, rights, powers, franchises, privileges and immunities are hereby vested in and confirmed to said Second Taxing District. Said Second Taxing District is hereby authorized to manage, operate and control said water system and electric light plant with the same authority, rights and liabilities and in the same manner as said City of South Norwalk, whether within the limits of said Second Taxing District or beyond, and, except as herein otherwise provided, to care for, maintain and to keep in repair all estate, both real and personal, which said district may possess wherever located and to sell and convey any of said property, any property held by said city in trust excepted, and apply the proceeds to the reduction of the indebtedness of said district only. Said Second Taxing District shall succeed to and possess all the rights and privileges heretofore possessed by said City of South Norwalk in respect to the public library of said city and shall continue to support and maintain the same. The District Commissioners shall have the authority to provide for public library services by the lease of District property and/or by contracting with the City of Norwalk or other qualified library service entity; provided no lease or contract shall be executed unless the District Commissioners conduct a duly noticed public hearing prior to the execution of any such lease or contract.

§ 1-76. Expenses, liabilities, powers, privileges, duties with regard to the supply and distribution of water and electricity.

(Sp. Laws 1913, No. 352, § 23; Charter Amendment 11-8-1983.)

All the inhabitants and property within the limits of said Second Taxing District shall be liable to taxation by the city to defray the burdens, expenses and liabilities of all kinds existing against the former City of South Norwalk at the passage of this act and such liabilities as said taxing district may become liable for under the provisions of this act.

Said Second Taxing District is hereby authorized to use the water of any stream, lake or pond, either surface or subsurface, in whole or in part, within the limits of the towns named in an act entitled "An Act to Provide a Supply of Pure and Wholesome Water to the City of South Norwalk," approved July 22, 1874, and, with the restrictions expressed in said act, to hold, convey and distribute such water to the persons and corporations whom it may supply by means of any necessary reservoirs, pipes, aqueducts, pumps and other suitable works, in such quantities as the necessities of said district may require; to purchase water from, sell water to or

exchange water with any other community, public or private water company, as may be necessary or advisable; to take and hold any lands, property or privileges; and to exercise any powers, including the power of eminent domain, that may be necessary or convenient for said district in order that a satisfactory supply of water may be obtained and the same stored and distributed to the persons and corporations said district may supply; and in like manner, said district may take and hold any lands, property or privileges and to exercise any power, including the power of eminent domain, necessary for said district in order to maintain an adequate supply and for appropriate installations for and transmission of electric power to the persons and corporations said district may supply.

§ 1-76A. Ordinance procedure.

Said Second Taxing District may enact, modify, amend or repeal ordinances which it deems necessary to operate said district, including such rules, regulations, policies and procedures it deems necessary to define and govern the powers, duties, responsibilities, administration and operations of the district; provided, however, no ordinance, inconsistent with the scope of the district's power, duties and responsibilities, as specified in the District Charter, Special Acts of the Legislature or the Connecticut General Statutes shall be enacted.
Ordinances shall be enacted, altered or repealed, by a majority vote of the electors present and voting, at a special, regular or annual meeting of the district electors, duly noticed and warned for that purpose. Ordinances so enacted shall become effective 15 days after publication in a daily paper of circulation in the City of Norwalk.
Ordinances shall be proposed by a majority vote of the District Commissioners, at a regular or special meeting of the Commission, or by written petition of at least 10% of the electors of the district, as determined by the then current list of electors. A petition for ordinance shall include the proposed ordinance, or a summary of said proposed ordinance, prepared by the District Clerk, where the full text of the proposed ordinance has been filed with the Clerk, by an elector of the district, in which case the Clerk shall make available the full text of the proposed ordinance to any person requesting a copy.
The District Clerk shall, upon receipt of a petition, verify that each petitioner is an elector and that 10% of the electors have signed a valid petition. After certification of a valid petition, the district clerk shall forward the petition for ordinance to said District Commissioners.
When a valid proposed ordinance is before the district either through electors' petition or an action of the District Commission, the Commissioners will schedule an electors' meeting to act on said proposed ordinance within 30 days. Said electors' meeting shall be noticed and warned in a daily paper of circulation in the City of Norwalk at least 10 days before said meeting.

§ 1-77. Meetings.

(Sp. Laws 1913, No. 352, § 24; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.)
The notice of the time, place and agenda of all meetings of the electors residing in said taxing district shall be given by said Board of Commissioners by publishing in a newspaper having a circulation in said district at least 10 days before said meeting.
The notice of the time, place and agenda of all regular and special meetings of commissions, boards or committees of said district shall be published in a newspaper having a circulation in said district at least 24 hours before said meeting. In the case of an emergency, a special meeting may be held without the notice specified by this section, provided the minutes of such emergency meeting adequately sets forth the nature of the emergency and the business transacted at such meeting, and the minutes shall be filed with the District Clerk not later than 72 hours following the holding of said emergency meeting.
The Board of District Commissioners shall file with the Clerk of said district, by December 31, a schedule of the regular meeting of the Board for the ensuing year. All meetings of the Board not filed as a regular meeting shall be considered a special meeting.
All meetings, notices, agendas, record of meetings and procedures shall comply with the requirements and provisions of the Connecticut General Statutes, as amended, in addition to the requirements included herein.

The annual meeting of the electors residing in said taxing district shall be held on the third Tuesday of November for the purpose of hearing the reports of the Commissioners of said district and acting on such matters as may properly be brought before said meeting. Special meetings of the electors of said district may be called by said Board and shall be called upon written petition of at least 10% of the electors of said district as determined by the then current list of electors maintained by the Registrar of Voters of the City of Norwalk to consider and act upon the matters set forth in such notice of petition. The right of electors to vote at all district meetings shall be determined by the then current voting list so maintained. The notice and agenda of all meetings of the district and its commissions, boards and committees and all notifications and postings of the District Clerk shall be posted on a public meeting board outside the office of said district.
Not fewer than 15 electors of the district shall constitute a quorum for the transaction of business at any meeting of the district, and, if 15 electors are not present at such meeting, any District Commissioner, or the District Clerk, shall adjourn the meeting to a time and place certain. At any meeting of the district where a quorum is present, said meeting may be adjourned to a time and place certain by a majority vote of the electors present and voting. Any such adjourned meeting, which is rescheduled shall be warned and noticed in a newspaper having circulation in the district, at least five days before said rescheduled meeting. A copy of the notice of adjournment, including the time, date and place of the adjourned meeting, shall be conspicuously posted on or near the door of the place where the regular or special meeting was held, within 24 hours after the time of adjournment.

§ 1-78. Board of District Commissioners; Treasurer; Clerk; personnel.

(Sp. Laws 1913, No. 352, § 25; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.)
Said district shall elect a seven-member Board of District Commissioners, who shall also serve as Water Commissioners and Electrical Commissioners, and a Treasurer of said district, all of whom shall be, at the time of their election and throughout their term, electors of said district and domiciled therein; and all of whom shall be sworn to a faithful discharge of their duties, shall hold their office as hereinafter provided and shall receive such compensation as said district determine at each annual meeting.

(a)
Said Commissioners shall appoint a Clerk, who shall receive reasonable compensation as determined by said Commissioners. It shall be the duty of said Clerk to keep a record of all the transactions and meetings of said district and all of its commissions, boards and committees and discharge such duties as said Commission may prescribe or as prescribed by ordinances of said district.

The District Clerk shall perform all duties as prescribed in the General Statutes to be performed by the Clerk of tl extent such specific statutes are applicable to said district.

The District Clerk, for the purpose of keeping a record of meetings, may designate assistant(s) to assist with the c

(b)
All meetings of said district shall be electronically recorded, and suitable means to electronically record all meetings shall be provided by the clerk.

(c)
Said Commissioners shall appoint District Legal Counsel, who shall serve as sole legal counsel to the district and all of its commissions, elected officials, district officers, agencies, boards, water and electric utilities and other operations. District Legal Counsel shall be appointed for a one-year term commencing each July 1. However said Commissioners may replace District Legal Counsel at their discretion during a term. District Legal Counsel shall advise the district and all of its commissions, elected officials, district officers, agencies boards, water and electric utilities and other operations, on all matters of law, pertaining to their respective offices and/or duties. Said Commissioners may also make specific appointments of special legal counsel as necessary, to provide specialized legal counsel at the recommendation of District Legal Counsel or on their own motion.

(d)

Said, Commissioners may employ such personnel as may be reasonably necessary to manage, operate, control and keep in repair the real, personal and mixed estate of said district.

(e)
Said Commissioners, with regard to all of the affairs of the district shall have all the powers and discharge all the duties as given to and required of Selectmen of towns as set forth in Section 7-12 of the General Statutes, as amended, and shall be generally responsible for the conduct of the affairs of said district.

(f)
Said Board of District Commissioners shall have all the powers and discharge all the duties of the Board of Electrical Commissioners as set forth in Connecticut General Statutes Chapter **101**, Sections 7-213 through and including 7-233hh and with respect to the Waste Department Chapter **102**, Sections 7-234 through and including 7-244a, as amended, except where those sections are inconsistent with this Charter.

(g)
Said Board of District Commissions shall appoint for terms of three years each two members of the Norwalk Public Library Board, in accordance with Chapter **87** of the Code of the City of Norwalk, Connecticut. Said members shall, at the time of their appointment and throughout their terms be electors of the Second Taxing District and be domiciled therein.
(Sp. Laws 1913, No. 352, § 25; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995.)

(h)
The Board of District Commissioners shall elect from their members a Chairperson and a Vice Chairperson who will serve for a period of two years from the date of election by the Board of Commissioners at the first meeting after each regular biennial municipal election in November of the odd numbered years, in the following manner:
(1)
At the first meeting of the Board of District Commissioners, after the combination of the Board of Electrical Commissioners and the Board of District Commissioners, and the election of a seventh commissioner, as provided in § **1-78A**, on or before January 31, 2004, the Board of District Commissioners shall elect from its members one person to serve as Chairperson and one person to serve as Vice Chairperson until the first meeting of the District Commissioners after the regular biennial municipal election in November, 2005 or until successors have been duly elected and qualified.

(2)
Thereafter, at the first meeting of the Board of District Commissioners after the regular biennial municipal election, the Board shall select a person to act as Chairperson and one person to serve as Vice Chairperson from among its members for a term of two years or until successors have been duly elected and qualified.
The Chairperson shall preside at all meetings of the electors and Board of District Commissioners; present a repo annual meeting; present a report on the proposed budget at the annual budget meeting; cause to be called all regu District Commissioners; set the agenda for all meetings of the electors and Board of District Commissioners after committees and/or subcommittees of the Board of District Commissioners as may be required or desirable from t and which are required by law; and perform such duties and functions as the electors or Board of District Commi shall call a special meeting of the electors or Commissioners upon written petition by a majority of the Board of (such meeting. During the absence or incapacity of the Chairperson, the Vice Chairperson shall preside over meet

§ 1-78A. Election of District Commissioners.

(Charter Amendment 11-4-2003, effective 12-4-2003.)
(1)
The members of the Board of Electrical Commissioners in office on December 1, 2003, shall be combined with the members of Board of District Commissioner in office on December 1, 2003, to form a six-member Board of District Commissioners. Each Commissioner shall remain in office for the remainder of their current six-year

elected term and until their successor is elected at a regular biennial municipal election. The six-member Board of Commissioners shall call on or before January 31, 2004, a special elector's meeting for the purpose of electing a seventh Commissioner. The seventh Commissioner shall be elected by the electors of the District at duly warned and noticed meeting with due regard for Section 9-167a of the Connecticut General Statutes, Minority Representation, until a successor is elected for a six-year term at the regular biennial municipal election of city and town officers of 2005.

(2)
Method of election.

(a)
At the regular biennial municipal election in 2005, three persons shall be elected as members of the Board of District Commissioners for a term of six years, or until their successors are duly elected and qualified. Thereafter, three members of the Board will be elected every six years.

(b)
At the regular biennial municipal election in 2007 and 2009, two persons shall be elected as members of the Board of District Commissioners for a term of six years, or until their successors are duly elected and qualified. Thereafter, two members of the Board will be elected every six years.

§ 1-78B. Treasurer.

(Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.)
The Second Taxing District shall elect a District Treasurer, who shall perform the following duties:

1.
Maintain the financial records and accounts of the General Second Taxing District Government, and approve all payments from the General Second Taxing District accounts to be made by the District Commissioners.

2.
Periodically, but not less than annually, review records and accounts of the Second Taxing District General Government, including the cash receipts and disbursements of each, and report to the electors at the annual meeting the results of such examination.

3.
Periodically, but not less than annually, review records and accounts of the Second Taxing District Electric Water Departments, including the cash receipts and disbursements of each, and report to the electors at the annual meeting the results of such examination.

4.
Coordinate with the auditors during the auditing process, and review the final audit report, prior to its presentation to the electors, at the annual meeting of the Second Taxing District. At said annual meeting, report on the financial condition of the Second Taxing District; and make any recommendations to the electors concerning the accounts and operations of the finances of said district deemed appropriate by said Treasurer.

5.
Perform such other duties customarily performed by the Treasurers of municipalities in appropriate cases, and as may be assigned from time to time by the electors at the annual meeting or at a special meeting called for that purpose.

6.
In the event that a district tax shall be necessary, the Treasurer shall certify the financial condition of the district and the amount to be raised by taxation to the District Commissioners and to the Norwalk Board of Estimate and Taxation.

7.

Execute such certifications as may be required by law or for the management of the financial affairs of the Second Taxing District.

Any provisions of the Charter of the Second District which require the Treasurer to directly and personally receive monies collected by the Water Department or the Electric Department are superseded by this section.

§ 1-79. Authorization of the Board of Commissioners.

(Sp. Laws 1913, No. 352, § 26.)

Said District Commissioners are hereby authorized to purchase and take conveyances in the name of said Second Taxing District of all lands, property and privileges necessary or convenient for the purposes of this act; to hold in sufficient quantities the water of any stream, either within or without said district, and in either of the towns as set out in § 1-76, by the construction of suitable dams; to enter upon any lands near such proposed dams and procure earth, stone or other material for the construction and maintenance thereof and to make suitable wasteways for the surplus water of such streams; to change the location of any road or pathway which may be covered by the waters of any reservoirs so formed and to take land therefor; to enter upon and make use of the ground or soil under any railroad, street, private way or public or private grounds; to lay, construct and maintain all necessary pipes, pumps and aqueducts in such manner as least to damage or impede travel thereon; to make contracts for labor and materials for the general purpose of said waterworks; to establish public reservoirs; to erect and maintain hydrants under the direction of the Council of the city; to make rules and regulations regarding the use and distribution of said water and establish the prices to be paid therefor; to collect all water rents and pay the same to the Treasurer of said district; to admit, allow and draw orders on said Treasurer for the payment of all claims against said district on account of said waterworks, including payment of interest on notes and bonds issued on account of such works; to attend to the construction, care, supervision and management of said waterworks; to appoint Directors of the public library of said district as vacancies in the Board shall occur; to care for, maintain and keep in repair, except as herein otherwise provided, all the property of said district, with the power to lease or sell the same, delivering the income and proceeds of such sales to the Treasurer of said district and to apply the proceeds therefrom in such manner as said District Commissioners may be authorized by said district; and to exercise any powers that may from time to time be conferred upon them by said district. A majority of said Commissioners shall constitute a quorum for the transaction of any of the business of the Board.

§ 1-79A. Removal of elected officials.

(Charter Amendment 11-8-1983.)

A.1

Grounds for removal from elected office. Any elected official of the district shall be subject to removal from office upon any of the following grounds:

a.

Conviction of a felony;

b.

Conviction of a misdemeanor involving misconduct in office;

c.

A finding of incompetency according to Connecticut General Statutes Section 45-70d;

d.

Removal of domicile from the Second Taxing District of the City of Norwalk.

A.2

Special Committee; creation and action.

a.

Within 10 days after receipt of formal notice of the indictment or arrest for a felony or a misdemeanor involving misconduct in office or of competency hearing pursuant to C.G.S. Section 45-70c or removal of domicile from the Second Taxing District of the City of Norwalk of an elected official of the district, a Special Committee shall be selected by the District Commissioners. The purpose of the Special Committee shall be to consider those matters set forth in Subpart (e) of this Article. In the event the District Commissioners fail to select those electors as members of the Special Committee within the said ten-day period, the electors, at a special meeting called for that purpose in accordance with § 1-77, shall elect three persons to be members of said Committee.

b.
Said Special Committee shall consist of the following: 1. all elected officials of the District serving in office at the time of formal notice, excluding those elected officials who are the subject of the Special Committee's examination; and 2. three electors of the district chosen by those District Commissioners serving in office at the time of formal notice, excluding those subject to the Special Committee review. The Special Committee shall continue as so constituted until it takes final action notwithstanding intervening elections.

c.
A meeting of said Special Committee shall be held within 30 days following receipt of the formal notice of indictment, arrest or application for a hearing to determine competency or removal of domicile all as set forth in Subsection (a) of this section. The senior District Commissioner, and, if there be none, the senior Electrical Commissioner, shall preside over the meetings of said Committee. If there are no elected officials eligible to sit on said Committee, a Chairman shall be elected from among the members of the Committee. The District Clerk shall act as secretary to the Committee, but shall have no vote.

d.
The phrase "formal notice," as used in this Article, shall mean receipt by the District Clerk of a written instrument issued by any public official having knowledge of the appropriate events attesting to the occurrence of that event.

e.
Written notice of the meeting of the Special Committee shall be sent by certified mail to the elected official who is the subject of the examination to his address in the Second Taxing District or last known address by the said Committee not less than 15 days before the meeting date. The notice shall specify 1. the nature of the grounds for suspension and removal; 2. the legal consequences thereof; 3. the time and place of the meeting. The notice shall further state that the elected official has a right to be present at the meeting and has a right to be represented by an attorney at his or her own expense.

Notice of the meeting shall also be given by publication thereof in a newspaper having a general circulation with seven days before the date of the meeting.

f.
The Special Committee shall consider the allegations involving each elected official so indicted, arrested, subject to competency hearing or accused of removing his domicile, separate and apart from the allegations involving any other elected official. The Special Committee shall decide 1. whether there is sufficient evidence based on the facts adduced at the hearing to require suspension of said elected official; 2. the length of said suspension if required; and 3. the terms of reinstatement to office. These matters shall be determined by a simple majority vote of the entire Special Committee.

g.
Upon a decision by the Special Committee to suspend an elected official, said elected official shall be forthwith suspended from all duties, authority and compensation relating to his or her office until reinstatement. Upon reinstatement, all compensation due said elected official that he would have earned had he or she not been suspended shall become due and payable. No term of office shall be extended by any action of the Special Committee.

h.

Within 10 days of receipt of formal notice of a plea of guilty, an entry of a plea of nolo contendere or verdict finding said elected official guilty of a felony or misdemeanor involving misconduct in office or upon a finding by court of competent jurisdiction that said official is incapable of managing his or her affairs or incapable of caring for himself or herself pursuant to C.G.S. Section 45-70d or upon a finding by the Special Committee that said official has removed his or her domicile from the Second Taxing District of the City of Norwalk, the Special Committee shall declare the office of said official vacant and so notify the District Commission. The District Commission shall, after receiving said notice, fill said vacancy as provided in § 1-174 of this Charter unless within a ten-day period after the action of the Special Committee a referendum is requested pursuant to Section A.3 of this Charter.

i.

Within seven days of a receipt of formal notice of a verdict finding said elected official not guilty or upon the entering of a nolle prosequi by the State's Attorney or dismissal of a felony or misdemeanor involving misconduct in office or upon the dismissal of the application to appoint a conservator or similar petition or upon a finding that said official has not removed his or her domicile from the Second Taxing District of the City of Norwalk, the Special Committee shall be reconvened by its Chairman for the purpose of declaring the suspension revoked and the official reinstated to his or her office; said reinstatement to be in accordance with the provisions of Section A.2.

A.3

Electors' right to referendum. Any provision of the Charter of the Second Taxing District of Norwalk to the contrary notwithstanding, the final action of the Special Committee in declaring an elected official suspended pursuant to Section A.2h or an office vacant pursuant to Section A.2g, unless otherwise provided by the Acts of the General Assembly or Constitution of the State of Connecticut, shall be subject to referendum as set out herein.

a.

The electors of the Second Taxing District may petition for a referendum on any action taken by the Special Committee. The action of the Special Committee shall not be subject to referendum unless a petition in a form similar to that set out in A.3b of this Article and signed by not less than a number of electors equal to 10% of the total number of persons entitled to vote at the previous election is filed with the District Clerk within 30 days of the action of the Special Committee. Failure to so file will result in the action of the Special Committee being final for all purposes.

b.

The form of petition shall be substantially as follows:

The undersigned electors of the Second Taxing District of the City of Norwalk hereby request that action of the S (not suspending) (failing to remove/suspend) from the office of be disapproved by means of a referendum electio

(Lines for the signature and addresses of 20 electors shall follow the above.)

The undersigned circulator hereby attests that:

1. Each person whose name appears on this page personally signed the same in my presence.
2. Each person whose name appears on this page is either personally known to me or has satisfacto
3. All the signatures on this page were obtained no earlier than six months prior to the filing of this District of the City of Norwalk.

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

Signature of Circulator
Date
Name of Circulator
(to be typed or printed)

c.

The District Clerk shall review all petitions returned hereunder within five days of their receipt by him and shall certify to the District Commissioners:

1.
The number of validated signatures necessary to equal the signatures of 10% of the electors of the district entitled to vote at the last election.

2.
On each page of said petitions the number of valid signatures.

3.
The total number of valid signatures.

4.
Either a. verifying the timely receipt of petitions and that they are in proper order and contain the necessary number of signatures; or b. shall so issue a statement that such petitions were not timely received by him or were not in proper order or contained less than the necessary number of signatures.

d.
No action upon the decision of the Special Committee shall be implemented regarding any matter which is subject to referendum until 30 days shall have passed after the date of the action by the Special Committee. In the event that the District Clerk issues a statement verifying the timely receipt of petitions in proper order containing the signatures of 10% of the electors of the district, then no such suspension or vacancy shall be effective until the referendum election on such action is held and the action is upheld.

e.
The referendum election shall be held not earlier than 30 days nor later than 45 days after the aforesaid verification.

f.
No decision of the Special Committee as set forth above shall be invalidated unless at the election thereon at least 25% of the electors of the Second Taxing District of the City of Norwalk cast a written ballot at a special meeting of electors called for that purpose with respect to such action, and a majority thereof disapprove said action. A majority of the vote cast shall decide the referendum.

g.
Every referendum pursuant to this Article and the removal from office of any elected official of said Second Taxing District of the City of Norwalk pursuant thereto shall be binding upon the District Commissioners, the Electrical Commissioners and the Treasurer of said district.

h.
If upon the official determination of the result of the referendum, the suspension or removal of an elected official from office is affirmed by the electors, the District Commission shall forthwith continue the suspension or fill the vacancy created by the action of the Special Committee.

i.
If upon the official determination of the result of the referendum, the suspension or removal of the elected official is disapproved by the electors, then said elected official shall immediately resume his duties and emoluments of office, including compensation for such period of time as has been withheld by reason of his suspension. In no way shall any suspension extend his original term of office.

j.
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 or subparagraph shall not affect the validity or enforcement of any other portion. Should any provision be found to be invalid as to any circumstance, such provision shall apply to all other circumstances to which such provision may lawfully apply.

2.

Should any provision of this Article conflict with any other provision of any other section of this Article or any other Article of this Charter, the provision of this Section A.3 shall apply, take precedence over and supersede such other provision.

§ 1-79B. Code of Ethics.

(Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.) The following Code of Ethics shall apply to all elected officials, appointed members of committees ("public officials") and all employees of the Second Taxing District.

1.
A public official or employee shall not participate in any matter in which the public official or employee has a personal or financial interest, nor shall such person participate in any matter in which a business that the person is associated with, or in which a member of the person's immediate family has a personal or financial interest. If the matter is within the public official's or employee's duties and responsibilities, the public official or employee shall disclose the nature of the personal and financial interest, and shall be disqualified from participation in such matter.

2.
A public official or employee shall not participate in any business or transaction, including employment with a private or public business, which is incompatible with the proper discharge of the public official's or employee's duties and responsibilities.

3.
A public official or employee shall not use, directly or indirectly, for personal gain, any confidential information concerning the business of the Second Taxing District, which is obtained solely by virtue of the public position or employment held by such person, and is of such nature that it is not, at the time of the use of such information, a matter of public knowledge or public record, or required to be disclosed to the public by law.

4.
A public official or employee shall not seek, solicit or accept any compensation from any person, firm or corporation which transacts business with the Second Taxing District, or from any person, firm or corporation which has a direct personal or financial interest in any matter pending before any commission, committee or department of the Second Taxing District, or concerning a matter within the official responsibility of the public official or employee.

§ 1-79C. Ethics Commission.

(Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.)

1.
Election:

(A)
An Ethics Commission consisting of seven electors, no more than four of whom shall be members of the same political party, shall be elected at the annual meeting of the Second Taxing District, each member to serve for a term of one year, commencing upon election at the annual meeting and serving until the next annual meeting. If a vacancy occurs during the one-year term, said vacancy shall be filled by the District Commission at a regular or special meeting called for that purpose. The vacancy shall be filled with an elector from the same political party of the vacating member. If the vacating member was not registered with a political party, the vacancy shall be filled with an unaffiliated elector.

(B)
The Moderator of the annual meeting shall accept nominations for candidates from the electors of the District, which nominations will not require a second. Each elector so nominated shall affirm on the record their willingness to serve or a written statement signed by the elector of willingness to serve may be provided to the

Clerk prior to the nomination. The District Clerk shall prepare a list of the candidates including their official political party affiliation ranked from the highest to the lowest according to the number of votes each receives; when the number of any one political party exceeds four, only candidates of such political party with the highest number of votes up to the limit of four shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidates shall be elected up to the number of seven.

2.
Duties of Commission: The principal duties of the Ethics Commission shall be:

A.
To receive and/or initiate complaints of violations of the Code of Ethics.

B.
To conduct investigations and private hearings on alleged violations with complete access to all necessary and relevant district records, and to obtain the full cooperation of all district agencies, officers, officials and employees in connection therewith.

C.
To transmit the written findings of such hearings and/or investigations to the District Commissioners, the electors and the individual(s) directly involved.

D.
To render advisory opinions to the officer, employees, officials and Commissioners of the district, or any of its committees pursuant to written request or upon its own initiative.

E.
To make recommendations to the district for changes to the Code of Ethics by ordinance.

3.
Procedures: The following procedures shall be followed by the Ethics Commission:

A.
The Commission shall convene only upon:

1.
Written notice from the District Clerk of the receipt of a written ethics complaint by an elector of the district.

2.
A request for a meeting, containing a statement for the purpose of the meeting, submitted to the District Clerk by at least four members of the Commission.

3.
Upon the request of the District Commissioners for a specific purpose.

B.
A meeting of the Commission shall convene within seven days after the receipt of the request for a meeting. The Commission shall provide written notice of the date, time and place of the meeting and the nature of the complaint to any person who is the subject of an ethics complaint, or concerning whom an ethics investigation has been requested.

C.
Said Commission may interview any persons who have any relevant information, may receive any written documents, including financial information, and may receive any information which they deem appropriate.

D.
Any person who appears before the Commission shall have the right to be represented by an attorney. Said Commission shall have the right to seek legal advice from the District Counsel.

E.

All meetings of the Ethics Commission concerning the investigation of a complaint shall be conducted in executive session, convened by 2/3 vote of said Commission, for the purpose of a discussion concerning the employment, performance or dismissal of a public officer, or an employee, provided that the individual who is the subject of the investigation may require that the discussion be held at an open meeting.

F.

At the conclusion of each investigation, the Commission shall issue a written report setting forth the purpose of the investigation, its findings and recommendations. If the Commission shall find probable cause of a violation of the Code of Ethics, the Commission shall:

1.

In the case of an elected official, refer the written report to the District Clerk for the initiation of appropriate action in accordance with § 1-79a of the Charter.

2.

In the case of any other public official, such as a member of a committee, the written report shall be sent to the appointing authority for appropriate action.

3.

If the person involved is an employee, the written report shall be delivered to the District Commission.

4.

The individual concerned with the investigation shall be given written notice of the findings and recommendations of the Commission.

G.

A quorum of the Commission shall consist of not less than five members. No finding of probable cause shall be made except upon clear and convincing evidence of a violation of the Code of Ethics, or other relevant law, and upon the vote of at least five members of the Commission.

§ 1-79D. Vacancies.

(Charter Amendment 11-7-1995, effective 12-7-1995.)

Whenever any elective officer of the Second Taxing District shall die, resign or remove their residence from said district or, by reason of permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of said office or shall be convicted of malfeasance in office or any infamous crime, or is removed from office as provided in § **1-79A**, or when any vacancy shall occur in any elective office from any cause, the Clerk of the district shall give notice of said vacancy and convene a special meeting of the District Commissioners, upon at least 10 days' notice of such vacancy.

1.

At said special meeting, the District Commissioners shall declare such office vacant and shall give written notice within seven days of said meeting to the chairman of the Town and City Committee of the political party from which the former incumbent was chosen of the existence of the vacancy and that the vacancy is to be filled by an elector selected by the members of the Town and City Committee of the political party of the former incumbent who resides in the Second Taxing District. The members of said Town and City Committee residing in the Second Taxing District shall fill the vacancy with an eligible elector within 60 days of the date on which the District Commissioners declared the office vacant. If the former incumbent was registered with a political party not having a Town Committee, the position may be filled by an elector selected by a caucus of the registered members of said political party, who resides in the district, within 60 days of the date on which the position was declared vacant by the District Commissioners. Written notice of such appointment shall be given by the political party to the District Commissioners, who shall declare such vacancy filled at the next regular or special meeting of the District Commissioners. The appointee, so designated, shall serve through the remainder of the term of the office left vacant.

2.

Upon the failure of the appropriate Town and City Committee or political party caucus to fill the vacancy with a qualified elector within 60 days of the date on which the position was declared vacant by the District Commissioners, the position shall be filled by the District Commissioners with an eligible elector who is a member of the same political party of the former incumbent and who resides in the Second Taxing District and meets all qualifications for office as set forth below.

3.
If the former incumbent was not registered with a political party, the District Commissioners shall fill said vacancy with an unaffiliated elector, who shall serve until the next municipal election, at which time a person shall be elected to serve through the remainder of the term of the office left vacant.

4.
The vacancy shall be filled by an elector residing in the Second Taxing District. No Commissioner serving in office may be appointed to fill any vacancy. If the vacancy is filled by the District Commission, no elector who is related by blood or marriage, to wit: spouse, parent, child, sibling or in-law of these degrees of relationship, to a District Commissioner shall be appointed to fill a vacancy on the District Commission.

5.
The term "political party" or "party," as used in this section, shall mean any political organization whose members appear on the current list or last official list required to be maintained under § 9-66 of the Connecticut General Statutes.

§ 1-80. Liability for waterwork construction and maintenance.

(Sp. Laws 1913, No. 352, § 27.)
Said district shall be liable to pay all damages that shall be sustained by any person or corporation by the taking of any land or estate as aforesaid or by the construction or laying of any reservoirs, pipes, pumps, aqueducts or other works for the purposes of said waterworks. If at any time it shall appear that any damage has occurred or may be likely to occur to any person or corporation by reason of taking or using their land or estate for the purposes of this act or in the construction of said waterworks, and said Board of District Commissioners cannot agree with the owners of such property or privilege as to the amount of compensation or damages to be paid to them, such compensation or damages may be assessed by three disinterested persons under oath, to be appointed by a Judge of the Superior Court on application by either party, upon such notice as said Judge shall prescribe. Said appraisers shall report their doings and the amount of their assessments to the Superior Court for Fairfield County. Said Court may set aside such report for any irregular or improper conduct and may appoint another committee, but if said report is accepted, it shall be recorded, and such assessments shall be a final adjustment of said compensation and damages between said parties, and payment thereof or a deposit of the amount thereof with the Treasurer of said county for the use of such owners shall release said district from liability to further claims for compensation or damages.

§ 1-80A. Obligation of the Commissioners.

(Charter Amendment 11-8-1983.)
The Commissioners shall recognize at all times, as their primary obligation, the duty to provide a supply of pure and wholesome water to the inhabitants of the Second Taxing District and to provide an adequate supply of electrical power to said inhabitants of the Second Taxing District, both at the lowest, reasonable cost, always considering the long-term needs of the utilities. Any expansion outside the district should be undertaken only if it is calculated to benefit the inhabitants of the Second Taxing District and without putting them at unneeded risk or expense.

§ 1-81. Budgets and finance.

(Charter Amendment 11-4-2003, effective 12-4-2003.)

A.

Fiscal year: The fiscal year for the Second Taxing District shall be for a period commencing on July 1 of each year and ending on June 30 of the following year.

B.

Accounts and procedure: The accounting for the funds and operations of the district shall consist of three components: General District Government, Water Department and Electric Department.

The accounting and bookkeeping for each utility shall be maintained separately and distinctly from the accountin

C.

General District Government: The General District Government accounts shall be used to manage, operate and control said taxing district, to maintain and keep in repair all property, both real and personal, which said district may possess and to perform all such duties as directed by the electors of said district at a regular or special meeting of said district, except said general accounts shall not include funds used for the purpose of managing, operating, controlling or maintaining and keeping in repair all property, both real and personal, utilized for the purposes of supplying electricity or water. Separate accounts shall be maintained in the budget for each utility.

D.

Water Department: All income from water service rates and charges shall be applied to defray the current expenses of said Water Department and to pay the current interest on notes, bonds or certificates of indebtedness incurred in relation to said Water Department and to the extinction of principal on said notes, bonds and certificates of indebtedness, as required by holders. After the payment of current expenses, interest and debt principal, funds shall be used for the purpose of funding current capital projects, including replacement of facilities or the purchase of new facilities, all for the purposes of constructing appropriate facilities necessary for said Water Department. If a surplus exists for the current year, funds shall be transferred to the Water Department reserve fund for future use by said Water Department or, if a deficit exists, funds shall be transferred from the Water Reserve Fund to provide for current operating or capital expenses. Transfers to or from the district account shall be made to or from the Water Reserve Fund, as recommended by the District Commission and approved by the electors at the annual budget meeting, or any regular or special meeting noticed and warned for that purpose.

The District Commissioners, acting as Water Commissioners, shall adopt the budget of the Water Department, cc appropriations and the changes to the Water Department Reserve Fund for the ensuing year no later than the thirc majority of said District Commissioners. Said budget shall then be provided to the district for the purpose of incl Commission for transfer of funds from the district reserve account to the Water Department Reserve Fund, for us shall be submitted as part of said district budget.

E.

Electric Department. All income from electric service, rates and charges shall be applied to defray the current expenses of said Electric Department and to pay the current interest on notes, bonds or certificates of indebtedness incurred in relation to said Electric Department and to the extinction of principal on said notes, bonds and certificates of indebtedness, as required by holders. After payment of current expenses, interest and debt principal, funds shall be used for the purpose of funding current capital projects, including replacement of facilities or the purchase of new facilities, all for the purposes of constructing appropriate facilities necessary for said Electric Department. If a surplus exists for the current year, funds shall be transferred to the Electric Department Reserve Fund for future use by said electric Department or, if a deficit exists, from the Electric Reserve Fund to provide for current operating or capital expenses. Transfers to or from the district account shall be made to or from the Electric Reserve Fund, as recommended by the District Commissioners, and approved by the electors at the annual budget meeting, or any regular or special meeting noticed and warned for that purpose.

The District Commissioners shall adopt the budget of the Electric Department, consisting of income from electric Electric Department Reserve Fund for the ensuing year, no later than the third Wednesday in February, which bu Commissioners. Said budget shall then be provided to the district for the purpose of inclusion in the annual distri

of funds from the district to the Electric Department Reserve Fund, for use in the operating or capital budget of th budget.

F.
Procedure for adoption of budget. On or before the first Wednesday in March, the District Commissioners shall prepare a general district government budget, which shall include all sources of revenue to the district, the transfer of funds between the Water or Electric Reserve Fund and the District Reserve Fund, all expenses of said district, including the interest and principal due on notes, bonds or certificates of indebtedness of said district, not related to said Water Department or Electric Department, any capital appropriations of said district, not related to said Water Department or Electric Department, any amount to be transferred to a special reserve fund and any amount necessary to be collected through a tax and the application of any surplus or deficit to the General Fund Reserve. The general water and electric budgets shall be combined into a single district budget, for adoption by the District Commission. The district budget shall be submitted for the approval of the electors of the district at the annual budget meeting.

The Clerk of the district shall publish a summary of the district budget as adopted by the District Commission in later than the second Wednesday in March, which notice shall inform the electors of the district that the entire bu

G.
Annual budget meeting. The annual budget meeting of the electors of the Second Taxing District shall be held on the third Tuesday in March of each year. At which meeting, the District Commissioners shall present the annual budget for the ensuing fiscal year to the electors for approval. Said electors may approve, reject or reject with comment the proposed budget as adopted by the District Commissioners by a majority vote of the electors present and voting at the meeting. If the budget is rejected by the electors, it shall be sent back to the District Commissioners who shall modify the budget as they deem appropriate by reconsidering the general district budget, the Electric Department and the Water Department budget. The District Commissioners, after making alterations to the general fund, Electric Department and Water Department budgets as they deem appropriate, shall adopt a revised budget for presentation to the electors for approval. The District Commission shall call a special meeting of the electors for approval of the budget as revised or resubmitted. In the event that the electors have not approved an annual budget by July 1, the start of the fiscal year, the prior year's budget shall be used for a period of up to 90 days for the purpose of continuing the business of the taxing district and its utilities. If after 90 days a budget is not approved by the electors, the prior year's budget well be used on a month-to-month basis for the purpose of continuing the operations of the district and the Water Department and Electric Department, until such time as a budget is approved by the electors.

H.
Reserve fund: The district is empowered to establish special district reserve funds, to be set aside in special reserve accounts, which shall be used only for the purpose for which the fund was approved. Said reserve funds shall be approved by a majority of the electors present and voting at the annual budget meeting, the annual meeting or a special meeting of the electors, duly warned and noticed for that purpose. Transfers from a special district reserve fund for other purposes may be made only by a two-thirds majority of the electors present at the annual budget meeting, the annual meeting or any special meeting of the electors called for that purpose.

§ 1-82. Taxation.

(Sp. Laws 1913, No. 352, § 29; Sp. Laws 1921, No. 189, § 2.)
In case the income from water rents is inadequate to meet the current expense of said waterworks and the interest of said notes, bonds or certificates, or the income from the electric light and power plant is at any time inadequate to meet the current expenses of said electric light and power plant and the interest of all indebtedness incurred on account of said electric light and power plant, a tax on all property and persons liable to taxation in said district shall be laid to supply such deficiency by the Board of Estimate and Taxation of the city at any meeting called for that purpose upon application of said Board of District Commissioners, and said tax shall be collected in the same manner as other city taxes. Said Board of Estimate and Taxation may lay and collect taxes for the purpose of paying any and all debts of said district and establishing a sinking fund for that

purpose. The avails of such taxes shall be paid to the Treasurer of the district for said purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the public library of said district to the amount appropriated by said district at any annual or special meeting.[1]

[1]

Editor's Note: See Art. XIX, Library Appropriations.

§ 1-83. Liens and warrants for water rents.

(Sp. Laws 1913, No. 352, § 30; Sp. Laws 1933, No. 340, § 2; Sp. Laws 1951, No. 572.)

Any claim of said district for use of water or for rent of hydrants shall be a lien upon the real estate or property wherein or in connection with which water was used or on which such rent was assessed, and such lien shall have the same effect as a lien for taxes under the provisions of the General Statutes and shall have precedence over any prior encumbrance on such property except a tax lien. Such lien may be foreclosed by said district before any court having jurisdiction in the same manner as a mortgage may be foreclosed. The Board of District Commissioners shall have power to issue warrants for the collection of all such claims in the form prescribed by law for the collection of taxes, or to some indifferent person named therein, who shall have the same power to levy and collect the same as have collectors of town taxes.

§ 1-84. Accounts and reports of the Board of Commissioners.

(Sp. Laws 1913, No. 352, § 31; Charter Amendment 11-8-1983; Charter Amendment 11-7-1995, effective 12-7-1995; Charter Amendment 11-4-2003, effective 12-4-2003.)

Said Board of District Commissioners shall keep a record of its proceedings and an accurate account of its receipts and disbursements appertaining to said Water and Electric Department and a like account of its receipts and disbursements in connection with all other properties of said district, verified by proper vouchers, which accounts shall be open at all reasonable time to inspection by any taxpayer of said district. Said Board shall annually render to said district a statement of said accounts, and which statement shall be approved by a majority of said District Commissioners and recorded in the records of said district. Said Board shall include in its annual report a statement of its doings and a general statement of the condition of the Water Department, the Electric Department and the property of said district, with an estimate of all sums required for said Water Department, the Electric Department and other purposes of said district, a detailed estimate of all income expected to be received and an estimate of the surplus or deficit, the amount needed to be raised by taxation and a detailed statement of all claims outstanding against said district.

The Treasurer of said district shall keep a record of proceedings and an accurate account of receipts and disbursements, verified by proper vouchers, which accounts shall be open at all reasonable time to inspection by any taxpayer of said district. Said Treasurer shall render annually to said district a statement of said accounts, and which statement shall be sworn to by the Treasurer and recorded in the records of said district.

All financial reports, statements and accounts of said district and its Treasurer, commissions, boards and committees shall be audited at least annually by an independent auditor who shall be a public accountant, certified as such, by the State of Connecticut. The independent auditor shall be appointed by the Board of District Commissioners, which appointment shall be ratified by the electors of said district at the annual budget meeting.

§ 1-85. Supplying water or electricity to any person or corporation.

(Sp. Laws 1913, No. 352, § 32; Charter Amendment 11-8-1983; Charter Amendment 11-4-2003, effective 12-4-2003.)

Said Board of District Commissioners may, with the consent of the electors of said district, supply water from the Water Department or electricity from the Electric Department of said district to any person or corporation within or without the geographical limits of said district.

§ 1-86. Unlawful destruction of waterwork property; violations and penalties.

(Sp. Laws 1913, No. 352, § 33; Charter Amendment 11-8-1983.)
Any person who shall willfully injure the water in any reservoir, aqueduct, hydrant, pipe or pump or destroy or injure any portion of said works or any material or property used in connection therewith shall be fined not more than $500 or imprisoned not more than one year, or both. Said district shall have power to enact bylaws at any annual or special meeting imposing penalties and forfeiture for the violation of any of the rules and regulations of the Board of Commissioners of said district, provided such penalties or forfeitures shall be in accordance with those prescribed for Class C misdemeanors in the State of Connecticut for each offense. Said bylaws shall not become effective until 10 days after the date of publication in a newspaper having a circulation in said district.

§ 1-87. Brooks and streams.

(Sp. Laws 1929, No. 471, § 1.)
The Second Taxing District of the City of Norwalk, successor to the City of South Norwalk, shall have the full and exclusive right, privilege and power to take, acquire and use the waters of the "Wilton Branch," so-called, of the Silvermine Stream, emptying into the Norwalk River and of the North Wilton Brook, Barrett's Brook or Comstock's Brook, as said brook is locally known, also emptying into said Norwalk River, to and including the headwaters of said stream and brook and the tributaries thereof, all to be used and employed by said district in accordance with the provisions of An Act to Provide a Supply of Pure and Wholesome Water to the City of South Norwalk, approved July 22, 1874, and any and all acts amendatory thereof.

§ 1-88. Providing and selling water.

(Sp. Laws 1929, No. 471, § 2.)
The exclusive right and privilege to provide and sell water by means of reservoirs, conduits and pipes within the limits of the City of Norwalk is granted to the First Taxing District of said city and to the Second Taxing District of said city; the area to be supplied by said districts, respectively, to be as agreed upon by and between the respective Boards of Commissioners of said districts.

§ 1-89. Authorization to erect loft or factory building.

(Sp. Laws 1919, No. 306, § 1.)
The Second Taxing District of the City of Norwalk is authorized to erect on land now owned by said district, or on land contiguous thereto which shall hereafter be acquired by said district, a suitable loft or factory building, or buildings, and to rent or lease the same to manufacturers who shall desire to locate and conduct business therein. Any loft or factory building erected by said district shall be managed and rented or leased on behalf of said district by its District Commissioners.

§ 1-90. Obtaining land for factory building.

(Sp. Laws 1919, No. 306, § 2.)
For the purpose of erecting such building or buildings said district is authorized to obtain such additional land by gift or purchase as shall be necessary therefor, and to borrow money for the purchase of such land and the erection of such building or buildings, and to secure the money so borrowed by mortgage on said land, or on said land and building or buildings.

§ 1-91. District meeting for proposed factory building.

(Sp. Laws 1919, No. 306, § 3.)
Before purchasing any additional land or erecting any loft or factory building, the District Commissioners shall submit the proposition to purchase any land or to erect any such building at a regular or special meeting of said district; and such meeting shall determine the advisability of such proposed purchase of land or erection of building or buildings, the amount of money to be expended and the amount to be borrowed therefor, the amount of mortgage to be executed and delivered to secure such borrowed money, and the terms of such mortgage; and the District Commissioners shall not purchase any land, erect any loft or factory building or buildings or borrow any money for such purpose or purposes unless instructed by said district so to do.

§ 1-92. Sale of land.

(Sp. Laws 1919, No. 306, § 4.)
Said Second Taxing District is authorized to sell and convey any land owned or which shall hereafter be owned by said district which is not or at any time shall not be required for the purposes of said district, but no such sale or conveyance shall be made unless the District Commissioners have been authorized by regular or special meeting of said district to sell and convey the same.

§ 1-93. Pensions for employees of Board of Electrical Commissioners; repeal of 1937 act.

(Sp. Laws 1949, No. 19, § 1.)
Number 244 of the Special Acts of 1937 is repealed.

§ 1-94. Fund distribution and liquidation.

(Sp. Laws 1949, No. 19, § 2.)
The Board of Electrical Commissioners of the Second Taxing District of the City of Norwalk is authorized to provide suitably for any persons now receiving the benefits of said act out of monies now in the pension fund therein provided for in the same manner and the same amount as provided under said act, and, after making provision for said persons, to administer and liquidate the balance of any monies remaining in the said fund in a manner fair and equitable to those contributing thereto.

§ 1-95. Authorization to issue bonds; water or electric works bond issue of 1917.

(Sp. Laws 1917, No. 176, § 1.)
The Second Taxing District of the City of Norwalk is authorized to issue serial bonds to an amount not exceeding $400,000 registered or with coupons attached, bearing interest at a rate not greater than 4 1/4% per annum, payable semiannually, the first installment of such bonds to mature within three years from the date of issue and the remainder of the principal thereof to be payable at some certain time or times not later than 30 years from the date thereof. Such bonds shall be sold at not less than par and the avails thereof used only for the extension, improvement and enlargement of the water or electric works, or both, of said district, including the building and equipping of a new plant.

§ 1-96. Water or electric works bond issue of 1917; details.

(Sp. Laws 1917, No. 176, § 2.)
Said district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest

thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued, and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of said district; and such bonds, when so signed, executed, issued and delivered, shall be obligatory upon said district and upon the inhabitants thereof according to the tenor of the same.

§ 1-97. Authorization to issue bonds; street paving bonds of 1923.

(Sp. Laws 1923, No. 157, § 1.)
The Second Taxing District of the City of Norwalk is authorized to issue serial bonds to an amount not exceeding $78,000 registered or with coupons attached, bearing interest at a rate not greater than 5% per annum, payable semiannually, the first installment of such bonds to mature four years from the date of issue, the second installment of such bonds to mature seven years from the date of issue and the third installment of such bonds to mature 10 years from the date of issue. Such bonds shall be sold at not less than par and the avails thereof used only for the purpose of paying, canceling and retiring notes in equal amount issued by said district for the purpose of paying and retiring certain street paving bonds which matured August 1, 1922.

§ 1-98. Street paving bonds of 1923; details.

(Sp. Laws 1923, No. 157, § 2.)
Said district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of said district; and such bonds, when so signed, executed, issued and delivered, shall be obligatory upon said district and upon the inhabitants thereof according to the tenor and purport of the same.

§ 1-99. Street paving bonds of 1923; payment provisions.

(Sp. Laws 1923, No. 157, § 3.)
After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be required to pay such bonds at maturity, which money, when so raised, shall be deposited at interest in the sinking fund of said second taxing district and, with its increase, shall be used and expended only for the payment of such bonds.

§ 1-100. Street paving bonds of 1923; limitation on amount.

(Sp. Laws 1923, No. 157, § 4.)
The amount of the bonds issued under §§ 1-97 to 1-100 with the amount of the outstanding indebtedness of said city, shall not exceed, exclusive of the amount of bonds issued for water supply and of notes or other evidences of indebtedness placed in the sinking fund, 5% of the grand list of said city.

§ 1-101. Authorization to issue bonds; water bond issue of 1923.

(Sp. Laws 1923, No. 126, § 1.)
The Second Taxing District of the City of Norwalk is authorized to issue bonds to an amount not exceeding $300,000, registered or with coupons attached, bearing interest at a rate not greater than 5% per annum, payable semiannually. Such bonds shall be issued in serial form, payable, as consecutively numbered, in such equal amounts each year, beginning five years after their date, that the whole amount thereof shall be paid within a time not exceeding 40 years from their date. Such bonds shall be sold at not less than par and the

avails thereof used only for the extension, improvement and enlargement of the waterworks of said district including a new or additional filtration plant.

§ 1-102. Water bond issue of 1923; details.

(Sp. Laws 1923, No. 126, § 2.)
Said district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued. and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of said district; and such bonds, when so signed, executed and delivered, shall be obligatory upon said district and upon the inhabitants thereof according to the tenor and purport of the same.

§ 1-103. Water bond issue of 1923; payment provisions.

(Sp. Laws 1923, No. 126, § 3.)
After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate, and levy taxes to raise, such sum or sums of money as shall be requested by the Commissioners of said district for the purpose of paying such bonds at maturity, which money, when so raised, shall be deposited at interest in the sinking fund of said Second Taxing District and. with its Increase, shall be used and expended only for the payment of such bonds.

§ 1-104. Authorization to issue bonds; public refunding bonds of 1925.

(Sp. Laws 1925, No. 447, § 1.)
The Second Taxing District of the City of Norwalk is authorized to issue bonds to an amount not exceeding $30,000 registered or with coupons attached, bearing interest at a rate not greater than 5% per annum, payable semiannually, which bonds shall be sold at less than par and shall be serial in form, payable, as consecutively numbered. so that the whole amount shall be paid within a time not exceeding 30 years from their date. The avails of such bonds shall be used only to refund certain public improvement bonds issued by said district under its former name of the City of South Norwalk which are to mature July 1, 1925.

§ 1-105. Public refunding bonds of 1925; details.

(Sp. Laws 1925, No. 447, § 2.)
Said district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of said district.

§ 1-106. Public refunding bonds of 1925; payment provisions.

(Sp. Laws 1925, No. 447, § 3.)
After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be determined by said district, which money shall be deposited at interest in the sinking fund of said Second Taxing District and,

with its increase, shall be used and expended only for the partial or complete payment of such bonds at maturity.

§ 1-107. Public refunding bonds of 1925; limitations.

(Sp. Laws 1925, No. 447, § 4.)
The amount of the bonds issued under the provisions of this act, with the amount of the outstanding indebtedness of said district and said city, shall not exceed, exclusive of the amount of bonds issued for water supply and of notes or other evidences of indebtedness placed in the sinking fund, 5% of the grand list of said city.

§ 1-108. Authorization to issue bonds; water refunding bond issue of 1925.

(Sp. Laws 1925, No. 471, § 1.)
The Second Taxing District of the City of Norwalk is authorized to issue bonds to an amount not exceeding $90,000, registered or with coupons attached, bearing interest at a rate not greater than 5% per annum, payable semiannually, which bonds shall be sold at not less than par and shall be in serial in form, payable, as consecutively numbered, so that the whole amount shall be paid within a time not exceeding 30 years from their date. The avails of such bonds shall be used only to refund certain water bonds issued by said district under its former name of the City of South Norwalk which are to mature July 1, 1925.

§ 1-109. Water refunding bond issue of 1925; details.

(Sp. Laws 1925, No. 471, § 2.)
Said district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of said district.

§ 1-110. Water refunding bond issue of 1925; payment provisions.

(Sp. Laws 1925, No. 471, § 3.)
After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall annually make an appropriation and levy taxes to pay the interest on such bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be determined by said district, which money shall be deposited at interest in the sinking fund of said Second Taxing District and, with its increase, shall be used and expended only for the partial or complete payment of such bonds at maturity.

§ 1-111. Authorization to issue bonds; water bond issue of 1953.

(Sp. Laws 1953, No. 179, § 1.)
The Second Taxing District of the City of Norwalk is hereby authorized to issue bonds to an amount not exceeding $500,000, registered or with coupons attached, bearing interest at a rate not greater than 5% per annum, payable semiannually. Such bonds shall be issued in serial form, payable as consecutively numbered, in such approximately equal amounts each year, beginning two years after their date, that the whole amount thereof shall be paid within a time not exceeding 20 years from their date. Such bonds shall be sold at not less than par and the avails thereof used only for the extension, improvement and enlargement of the waterworks of said district, including a new or additional filtration plant.

§ 1-112. Water bond issue of 1953; details.

(Sp. Laws 1953, No. 179, § 2.)
Said district, at any special meeting of the legal voters thereof, duly warned and held, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued, and the person or person by whom such bonds shall be signed, executed, negotiated, sold and delivered on behalf of said district; and such bonds, when so signed, executed, issued and delivered, shall b obligatory upon said district and upon the inhabitants thereof according to the tenor of the same.

§ 1-113. Water bond issue of 1953; payment provisions.

(Sp. Laws 1953, No. 179, § 3.)
After the issue of the bonds hereby authorized, or of any part thereof, the Board of Estimate and Taxation of the City of Norwalk shall, if requested by the Commissioners of said district, annually make an appropriation and levy taxes to pay the interest on said bonds, and shall also annually appropriate and levy taxes to raise such sum or sums of money as shall be requested by the Commissioners of said district for the purpose of paying such bonds at maturity and said money shall be deposited at interest in the sinking fund of said Second Taxing District and, with its increase, shall be used and expended only for and in the payment of such bonds.

Part 4. Third Taxing District

[1]
Editor's Note: For taxing districts, in general, see Art. II.

§ 1-114. Body politic and corporate; rights in general.

(Sp. Laws 1913, No. 352, § 34; Sp. Laws 1921, No. 189, § 3.)
All the electors of this state dwelling within the territorial limits of the Third Taxing District as hereinbefore established are hereby constituted a body politic and corporate by the name of the Third Taxing District of the City of Norwalk, and by that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling, and conveying any property, real or personal, and of having a common seal, and as such corporation shall succeed to and possess all the property, both real and personal, of the East Norwalk Fire District of said Town of Norwalk, and all the rights, powers, franchises, privileges, and immunities heretofore granted to said East Norwalk Fire District in relation to the construction of electric light works, and the generation and purchase of electricity for the use of said district and the inhabitants thereof, and the erection, placing, and maintenance of poles, wires, and all other necessary fixtures within said district for receiving and distributing electricity, and the same are hereby vested in said Third Taxing District, and said Third Taxing District is hereby authorized to manage, operate, and control its electric light works with the same authority, rights and liabilities, and in the same manner as said East Norwalk Fire District and except as herein otherwise provided, to care for, maintain, and keep in repair, all estate, both real and personal, which said district may acquire, to sell and convey any of said property, any property held in trust excepted, and apply the proceeds in the reduction of the indebtedness of said district. The district shall pay $100 or more yearly toward the support of the East Norwalk Improvement Association, Incorporated, Public Library.

§ 1-115. Taxation liability.

(Sp. Laws 1913, No. 352, § 35.)

All the inhabitants and property within the limits of the Third Taxing District shall be liable to taxation to defray any burdens, expenses, and liabilities of the former East Norwalk Fire District at the time of the passage of this act and such other liabilities as said taxing district may incur under the provisions of this act.

§ 1-116. Meetings.

(Sp. Laws 1913, No. 352, § 36.)
The annual meeting of the electors residing in said taxing district shall be held on the third Wednesday of September[1] for the purpose of hearing the reports of the Commissioners of said district, and acting on such matters as may be properly brought before said meeting. Notice of time and place of said meeting shall be given by said Board of Commissioners by publishing in a newspaper having a circulation in said district at least 10 days before said meeting, which notice shall set forth all matters to be considered at said meeting. Special meetings of said district may be called in like manner by said Board, and shall be called upon written petition of 25 electors of said district, to consider and act upon the matters set forth in such notice or petition.

[1]
*Editor's Note: See also § **1-19**.*

§ 1-117. Board of Commissioners, Treasurer, Clerk; mechanics and laborers.

(Sp. Laws 1913, No. 352, § 37.)
Said district shall elect a Board of Commissioners and a Treasurer of said district, all of whom shall be sworn to a faithful discharge of their duties, and shall hold their office as hereinafter provided, and shall receive such compensation as said district shall determine.[1] Said Commissioners shall appoint a Clerk who shall receive reasonable compensation as determined by said Commissioners. It shall be the duty of said Clerk to keep a record of all transactions of said district and of said Board of Commissioners and discharge such duties as said Board may prescribe. Said Commissioners may employ such mechanics, experts, and laborers as may be necessary in the exercise of their powers and duties.

[1]
*Editor's Note: For further election provisions refer to § **1-177**.*

§ 1-118. Taxation.

(Sp. Laws 1913, No. 352, § 40; Sp. Laws 1921, No. 189, § 4.)
In case the income from the sales of electricity is inadequate to meet the current expenses of said electric-light plant and the interest on the indebtedness of said district, a tax on all property and persons liable to taxation in said district shall be laid to supply such deficiency by the Board of Estimate and Taxation of the city at any meeting of said Board called for that purpose upon the application of said Board of Commissioners of said district, and said tax shall be collected in the same manner as other city taxes. Said Board of Estimate and Taxation may lay and collect taxes for the purpose of paying the debts of said district or any part thereof, and of establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of said district for application for said purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the public library of the East Norwalk Improvement Association, Incorporated, of said district to the amount appropriated by said district at any annual or special meeting.[1]

[1]
Editor's Note: For appropriations for libraries, see Art. XIX.

§ 1-119. Use-of-electricity liens.

(Sp. Laws 1913, No. 352, § 41.)

Any claim of said district for the use of electricity or for the rent of fixtures shall be a lien upon the real estate or property in connection with which such electricity was furnished or such fixtures used, and said lien may be foreclosed by said district before any court having jurisdiction in the same manner as mortgages.

§ 1-120. Records and accounts of the Board of Commissioners.

(Sp. Laws 1913, No. 352, § 42.)
It shall be the duty of said Board of Commissioners to keep a record of its proceedings and an accurate account of its receipts and disbursements appertaining to said electric-light plant, and a like account of its receipts and disbursements in connection with all other property of said district, verified by proper vouchers, which accounts shall be open at all reasonable times to inspection by any taxpayer of said district.

§ 1-121. Violations, penalties, and forfeitures.

(Sp. Laws 1913, No. 352, § 43.)
Said district shall have power to enact by-laws at any annual or special meeting imposing penalties and forfeitures for the violation of any of the rules and regulations of the Board of Commissioners of said district, providing such penalties or forfeitures shall not exceed $20 for each offense. Said by-laws shall not become effective until published in a newspaper having a circulation in said district.

§ 1-122. Authority and duties of Commissioners.

(Sp. Laws 1913, No. 352, § 38.)
Said Commissioners are hereby authorized in all matters pertaining to the electric-light plant of said district to exercise all the authority and discharge all the duties that are granted to Electrical Commissioners by Chapter 122 of the General Statutes, except as said powers and duties may be herein limited, and to care for and keep in repair all the property of said district, with power to lease or sell the same, delivering the income and proceeds of such sales to the Treasurer of said district, and apply said proceeds as said Board may be authorized by said district, and to exercise any additional powers that may, from time to time, be conferred upon them by said district. A majority of said Commissioners shall constitute a quorum for the transaction of any of the business of the Board.

§ 1-123. Income from electricity.

(Sp. Laws 1913, No. 352, § 39; Sp. Laws 1959, No. 282.)
All income from the sales of electricity shall first be applied to defraying the current expenses of said electric-light plant, and to paying the interest on notes, bonds, or certificates of indebtedness incurred in relation to said electric-light plant. If there are retained earnings of cash or negotiable securities or an accumulated surplus of cash or negotiable securities, in excess of retirement reserve, said Commissioners shall make report thereof to the next annual or special meeting of said district, which shall direct the same to be applied to the extinction of the principal debt of the district, or to any purpose in connection with said works, and, if there is no such debt or need in connection with said works, said meeting may direct such retained earnings or any portion thereof in excess of a proper retirement reserve to be applied to the district general account for current expenses of the district, including public street lighting, care of parks owned by the district, care of the East Norwalk Cemetery, salaries of district officials, support of the East Norwalk Improvement Association Public Library, and improvements to said library and the building and premises where it is housed and adjoining premises owned by the district.

§ 1-124. Authorization to issue bonds; funding bond issue of 1917.

(Sp. Laws 1917, No. 259, § 1.)
The Third Taxing District of the City of Norwalk is authorized to issue serial bonds, to an amount not exceeding $85,000, registered or with coupons attached, bearing interest at a rate not greater than 4 1/2% per annum, payable semiannually, the first installment of the principal thereof to be payable within three years from the date of issue and the remainder at some certain time or times not later than 30 years after the date thereof. Such bonds shall be sold at not less than par and the avails thereof used only for the funding of the debt of said district and for the extension, improvement and enlargement of the electric-power plant of said district.

§ 1-125. Funding bond issue of 1917; details.

(Sp. Laws 1917, No. 259, § 2.)
Said district, at a special meeting of its electors, duly warned, shall determine, subject to the foregoing limitations, the several and aggregate amounts of such bonds, the annual rate of interest thereon, the dates and times of the issue and maturity of the same, the manner in which such bonds shall be issued and the person or persons by whom such bonds shall be signed, executed, negotiated, sold and delivered in behalf of said district. Such bonds, when so signed, executed, issued and delivered, shall be obligatory upon said district and upon the inhabitants thereof, according to the tenor and purport of the same.

§ 1-126. Funding bond issue of 1917; limitations.

(Sp. Laws 1917, No. 259, § 3.)
No bonds shall be issued under §§ 1-124 to 1-126 as to permit the net bonded indebtedness of said district at any time to exceed 5% of the grand list of said district as the same may be compiled for the year of such issue, provided, in computing the debt limitation, bonds issued or to be issued for the construction or maintenance of municipal waterworks or lighting plants shall not be included.

§ 1-127. Authorization to issue bonds; bond issue of 1949.

(Sp. Laws 1949, No. 141, § 1.)
The Third Taxing District of the City of Norwalk is authorized to issue, by and through the action of the Commissioners and the Treasurer of said district, bonds, notes or other certificates of indebtedness to an amount not exceeding $250,000, in coupon form or otherwise and registered or not registered, hearing interest to a rate not greater than 5% per annum, payable in substantially equal monthly or annual installments, beginning not more than two years from the date of issue, in such sums that the entire amount thereof shall be paid within a period of not more than 20 years from their date. The proceeds of such bonds, notes, or other certificates shall be used for the extension, improve and facilities of said district. Such bonds, notes or other certificates may be issued from time to time, and nothing herein contained shall require the whole amount of such bonds, notes or other certificates to be issued or prevent their issuance in amounts less than the total authorized issue as may be deemed expedient, in which case each authorized issue shall constitute a separate loan and each such loan shall be payable in monthly or annual installments and within the period of time specified herein from its date. Such Commissioners and Treasurer may borrow on short-term notes within the limitations of this section and for the purpose herein set forth and may renew said notes from time to time if this manner of borrowing shall be deemed expedient.

§ 1-128. Bond issue of 1949; details.

(Sp. Laws 1949, No. 141, § 2.)
The Commissioners and Treasurer of said district shall determine, subject to the foregoing limitations, the amount and date of maturity of such bonds, notes or other certificates and the annual rate of interest and other particulars of the form of such bonds, notes or other certificates and the manner of issuance.

§ 1-129. Bond issue of 1949; obligations.

(Sp. Laws 1949, No. 141, § 3.)
Such bonds, notes or other certificates, when executed, and delivered by the Commissioners and Treasurer of said district, shall be obligatory upon said district and the inhabitants thereof according to the tenor and purport of the same.

§ 1-130. Bond issue of 1949; effective date.

(Sp. Laws 1949, No. 141, § 4.)
§§ 1-127 to 1-130 shall be effective upon its ratification by a special meeting of the district called for this purpose.

§ 1-131. Purchase of Taylor property; maximum expenditures.

(Sp. Laws 1959, No. 94, § 1.)
The Third Taxing District of the City of Norwalk may purchase the property, known as the Taylor property, which adjoins the premises of the East Norwalk Community Hall and may improve the newly purchased property, and may improve and enlarge the East Norwalk Community Hall and the East Norwalk Improvement Association Public Library which is housed in said community hall; provided no expenditure of more than $20,000 shall be made without the approval of the majority of the electors of said district who are present and voting at a special meeting of the district called for the purpose of such approval.

§ 1-132. Cash surplus.

(Sp. Laws 1959, No. 94, § 2.)
Said purchase and such improvements may be made with the current cash surplus or accumulated cash surplus of the electric-light works owned by the district, in excess of reserve for depreciation.

§ 1-133. Borrowing money.

(Sp. Laws 1959, No. 94, § 3.)
For the purpose of purchasing said property and making such improvements said district is authorized to borrow money and to secure the money so borrowed by mortgage on said land, or on said land and buildings.

Part 5. Sixth Taxing District

[1]
Editor's Note: For taxing districts in general, see Art. II.

§ 1-134. Boundaries of the Sixth Taxing District.

(Sp. Laws 1953, No. 566, § 2.)
The territory of the City of Norwalk which is included within the following boundaries shall be the Sixth Taxing District of said City of Norwalk as follows: starting at a point on the boundary line between Darien and Norwalk; thence running east in a direct line to the westerly end of the southerly boundary of Union cemetery, so called; thence running along the southerly boundary of said Union cemetery to the westerly side of Rowayton Avenue; thence running northerly along said westerly side of Rowayton Avenue to a point that is upon a production westerly of a line drawn 200 feet, measured at right angles, northerly from the northerly side of Sheffield Road,

so called; thence running easterly upon said line 200 feet, measured at right angles, northerly from the northerly side of Sheffield Road to the westerly side of Lenox Road, so called; thence running easterly across Lenox Road to the corner formed by the intersection of the easterly side of Lenox Road with the southerly side of Winter Street, so called; thence running along said southerly side of Winter Street to the westerly side of Vanderbilt Avenue, so called; thence running upon a production easterly of said southerly side of Winter Street across Vanderbilt Avenue and easterly to a point 200 feet, measured at right angles, from the easterly side of Vanderbilt Avenue; thence running southerly along a line 200 feet easterly from and parallel to said easterly side of Vanderbilt Avenue to land of the New York, New Haven and Hartford Railroad Company; thence running along said land of the New York, New Haven and Hartford Railroad Company to the easterly side of Highland Avenue at Gaynor's Bridge, so called; thence running southerly along said easterly side of Highland Avenue to the southerly boundary of land of the New York, New Haven and Hartford Railroad Company; thence running easterly along said southerly boundary of land of the New York, New Haven and Hartford Railroad Company to a point 600 feet east of the easterly side of Highland Avenue, said distance measured at right angles with the easterly side of Highland Avenue; thence running southeasterly in a straight line to a point which is 100 feet northwest of the most northwesterly side of the twenty-foot strip reserved for highway purposes, measured at right angles, and is 400 feet northeast of the northeasterly side of Witch Lane, measured at right angles; and thence continuing on a prolongation of the aforesaid line to a point 200 feet, measured at right angles, from the northerly side of Witch Lane, so called; thence running easterly along a line 200 feet, northerly from and parallel to said northerly side of Witch Lane to the westerly side of other land of the New York, New Haven and Hartford Railroad Company; thence running southerly along said westerly side of other land of the New York, New Haven and Hartford Railroad Company across said Witch Lane and across Wilson Road, so called, to the mean highwater mark of Wilson's Cove, so called; thence running along the mean high-water mark of the northerly and westerly boundary of Wilson's Cove to the mean high-water mark of Long Island Sound; thence running along said mean high-water mark of Long Island Sound to the entrance to Five Mile River; thence running westerly across said entrance to Five Mile River to the boundary line between Darien and Norwalk; thence running in a general northerly direction along said boundary line between Darien and Norwalk to the starting point or place of beginning.

§ 1-135. Body politic and corporate; rights in general.

(Sp. Laws 1921, No. 289, § 2.)
All electors of this state dwelling within the territorial limits of the Sixth Taxing District are hereby constituted a body politic and corporate by the name of the Sixth Taxing District of the City of Norwalk, and by that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, holding, selling and conveying any property, real or personal, and having a common seal for the purpose of contracting for street lighting, sewers or any other needed civic improvement voted by such district, including Rowayton Public Library.

§ 1-136. Taxation liability.

(Sp. Laws 1921, No. 289, § 3.)
All inhabitants and property within the limits of the Sixth Taxing District shall be liable to taxation to defray any expenses or liability said taxing district may incur under §§ 1-135 to 1-141. The Board of Estimate and Taxation may lay and collect taxes for the purpose of paying the debts of said district or any part thereof and of establishing a sinking fund for that purpose. The avails of such taxes shall be paid to the Treasurer of the Sixth Taxing District for application for said purposes only. The Board of Estimate and Taxation shall lay a tax to defray the expenses of the Rowayton Public Library to the amount appropriated by said district at any annual or special meeting of said district.

§ 1-137. Meetings; fiscal year.

(Sp. Laws 1921, No. 289, § 4; Sp. Laws 1955, No. 438, § 2; Charter Amendment 6-19-1974.)
Beginning in the year 1956, the annual meeting of the electors residing in said taxing district shall be held on the first Wednesday of March, for the purpose of hearing the reports of the Commissioners of said district, and acting on such matters as may be properly brought before such meeting. Notice of the time and place of said meeting shall be given by said Board of Commissioners by publishing the same in a newspaper having a circulation in said district at least 10 days before said meeting, which notice shall set forth all matters to be considered in said meeting. Special meetings in said district may be called in like manner by said Board and shall be called upon written request of 25 electors of said district to consider matters as set forth in such notice or publication. Beginning in the year 1975, the fiscal year of the Sixth Taxing District of the City of Norwalk shall begin on the first day of July and terminate on the last day of June.

§ 1-138. Tax collection.

(Sp. Laws 1921, No. 289, § 5.)
The Collector of Taxes and Assessments of the City of Norwalk shall be Ex Officio Treasurer of the Sixth Taxing District[1] and all taxes levied upon property in said district shall be collected by said Collector of Taxes and Assessments, and said Collector shall whenever necessary file with the Town Clerk his certificate for the continuation of any liens for taxes levied upon property located in said district, and may bring suit for the foreclosure of any such tax lien in the name of said Sixth Taxing District in the manner provided by law for the foreclosure of tax liens, and shall have the same powers and duties in relation to the collection of taxes in said Sixth Taxing District as he has under the provisions of the Charter of said City of Norwalk, in relation to all other taxes and assessments of said city.
[1]
*Editor's Note: See § **1-147** for repeal provision. As to election and duties of Treasurer, see § **1-146**.*

§ 1-139. Board of Commissioners; Clerk; mechanics and laborers.

(Sp. Laws 1921, No. 289; § 6;[1] Sp. Laws 1967, No. 175.)
Said district shall elect a Board of Commissioners, all of whom shall be sworn to a faithful discharge of their duties and shall hold their office as hereafter provided and shall receive such compensation as the electors of the district shall decide. Said Commissioners shall appoint a Clerk who shall receive reasonable compensation as determined by said Commissioners. It shall be the duty of said Clerk to keep a record of all transactions of said district and of said Board of Commissioners and discharge such duties as said Board may prescribe. Said Commissioners may employ such mechanics, experts and laborers as may be necessary in the exercise of their powers and duties.
[1]
*Editor's Note: See also § **1-142**.*

§ 1-139.1. Duties of Commissioners; quorum.

(Sp. Laws 1967, No. 176, §§ 1-3.)
A.
The Board of Commissioners of the Sixth Taxing District shall manage the affairs and business of said district.

B.
The duties of said Commissioners shall include, but not be limited to, the care, maintenance and repair of all the property of said district. They may lease, alter, improve or move the same, and sell personal property, and negotiate to sell, exchange or raze real property subject to elector approval. The Commissioners may execute and deliver on behalf of said district all documents which may be necessary or proper to effectuate such letting, sale, other change or exchange, delivering the income and proceeds therefrom in such manner as the electors of the district may authorize, and may exercise any other powers necessary to carry out the provisions of this act or conferred upon them by said district.

C.
A majority of said Commissioners shall constitute a quorum for the transaction of business.

§ 1-140. Appropriations toward the support of the public library.

(Sp. Laws 1921, No. 289, § 7.)
The Sixth Taxing District shall annually appropriate $100 or more toward the support of Rowayton Public Library, and the Board of Estimate and Taxation of the City of Norwalk shall appropriate annually the sum of $100 toward the support of such library.
[1]
Editor's Note: As to library appropriations see Art. XIX.

§ 1-141. Effect and approval of act.

(Sp. Laws 1921, No. 289, § 8.)
§§ 1-135 to 1-141 shall not take effect unless approved by the qualified electors residing within the limits of said Sixth Taxing District at a special meeting to be called on the last Monday of June 1921, and in the warning for said special meeting notice shall be given to the electors of said district that the question of the approval or disapproval of this act will be voted upon. The electors who are in favor of approving this act will give in their ballots with the word "Yes" written or printed thereon, and those opposed will give in their ballots with the word "No" written or printed thereon, and said ballots shall be furnished by the City Clerk of said City of Norwalk. If the majority of the ballots so given have the word "Yes" printed or written thereon, this act shall take effect. A ballot box for the reception of said ballots at said meeting shall be provided by the City Clerk of said City of Norwalk, and shall remain open from 2:00 p.m. until 9:00 p.m. at the Rowayton Hose House in said district, when it shall be closed and the ballots sorted and counted and the result declared. The registry list of the Fifth Ward of said City of Norwalk last made and completed shall be used to determine the electors residing in said Sixth Taxing District, and the ballots shall be polled under the same regulations as govern elector's meetings in the Town of Norwalk. If the majority of said ballots shall be in favor of approving this act, a certificate of said approval signed by the said Clerk of said City of Norwalk shall be forwarded to the Secretary of State, who shall record the same.

§ 1-142. Commissioners.

(Sp. Laws 1923, No. 410, § 1.)
There shall be held on the last Monday of June 1923, a special meeting of the qualified voters of the Sixth Taxing District of the City of Norwalk, to elect three Commissioners for said district, one to serve until his successor shall be elected at the regular biennial election of city and town officers in the year 1925, one to serve until his successor shall be elected at the regular biennial election in the year 1927 and one to serve until his successor shall be elected at the regular biennial election in the year 1929, or until their several successors shall be elected and qualified. The City Clerk of the City of Norwalk shall give due and regular warning of said special election, shall provide printed ballots bearing the names of the candidates for office of Commissioner, which names shall have been daily attested to him as nominated at the party caucuses held prior to said special election, and shall provide a ballot box for the reception of said ballots, which shall be polled under the same regulations as govern elector's meetings in the Town of Norwalk. Such special election shall be held at the Rowayton Hose House in said district, and the ballot box for the reception of ballots shall remain open from 2:00 p.m. until 9:00 p.m., then it shall be closed, the ballots sorted and counted and the result declared. In 1925, and biennially thereafter, at the regular election of town and city officers, there shall be elected by the electors of the Sixth Taxing District, one Commissioner who shall hold office for the term of six years and until his successor shall be elected and qualified. The term of office for each Commissioner shall begin on the Wednesday following his election. Said Commissioner shall perform such duties as from time to time shall be required of or imposed upon them by vote of said district.

[1]
Editor's Note: See also § 1-139.

§ 1-143. Listing of taxable property.

(Sp. Laws 1923, No. 410, § 2.)
All owners of taxable property in the Sixth Taxing District, in filing lists of taxable property in accordance with the provisions of the Charter of the City of Norwalk as contained in §§ 1-273, 1-276 and 1-281,[1] shall list such property as in the Sixth Taxing District.
[1]
Editor's Note: See § 1-273; § 1-276; § 1-281.

§ 1-144. Validation of election of Commissioners in 1923.

(Sp. Laws 1925, No. 191, § 1.)
The election of three Commissioners of the Sixth Taxing District of the City of Norwalk at the election of the City of Norwalk held on the first Monday of October, 1923, is validated and confirmed.

§ 1-145. Validation of acts.

(Sp. Laws 1925, No. 191, § 2.)
All meetings of said Sixth Taxing District held pursuant to call issued by the District Commissioners and all acts, votes and resolutions passed at such meetings and all appropriation made by such meetings are validated and confirmed.

§ 1-146. Election and duties of treasurer.

(Sp. Laws 1925, No. 191, § 3.)
At the election to be held in 1925 for town and city officers for the Town and City of Norwalk and the several taxing districts thereof, and biennially thereafter, there shall be elected by the electors of the Sixth Taxing District a Treasurer, who shall hold office for the term of two years and until his successor shall have been elected and qualified. Such Treasurer shall, in and for said district, have the same authority given to and shall perform the same duties as are required of the Treasurer of the First Taxing District, of the Second Taxing District and of the Third Taxing District of the City of Norwalk under the provisions of the Charter of said city.

§ 1-147. Repeal of former act as to Collector of Taxes.

(Sp. Laws 1925, No. 191, § 4.)
So much of § 1-138, amending an act consolidating the Town of Norwalk with the cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved May 19, 1921, as requires the Collector of Taxes and Assessments of the City of Norwalk to be, Ex Officio, Treasurer of the Sixth Taxing District, is repealed.

§ 1-148. Authorization to adopt and enforce rules and regulations as to Bayley Beach.

(Sp. Laws 1951, No. 369, § 1.)
The Commissioners of the Sixth Taxing District of the City of Norwalk shall have power to formulate and to adopt and enforce rules and regulations in the manner hereinafter provided for governing the frequenting and

use of Bayley Beach, so called, the property, buildings and equipment appurtenant thereto. Any person violating any such rule or regulation shall be fined not more than $100 or imprisoned not more than 30 days, or both.

§ 1-149. Bayley Beach; hearing on rules and regulations.

(Sp. Laws 1951, No. 369, § 2.)
Before passing any rule or regulation, said Commissioners shall hold a hearing thereon, notice of which shall be given by publishing the proposed rule or regulation and the time and place of such hearing in some newspaper having a circulation in the Sixth Taxing District of the City of Norwalk, at least five days before the time fixed for the hearing.

§ 1-150. Bayley Beach; passage of rules and regulations.

(Sp. Laws 1951, No. 369, § 3.)
If a majority of the electors of the Sixth Taxing District of the City of Norwalk present and voting at such hearing oppose the adoption of a proposed rule or regulation, the question of its adoption shall be submitted to the electors of the Sixth Taxing District of the City of Norwalk at its next regular or special meeting, and in such event such rule or regulation shall not become effective unless a majority of the electors voting at such meeting shall vote in favor thereof.

§ 1-151. Bayley Beach; effective dates of rules and regulations.

(Sp. Laws 1951, No. 369, § 4.)
Any rule or regulation adopted as provided in §§ **1-149** to **1-150** shall become effective 15 days after publication thereof in some newspaper having a circulation in the Sixth Taxing District of the City of Norwalk.

§ 1-152. Bayley Beach; effective date of act.

(Sp. Laws 1951, No. 369, § 5.)
§§ **1-148** to **1-152** shall take effect upon their approval by the legal voters of the Sixth Taxing District of the City of Norwalk at a special meeting of said district legally called for the purpose, to be held not later than October 1, 1951.

§ 1-153. Authorization to issue bonds; Roton Point Park improvement bond issue of 1943.

(Sp. Laws 1943, No. 64, § 1.)
The Commissioner of the Sixth Taxing District of the City of Norwalk are authorized, when in legal meeting assembled, by a majority of votes of the members of said Commission, to issue bonds or notes on behalf of said taxing district to an amount not exceeding in the aggregate $50,000, registered or with coupons attached, or both, bearing interest at a rate not exceeding 5% per annum, payable semiannually.

§ 1-154. Roton Point park improvement bond issue of 1943; nature.

(Sp. Laws 1943, No. 64, § 2.)
Such bonds or notes shall be serial in form and payable in such substantially equal annual installments that the entire amount thereof shall be paid with 10 years from the date of issue.

§ 1-155. Roton Point park improvement bond issue of 1943; proceeds.

(Sp. Laws 1943, No. 64, § 3.)
The proceeds of such bonds or notes shall be used (a) for the purpose of such of Roton Point, so called, as the Commissioners see fit, for a site for a public park for said taxing district and (b) to defray the expense of improving the same for such purpose.

§ 1-156. Roton Point park improvement bond issue of 1943; details.

(Sp. Laws 1943, No. 64, § 4.)
The Commissioners of said taxing district, subject to the limitations of §§ **1-153** to **1-156**, shall determine the form of such bonds or notes, the several and aggregate amounts thereof, the time or times and place or places of payment of both principal and interest, the manner of signing, countersigning, selling, exchanging or otherwise disposing thereof and the person or persons who shall execute, negotiate and deliver the same for said district.

§ 1-157. Roton Point park improvement bond issue of 1943; obligations.

(Sp. Laws 1943, No. 64, § 5.)
Said bonds or notes when so executed, issued and delivered, shall be obligatory upon said district, and upon all the inhabitants and property thereof.

§ 1-158. Authorization to issue bonds; Bayley Beach bond improvement issue of 1955.

(Sp. Laws 1955, No. 67, § 1.)
The Commissioners of the Sixth Taxing District of the City of Norwalk are authorized, when in legal meeting assembled, by a majority of votes of the members of said Commission, to issue bonds or notes on behalf of said taxing district to an amount not exceeding in the aggregate $50,000, registered or with coupons attached or both, bearing interest at a rate not exceeding three 3% per annum, payable semi-annually.

§ 1-159. Bayley Beach bond improvement issue of 1955; nature of bonds and maturity.

(Sp. Laws 1955, No. 67, § 2.)
Such bonds or notes shall be serial in form and payable in such substantially equal annual installments that the entire amount thereof shall be paid within 10 years from the date of issue.

§ 1-160. Bayley Beach bond improvement issue of 1955; proceeds.

(Sp. Laws 1955, No. 67, § 3.)
The proceeds of such bonds or notes shall be used to defray the expense of improvement to Bayley Beach.

§ 1-161. Bayley Beach bond improvement issue of 1955; details.

(Sp. Laws 1955, No. 67, § 4.)
The Commissioners of said taxing district, subject to the limitations of §§ **1-158** to **1-162**, shall determine the form of such bonds or notes, the several and aggregate amounts thereof, the time or times and place or places

of payment of both principal and interest, the manner of signing, countersigning, selling, exchanging or otherwise disposing thereof and the person or persons who shall execute, negotiate and deliver the same for said district.

§ 1-162. Bayley Beach bond improvement issue of 1955; obligation.

(Sp. Laws 1955, No. 67, § 5.)
Said bonds or notes when so executed, issued and delivered, shall be obligatory upon said district, and upon all the inhabitants and property thereof.

ARTICLE III. Elections

Part 1. In General

§ 1-163. Holding elections.

(Sp. Laws 1913, No. 352, § 46.)
The election of town officers herein provided for shall be held at the polling places provided by the Common Council for the city election,[1] and it shall be the duty of the Selectmen of said town to provide for the holding of the election of 1913, and the Common Council shall provide for the holding of all city and town elections thereafter at the time herein provided for.
[1]
*Editor's Note: See § **1-180** for provision authorizing Registrars of Voters to designate polling places.*

§ 1-164. Qualified voters are entitled to vote.

(Sp. Laws 1913, No. 352, § 47.)
Every person qualified to vote in the Town of Norwalk and duly registered as hereinafter provided shall be entitled to vote at all elections of said city in the ward in which he resides.

§ 1-165. (Reserved)

(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.[1])
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-166. Election of officers.

(Sp. Laws 1947, No. 211, § 1; Charter Amendment 11-7-1972; Charter Amendment 8-17-1976;[1] Charter Amendment 8-29-1978.[2])
On the first Tuesday after the first Monday of November 1979, and biennially thereafter, there shall be held a town and city election for the choice of officers of the Town and City of Norwalk, by a plurality of ballots, as follows: city officers: a Mayor, as many ~~Councilmen~~Common Council Members as are provided for in § **1-3**, a Treasurer and a City Sheriff; town officers: three Selectmen, seven Constables and a Town Clerk who shall be ex officio Registrar of births, marriages and deaths. No person shall vote for more than four Constables. All of said 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.

[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.

§ 1-167. Election of the Board of Education.

(Charter Amendment 11-3-1970; effective 7-1-1971; Charter Amendment 9-12-2000.[2])

There shall be elected a Board of Education of nine members who shall be electors of the City of Norwalk. There shall be one member elected from each of the Council districts as established in § 1-2.1, and there shall be four members elected at large. All members shall serve for terms of four years. The five members of the Board elected in the general municipal election in 1999 shall serve for a term of four years. At the general municipal election to be held in 2001, four members shall be elected to said Board at large. At the general municipal election to be held in 2003, five members shall be elected to said Board, one member to be elected from each Council district. Thereafter, alternately at each general municipal election, four or five members, as the case may be, shall be elected to said Board, the four members to be elected at-large and the five members to be elected one from each Council district, in the manner set forth above. 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. 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. This section shall supersede any previous or alternative version hereof, whether adopted prior to or contemporaneously herewith. Said Board shall perform the duties and have the powers provided by the statutes for town boards of education.

[1]

Editor's Note: See also Art. XVIII, Part 2.

[2]

Editor's Note: Approved by the electorate at the general election held 11-7-2000.

§ 1-168. (Reserved)

(Repealed by Charter Amendment 11-3-1970; effective 7-1-1971.)

§ 1-169. Election notice.

(Sp. Laws, 1913, No. 352, § 51.)

Notice of said 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 in at least two newspapers published in said city, and a copy of said notice shall be posted on the public signpost within the limits of said city or at such other place or places as may be designated by the Council.

§ 1-170. 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 machines.

(Sp. Laws 1913, No. 352, § 52; Sp. Laws 1921, No. 400, § 2.)

At least 10 days prior to the date of any election for the choice of city and town officers the Registrars of Voters[1] for the Town of Norwalk shall deliver to the City Clerk a list of the names of the persons entitled to vote at said election in each ward of said city. Said names shall be arranged in alphabetical order, by wards, with the street and number of the residence of each, if such there be. Said list shall be open to inspection at the office of the City Clerk and shall be the registry list for the year in which it is made and until the next list is perfected as herein provided. 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. 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. The polls in each ward shall be open from 6:00 a.m. to 5:00 p.m. 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. 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. 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 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. The City Clerk shall cause to be prepared and delivered to the Presiding Officer of each ward and to the Registrars, at least two days before any election for city officers, uniform blanks on which to make all certificates and reports. If said city installs voting machines said election shall be conducted according to the laws authorizing the use of voting machines at elections.

[1]
Editor's Note: See also Art. III, Part 2 and § 1-217. See also, Ch. 9, Administration, Art. IV.

§ 1-171. Tie votes and elections.

(Sp. Laws 1913, No. 352, § 53.)
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 provided.

§ 1-172. Council may make ordinances and fix compensation.

(Sp. Laws 1913, No. 352, § 54; Sp. Laws 1921, No. 355, § 1.)
The Council of said city may make ordinances to regulate such meetings and elections and to provide for holding and conducting the same, and 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.[1]

[1]

Editor's Note: See also § 1-185.

§ 1-173. Approval and effect of act.

(Sp. Laws 1913, No. 352, § 54; Sp. Laws 1921, No. 355, § 1.)

§§ 1-172 and 1-173 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 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.

§ 1-174. Vacancies.

(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.[2])

Whenever any elective officer of said town or city shall die, resign or remove his residence from said city or, by reason of permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of his office or shall be convicted of malfeasance in office or any infamous crime or when any vacancy shall occur in any elective office of said town or city from any cause, the Council of said city shall, having been called together for the purpose by the Clerk of said city, upon one weeks's notice, declare such office vacant and shall forthwith fill such vacancy; and the person chosen to fill such vacancy shall have all the powers and duties of the former incumbent of such vacant office and shall continue therein until the expiration of the term for which said incumbent was elected and until his successor is duly elected and qualified. A plurality of ballots shall be sufficient to elect. If such vacancy occurs in the office of the Mayor, it shall be filled from the ~~Councilmen~~Common Council Members of said city; if in the members of the Council, from the electors of the council district or districts in said city from which the former incumbent of such office was chosen; and if in any other elective office of said town or city, from the electors of said city, but 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. If a vacancy occurs in any elective office of the First, Second, Third or Sixth Taxing District of said city, such vacancy shall be filled by the Commissioners of the district in which the same occurs. The provisions of Section 9-221 of the General Statutes shall apply to the filling of vacancies occurring during the periods specified in said statute; provided, however, that nothing herein contained shall supersede the application of Section 9-167a of the Connecticut General Statutes. Provided, if a vacancy occurs in the office of ~~Councilman~~Common Council, such vacancy shall be filled by the town and city committee of the political party to which the ~~Councilman~~Common Council Member 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 Education.

[1]

Editor's Note: This § 1-174 was amended pursuant to the court decision in the First Taxing District et al v. City of Norwalk case.

[2]

Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-175. Board of Commissioners and Treasurer in First Taxing District.

(Sp. Laws 1913, No. 352, § 56.)

At said election for the choice of city and town officers in 1913, there shall be elected in the First Ward by the electors of the First Taxing District three Commissioners for the terms of office of two, four and six years,

respectively, who shall hold office for said terms and until their successors are elected and qualified, and there shall be elected a Treasurer of the First Taxing District who shall hold office for the term of two years and until 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 Commissioner who shall hold office for the term of six 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 years and until his successor is elected and qualified. The terms of office of said Commissioners and Treasurer shall begin on the Wednesday following their election.

[1]
Editor's Note: See § 1-24.

§ 1-176. Board of Commissioners, Board of Electrical Commissioners and Treasurer in Second Taxing District.

(Sp. Laws 1913, No. 352, § 57.)
At said election for the choice of city and town officers in 1913, there shall be elected in the Second Ward by the electors of the Second Taxing District three Commissioners for the terms of office of two, four, and six years, respectively, who shall hold office for said terms and until their successors are elected and qualified, and there shall be elected in the Second Ward by the electors of the Second Taxing District three members of the Board of Electrical Commissioners, which members shall hold office for the terms of two, four and six years, respectively, and until their successors are elected and qualified, and there shall be elected a Treasurer of the Second Taxing District who shall hold office for a term of two years and until his successor is elected and qualified. Biennially thereafter there shall be elected in the Second Taxing District one Commissioner and one member of the Board of Electrical Commissioners, each of whom shall hold office for the term of six years and until his successor is elected and qualified, and a Treasurer of the Second Taxing District who shall hold office for the term of two years and until his successor is elected and qualified. The terms of office of said Commissioners and Treasurer shall begin on the Wednesday following their election.

[1]
Editor's Note: See also § 1-78.

§ 1-177. Board of Commissioners and Treasurer in Third Taxing District.

(Sp. Laws 1913, No. 352, § 58.)[1]
At said election for the choice of city and town officers in 1913, there shall be elected in the Third Ward by the electors of the Third Taxing District three Commissioners for the terms of office of two, four, and six years, respectively, who shall hold office for said terms and until their successors are elected and qualified, and there shall be elected a Treasurer of the Taxing District[2] who shall hold office for the term of two years and until his successor is elected and qualified. Biennially thereafter there shall be elected in the Third Taxing District by the electors of said district, a Commissioner who shall hold office for the term of six years and until his successor is elected and qualified, and a Treasurer of said Third Taxing District who shall hold office for the term of two years and until his successor is elected and qualified. The terms of office of said Commissioners and Treasurer shall begin on the Wednesday following their election.

[1]
Editor's Note: For further provisions see § 1-117 supra.

[2]
Editor's Note: The Third Taxing District is meant.

§ 1-178. Oath for elective officers.

(Sp. Laws 1913, No. 352, § 59.)
All elective officers of said town or 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 said office, according to law, so help you God." Said oath may be administered by any duly constituted authority, or the Mayor may administer the same.[1]

[1]
Editor's Note: See also § 1-221 for oath of officers appointed by Council.

§ 1-179. Establishment of precincts and voting places.

(Sp. Laws 1945, No. 134, § 1.)
The Registrars of Voters of the Town of Norwalk shall, subject to approval by the Council of the City of Norwalk, at least 120 days prior to any general election, establish and designate suitable voting precincts within the established voting districts of the Town of Norwalk. Each ward within said city shall be entitled to at least one such voting precinct and each voting precinct shall have a separate voting place.
[1]
Editor's Note: See also § 1-3 for earlier provision.

§ 1-180. Power of the Registrars of Voters to designate voting places.

(Sp. Laws 1945, No. 134, § 2.)
The Registrars of Voters shall have the power to designate the voting places and set up voting accommodations. It shall have power to designate any and all public schools as voting places.

§ 1-181. Precinct voting list.

(Sp. Laws 1945, No. 134, § 3.)
Said Registrars shall compile separate voting lists for each precinct so established and designated.

§ 1-182. Election expenses.

(Sp. Laws 1945, No. 134, § 4.)
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.

Part 2. Registrars of Voters

[1]
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.

§ 1-183. through § 1-184. (Reserved)

[1]
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.

§ 1-185. Election of Registrar of Voters in 1952 and thereafter.

(Sp. Laws 1951, No. 334, § 3.)

There shall be elected at a town and city meeting to be held coincidentally with the general state election on the Tuesday after the first Monday in November, 1952, and biennially thereafter, (a) two 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. The terms of Registrars of Voters shall be for two years from the first Monday in January following their election and until their successors shall be elected and shall have qualified, unless sooner removed for cause as provided by statute in the case of elective officers of said city.

§ 1-186. Duties of Registrars.

(Sp. Laws 1951, No. 334, § 4.)
Said Registrars shall be electors of said city and their duties shall be such as are required by statute in respect to election laws.

§ 1-187. Powers of Registrars.

(Sp. Laws 1951, No. 334, § 5.)
Said Registrars, in the performance of their duties, shall have power to summon and examine witnesses and order the production of records and papers, and, if such witnesses shall willfully refuse to answer questions or produce records or papers when ordered, said Registrars may cite such witnesses before any court of record for contempt for such refusal.

§ 1-188. Vacancy in the Board of Registrars.

(Sp. Laws, 1951, No. 334, § 6.)
Any vacancy which shall occur in said Board of Registrars shall be filled by the Council of said city but only from the same political party as that of the retiring incumbent.
[1]
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.

ARTICLE IV. Common Council

[1]
*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**.*

§ 1-189. Powers of the Council in general.

(Sp. Laws 1913, No. 352, § 80; Sp. Laws 1921, No. 400, § 3; Sp. Laws 1929, No. 82, § 3.)
The Council shall have power to make, alter, repeal and enforce ordinances, to pass and rescind resolutions, rules, votes and orders and to take such action as may be necessary or expedient not inconsistent with this act or with the laws of this state or of the United States, for the following purposes: to manage and control the finances and property, real and personal, of the city; 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 taxes;[1] 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 erected;[2] to regulate the

sale, conveyance and transfer of city property; to regulate the mode of assessment and collection of taxes; to provide for the due execution of contracts and of evidences of indebtedness issued by said city; to provide the mode for keeping and auditing the accounts of said city and adjusting claims against said city, to fix the salaries and the compensation of all officers and employees of said city, and to prescribe the duties of said officers and employees; to maintain an efficient police force in the Fourth Taxing District at the expense of said district; 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; to preserve order, to prevent and quell riots and disorderly assemblages, to suppress gambling houses, houses of ill-fame and disorderly houses; 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; 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; to protect said city from fire; to maintain a Fire Department in the Fourth Taxing District and to provide apparatus therefor; to erect and keep in repair all buildings necessary for the Fire Departments of the city; 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; to establish fire limits; 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; 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 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 thereof; to regulate the discharge of fire arms; to regulate the storing and hiring of lumber; to regulate the erection and maintenance of lamp posts, telegraph, telephone, and electric light poles and conduits, wires, and fixtures; to provide for public lighting of streets and to protect the same from injury; to regulate parades, processions, public assemblages, shows. and music in the public streets; to regulate the speed of animals, vehicles, and cars in the streets; 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; to prescribe the form of proceeding and mode of assessing benefits and appraising damages in taking land for public use, and the time when and manner which all benefits assessed shall be collected; 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;[ω] 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; 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 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 blowing of whistles and horns, and the ringing of bells; to regulate or prohibit the placing of signs or awnings over sidewalks, to regulate or prohibit the running at large of all animals in said city; to license and regulate public hacks, automobiles, and carriages, and the charges of hackmen, chauffeurs, public drivers, carmen and truckmen; 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 provide for the health of the city; to prevent and abate every kind of nuisance; to regulate the location, construction, and use of sinks, cesspools, pigpens, drains, sewers, and privies; to compel the removal of nuisances injurious to health, or offensive or annoying to the public it the expense of the owners of the

premises upon which said nuisances exist; to provide for the collection, removal, and disposal of garbage, ashes, and refuse in the Fourth Taxing District at the expense of said district; to regulate the moving of any manure, swill, night soil, or dead animals; 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; 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; to regulate the naming of public streets, the numbering of lots thereon, and the erection of banners or flags; to regulate weights and measures; to license and regulate peddling and auctions upon the streets and sidewalks; to license and regulate sports, exhibitions, public amusements, and billiard and bowling rooms; to regulate coasting, sliding, and use of velocipedes, bicycles, and tricycles on the sidewalks; to protect public buildings, property, and structures from injury; to prohibit the depositing of any filth, garbage, or rubbish in any stream or on any highway or public or private grounds; to preserve and care for public burial grounds and regulate the burial of the dead; to regulate bathing in places exposed to public view; to prevent cruelty to animals and inhuman sports; to provide a public seal; to regulate and prescribe the mode of conducting all elections not regulated by this act; to regulate the manner of warning city elections and meetings of the Common Council, and the times and places of holding the same; to provide for the removal of any officer for cause; to provide places for holding elections in said city and in the wards thereof; to prescribe the amount of bonds to be given by city officers or employees and to confer upon the officers of said city all proper authority to enable them to discharge their duties; to prescribe fines; 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.

[1]
*Editor's Note: 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.

[3]
*Editor's Note: See Art. **XV**, Streets, Sidewalks and Building Lines; Ch. **101**, Streets and Sidewalks.*

§ 1-189.1. (Reserved)

§ 1-189.2. Authorization of Council to reorganize certain departments.

(Added by Charter Amendment 11-3-1970.)

A.

The Council shall have the power to establish, reorganize and consolidate departments, agencies, commissions, authorities and boards of the city, hereinafter referred to as administrative departments. Provided, however, there shall be a Department of Health, a Department of Public Works and a Department of Public Welfare. The Council shall have the power to establish and amend by ordinance such rules, regulations, policies and procedures as it may deem necessary or appropriate to define and govern the powers, duties, responsibilities and operations of such administrative departments. Said powers of the Council shall apply to all administrative departments, including but not limited to all administrative departments in existence at the 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.

B.
This section shall not apply to (1) any elected departments, agencies, commissions, authorities or boards, including those elected by taxing districts; (2) the Police Department or its boards or commissions; (3) the Fire Department or its boards or commissions; (4) the Planning Commission; (5) the Zoning Commission; (6) the Board of Estimate and Taxation; (7) the Comptroller; (8) the Corporation Counsel.

C.
In taking action under this section, the Council shall adopt appropriate provisions protecting the interests of any holders of debt which may have been issued by any administrative department affected by such action of the Council, prior to any ordinance enacted pursuant to this section, and the Council shall also adopt appropriate provisions regarding future issuance of debt instruments.

D.
A vote of a majority of the entire membership of the Council shall be necessary to take any action authorized by this section, and said action shall be subject to the approval of the Mayor as set forth in Section 191 of the Charter (1956 Edition), Section 1-197 (1970 Edition). This section shall take effect on January 1, 1971.

§ 1-189.3. (Reserved)

[1]
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.

§ 1-189.4. Authorization of Council to establish Law Department.

(Added by Charter Amendment 11-3-1970.)
The Council shall have the power to establish a Law Department. The Corporation Counsel shall be the administrative head of any such Law Department. 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 Section 219 (1956 Edition); Section 1-230 (1970 Edition), relative to the employment of attorneys, or with Section 212 (1956 Edition); Section 1-223 (1970 Edition), relative to the appointment of the Corporation Counsel. A vote of a majority of the entire membership of the Council shall be necessary to take any action authorized by this section, and said action shall be subject to the approval of the Mayor as set forth in Section 191 of the Charter (1956 Edition), Section 1-197 (1970 Edition). This section shall take effect on January 1, 1971.

§ 1-190. Authorization of Council to enact ordinances covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk.

(Sp. Laws 1913, No. 352, § 124; Sp. Laws 1915, No. 367, § 8.)
Said 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 said 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 said city, and prohibit the bringing into said 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 said city.

[1]

*Editor's Note: See Ch. **81**, Plumbing; Ch. **36**, Electrical Code; Ch. **66**, Milk; Ch. **57**, Health and Sanitation.*

§ 1-191. Power of the Council as to ordinances.

(Sp. Laws of 1913, No. 352, § 81)

Said Council shall have power to make, alter, repeal, and enforce any ordinance which it may deem conducive to the general health, peace, good order, welfare, and safety of the inhabitants of said city, and for the protection of the property therein, and may prescribe fines, penalties and forfeitures for the violation of any such ordinances.

§ 1-191.1. Public hearing as to ordinances.

A.

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. Notice of the time and place of such hearings, together with a copy of the ordinance proposed, shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Norwalk. Said publication shall be not more than 15 nor less than seven days prior to the date of such public hearing.

(Amended by Charter Amendment 9-2-1980.[1])

[1]

Editor's Note: Approved by the electorate at the general election held 11-4-1980.

B.

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.

C.

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.

(Added by Charter Amendment 8-13-1974.[2])

[2]

Editor's Note: Approved by the electorate at the general election held 11-5-1974.

§ 1-192. Care and support of the poor; vacancies.

(Sp. Laws 1913, No. 352, § 82.)

The Council of said city shall have power to make, alter and repeal ordinances and bylaws relative to the care and support of the poor and filling of vacancies which may occur in any town office.

§ 1-193. Publication of ordinances; effective date.

(Sp. Laws 1913, No. 352, § 83.)

No ordinance shall take effect until the same has been published in a newspaper published in said city, nor until 10 days after its passage.

§ 1-194. Codification.

(Sp. Laws 1957, No. 111; Charter Amendment 9-2-1980.[1])
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 in said city. 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.[2] 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.
[1]
Editor's Note: Approved by the electorate at the general election held 11-4-1980.
[2]
Editor's Note: See Ch. 7, General Provisions, Article I, General.

§ 1-195. Grants and leases of real estate.

(Sp. Laws 1913, No. 352, § 84.)
All grants and leases of real estate belonging to said city authorized by the Council shall be signed by the Mayor and sealed with the city seal.

§ 1-196. First meeting after election.

(Sp. Laws 1913, No. 352, § 85; Charter Amendment 9-2-1980.[1])
The Mayor and Council shall meet on the second Tuesday following their election for the purpose of making and confirming appointments. The Mayor shall preside at the meetings of the Council, and shall vote only in case of a tie. The City Clerk shall be Clerk of said Council. At the beginning of each municipal year the Council shall elect from its members a President who shall preside in the absence of the Mayor, and, in case of the death, resignation, absence or inability of the Mayor, shall possess all powers and perform all duties of the Mayor until said Mayor shall return or be able to act or until another is elected and qualified in his stead. 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.
[1]
Editor's Note: Approved by the electorate at the general election held 11-4-1980.

§ 1-197. Special and regular meetings.

(Sp. Laws 1913, No. 352, § 86; Sp. Laws 1921, No. 400, § 4.)
Said Council may be specially convened at any time by the Mayor on notice of at least 24 hours and regular meetings of said body shall be held at the times fixed by the ordinances of the city.[1] The Council may determine the rules of its proceedings. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn.[2] Whenever a regular or special meeting has been called and no quorum shall be present, those present may, by vote, request the Mayor or Presiding Officer to, and said Mayor or Presiding Officer shall, upon such request, issue a warrant signed by him directed to the Sheriff of Fairfield County, his Deputy, the Sheriff of the City of Norwalk or either Constable of the Town of Norwalk to arrest and bring into such meeting a sufficient number of said ~~Councilmen~~Common Council Members to constitute a quorum. Any member 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 said

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 2/3 of the Council. Every vote, resolution, order or ordinance, except such as relates 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 shall be transmitted to the Mayor, who shall either approve it within six days, in which case it shall become operative and effectual, or disapprove it and return it to said body at its regular meeting with a statement of his objections in writing. After such statement has been read, said Council shall proceed to reconsider its former vote on such measure. If, after such reconsideration, the Council shall again pass it by a vote of not less than 2/3 of all its members, such vote being determined by yeas and nays, it shall become operative and effectual without the approval of the Mayor. If the Mayor shall refuse or neglect to signify his approval or disapproval of any such measure transmitted to him within six days after its reception, such measure shall become operative and effectual as though approved by him.

[1]
Editor's Note: Regular meetings are held on the second Tuesday of each month; see § 1-198.

[2]
Editor's Note: As to attendance of City Clerk, see § 1-235.

§ 1-198. Holding of the first and subsequent meetings.

(Sp. Laws 1947, No. 211, § 3; Charter Amendment 8-29-1978.[1])
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. Thereafter, the Common Council shall hold at least one regular meeting each month on the second Tuesday of each month and such additional regular meetings as it shall, by resolution or ordinance, determine.

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-199. Removal of Mayor for misconduct or neglect of duty.

(Sp. Laws 1913, No. 352, § 87; Sp. Laws 1921, No. 400, § 5.)
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. 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. 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. The vote on the resolution shall be by roll call. If the resolution fails to receive the votes of 2/3 of the members of the Council, it shall have no effect. If it receives the affirmative votes of 2/3 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. The Council shall fill such vacancy as provided in § 1-174. Said Council meetings shall be public, and the journal of its proceedings shall be open to public inspection. The vote of the Council shall be taken by yeas and nays whenever the same is requested by any members. 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.

[1]
Editor's Note: See also Art. V, Part 2; and Ch. 9, Administration, Art. II.

§ 1-200. Power of the Mayor and Council to borrow upon the credit of the city.

(Sp. Laws 1929, No. 101, § 1.)
The Mayor and Council of the City of Norwalk are empowered to borrow upon the credit of said city, during any fiscal year of said city, by note or notes of said city, signed by the Mayor thereof, such sum or sums of money as may be necessary to pay any judgment tendered against said city and all expenses incurred by said city in connection with any such judgment.
[1]
*Editor's Note: See also § **1-189**; § **1-226**.*

§ 1-201. Approval by Board of Estimate and Taxation of borrowed sums.

(Sp. Laws 1929, No. 101, § 2.)
No such borrowing shall be made by the Mayor and Council, nor shall any note or notes be issued as aforesaid, until the amount and purpose thereof shall be approved by the Board of Estimate and Taxation of said city at a meeting duly called and held therefor.
[1]
Editor's Note: See also Art. VI.

§ 1-202. Appropriation to pay notes and paying of notes.

(Sp. Laws 1929, No. 101, § 3.)
Said Board of Estimate and Taxation, at its regular meeting held in the fiscal year in which such note or notes are issued, shall make a sufficient appropriation to pay all notes so issued during such fiscal year, and such notes shall be paid from such appropriation when it shall become available.

§ 1-203. The authority of the Council as to streams.

(Sp. Laws 1913, No. 352, § 135.)
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 said stream, and shall notify all parties in interest.[1]
[1]
*Editor's Note: For powers of Council see § **1-189**.*

§ 1-204. Appointment of Committee, reports, etc.

(Sp. Laws 1913, No. 352, § 136.)
Whenever said 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 said improvements,[1] and the report of said Committee having been accepted and recorded, and said agreement having been ratified, and the damages having been paid to the parties entitled thereto or deposited to their credit in the City Treasury, said Council may proceed with the completion of said improvement and with all acts incident to that purpose, without further liability. If said 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 said city, after causing such notice of the pendency of said application as he shall deem reasonable, appoint three judicious and disinterested freeholders to estimate such damages and benefits, which Committee having been duly sworn, and having given such notice of the time and place of their meeting for the purposes aforesaid as such Judge shall direct,

shall meet at the time and place designated, and, having heard all the parties in interest who shall appear before it, shall proceed to appraise the damages to and assess the benefits against the proper persons, land, or other property specially benefited or damaged. Thereupon said Committee shall report in writing to said Judge who may confirm, correct, or set aside said report as he may deem just, in which latter case a Committee to be appointed by said Judge, after notice as hereinbefore prescribed, shall proceed as before, and their report, being finally accepted by said 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, said Council may complete said public improvements and do all acts incident to that purpose without further liability in the premises.

[1]
Editor's Note: See § 1-266, as to benefits as lien.

§ 1-205. Description of Norwalk Harbor and rules and regulations of boats, vessels and craft in the harbor; passage of ordinances.

(Sp. Laws 1957, No. 368, § 1.)
Within the area bounded on the east by the line separating the City of Norwalk from the Town of Westport; on the south by a line commencing at the intersection of said town line with a straight line running in a southwesterly direction to number 24B off Hiding Rocks, said intersection being at Copps Rocks just east of Copps Island, thence in a due westerly direction to Green Ledge light; on the west by a line running northerly from Green Ledge light to the flashing light at the entrance of the Five Mile River, thence northerly along the line separating the City of Norwalk from the Town of Darien; and, on the north by the shore line of the City of Norwalk, the Common Council of the City of Norwalk shall have authority to pass ordinances and otherwise regulate the mooring of all vessels, boats and craft and the use of the water, so that they shall not interfere with the free use of the channels and other navigable waters included within said area hereinbefore described, and, subject to the provisions of Section 4768 of the General Statutes, may make such other reasonable rules, regulations, ordinances or orders respecting the use of said waters by all vessels, boats and craft as may be necessary to protect persons and all other vessels, boats and craft in such waters and other property thereon.

[1]
Editor's Note: See Ch. 69, Norwalk Harbor.

§ 1-206. Norwalk Harbor; publication, filing and effective date of ordinances, rules and regulations.

(Sp. Laws 1957, No. 368, § 2.)
Such ordinances, rules, regulations and orders, when determined and fixed, shall be published at least once in a newspaper having a circulation in the City of Norwalk and shall be filed in the office of the City Clerk of said city and shall become effective 10 days after such publication and filing.

§ 1-207. Norwalk Harbor; penalties.

(Sp. Laws 1957, No. 368, § 3; Charter Amendment 9-2-1980.[1])
Any person who violates any such ordinance, rule, regulation or order, when determined or fixed as provided in §§ 1-205 and 1-206, shall be fined not less than $25 nor more than $100 or as the Council may otherwise provide for each offense.

[1]
Editor's Note: Approved by the electorate at the general election held 11-4-1980.

§ 1-208. Norwalk Harbor; enforcement.

(Sp. Laws 1957, No. 368, § 4.)
Any police or peace officer of the City of Norwalk shall have authority to enforce the provisions of this act. The City Court of Norwalk shall have jurisdiction over all violations of this act.

§ 1-209. Norwalk Harbor; duty of Harbormaster.

(Sp. Laws 1957, No. 368, § 5.)
The Harbormaster of the Harbor of Norwalk, and his deputies, if any, shall, from time to time, advise the Common Council with respect to the matters hereinbefore described or provided for and shall, upon the request of the Common Council, confer with the latter and make such reports to said Common Council as they shall from time to time require with respect to any matter hereinbefore referred to.

ARTICLE V. Officers and Employees

Part 1. General

§ 1-210. Continuance of former district officers.

(Sp. Laws 1913, No. 352, § 174.)
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.[1]
Editor's Note: For vacancies in office refer to § 1-174.

§ 1-211. Bonding of public officials.

(Sp. Laws 1913, No. 352, § 60.)
The Clerk, the Treasurer, the Tax Collector, and all other officers or employees of said city, whether elected or appointed, who, under the provisions of the charter or the ordinances of the city, may be required so lo do, shall give bond for such amount as the ordinances of said city shall prescribe, conditioned for the faithful performance of the duties of their respective offices; and in case of the refusal or neglect of any such officer or employee to give such bond, his office shall be declared vacant and such vacancy shall be filled in the manner herein prescribed.[1]
Editor's Note: See also Ch. 9, Administration, Art. VII.

§ 1-212. Unlawful disbursement of money.

(Sp. Laws 1913, No. 352, § 61.)
No officer or employee of the city shall receive or disburse money belonging to the city unless authorized to so do by the provisions of this act or by a resolution regularly adopted by the Council.

§ 1-213. Unlawful incurring of debts and obligations.

(Sp. Laws 1913, No. 352, § 62.)

Any officer or employee of said city who shall willfully or knowingly incur in the name of the city any debt or other obligation which the city may be compelled to pay without any appropriation having been made for the benefit of the same, or who shall willfully or knowingly incur any such debt or obligation in excess of any appropriation that may have been made therefor, shall be personally liable for the payment of such debt or obligation, and the Corporation Counsel is hereby authorized to sue for the same, in the name and for the benefit of the city, before any court of competent jurisdiction, and, in addition thereto, any officer or employee, of said city incurring such debt or obligation either without or in excess of an appropriation for the payment of the same shall be fined not more than $100 or imprisoned not more than 30 days, or both.

§ 1-214. Sheriff; authority and duties.

(Sp. Laws 1913, No. 352, § 71.)
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. Said 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.
[1]
*Editor's Note: For election provision refer to § **1-166**.*

§ 1-215. Salary of Selectmen of the Town of Norwalk.

(Sp. Laws 1947, No. 215.)
The salary of each of the Selectmen of the Town of Norwalk shall, from September 1, 1947, be $150 per annum.[1]
[1]
*Editor's Note: For election provision refer to § **1-166**.*

§ 1-216. Powers and duties of Selectmen.

(Sp. Laws 1913, No. 352, § 72.)
The powers and duties of said Selectmen shall, on and after the first 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.

§ 1-217. Powers and duties of City Clerk, Registrar of Voters and Constables.

(Sp. Laws 1913, No. 352, § 73.)
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.

§ 1-218. Mayoral appointments.

(Sp. Laws 1913, No. 352, § 74.)
All officers required by law to be appointed by towns and by Selectmen of towns, not herein otherwise provided for, shall, on and after the first Monday of October, 1913, be appointed by the Mayor, subject to confirmation by the Council.[1]
[1]
*Editor's Note: See § **1-227** for powers and duties of appointive officers.*

§ 1-219. Council appointments.

(Sp. Laws 1913, No. 352, § 75.)
All appointments to office or lo 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 lie.[1]
[1]
*Editor's Note: See also § **1-223**.*

§ 1-220. Designation of duties for appointive officers.

(Sp. Laws 1913, No. 352, § 76.)
The duties of all appointive officers not in this act particularly designated shall be prescribed by the Council.

§ 1-220.1. Disposal of surplus or obsolete equipment.

[Added by Charter Amendment 8-23-1977[1]]
If a Department head determines that his Department has surplus or obsolete equipment for which there is no anticipation of need in the future and desires to dispose of the same, he shall so notify the Purchasing Agent by submitting to him a list of the equipment he proposes to dispose of. The Department head and the Purchasing Agent will indicate in writing on the list submitted that no item thereon has a fair market value greater than $1,000 and a copy of said list so certified shall be sent to the Mayor. A copy of such list shall also at the time be sent to all other city Departments. Subject to the approval of the Mayor, a public sale of such property shall be held on a date to be determined by the Purchasing Agent and the Department head which date shall be not less than 60 days after the approval of the Mayor. There shall be no more than two sales of surplus or obsolete equipment by any one Department in any one calendar year.
The provisions of this section shall not apply to the sale of any city property having a value greater than $1,000.
[1]
Editor's Note: Approved by the electorate at the general election held 11-8-1977.

§ 1-221. Appointive officer oath.

(Sp. Laws 1913, No. 352, § 77.)
Every appointee of the Council, when required by said Council, shall before he enters upon lhe duties of his office, make oath or affirmation before some competent authority that he will faithfully and impartially discharge such duties. The form of oath to be administered to him shall be as follows: "You, _____ having been appointed _____ of the City of Norwalk, do swear or affirm that you will faithfully and impartially discharge the duties of said office according to your best skill and judgment, so help you God, or upon the pains and penalties of perjury." A certificate of said oath or affirmation under the hand of the authority administering it shall be lodged and kept on file in the office of the City Clerk.
[1]
*Editor's Note: See also § **1-178** for oath for elective officers.*

§ 1-222. Removal of appointive officers and employees.

(Sp. Laws 1913, No. 352, § 78; Charter Amendment 8-29-1978.[1])
Except as otherwise provided in lhis Charter, any officer or employee may be removed for malfeasance in office, neglect of duty or other just cause by the authority appointing him in accordance with the procedure set out herein. The appointing authority shall notify, in writing, the affected officer or employee of his removal and of lhe reasons justifying removal from office or employment. An officer or employee removed by the appointing

authority as aforesaid shall cease to discharge the function of his office nor shall be receive any salary therefor unless he is reinstated on appeal. Thereupon unless the affected officer or employee shall file in writing with the City Clerk a request for a hearing before the Common Council within seven calendar days, such removal shall be final. In the event a request for a hearing is filed as aforesaid, the Common Council shall hear said appeal within 30 days of the filing thereof. The appointing authority may specify additional reasons justifying the said removal, but no such additional reasons shall be filed later than two weeks prior to a hearing before the Common Council. The affected officer or employee shall have the right to be granted two postponements of the hearing, not in excess of one week each, by filing a request therefor with the City Clerk not later than 24 hours prior to the time appointed for such hearing. At such hearing the affected officer or employee shall have the right to be represented by counsel and shall have the right to present witnesses and to cross-examine the witnesses against him or her. At the request of the affected officer or employee, the hearing shall be held in executive session; otherwise the hearing shall be public. The decision of the Common Council shall be rendered not later than two weeks after the conclusion of the hearing.If the appellant be reinstated by said Judge, he shall be paid from the date of his dismissal until restored to duty as the Judge, in his discretion, shall decide.

Any officer or employee whose dismissal has been confirmed by the Common Council after hearing as provided by this section may appeal from the order of dismissal to any Judge of the Superior Court, which appeal shall be made returnable not less than three nor more than six days from the date of the confirmation of such dismissal by the Common Council and shall be served upon the City Clerk at least two days before the time fixed for the hearing of such appeal; and said Judge, having given such further notice as may be deemed necessary, shall forthwith hear such case de novo and shall dismiss or retain such appellant as he may deem proper and may award costs at his discretion.

Nothing contained herein providing for appeals shall be deemed applicable to employees who are members of bargaining units with which the city has working agreements.

[1]

Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-223. Appointment and term of Corporation Counsel.

(Sp. Laws 1913, No. 352, § 79; Sp. Laws 1931, No. 323; Chapter Amendment 9-2-1980.[1])

On the second Tuesday following his election, the Mayor shall appoint a Corporation Counsel for the term of two years or until his successor is appointed and qualified, unless removed for cause.

[1]

Editor's Note: Approved by the electorate at the general election held 11-4-1980.

§ 1-224. Salaries of the officers of the City and Town of Norwalk.

(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.)

On and after September 1, 1933, the salaries of the several officers of the City and Town of Norwalk shall be paid monthly and shall be as follows: the Mayor shall receive $2,500 per annum; the ~~Councilmen~~Common Council Members, each, $300 per annum; the City Clerk, $2,000 per annum; the Treasurer, $300 per annum; each member of the Board of Relief, $150 per annum and the Selectmen of said town, $50 per annum.[1]

[1]

Editor's Note: For salary of City Clerk, see § 1-233; for salary of Selectmen, see § 1-215.

§ 1-225. Compensation fixed by Council.

(Sp. Laws 1913, No. 352, § 172; Charter Amendment 9-2-1980.[1])

The compensation of all officers and employees of said City of Norwalk shall be fixed by the Council, except the salary of the ~~Councilmen~~Common Council Members, which shall be set at $600 per annum.

[1]
Editor's Note: Approved by the electorate at the general election held 11-4-1980.

§ 1-225.1. Code of Ethics.

(Charter Amendment 9-12-2000.ω)
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.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-2000.

Part 2. Mayor

§ 1-226. Powers and duties of the Mayor.

(Sp. Laws 1913, No. 352, § 63.)
The Mayor of said city shall be Chief Executive Magistrate thereof, and it shall be his duty to be vigilant in the execution and enforcement of its laws and ordinances. He shall preside at all meetings of the Council and shall be notified of the time and place of holding of meetings of all Committees thereof and may attend said meetings, but shall have no vote therein. He shall, in behalf of said city, execute contracts and other papers. He shall have the power to administer oaths and to take acknowledgments of deeds and other instruments. He shall have the same power to issue warrants for the collection of taxes, special benefits, and all other sums due said city, as is now provided by law for the issuing of tax warrants by Justices of the Peace. He shall be ex officio Superintendent of the Police Forces maintained under this charter. He shall be the conservator of the peace of the city, and shall have authority with force and strong hand when necessary to suppress all tumults, riots, and unlawful assemblages, and to arrest without warrant and order to be held in the city prison for a period not exceeding 24 hours, upon information, any person who may be detected in revelling, quarreling, brawling, or otherwise behaving to the disturbance of the public peace of said city. He shall have the power to enter any house, building, place, or enclosure wherein he may have reasonable cause to suspect dissolute or disorderly persons to be assembled, or which he may suspect to be occupied by any assemblages for an unlawful purpose or occupied or used for the purpose of lewdness, prostitution, or gambling; to command all such persons found therein to disperse immediately and to commit to the city prison any person neglecting or refusing to obey such command. He is authorized to exercise within the limits of said city all powers given to Sheriffs by the general statutes for the preservation of the peace, and may at all times demand the aid of any Sheriff, Deputy Sheriff, Constable, watchman, or policeman, with such other aid as may be necessary, and whenever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power when authorized so to do by the Governor, to call out the military force of the state, to enable him to enforce the laws within the limits of said city. It shall be the duty of the Mayor to recommend the adoption of such measures connected with the peace, security, health, cleanliness, and general well-being of said city, and the improvement of its government and finances as he shall deem expedient, and to communicate to the Council at the end of each fiscal year a statement of the condition of the city in relation to its government, expenditures, finances, and improvements, which statement shall be entered upon the records of said city within five days after its reception, and published in such manner as said Council shall order.ω
[1]
Editor's Note: For authority of Mayor to borrow money see Ch. 9, Administration, and § 1-201.

§ 1-227. Appointive officers; powers and duties.

(Sp. Laws 1947, No. 206; Charter Amendment 11-7-1972; Charter Amendment 8-29-1978.ω)

The Mayor of the City of Norwalk to be elected at the city election to be held on the Tuesday after the first Monday in November 1979, and each Mayor elected biennially thereafter, shall make all appointments to city offices as provided by this Charter on the day of his taking office as Mayor. The officers so appointed shall serve for the term prescribed in said Charter for their respective offices and until their successors are appointed and have qualified. The Mayor shall fill any vacancy occurring in any of the offices for the unexpired portion of the term. No appointments or reappointments shall be made by any Mayor or Common Council and no vacancies shall be filled by any Mayor or Common Council after the seventh day prior to a municipal election and before the day of their taking office following the election in any municipal election year. Nothing in this section shall deprive the Council of the power of confirming any appointments for offices when such confirmation shall be required by the Charter.

[1]

Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-228. Temporary vacancies.

(Sp. Laws 1933, No. 255.)

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

§ 1-229. Mayor shall perform all duties of Selectmen of towns.

(Sp. Laws 1913, No. 352, § 64.)

All duties required by law of Selectmen of towns, except such as are imposed upon them by the constitution of the state, shall be performed by the Mayor except as otherwise herein provided.[1]

[1]

*Editor's Note: See § **1-216** for powers and duties of Selectmen.*

§ 1-230. Employment of attorneys.

(Sp. Laws 1913, No. 352, § 65.)

The Mayor of said city, when in his opinion it is necessary, may, with the consent of the Council, employ attorneys, other than the Corporation Counsel, in matters affecting the interest of said city, and all services rendered to said city by such attorneys shall be paid for in the same manner as other claims against said city.

§ 1-231. Hindering, resisting or abuse of Mayor; penalties.

(Sp. Laws 1913, No. 352, § 66.)

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

§ 1-232. Power of Mayor to assign clerical help.

(Sp. Laws 1945, No. 269.)

The Mayor of the City of Norwalk shall have power, when in his judgment the needs of the city service require, to assign members of the clerical staff of any department, except that of the Board of Education, to work temporarily in any other department under the direction of the head thereof.

Part 3. City Clerk

§ 1-233. Appointment, term and salary of City Clerk.

(Sp. Laws 1947, No. 208, § 1; Charter Amendment 9-2-1980.[1])
On the second Tuesday following his election the Mayor shall appoint the City Clerk, subject to the approval of the Common Council, for a term of two years or until his successor shall have been appointed and qualified, unless removed for cause. The salary of the City Clerk shall be set by ordinance.
[1]
Editor's Note: Approved by the electorate at the general election held 11-4-1980.

§ 1-234. Duties of City Clerk.

(Sp. Laws 1913, No. 352, § 67.)
The Clerk of said city shall also be Clerk of the Council, and shall keep records of all the votes and proceedings of said city, and of said Council. He shall cause the ordinances of said city to be published according to law, and, when so published, shall enter upon the records his certificate thereof. He shall cause to be served by the City Sheriff or other proper officer all notices or orders of the Council and shall enter upon the records the return of such service. He shall issue over his signature such licenses and permits as may be granted by said Council or prescribed by the charter and ordinances of said city, and shall make a record thereof in a book kept for that purpose; he shall collect the money due for such licenses or permits and pay the same to the Treasurer of said city every 30 days; and he shall collect all such bills as the Council may order, and account for the same to said Treasurer. He shall perform all such duties as may be required of him by this act or by any vote or ordinance of said Council and shall also record all amendments to this Charter and all ordinances passed by the Council in a book kept for that purpose. He shall keep his office open at such hours as the Council shall direct. He shall be Clerk of the Board of Estimate and Taxation and shall keep true records of all the votes and proceedings of said Board, which records shall be at all times open to public inspection and preserved in the records of the city.[2] He shall be the Clerk of the Board of Assessors and of the Board of Relief. All records of such Clerk shall have the same validity as records of Town Clerks and shall be in all courts evidence of the truth of the matters therein contained, and a duly certified copy of any such records shall be received in all courts as evidence of the same validity as the original record.[3]
[1]
Editor's Note: See also § 1-217.
[2]
Editor's Note: See § 1-289, Mayor as ex officio member of Board of Estimate and Taxation; Board in general.
[3]
Editor's Note: For custody of City Seal, see Ch. 7, General Provisions, § 7-10.

§ 1-235. Assignation of City Clerk duties by Mayor.

(Sp. Laws 1947, No. 208, § 2.)
In addition to the duties prescribed in the existing provisions of the Charter, the City Clerk shall perform such duties as are assigned to him by the Mayor. In the absence of the Mayor and President of the Council, the City Clerk shall attend all meetings of all Boards and Commissions of which the Mayor is a member or an ex officio member, but at such meetings he shall have no vote.

§ 1-236. Appointment of Assistant City Clerk.

(Sp. Laws 1913, No. 352, § 68.)

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

Part 4. Department of Finance

[1]
Editor's Note: Former Part 4, City Treasurer, consisting of § 1-237, Duties of the City Treasurer (Sp. Laws 1913, No. 352, § 69; Sp. Laws 1921, No. 334, § 2; Sp. Laws 1933, No. 335, § 1), and § 1-238, Payments to Treasurer. (Sp. Laws 1913, No. 352, § 7), was repealed by Charter Amendment 8-29-1978.

§ 1-237. Creation of Department of Finance.

(Added by Charter Amendment 8-29-1978, § 2.[1])
There shall be a Department of Finance which shall be composed of the Divisions of Accounting and Treasury, Purchasing, Tax Assessment, and Tax Collection.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-238. Duties of Department of Finance.

(Added by Charter Amendment 8-29-1978, § 3.[1])
A.
The Department of Finance shall be responsible for the administration of the fiscal policies of the city and for keeping of accounts and financial records of the city, for the assessment and collection of taxes, special assessments and other revenues; for the custody and disbursement of city funds and money; for the control over expenditures; for the purchase of services and materials, including insurance; for the preparation of the operating and capital budgets for submission to the Mayor, Board of Estimate and Taxation, Common Council and other authorities otherwise provided in this Charter for the adoption of such budgets and for advising each of the said authorities when requested as to fiscal matters.

B.
Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the city. Forms for such accounts shall be prepared by the Director of Finance. Financial reports shall be prepared for each month and for each fiscal year and for such other periods as may be required by the Mayor, Common Council and Board of Estimate and Taxation, which reports shall be submitted to the Common Council, Board of Estimate and Taxation and the Mayor.

C.
The Department shall be governed by rules and regulations established by ordinances now and hereafter to be enacted.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-239. Director of Finance.

(Added by Charter Amendment 8-29-1978, § 4[1]; Charter Amendment 11-8-2005)
A.
The Mayor shall appoint and may remove at his discretion a Director of Finance who, under the direction of the Mayor, shall have supervision over the Department of Finance and shall be responsible for the administration of the financial affairs of the City.

B.
The Director of Finance shall have experience in finance and possess appropriate professional qualifications for the discharge of his or her office.

C.
The Comptroller, Purchasing Agent, Tax Collector and Tax Assessor shall report to the Director of Finance and shall be subject to his or her control and direction, but the terms of said officers shall be as otherwise provided in this Charter. The Director of Finance shall give a bond in an amount to be determined by the Common Council to the City conditioned against defalcation or malfeasance in office, with a surety company as surety. The Director of Finance may transfer temporarily any employee of a division of the Department of Finance to another division thereof to meet seasonal or other temporary demands for clerical and other assistance. He or she may designate from among the heads of the four divisions above mentioned an Assistant Director of Finance who, during his or her temporary incapacity or absence, shall have all the powers and duties herein conferred or imposed upon the Director of Finance, or in the event of his or her failure to do so, the Mayor shall appoint an Assistant Director of Finance.

D.
Each board, commission, committee, officer and department of the City and of the several taxing districts under whose control money is expanded shall submit to the Director of Finance a true copy of its proposed annual budget or any proposed changes or additions on or before the 15th of January in each year, and the Director of Finance shall submit to the Board of Estimate and Taxation at a meeting of said Board to be held on the second Monday of February in each year such proposed annual budget for the City, together with such criticisms or recommendations as he may deem desirable. Insofar as the provisions of § 1-289 of the Charter are in conflict with the authority herein granted to the Director of Finance, they are repealed.

E.
The Director of Finance shall assume all the powers and duties of the Comptroller under this Charter or any ordinance with respect to the capital budget and capital projects program and under this Charter with respect to the preparation of the operating budget.

F.
He or she shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

G.
The Director of Finance shall audit or cause to be audited such accounts as he or she shall consider should be so audited and shall perform those duties set forth in § 1-240D of the Charter, being the former duties of the Auditor which are now performed by the Comptroller. The Director of Finance shall quarterly and when required by the ordinances of said City examine and audit the accounts of all appointed or elected officers of said City, including like officers of the several taxing districts, who are authorized to receive or disburse money belonging to said City or said districts and shall compare the items of such accounts with the vouchers therefor and shall report the result of such examination to the Mayor, Common Council and Board of Estimate and Taxation, and at the end of the current year, he or she shall examine the yearly statement of accounts of all such City officers and officers of the said taxing districts and report the result to the Mayor, Council and Board of Estimate and Taxation, which report shall be entered by the City Clerk upon the records of said City and published in such manner as the Council may order.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-240. Division of Accounting and Treasury.

A.
There shall be a Division of Accounting and Treasury headed by the Comptroller, who shall be appointed for a term of four years. The Mayor elected in November 1979, subject to confirmation by the City Council, shall

appoint a City Comptroller to hold office for a term of four years beginning July 1, 1980, and until his or her successor shall be duly appointed and shall have qualified. The salary of the Comptroller shall be fixed by the Common Council. He or she shall give a bond in an amount to be determined by the Common Council to the city conditioned against defalcation or malfeasance in office, with a surety company as surety. The Comptroller in office at the time of the passage of this provision shall continue in office until his successor shall be appointed and shall have qualified as provided for herein. The Comptroller shall maintain and supervise the general accounting system for all departments, offices, boards, commissions and agencies of the city; he or she shall keep or cause to be kept complete books of records and accounts showing the financial conditions of the city and all financial transactions, including all districts of the city but more especially those districts which are not under the supervision of District Commissioners as provided in the Charter of said city; he or she shall keep separate accounts for the appropriations in the budget and the allotments thereof and shall encumber immediately each appropriation and each allotment for the amount of any purchase order, payroll or contract upon approval; he or she shall maintain for each account a record of the amounts paid and remaining unpaid, all encumbrances and unencumbered balances; he or she shall keep a record of accounts payable by the city and accounts receivable by the city; he or she shall prescribe and control receipts to be used by all departments, offices, agencies and commissions of the city; he or she shall audit before payment all bills, invoices, payroll and other evidences of claims, demands or charges against the city and approve them only if proper and legal and only if moneys have been appropriated and an unspent and unencumbered balance is available; he or she shall administer the payroll of the city; he or she shall, subject to the control and supervision of the Director of Finance as aforesaid, manage and invest the excess funds of the city and shall administer the debt of the city; he or she shall certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each department, board or commission and officer of the city, and no purchase order or contract shall be a valid obligation of the City of Norwalk unless it shall bear such certification of the Comptroller, and he or she shall refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in his or her opinion, will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation. The Comptroller, under the direction of the Director of Finance, shall supervise the methods of accounting for all departments and offices of the city and shall prescribe such methods of accounting and reporting as will enable him to keep a true record of all financial acts of the city. The Comptroller shall have the same relative powers and duties within the City of Norwalk as the Town Treasurers under the general statutes in their respective towns except as herein provided. **(Added by Charter Amendment 8-29-1978, § 5.[1])**

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

B.
Office of City Comptroller. On and after September 1, 1931, the office of City Auditor shall be abolished, and in lieu thereof there is created the office of City Comptroller. **(Sp. Laws 1931, No. 323, § 1.)**

C.
Vested powers. All powers and duties vested in said City Auditor by statute or by the Charter of the City of Norwalk shall be vested in the City Comptroller. **(Sp. Laws 1931, No. 323, § 2.)**

D.
Former duties of Auditor which are now performed by Comptroller. The Auditor shall quarterly and oftener when required by the ordinances of said city examine and audit the accounts of all appointed or elected officers of said city, including like officers of the First, Second and Third Taxing Districts, who are authorized to receive or disburse money belonging to said city, or said districts, and shall compare the items of such accounts with the vouchers therefor, and shall report the result of such examination to the Council, and at the end of the current year, he shall examine the yearly statement of accounts of all such officers and report the result to the Council, which report shall be entered by the City Clerk upon the records of said city and published in such manner as the Council may order. **(Sp. Laws 1913, No. 352, § 70.)**

E.
Checks or orders to be countersigned by City Comptroller. No funds may be withdrawn by the City Treasurer unless such checks or orders shall be countersigned by the City Comptroller. **(Sp. Laws 1931, No. 323, § 7.)**

F.
Repeal of inconsistent sections that deal with Treasurer. So much of the Charter of the City of Norwalk, concerning the duties of the City Treasurer, as is inconsistent herewith is repealed. **(Sp. Laws 1931, No. 323, § 8.)**

§ 1-241. Division of Purchasing.

(Added by Charter Amendment 8-29-1978, § 6.[1])
A.
There shall be a Division of Purchasing headed by the Purchasing Agent who shall be appointed for a term of four years. The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for an initial term from the date of his appointment to June 30, 1981, and thereafter the Mayor, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for a term of four years beginning July 1, 1981, and until his or her successor shall be duly appointed and shall have qualified. The salary of the Purchasing Agent shall be fixed by the Common Council.

B.
Following the certification by the Comptroller of any requisition from a department head as provided hereinabove, he or she shall proceed to purchase the article, commodity or thing required, including those required by the Board of Education except for items unique to the Board of Education, provided that in all purchases of $1,000 or more he or she shall obtain at least two competitive bids before making the purchase, and further provided that in the case of all purchases of over $3,000, including a continuing order or contract for the purchase of the same article, commodity or thing over a period of time, competitive bids on the basis of specifications prepared by the department requiring the article, commodity or thing shall be advertised for, and the order shall be awarded in conformity with such regulations as the Common Council may establish by ordinance governing purchasing procedure. Where any article, commodity or thing is known to the Purchasing Agent to be required during the fiscal year by any two or more departments or agencies of the city, he or she shall have power to require them to file their requests therefor within 60 days from the beginning of such fiscal year. When the Purchasing Agent receives less than two competitive bids or where the goods or services sought are obtainable from a single source, the Purchasing Agent may purchase from such sole bidder or single source; providing, however, that every such purchase in excess of $3,000 shall be subject to the approval of the Common Council. The Common Council may empower special committees to obtain for the city goods or services, and the requirements for advertising and bidding shall apply to such committees. The Common Council shall further have the power to establish and amend by ordinance such rules, regulations, policies and procedures as it may deem necessary or appropriate to define and govern the powers, duties, responsibilities and operations of such Purchasing Division.[2]

[2]
Editor's Note: Procurement Guidelines were adopted 2-8-2005 by the Common Council of the City of Norwalk and last amended 7-8-2014. A complete copy of these guidelines and any amendments thereto are on file in the City offices. See also § 19-1, Threshold for bidding, of this Code.

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-242. Division of Tax Collection.

(Added by Charter Amendment 8-29-1978, § 7.[1])
A.
There shall be a Division of Tax Collection headed by the Tax Collector, who shall be appointed for a term of four years. The Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint a Tax Collector to hold office for a term of four years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified. The salary of the Tax Collector shall be fixed by the Common

Council. He or she shall give a surety bond as required by the General Statutes of the State of Connecticut in an amount prescribed by the Common Council.

B.
If the Tax Collector shall be unable to perform his or her duties because of sickness, injury or absence from the city, and there shall not be an Assistant Tax Collector appointed as provided in § 9-13 of the Code, the Mayor may, at his or her discretion, appoint a Temporary Tax Collector to perform the duties of that office.

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-243. Division of Tax Assessment.

(Added by Charter Amendment 8-29-1978, § 8.[1])

A.
There shall be a Division of Tax Assessment headed by the Tax Assessor, who shall be appointed for a term of four years. The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Tax Assessor to hold office for a term of four years beginning July 1, 1979, and until his or her successor shall be duly appointed and shall have qualified.

B.
The Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint an Assistant Tax Assessor to hold office for a term of four years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified.

C.
If the Tax Assessor or the Assistant Tax Assessor shall be unable to perform his duties by any reason of sickness, injury or absence from the city, the Mayor may, at his or her discretion, appoint a temporary officer to perform said duties.

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

E.
The compensation of the Tax Assessor and the Assistant Tax Assessor shall be determined by the Common Council of said city.

F.
All of the duties and powers entrusted to and vested in the Assessors and Board of Assessors under the General Statutes of the State of Connecticut, and the Tax Commissioner and Assistant Tax Commissioner under the Charter of the City of Norwalk, as amended, shall be entrusted to and vested in the Tax Assessor and Assistant Tax Assessor as constituted herein.

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-244. Requirements for certain Department officers.

(Added by Charter Amendment 8-29-1978, § 9.[1])

A.
The Director of Finance, Comptroller, Purchasing Agent, Tax Collector, Tax Assessor and Assistant Tax Assessor shall not engage in any commercial business or hold any other office, public or private, for which a salary or emolument is paid or have any substantial interest or own any substantial stock interest in any corporation, partnership or concern having any business relations with the city.

B.
Wherever bonds shall be required of an officer in the Department of Finance, the premium therefor shall be paid by the city.

C.
In the event that the fiscal year of the city shall be changed, all appointments made after the change shall be for a term of years as above provided, beginning on the first day of the new fiscal year next succeeding the expiration of the respective terms of the above officers.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-245. Powers of officials.

(Added by Charter Amendment 8-29-1978, § 10.ω)
The Director of Finance and, subject to the approval of the Director of Finance, the Comptroller, the Purchasing Agent, Tax Collector and Tax Assessor shall have full power to require each city officer to furnish all information which he or she may possess and to exhibit to him or her all books, contracts, resolutions, reports and other papers and documents in his or her possession or in his or her department, requisite in the opinion of said official to enable him or her to discharge his or her duties, and all city officers shall furnish and exhibit the same in such manner and form as they may prescribe.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-246. City Treasurer.

(Added by Charter Amendment 8-29-1978, § 11.ω)
There shall be a City Treasurer elected in accordance with the General Statutes of the State of Connecticut. The duties of the Treasurer shall be to examine the records of the Comptroller insofar as they relate to cash receipts, and the City Treasurer shall certify to the Director of Finance the accuracy thereof.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-247. Additional powers.

(Added by Charter Amendment 8-29-1978, § 12.ω)
The Common Council shall have the power to delegate to the Department of Finance other budgetary and governmental functions not inconsistent with other provisions of this Charter.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-248. Effective date.

(Added by Charter Amendment 8-29-1978, § 13.ω)
This revision shall become effective upon approval, except that where the term of an officer provided for herein does not begin until after January 1, 1979, the functions of such officer shall be discharged by the city official responsible for such functions at the time of the enactment of this section.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

Part 5. (Reserved)

[1]
Editor's Note: Former Part 5, City Comptroller, was replaced according to Charter Amendment 8-29-1978 as follows: Former § 1-239, Office of City Comptroller, was renumbered as § 1-240B. Former § 1-240, Vested powers, was renumbered as § 1-240C. Former § 1-241, Former duties of Auditor which are now performed by Comptroller, was renumbered as § 1-240D. Former § 1-242, Accounts and reports; refusal to approve contracts unsupported by appropriations; information furnished by officers; signing orders on Treasurer; auditing (Sp. Laws 1931, No. 323, § 3), was repealed. Former § 1-243, Each department shall submit budget to Comptroller; reports of estimate and taxation (Sp. Laws 1931, No. 323, § 4), was repealed. Former § 1-244, Appointment of City Comptroller (Sp. Laws 1931, No. 323, § 5; Sp. Laws 1935, No. 383), was repealed. Former § 1-245, Authority of City Comptroller to employ clerical help (Sp. Laws 1931, No. 323, § 6), was repealed. Former § 1-246, Checks or orders to be countersigned by City Comptroller, was renumbered as § 1-240E. Former § 1-247, Repeal of inconsistent sections that deal with Treasurer, was renumbered as § 1-240F. Former § 1-248, The Comptroller shall be the Purchasing Agent of the City of Norwalk (Sp. Laws 1945, No. 150; Charter Amendment 8-13-1974), was repealed.

Part 6. Collector of Taxes and Assessments

§ 1-249. (Reserved)

[1]
Editor's Note: Former § 1-249, Appointment of the Collector of Taxes and Assessments Sp. Laws 1933, No. 363, § 1), was repealed by Charter Amendments 8-29-1978.

§ 1-250. (Reserved)

[1]
Editor's Note: Former § 1-250, Collector of Taxes; salary; other offices; bond Sp. Laws 1933, No. 363, § 2; Sp. Laws 1945, No. 135), was repealed by Charter Amendment 8-29-1978.

§ 1-251. (Reserved)

[1]
Editor's Note: Former § 1-251, Removal of the Collector of Taxes from office Sp. Laws 1933, No. 363, § 3), was repealed by Charter Amendment 8-29-1978.

§ 1-252. Collector of Taxes; assumption of duties.

(Sp. Laws 1933, No. 363, § 4.)
The Collector of Taxes and Assessments shall perform all of the duties and assume all of the responsibilities entrusted to Tax Collectors by virtue of the general statutes and by authority of the Charter of the City of Norwalk as amended.

§ 1-253. Repeal of former provisions.

(Sp. Laws 1933, No. 363, § 5.)
So much of § 1-165 of an act consolidating the Town of Norwalk with the cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved June 6, 1913, as amended

by an act approved June 14, 1921, as relates to the election and tenure of office of the Collector of Taxes and Assessments is repealed, the same to be effective as of October 4, 1933. Such portion of § 1-254 of said act as relates to the election and tenure of office of the Collector of Taxes and Assessments is repealed, and such repeal shall be effective on October 4, 1933. So much of § 1-224 of said act as amended by acts approved June 16, 1927, and April 18, 1929, as relates to the salary of the Collector of Taxes and Assessments is repealed.

§ 1-254. Powers and duties of Tax Collector.

(Sp. Laws 1913, No. 352, § 95; Sp. Laws 1933, No. 363, § 5.)
Said Tax Collector shall have the powers and be subject to the duties imposed by law upon Collectors of Town Taxes. He shall receive and collect all taxes due to said city, all assessments made by said city, and all taxes and assessments which have been laid and assessed, and are unpaid at the passage of this act, by the Town of Norwalk, the City of Norwalk, the City of South Norwalk, and the East Norwalk Fire District, and report to the Council of said city the names and addresses of all persons who, being liable to pay such taxes and assessments on the day when they become due, have neglected to pay the same. All the amounts due to said city as special benefits or otherwise as herein provided may be collected by warrants under the hand of the Mayor, directed to the Collector who may collect the same in the manner in which tax warrants are collected.[1] Upon expiration of the term of office of the Collector he shall deliver to his successor the rate bills not collected and a statement of the amounts of all assessments made by the city, and the Mayor shall issue to said successor warrants for the collection by him of said taxes and assessments.
[1]
Editor's Note: For duties of the Assistant Tax Collector, see Ch. 9, Administration.
[2]
Editor's Note: See § 1-226.

§ 1-255. Inspections of tax book.

(Sp. Laws 1913, No. 352, § 96.)
The tax book of the Collector of Taxes of said city shall at all reasonable times be open to the inspection of any taxpayer and to any auditor of public accounts in said city.

§ 1-256. Time annual taxes payable.

(Sp. Laws 1913, No. 352, § 97.)
All taxes, annually laid by said Board of Estimate and Taxation shall be payable on the day fixed by the Board of Estimate and Taxation in each year.[1]
[1]
Editor's Note: See § 1-289.

§ 1-257. Time special taxes payable.

(Sp. Laws 1913, No. 352, § 98.)
All special taxes laid shall be due and payable on such day as said Board of Estimate and Taxation shall designate at the time of laying said tax and upon any special tax being laid the Collector of Taxes shall publish a notice of the time when said tax shall be payable in a newspaper published in said city at least one week preceding said time.

§ 1-258. Notices for payable taxes.

(Sp. Laws 1913, No. 352, § 99.)
The Tax Collector shall include in his notice of the time when the tax shall become payable a notice of the place and the times at which he will receive such taxes.

§ 1-259. Delinquent taxes.

(Sp. Laws 1913, No. 352, § 100.)
If any tax laid by said Board of Estimate and Taxation shall remain unpaid for one month after the same shall become payable interest at the rate of 9% per annum shall be charged from the time when such tax shall become due until the same shall be paid, which shall be collectible as part of said tax, and the Collector of Taxes shall keep an accurate and separate account of all such additions and the time when the same may be received, and shall pay the same as a part of the tax, and said Tax Collector shall immediately pay all moneys collected to the Treasurer of the city or to the Treasurers of the several taxing districts as herein provided.

§ 1-260. Recovery of taxes.

(Sp. Laws 1913, No. 352, § 101.)
All taxes assessed by said Board of Estimate and Taxation shall become a debt due from the person or corporation against whom they are assessed to the city, and may, in addition to the other remedies provided by law, be recovered in any proper action in the name of said city; but the bringing of such action shall in no wise affect the life or validity of the lien for said taxes or the right to bring action of foreclosure for the same, provided a substantial recovery by either of such remedies shall bar a recovery by any other remedy.

§ 1-261. Demands and levys.

(Sp. Laws 1913, No. 352, § 102.)
If any person shall fail to pay any tax said Tax Collector for the city shall, if such person be a resident of said city, make demand of him therefor or leave written demand at his place of abode. If such a person is not a resident of said city the Collector shall make demand of him therefor, or deposit in a post office in said Town of Norwalk a written demand for said tax, postage prepaid, addressed to such person at his last known place of residence. After demand has been made in the manner above provided said Collector may levy for said taxes on any taxable goods or chattels of such person and post and sell the same in the manner provided in case of executions, but if any such goods or chattels belonging to such person cannot be found, after reasonable search on the part of said Collector, he may enforce, by levy and sale, any lien upon real estate assessed for said taxes, or he may levy upon or sell such interest of the person in any real estate as exists at the date of levy, or he may levy upon the body of such person and commit him to jail until he shall pay such tax and the legal costs or be discharged in due course of law.

§ 1-262. Real estate liens.

(Sp. Laws 1913, No. 352, § 103; Sp. Laws 1915, No. 367, § 6.)
When the Board of Estimate and Taxation shall lay any tax as provided herein the same shall be a lien upon the taxable real estate in the several taxing districts in reference to which such tax was laid, and any lien for taxes annually laid by said Board shall date from the first day of the preceding October, and the lien for any special tax laid by said Board shall date from the day on which the appropriation therefor was made.

§ 1-263. Continuance of tax liens.

(Sp. Laws 1913, No. 352, § 104.)

The Tax Collector of said city may continue any tax lien upon any real estate by causing to be recorded in the land records of said Town of Norwalk within the first year after the tax becomes due his certificate describing the real estate and the amount of such tax at the time when it becomes due, and thereupon such tax, with interest thereon at 7% per annum in lieu of 9% hereinbefore prescribed, shall remain a lien upon such real estate from the recording of said certificate until paid, and any tax lien so continued may, when the tax has been paid, be discharged by a certificate of the Tax Collector recorded in such land records. The fee of the Town Clerk for recording such tax lien shall be $0.25 and there shall be allowed in favor of said city the sum of $0.50 which sums shall be collected in addition to the tax so secured.

§ 1-264. Notice of filing certificate for continuance of lien.

(Sp. Laws 1913, No. 352, § 105.)
Whenever the Tax Collector of said city shall file with the Town Clerk his certificate for the purpose of continuing a lien of any tax upon real estate as herein provided, he shall, within 30 days thereafter, give notice to the person or persons in whose name such property appears of record that such certificate has been filed, which notice shall contain a statement of the original amount of such tax, and if the person to whom such notice is sent is not the person against whom such tax was assessed such notice shall state the name of the person against whom the tax was assessed. Said notice shall not be required in cases where said Collector, within 30 days prior to the filing of such certificate, has given notice to the person who appears of record to be the owner of his intention to file such certificate of lien. Such notice shall not take the place of other notices herein required, nor shall the failure to give the notice required by this section affect the collection of the tax or invalidate the certificate of lien.

§ 1-265. Foreclosure of any tax or other lien.

(Sp. Laws 1913, No. 352, § 106.)
The Tax Collector of said city may bring suit for the foreclosure of any tax or other lien herein provided for, in the name of said city, in the manner provided by law for the foreclosure of tax liens.

§ 1-266. Precedence of liens; release; fees for recording added to lien.

(Sp. Laws 1913, No. 352, § 107.)
Assessments of benefits, as provided in § 1-439, § 1-451, § 1-204 and § 1-457,[1] or as otherwise herein provided, shall be a lien upon the land or other property upon which they are respectively made, and shall take precedence of all other liens or encumbrances except taxes due the state, and the land, with the buildings thereon, on which any such lien may exist, shall be liable to be foreclosed in the same manner as in the case of tax liens, provided such lien shall not continue to exist for a period longer than 60 days after the giving of notice as hereinbefore prescribed, unless within said period a certificate, signed by the Mayor or Clerk of said city, describing the premises on which said lien exists and stating the amount claimed by said city as a lien thereon, shall be lodged with the Town Clerk of Norwalk. Said liens shall cease to exist whenever a certificate releasing the same signed by the Mayor or Clerk shall be filed with said Town Clerk. All such certificates shall be recorded by said Town Clerk in the land records of said Town of Norwalk, and the lawful fees for filing such liens shall be added to such assessment. Said assessment may be collected by warrant, under the hand of the Mayor, in the same manner as town taxes are collected, and shall bear interest at legal rate from time to time when the same becomes due.
[1]
Editor's Note: § 1-439; § 1-451; § 1-204; § 1-457.

§ 1-267. Public improvement liens; duration.

(Sp. Laws 1913, No. 352, § 108.)

In all cases where liens are created on account of public improvements in said city such liens shall, if an appeal is taken from the appraisal of damages or any assessment, continue for a period of 60 days after the passage of the final decree of the Court of Judge having jurisdiction of such appeal, or after termination of the appeal proceedings, but no longer, unless within said period a certificate signed by the Mayor or Clerk of said city, describing the premises on which the lien exists and stating the amount claimed by said city as a lien thereon, shall be lodged with said Town Clerk of Norwalk.

§ 1-268. Sidewalk improvements; building removal.

(Sp. Laws 1913, No. 352, § 109; Sp. Laws 1921, No. 400, § 7.)
All sums expended or expenses incurred under direction of the Council to level, raise, repair, flag, concrete or pave any sidewalk along the frontage of any property as provided in §§ **1-442** and **1-443**, or in the removal of any building erected in violation of §§ **1-14** and **1-15**,[1] with the expense for filing, shall be a lien upon the lands and buildings with reference to which such expenditures were made or such expense incurred, and such lien shall date from the day when such expenditures were made or expense incurred and shall have the same validity and be collected in the same manner as tax liens, provided such liens shall not exist for a period longer than 60 days after such expenditure was made or expense incurred unless, within said period, a certificate, signed by the Mayor and Clerk of said city, is filed with the Town Clerk of Norwalk, as provided in § **1-266**, relating to liens for benefits assessed.

[1]
*Editor's Note: See §§ **1-14** and **1-15**.*

§ 1-269. (Reserved)

[1]
Editor's Note: Former §§ 1-269, Assessment for street sprinkling as lien upon affected real estate, Sp. Laws 1913, No. 352, § 110; Sp. Laws 1967, No. 197, § 1, and 1-270, Sale of property subject to sprinkling lien; depositing of amount, Sp. Laws 1913, No. 352, § 111, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

§ 1-270. (Reserved)

[1]
Editor's Note: Former §§ 1-269, Assessment for street sprinkling as lien upon affected real estate, Sp. Laws 1913, No. 352, § 110; Sp. Laws 1967, No. 197, § 1, and 1-270, Sale of property subject to sprinkling lien; depositing of amount, Sp. Laws 1913, No. 352, § 111, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

Part 7. Tax Commissioners and Board of Relief

§ 1-271. Appointment of Tax Commissioners and Board of Relief; in general.

(Sp. Laws 1913, No. 352, § 49; Sp. Laws 1933, No. 456, § 1; Charter Amendment 8-29-1978.[1])
On the Wednesday next following the first Monday of October, 1933, the Mayor shall appoint, subject to confirmation by the Council, one member on the Board of Relief to hold office for the term of three years, and the person so appointed and the two members of the Board of Relief holding office at the time of such appointment and their successors to be appointed in the manner hereinafter provided shall constitute the Board of Relief. Annually thereafter, on the Wednesday following the first Monday of October, the Mayor shall appoint subject to confirmation by the Council, one member of the Board of Relief to hold office from the date of his appointment for a like term of three years and until his successor shall be appointed and shall have qualified.

The term of office of the members of the Board of Relief in office at the time of the approval of this act shall be unaffected by the provisions hereof. Any vacancy in the membership of the Board of Relief may be filled by the Mayor for the unexpired portion of the term, subject to confirmation by the Council.
[1]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

§ 1-272. Repeal of former provisions.

(Sp. Laws 1913, No. 352, § 49; Sp. Laws 1933, No. 456, § 1.)
Any provision of § **1-224** of said act consolidating the Town of Norwalk with the Cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved June 6, 1913, as amended by an act approved April 18, 1929, which relates to the salaries of Assessors, is repealed.

§ 1-273. Assessments.

(Sp. Laws 1913, No. 352, § 90; Sp. Laws 1915, No. 367, § 4; Sp. Laws 1967, No. 197, § 2.)
The Assessors shall assess the real estate situated in said city, and the personal estate of the inhabitants of said city liable to be set in the lists by the Assessors of towns. The Assessors shall, on or before the 15th day of September in each year, give notice by posting the same on the public signpost in said city and by publishing the same once in a newspaper published in said city to all persons liable to pay taxes in said city, requiring of them written or printed lists, verified by the oaths of the respective persons, of all property belonging to said persons on the first day of September of that year, with the particulars of all their property liable to be assessed and valued, designating the district or districts in which each item is situated, within 20 days from the date of said notice; and said Assessors shall complete the lists of the several taxing districts of said city, including the ascertainment of the total assessed valuation of the property in each district, and said Assessors shall have the same power as the Assessors of towns. Said lists shall remain for 20 days in the office of said City Clerk, and shall be open to the inspection of any person liable to taxation in said city.[1]
[1]
*Editor's Note: See § **1-284** for later provision.*

§ 1-274. Delivery of assessment lists to Board of Tax Review; appeals; notices; return of lists; ratebook.

(Sp. Laws 1913, No. 352, § 91; Sp. Laws 1915, No. 367, § 5; Sp. Laws 1967, No. 197, § 3; Sp. Laws 1969, No. 264, § 1.)
On the 20th day of February in each year the City Clerk shall deliver the assessment lists of said city to the Board of Tax Review, who shall exercise and have the same powers in relation thereto as are conferred upon Boards of Tax Review of towns by the general statutes, and any person aggrieved by the doings of said Board may appeal therefrom to the Court of Common Pleas. Said Board shall give notice of their meeting by publication in one or more newspapers published in said city at least five days prior thereto. On or before the 20th day of March in each year said Board shall return said assessment lists, with a written report of any abatements or additions by them made, to the Tax Commissioner who shall, after the city tax is laid, make a ratebook.

§ 1-275. Actual valuation of property set in lists.

(Sp. Laws 1913, No. 352, § 92.)
All property liable to taxation in said city shall be set in the lists at its actual valuation.

§ 1-276. Failure of resident to file list.

(Sp. Laws 1913, No. 352, § 93.)
; and if such resident fails to file such list the assessors shall make a list for him of all the property which they have reason to believe is owned by him liable to taxation in said city, at the actual valuation thereof, from the best information they can obtain, and add thereto 10% of said valuation.

§ 1-277. Assessment date; filing lists.

(Sp. Laws 1937, No. 539, § 1.)
The assessment date of the consolidated town and city of Norwalk shall continue to be the first day of October in each year. All persons required to file, with the Tax Commissioner of said consolidated town and city, lists of property subject to taxation, shall file such lists not later than the first day of November in each year, or, if such first day shall be Sunday, then the next business day following.

§ 1-278. Exclusions from lists.

(Sp. Laws 1937, No. 539, § 2.)
Such persons shall not include in such lists real estate, shellfish lands or motor vehicles. The term "motor vehicles" shall include trucks, tractors, automobiles and motorcycles.

§ 1-279. Listing personal property; forms.

(Sp. Laws 1937, No. 539, § 3.)
The State Tax Commissioner shall provide a form to be used by property owners in the consolidated Town and City of Norwalk for listing personal property for taxation, except as hereinbefore provided.

§ 1-280. Penalty applies for failure to file.

(Sp. Laws 1937, No. 539, § 4.)
The addition of 10% to taxpayers' lists, provided by law for failure to file such lists, shall apply only to such properties as are not expected by the provisions of § 1-278.

§ 1-281. Nonresident lists of real estate and personal property.

(Sp. Laws 1913, No. 352, § 94.)
All owners of real estate or tangible personal property which is located in the city seven months during any year, who are nonresidents of said city, shall file lists of such estate and personal property with the Assessors of said city in the same manner and subject to the same conditions as is required of residents, except that the lists of nonresidents may be made out and filed either by such nonresidents or by their attorneys or agents, and such property shall be liable to taxation in said city in the same manner as provided for property residents.

§ 1-282. Filing grand list with State Tax Commissioner; binding tax books and returning for public inspection; Board of Tax Review meeting.

(Sp. Laws 1935, No. 363; Sp. Laws 1967, No. 197, § 4; Sp. Laws 1969, No. 264, § 2.)
The grand list of the City of Norwalk shall be filed with the State Tax Commissioner, annually, on or before the first Monday in April. The tax books of said city shall be bound and returned for public inspection, annually, on or before the third Monday in April.[1] The Board of Tax Review of said city shall meet, annually, on the first Monday in March. The Board of Estimate of said city shall meet, annually, on the fourth Monday in April.[2]
[1]

*Editor's Note: See also § **1-283**.*
[2]
*Editor's Note: See also § **1-289**.*

§ 1-283. Time extension to complete books and duties of Board of Tax Review.

(Sp. Laws 1947, No. 486.)
The time within which the tax books of the City of Norwalk may be completed and the duties of the Board of Tax Review of said town may be completed is extended 30 days beyond the time prescribed by law.

§ 1-284. Transfer of tax books.

(Sp. Laws 1935, No. 126.)
The tax books on which the assessments of the property owners of the City of Norwalk are listed shall be transferred from the office of the City Clerk to the office of the Tax Commissioner of said city.

Part 8. Audit of Accounts

[1]
*Editor's Note: See §§ **1-239** to **1-241**.*

§ 1-285. Appropriation of funds to defray expenses of audit.

(Sp. Laws 1945, No. 316, § 1.)
The Board of Estimate and Taxation[1] 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**.
[1]
Editor's Note: As to the Board of Estimate and Taxation in general, see Art. VI.

§ 1-286. Accountants; reports to Council.

(Sp. Laws 1945, No. 316, § 2; Sp. Laws 1967, No. 197, § 5.)
Between August 15 and September 15 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 1. On or before the regular Council meeting in August following the close of the fiscal year, 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.
[1]
Editor's Note: Pursuant to an opinion of the Corporation Counsel, CGS Sections 7-391 through 7-396 should be consulted, as they supersede the provisions of §§ 1-286 and 1-287 of this Charter.

§ 1-287. Accountant qualifications.

(Sp. Laws 1945, No. 316, § 3.)
Such accountant or accountants shall be certified as provided by Chapter 167 of the General Statutes and shall have practiced accountancy in the state for at least five years immediately preceding his or their appointment.

Part 9. Personnel Department

§ 1-287.1. Department established.

(Sp. Laws 1969, No. 151, § 1.)
There is established a Personnel Department for the City of Norwalk.

§ 1-287.2. Personnel Director; appointment; term of office; vacancy.

(Sp. Laws 1969, No. 151, § 2; Charter Amendment 8-13-1974.[1])
On the first Monday after the first Tuesday in December 1977, the Mayor then in office shall appoint a Personnel Director, subject to confirmation of the Council of the City, who shall hold office at the pleasure of the Mayor and who may be removed at any time at the will of the Mayor. Such removal for all purposes shall be treated as a resignation. If the Mayor shall so remove his appointee, he shall forthwith appoint a successor, which appointment shall require confirmation by the Council. The Mayor shall fill any vacancy in the office of Personnel Director, subject to confirmation by the Council.

[1]
Editor's Note: Approved by the electorate at the general election held 11-5-1974.

§ 1-287.3. Policies to be adopted by Council.

(Sp. Laws 1969, No. 151, § 3.)
The Common Council shall establish by ordinance rules, regulations, policies and procedures which shall govern the operation of said Personnel Department and the administration of personnel matters in the City of Norwalk, including the duties of the Personnel Director. Such ordinance may be amended from time to time by the Common Council in such manner as it may deem necessary for the proper operation of said Personnel Department and the proper administration of personnel matters in the City of Norwalk.

ARTICLE VI. Board of Estimate and Taxation

[1]
*Editor's Note: See also § **1-201**.*

§ 1-288. Board of Estimate and Taxation; appointment, qualifications, term and compensation; vacancies.

(Sp. Laws 1913, No. 352, § 88; Charter Amendment 8-29-1978;[1] Charter Amendment 8-10-1982.[2])
There shall be in said city a Board of Estimate and Taxation composed of six electors who shall serve without pay. Said members shall be appointed by the Mayor, subject to approval by the affirmative votes of a majority of the membership of the Common Council, and there shall be not more than two members from any one Council District, and not more than three appointed members shall belong to the same political party. Whenever a vacancy shall occur in said Board, the Mayor shall, subject to approval by the affirmative votes of a majority of the membership of the Common Council, appoint a member for the balance of the unexpired term. Such balance of unexpired term shall be considered as a full term for the purpose of tenure as hereinafter provided. Each term of membership shall be of four years' duration, and no member shall serve more than two consecutive terms unless the Mayor's appointment for a third term shall be approved by the affirmative votes of 2/3 of the membership of the Common Council, and in no instance shall an appointed member serve more than three consecutive terms. Within one week after taking office in 1983, the Mayor shall appoint one member for a term of two years and one member for a term of four years, and biennially thereafter, within one week after

taking office, the Mayor shall, in the manner herein provided, appoint three members of said Board, each for a term of four years. Such appointments are subject to approval by the affirmative votes of a majority of the membership of the Common Council.

[1]

Editor's Note: Approved by the electorate at the general election held 11-7-1978.

[2]

Editor's Note: Approved by the electorate at the general election held 11-2-1982.

§ 1-289. Mayor as ex officio member of Board of Estimate and Taxation; Board in general.

(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;[1] Charter Amendment 8-17-1976;[2] Charter Amendment 11-5-1996; Charter Amendment 11-8-2005.)

The Mayor of said City shall be ex officio a member of the Board of Estimate and Taxation and shall have a vote in any of its proceedings. The Mayor shall preside at all meetings of said Board at which (s)he is present, and at all meetings of said Board, four members shall constitute a quorum, and the concurrence of four votes shall be necessary for the transaction of business. Whenever any meeting of the Board has been regularly called and no quorum shall be present, the Mayor may issue a warrant signed by him (her), directed to the Sheriff of Fairfield County, or either of his deputies, or to the City Sheriff of the City, to arrest and bring into such meeting a sufficient number of members of said Board to constitute a quorum. The members of the Board, before entering upon their duties, shall be sworn to the faithful discharge thereof, and any member of said Board who shall, while holding office, directly or indirectly, take or bargain for any fee, compensation or reward to influence his official vote or action upon any resolution or matter pending before said Board shall, upon conviction, pay a fine of $500 and shall be removed from office by the Mayor. The meetings of said Board shall be open to the public and shall be called by the Mayor, and notice of the time, place and purpose of holding the same shall be published in a newspaper in said City at least five days before the date thereof. The Clerk of said City shall be Clerk of said Board of Estimate and Taxation and shall keep in suitable books true records of all votes and proceedings of said Board, which records shall be open to public inspection and preserved with the records of said City. All of such records shall be, in all courts, evidence of the truth of the matters therein contained, and a certified copy of any such record shall be received in all courts as evidence of the same validity as the original record. Said Board shall have power to require the several officers of the City, town and several districts to furnish all the information which they may possess and to exhibit to them all books, papers and documents in their respective departments or in their possession, requisite, in the opinion of said Board, to enable it to discharge the duties imposed upon it by this act. Said Board, in legal meeting convened, shall have power to levy taxes on the polls and ratable estate within the limits of said City, subject to the maximum limit on total appropriations as set by the Council of said City as hereinafter provided. Every tax laid by said Board shall be laid upon the assessment list of said City last completed. The fiscal year of said City and said several taxing districts shall begin on the first day of July and end on the 30th day of June following. The several committees, officers and departments of the City and of the several taxing districts, under whose control money is expended, shall, on or before the 15th day of January in each year, report to the Director of Finance of said City an estimate of the amount of money required by said committee, officer, department or district for the ensuing fiscal year, giving details as far as practicable. Said Director of Finance shall prepare and submit to said Board of Estimate and Taxation, at a meeting thereof to be held on the second Monday of February in each year, and to the Common Council, the immediately following Tuesday of each year an estimate of the amounts required by each department of the City government and of the several taxing districts for the ensuing fiscal year, giving the particulars as far as possible and recommending appropriations for all the expenses of said City, and of the several taxing districts for said year, and recommending such tax on the polls and ratable estate within the limits of said City and of the several taxing districts as he deems necessary to meet such expenses, after deducting the amount of the available revenue for said fiscal year. Said Director of Finance shall cause such estimate to be published in a daily paper published in said City at least five days

before the fourth Monday of February in each year. Said Common Council shall, at a meeting thereof to be held on the immediately following Tuesday in each year, adopt by a resolution approved by a vote of a majority of the entire membership of said Council, a maximum limit on total appropriations for the City for the ensuing fiscal year and cause the same to be communicated to the Board of Estimate and Taxation. Said Common Council resolution shall be exempt from the application of § 1-669 of this Charter. Any grants from private, state or federal sources received after the adoption of any maximum taxation by said Common Council under this section shall be exempt from said maximum limitation. Said Board of Estimate and Taxation shall hold a meeting on the fourth Monday in February in each year, and may adjourn the same from time to time to a day not later than the first Monday of April in each year and at said meeting or any adjournments thereof within the time hereinbefore specified; it shall hear all the parties who may desire to be heard relative to any alterations in said estimates, and may make any alterations in said estimates, appropriations and tax rates, and make such additional appropriations, as it deems proper. Said Board, having made such alteration, if any, shall prepare a statement of appropriations and tax rates which it proposes to make and levy, and cause the same to be forwarded to the Common Council in said City not later than the first Monday in April in each year. Said Common Council may, at a regular or special meeting to be held not later than the third Tuesday in April of each year, amend the maximum limit of total appropriations for the City for the ensuing fiscal year by 2/3 affirmative vote of the entire membership of said Council. Said Common Council vote shall be exempt from the application of § 1-669 of this Charter. Said Board of Estimate shall thereupon make such alterations in appropriations and tax rates as are necessary to comply with the limit set by the Common Council, and shall prepare a statement of appropriations and tax rates which it proposes to make and levy in accordance therewith, and cause the same to be published in a daily newspaper published in said City no less than three days before the fourth Wednesday of April in each year. Said Board shall hold a meeting on the first Monday in May in each year, and at said 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 said Board may fix the time or times when any tax laid by it shall become due and payable, and may divide such tax and make the same payable in two or more installments. No appropriation made at such meeting shall require the approval of the Council of said City; provided, however, that the total amount of such appropriations shall not exceed the maximum limit established by said Council as hereinabove provided. The actions of said Board at such meeting shall be subject to the provisions of § 1-669 of this Charter. Said 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 said City or district exceed their respective estimated revenues for any year except for the purpose for which said City is authorized to issue bonds, and when bonds are so issued. No money other than that appropriated as aforesaid by said Board at said meeting on the first Monday of May shall be expended unless a special appropriation therefor has been provided by said Board of Estimate and Taxation at a special meeting called for that purpose and has been approved by a 2/3 vote, taken by yeas and nays, of all members of the Council of said City. Any special appropriation approved in such manner shall be exempt from the maximum limit established by said Council as hereinabove provided. A majority of the members of the Board of Estimate and Taxation shall have power to call a special meeting of said Board. If a special appropriation in excess of the unappropriated revenues of said City is required, an estimate of the same shall be prepared by the Director of Finance and submitted to said Board of Estimate and Taxation at a special meeting called for that purpose; and said Board, at said 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 said city, and unless such special tax has been approved by a 2/3 vote, taken by yeas and nays, of all the members of the Council of said City. Any appropriation, regular or special for any specific purpose, shall not be expended for any other purpose and, if unexpended, shall be covered back into the treasury 30 days after the expiration of the fiscal year for which it is made. All appropriations so made shall remain on the books of said City to the credit of the specific purposes for which they are made for 30 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 annual reports of all administrative City officers and committees required by law shall be made to the Council on or before the first day of August in each year. Said Board is hereby authorized and directed to annually appropriate, at the charge of the First, Second, Third and Fifth Taxing Districts respectively, such sum or sums of money as may be

necessary to support the public library in any district, or as may be required for a sinking fund to meet the indebtedness of said districts, and all money so appropriated and collected for the First, Second and Third Districts shall be invested and reinvested by the Treasurer of the district for which appropriated and collected and all money so appropriated and collected for the Fifth District shall be invested and reinvested in the name of the City by the City Treasurer.

[1]

Editor's Note: For the powers and duties of Mayor, see Art. V, Part 2.

[2]

Editor's Note: Approved by the electorate at the general election held 11-5-1974.

[3]

Editor's Note: Approved by the electorate at the general election held 11-2-1976.

ARTICLE VII. (Reserved)

§ 1-290. through § 1-296. (Reserved)

[1]

*Editor's Note: Sections **1-290** through 1-296, which comprise former Article VII, Board of Health, were superseded by an ordinance adopted 6-10-1980. For current provisions regarding the Board of Health, see Ch. **57**, Health and Sanitation.*

ARTICLE VIII. Police Department and Police Fund

[1]

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

Part 1. General

§ 1-297. Police Board; creation, composition; powers and duties.

(Sp. Laws 1935, No. 455, § 1.)

There shall be a Police Board in the City of Norwalk, which shall consist of two resident electors who shall be appointed by the Mayor and shall serve without compensation. Not more than 1/2 of the members of said Board, with the exception of the Mayor, shall be members of any one political party. The Mayor of said city shall be, ex officio, a member and Chairman of said Board. Within 10 days from the passage of this act, §§ 1-297 to 1-302, the Mayor shall appoint two members of said Board to serve until the first Wednesday following the first Monday of October 1937, and biennially thereafter the Mayor shall appoint two members to serve two years, and each such member shall serve until his successor shall be appointed. Said Board shall annually elect a Secretary from its members. Two members of said Board shall constitute a quorum, and a concurrence of two votes shall be necessary for the transaction of business. Said Board shall hold meetings at least once each month and at such other times as it may determine. Special meetings of the Board may be called by the Mayor or by two members upon reasonable notice to the Mayor or the other member. Said Board shall have control, management and supervision of the policemen of said city and all property belonging to or used in the Police Department. Said Board shall have the power to purchase all supplies and equipment necessary for the management of said department; to appoint, remove, suspend, discipline and punish and to prescribe the duties of all officers and members, whether regular, supernumerary or call, of said Police Department, and to fix their salaries and compensation, to make rules and regulations as it may deem necessary, consistent with the provisions hereof, for the regulation and government of said Department. It shall enforce and carry into effect all ordinances and by-laws of the Common Council and all laws of the state with reference to the safety of said city. It shall keep and preserve detailed records, files and minutes of all its proceedings and of all work,

property and expenditures of said Police Department, and said files, records and minutes, or certified copies thereof, shall be accepted as evidence in all courts and proceedings. It shall have power to summon and examine witnesses as in civil actions and compel the production of books and papers, and administer oaths to such witnesses, and may require of any officer or board of said city all information and copies of records, books and papers relative to the public business in connection with said Department. It shall render monthly detailed statements and reports to the Common Council of its proceedings and of all disbursements and contracts made in said Department during the preceding month; shall render annually to said Common Council and to the Board of Estimate and Taxation,[1] a full statement of its disbursements and expenditures in said Department during the preceding year, with a report of the condition of said Department, and an estimate of the necessary expenditures for the ensuing fiscal year.

[1]
Editor's Note: See also, Art. VI, for Board of Estimate and Taxation.

§ 1-298. Powers of the Police Board.

(Sp. Laws 1935, No. 455, § 2.)
Said Board shall not abolish any office in the Police Department during the incumbency thereof of any appointee to such office, nor shall it remove, expel or reduce in rank any officer or regular or permanent member of the Police Department except for cause found after hearing. Notice of any such removal, expulsion or reduction in rank shall be given by the Board in writing to the officer or permanent member concemed, and any such officer or permanent member aggrieved by such removal, expulsion or reduction may, within 10 days after receiving notice of such action by the Board, appeal therefrom to the Superior Court in and for the County of Fairfield, which shall hear such appeal and render judgment thereon. The power to fix the number and designation of all the officers and members of the Police Department shall be in and exercised only by the bipartisan Police Board, and the number and designation of all officers of said Department shall continue as at present until said Board shall take action in the premises. Said Board shall have the power to retire any member of the Police Department for mental or physical disability and place his name on the retired list and such member shall not thereafter be entitled to pay or compensation from the city unless assigned to duty by the Chief of Police of the Police Department. His pay for the time so assigned to duty shall be that of a regular member of the force.

§ 1-299. Police Board shall administer Benefit Fund.

(Sp. Laws 1935, No. 455, § 3.)
Said Board shall administer the Policemen's Benefit Fund established under the provisions of an act approved April 30, 1925, as amended by Section three of an act approved June 16, 1927.[1]

[1]
*Editor's Note: See §§ **1-319** to **1-332**.*

§ 1-300. Police Board may employ clerical assistance.

(Sp. Laws 1935, No. 455, § 4.)
Said Board may employ clerks for its own work and the clerical work of the Police Department, and may pay their salaries.

§ 1-301. Appointments; merit system.

(Sp. Laws 1935, No. 455, § 5.)
All appointments to be made by said Board shall be based upon merit and fitness for the duties pertaining thereto, and, in no degree, upon political affiliations or considerations. In carrying out the provisions of this

section, said Board may adopt such provisions of Chapter **105** of the General Statutes as it may deem advisable and, on or before September 1, 1935, the merit system shall be in effect in said city.

§ 1-302. Repeal of former inconsistent laws.

(Sp. Laws 1935, No. 455, § 6.)
An act creating a Board of Public Safety in the City of Norwalk, approved June 16, 1927, as amended by an act amending an act creating a Board of Public Safety in the City of Norwalk, approved March 27, 1929, and all acts or parts of acts inconsistent herewith are repealed.

§ 1-303. Powers of police.

(Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 1.)
. . . . . Said police shall have the powers of Constables[1] of towns in the apprehension and arrest of criminals and the service of process within the limits of said city.
[1]
*Editor's Note: Refer to § **1-217** for powers of Constables.*

§ 1-304. through § 1-305. (Reserved)

[1]
Editor's Note: Former §§ 1-304, Supernumerary Police Force; members; appointment; control; duties; powers, Sp. Laws 1913, No. 352, § 144; Sp. Laws 1915, No. 367, § 10; Sp. Laws 1925, No. 225, § 2; Sp. Laws 1969, No. 149, and 1-305, Appointments to regular force, Sp. Laws 1913, No. 352, § 146, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

§ 1-305.1. Special police force.

(Sp. Laws 1967, No. 403.)
There shall be a special police force or call force in the City of Norwalk consisting of not more than 200 members.
The members of said special police or call force shall be appointed by the Board of Police Commissioners for terms not exceeding two years. No person shall be appointed a member of the special police or call force unless he is an elector of the City of Norwalk, of good moral character and habits, in good health, and shall have passed such examination, mental and physical, as may be required by the Board of Police Commissioners. Such special police force or call force shall, at all times, be under the direction and control of the Chief of Police and shall perform such duties as may be assigned or designated by said Chief of Police. Members of the special police or call force shall have the power of regular policemen in the apprehension and arrest of criminals, in maintaining public order, and in the service of process within the limits of the City of Norwalk, and shall be paid for their services by said city.

§ 1-306. Duty of police as to arrest without warrant.

(Sp. Laws 1913, No. 352, § 148.)
It shall be the duty of any policeman of said city to arrest, without previous complaint or warrant, any person guilty of drunkenness, vagrancy, disorderly conduct, breach of the peace, common assault, or any other offense committed within said city, when such offender may be taken or apprehended in the act, or on the speedy information of others, or when such officer has reasonable grounds to believe that an offense has been committed, and all persons so arrested shall be immediately presented before the Town Court of Norwalk for trial.

§ 1-307. through § 1-310. (Reserved)

[1]
Editor's Note: Former §§ 1-307, Appointment of Women Probation Officer, 1-308, Powers of Woman Probation Officer, 1-309, Removal of Woman Probation Officer, and 1-310, Salary of Probation Officer, Sp. Laws 1927, No. 371, §§ 1 to 4, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

§ 1-311. Extension of police jurisdiction.

(Sp. Laws 1953, No. 590, § 1.)
The jurisdiction of the Norwalk Police Department is extended to the entire City of Norwalk.

§ 1-312. Duties of Police Department.

(Charter Amendment 11-3-1970.)
The Norwalk Police Department shall maintain an adequate police force and shall provide all services as they may be required in the entire City of Norwalk. This section shall apply to the fiscal year beginning July 1, 1971, and shall be effective as of that date.

§ 1-313. Fifth Taxing District; taxation to defray police expenses.

(Charter Amendment 11-3-1970.)
All the inhabitants and real and personal property within the limits of the Fifth Taxing District shall be liable to taxation to defray the expenses of the Police Department, and an appropriation for the Police Department shall be included in the annual budget of the city. This section shall apply to the fiscal year beginning July 1, 1971, and shall be effective as of that date.

§ 1-314. through § 1-316. (Reserved)

(Repealed by Charter Amendment 11-3-1970; effective 7-1-1971.)

§ 1-317. through § 1-318. (Reserved)

[1]
Editor's Note: Former §§ 1-317, Workweek for policemen, and 1-318, Approval of workweek, Sp. Laws 1951, No. 293, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

Part 2. Police Benefit Fund

[1]
*Editor's Note: Refer to § **1-299** for administration of fund.*

§ 1-319. Composition of the Police Benefit Fund.

(Sp. Laws 1931, No. 518, § 1; Sp. Laws 1945, No. 235.)

There shall be in the City of Norwalk a fund to be known as the Police Benefit Fund to consist of: (1) Such sums of money as shall be appropriated to said fund from the Treasury of said city by the Council thereof; (2) all property specially devised, bequeathed or given for the benefit of disabled policemen of said city, and property given to the Police Department of said city on account of services rendered by said Department; (3) all lost, abandoned, unclaimed or stolen money and all money arising from the sale of unclaimed abandoned, lost or stolen property in charge of the Board of Public Safety of said city at any time available for that purpose under the provisions of the general statutes; (4) all rewards, fees, gifts, testimonials and emoluments that may be presented to any member of the Police Force of said city on account of special services, except such as said Board of Public Safety may allow any member to retain; (5) one percent of all salaries and compensation of the members of the Police Department appointed before July 1, 1945; (6) three percent of all salaries and compensation of such members of the Police Department appointed after July 1, 1945; and (7) an annual appropriation to said fund by the City of Norwalk of an amount not less than 3% of yearly salaries and compensation of the contributing members of the Police Department.

§ 1-320. Benefit Fund Trustees; Treasurer; Secretary.

(Sp. Laws 1931, No. 518, § 2.)
The Board of Public Safety of said city shall be a Board of Trustees of said Benefit Fund and the Treasurer of said city shall be the Treasurer of said fund. All orders drawn on said fund shall be signed by the Chairman of said Board and countersigned by the Secretary of said Board. Said Secretary shall keep a record of the proceedings of said Board and of all actions taken by it with regard to said fund.

§ 1-321. Investment of Benefit Fund.

(Sp. Laws 1931, No. 518, § 3.)
Said Board of Trustees shall have general charge of said fund and may, by a majority vote, the Mayor to be one of such majority, direct the Treasurer to invest any portion of the same in bonds of the City of Norwalk or in any securities authorized by the laws of the state as investment for trust funds, or to deposit the same or any portion thereof in any savings banks or trust companies of the state. Said Board of Trustees shall, annually, or more frequently, if required, report to the Council the condition of said fund, with the items of all the receipts and disbursements on account of same. If said fund shall be found, at any time, to be insufficient to meet the requirements made upon it, the Board of Estimate and Taxation, upon application made to it by said Board of Trustees, or by said Council acting at the instance of said Board of Trustees, shall make an appropriation to supply such deficiency, and any prospective deficiency in said fund may be provided for by said Board of Estimate and Taxation in its annual appropriations for the Police Department.

§ 1-322. Establishment of the "Veteran Reserve."

(Sp. Laws 1931, No. 518, § 4.)
In addition to the Regular and Supernumerary Police Force of the City of Norwalk, composed of the permanent men and officers of said Department, there shall be an honorary grade known as "The Veteran Reserve" to which said Board of Trustees may at its discretion, by unanimous vote, transfer any member of the police force who shall, from age or from disability incurred in the discharge of perilous duty or in long and faithful service, become permanently disqualified for the more active duties of the regular grade; provided the pay of any member of said Veteran Reserve shall be regulated by said Board of Trustees in accordance with the amount of duty performed and shall not be less than 1/2 of the compensation previously received by such member while in the regular police force and provided any member of said Veteran Reserve may be removed in the same manner as a member of the regular Police Department and provided no transfer to said Veteran Reserve shall be made except on the certificate of such Medical Examiner as said Board of Trustees may appoint. All members so transferred shall be subject to the orders of said Board of Trustees, which may at any time, require any such member to be reexamined, and, in case he shall be reported capable of performing duty, may, by an

affirmative vote of the majority of its members, the Mayor to compose one of such majority, restore him to said regular Police Department.

§ 1-323. Disability and old age.

(Sp. Laws 1931, No. 518, § 5.)
Said Board of Trustees may, by a unanimous vote, as a reward for conspicuously meritorious service, retire from duty any member of the regular force or the Veteran Reserve Force after 25 years of continuous service in the Department, upon the certificate of such Medical Examiner as said Board of Trustees may designate, showing that such member is permanently disabled, physically or mentally, so as to be unfit for any police duty; provided such Medical Examiner shall further certify that, in his opinion, such disability is due either to the natural infirmities of old age or to injury received or exposure endured in the performance of duty in the Police Department. Such member shall be entitled to receive from said fund, during his remaining lifetime, unless removed from the retired list, after notice and hearing, by the unanimous vote of said Board of Trustees, a sum equal to 1/2 of the yearly compensation received in service before retirement as a regular member of the Police Department, such sum to be payable in monthly installments. Said Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Police Department who, while in the actual performance and by reason of the performance of such duty and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally so as to be entirely unfitted to perform such duty; and such member so retired shall be entitled to receive from said fund during his life, unless removed from the retired list, after notice and hearing, by the unanimous vote of the members of said Board of Trustees, a sum equal to 1/2 of his previous compensation received per annum, to be paid in monthly installments. Whenever said Board of Trustees shall remove a former member of the Police Department from the retired list, said Board shall make and keep on file a written statement of the causes for having made such removal.

§ 1-324. Death benefits.

(Sp. Laws 1931, No. 518, § 6; Sp. Laws 1939, No. 255, § 1.)
When any member of said Police Department shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received or illness contracted while in the actual discharge of such duty, said Board of Trustees shall direct a sum not exceeding 1/2 of the yearly compensation received in service as a regular member of the Police Department, to be paid from said fund, in monthly installments to the widow of such policeman, or, if he leaves no widow, to his child or children not over 16 years of age, after the death or remarriage of such a widow; provided such annual payments to such widow shall cease if such widow shall remarry, and such payments to any such child shall cease when such child shall attain the age of 16 years. In case such deceased member leaves neither widow nor a child under the age of 16 years, the Board of Trustees shall direct the whole of such sum to be paid to the parents, or dependent of such member, if such parent or parents, or dependent, prior to his death, shall have depended upon him for support.

§ 1-325. (Reserved)

[1]
Editor's Note: Former § 1-325, Retirement at 60, Sp. Laws 1931, No. 518, § 7; Sp. Laws 1933, No. 333, § 1, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

§ 1-326. Examination by Medical Examiner.

(Sp. Laws 1931, No. 518, § 8.)
Said Board of Trustees may, at its discretion, order any member of the retired list, except such members as shall have been retired under the provisions of § **1-325**, to be examined by a Medical Examiner to be designated by said Board, and, if such member shall be reported capable of performing police duty, said Board

may, by an affirmative vote of a majority of its whole number, the Mayor to be one of such majority, restore such member either to the regular or to the Veteran Reserve Force.

§ 1-327. Authorization to make rules and regulations.

(Sp. Laws 1931, No. 518, § 9.)
The Board of Trustees shall have authority to make rules and regulations necessary to carry out the provisions of §§ 1-319 to 1-332, but such rules and regulations shall not be effectual until ratified by a majority vote of the Council.

§ 1-328. Failure to pay assessment.

(Sp. Laws 1931, No. 518, § 10.)
Any person who shall fail to pay an assessment which may be made against him under the provisions of §§ 1-319 to 1-332, shall not be entitled to any benefits from said fund.

§ 1-329. Transfer of funds from Police Benefit Fund.

(Sp. Laws 1931, No. 518, § 11.)
All of the accumulations deposited in the Police Benefit Fund at the time of the passage of §§ 1-319 to 1-322, from whatever source derived, are transferred to and vested in the Trustees of said Police Benefit Fund, to be held, managed and disposed of as herein set forth, and all acts of said Trustees in reference thereto are ratified and confirmed.

§ 1-330. Resignation and reinstatement.

(Sp. Laws 1931, No. 518, § 12; Sp. Laws 1933, No. 333, § 2.)
The term of service of any member of the permanent force of the Police Department of said City of Norwalk who shall have resigned and shall have been immediately reinstated as a member of said permanent force of the Police Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under any pension law or Police Benefit Fund law effecting such member. Any member of the permanent force of said Police Department who shall have resigned from said Department when no charges were pending against him, and who shall afterwards, at any time, be reinstated as a member of said permanent force of said Police Department, shall be entitled to have his two periods of service in said Department considered as a term of continuous service for the purpose of receiving any benefits under any pension law or Police Benefit Fund law affecting such member.

§ 1-331. Death allowances for members eligible for retirement.

(Sp. Laws 1931, No. 518, § 13.)
When any member of the permanent force of the Police Department who shall be on or shall be eligible to be placed on the retired list, by reason of the provisions of § 1-325, shall die while on or eligible to be placed on the retired list, the Board of Trustees of the Police Benefit Fund shall direct an allowance out of said fund equal to 1/2 of the salary of such deceased policeman, to be paid to the widow or dependents of such deceased policeman.

§ 1-332. Death allowances for members with 20 years of service.

(Sp. Laws 939, No. 255, § 2.)

When any member of the Police Department shall die, after having served continuously for a period of 20 years or more, exclusive of time served as a supernumerary or special policeman, the Board of Trustees shall direct an allowance out of said fund, equal to 1/2 the salary of such deceased policeman, to be paid to the widow until her death or remarriage and thereafter to the children of such policeman who are under the age of 16 years, provided, in the case of any policeman who shall have died while a member of the Veteran Reserve, such allowance shall be 1/2 of the pay which such deceased policeman was receiving immediately prior to being placed on such Veteran Reserve, and provided, in case such policeman leave neither widow nor child, under the age of 16 years, the Board of Trustees shall direct the whole of such sum to be paid to the parent or parents or dependent of such deceased member, if such parent or parents or dependent, prior to his death, shall have depended upon him for support.

ARTICLE IX. Fire Department and Fire Fund

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

Part 1. General

§ 1-333. Fire Board; creation and composition; general powers.

(Sp. Laws 1935, No. 454, § 1.)
There shall be a Fire Board in the City of Norwalk, which shall consist of two resident electors who shall be appointed by the Mayor and shall serve without compensation. Not more than 1/2 of the members of said Board, with the exception of the Mayor, shall be members of any one political party. The Mayor of the said city shall be, ex officio, a member and chairman of said Board. Within 10 days from the passage of §§ 1-333 to 1-337, the Mayor shall appoint two members of said Board to serve until the first Wednesday following the first Monday of October, 1937, and biennially thereafter, the Mayor shall appoint two members to serve for two years, and each such member shall serve until his successor shall be appointed. Said Board shall annually elect a Secretary from its members. Two members of said Board shall constitute a quorum and a concurrence of two votes shall be necessary for the transaction of business. Said Board shall hold meetings at least once each month and at such other times as it may determine. Special meetings of the Board may be called by the Mayor or by two members upon reasonable notice to the Mayor or the other member. Said Board shall have control, management and supervision of the firemen of said city and all property belonging to or used in the Fire Department. Said Board shall have the power to purchase all supplies and equipment necessary for the management of said Department; to appoint, remove, suspend, discipline and punish and to prescribe the duties of all officers and members, whether regular, supernumerary or call, of said Fire Department and fix their salaries and compensation and to make rules and regulations as it may deem necessary, consistent with the provisions hereof, for the regulation and government of said Department. It shall enforce and carry into effect all ordinances and bylaws of the Common Council and all laws of the state with reference to the safety of said city. It shall keep and preserve detailed records, files and minutes of all its proceedings and of all work, property and expenditures of said Fire Department, and said files, records and minutes, or certified copies thereof, shall be accepted as evidence in all courts and proceedings. It shall have the power to summon and examine witnesses as in civil actions and compel the production of books and papers, and administer oaths to such witnesses, and may require of any officer or board of said city all information and copies of records, books and papers relative to the public business in connection with said Department. It shall render monthly detailed statements and reports to the Common Council of its proceedings and of all disbursements and contracts made in said Department during the preceding month; shall render annually to said Common Council and to the Board of Estimate and Taxation a full statement of its disbursements and expenditures in said Department during the preceding year, with a report of the condition of said Department, and an estimate of the necessary expenditures for the ensuing fiscal year.

§ 1-334. Abolishing officers in the Fire Department; removal, expulsion; number and designation of officers; retired list.

(Sp. Laws 1935, No. 454, § 2.)
Said Board shall not abolish any office in the Fire Department during the incumbency thereof of any appointee to such office, nor shall it remove, expel or reduce in rank any officer or regular or permanent member of the Fire Department except for cause found after hearing. Notice of any such removal, expulsion or reduction in rank shall be given by the Board in writing to the officer or permanent member concerned, and any such officer or permanent member aggrieved by such removal, expulsion or reduction may, within 10 days after receiving notice of such action by the Board, appeal therefrom to the Superior Court in and for the County of Fairfield, which shall hear such appeal and render judgment thereon. The power to fix the number and designation of all officers and members of the Fire Department shall be in and exercised only by the bipartisan Fire Board, and the number and designation of all officers of said Department shall continue as at present until said Board shall take action in the premises. Said Board shall have the power to retire any member of the Fire Department for mental or physical disability and place his name on the retired list and such member shall not thereafter be entitled to pay or compensation from the city unless assigned to duty by the Fire Chief of the Fire Department. His pay for the time so assigned to duty shall be that of a regular member of the force.

§ 1-335. Administration of Firemen's Benefit Fund by Fire Board.

(Sp. Laws 1935, No. 454, § 3.)
Said Board shall administer the Firemen's Benefit Fund established under the provisions of an act approved May 21, 1925, as amended by section four of an act approved June 16, 1927.[1]
[1]
Editor's Note: See §§ 1-338 to 1-352, amended.

§ 1-336. Fire Board may employ clerical assistance.

(Sp. Laws 1935, No. 454, § 4.)
Said Board may employ clerks for its own work and the clerical work of the Fire Department, and may fix and pay their salaries.

§ 1-337. Appointments by Fire Board.

(Sp. Laws 1935, No. 454, § 5.)
All appointments to be made by said Board shall be based upon merit and fitness for the duties pertaining thereto and, in no degree, upon political affiliations or consideration. In carrying out the provisions of this section, said Board may adopt such provisions of Chapter 105 of the General Statutes as it may deem advisable and, on or before September 1, 1935, the merit system shall be in effect in said city.

Part 2. Firemen's Benefit Fund

§ 1-338. Composition of the "Firemen's Benefit Fund."

(Sp. Laws 1931, No. 37, § 1; Sp. Laws 1945, No. 242.)
There shall be in the City of Norwalk a fund to be known as the "Firemen's Benefit Fund," which fund shall consist of (1) any property specifically devised or given for the benefit of disabled firemen of the permanent force and so designated; (2) any money derived from entertainments or testimonials conducted under the heading or title of the "Firemen's Benefit Fund"; (3) any rewards, fees, gifts or acknowledgment of service,

designated and presented to the Fire Department or any member thereof on account of special service, except as shall be allowed by the Board of Public Safety of said city to be retained by a member or any similar grant by the Council of said city; (4) a monthly assessment of 1% on the salaries of members of the permanent force who were appointed before July 1, 1945; (5) a monthly assessment of 3% on the salaries of the members appointed to the permanent force after July 1, 1945; (6) such as the Board of Estimate and Taxation may, upon recommendation of the Council, appropriate from time to time; (7) any money collected from members of said permanent force by way of a fine or forfeiture of pay imposed or ordered, and all money deducted or withdrawn from the pay of such members on account of lost time or for breach of the rules of the Department; (8) the income and interest from all property and money belonging to said fund; and (9) an annual appropriation to said fund by the City of Norwalk of an amount not less than 3% of yearly salaries and compensation of the contributing members of the Fire Department. Any property given to the Fire Department on account of services rendered shall, unless otherwise specifically directed, be made part of a fund selected by the Volunteer Fire Company or companies engaged in any special act of said service for which any reward may be given, while said class of volunteer fire service may continue.

§ 1-339. Abolishment of volunteer service.

(Sp. Laws 1931, No. 37, § 2.)
When the Council shall determine that the class of volunteer service shall be abolished and the manual force placed upon an entirely paid basis, § 1-338 shall apply to the members constituting such paid force.

§ 1-340. Firemen's Benefit Fund; Trustees; Treasurer and Secretary.

(Sp. Laws 1931, No. 37, § 3.)
The Board of Public Safety of said city shall be a Board of Trustees of said Benefit Fund, and the Treasurer of said city shall be the Treasurer of said fund. All orders drawn on said fund shall be signed by the Chairman of said Board and countersigned by the Secretary of said Board. Said Secretary shall keep a record of the proceedings of said Board and of all action taken by it with regard to said Benefit Fund.

§ 1-341. Fund investment; reports; appropriations.

(Sp. Laws 1931, No. 37, § 4.)
Said Board of Trustees shall have general charge of said Relief or Benefit Fund, with the items of all the receipts and disbursements on such majority, direct the Treasurer to invest any portion of the same in bonds of the City of Norwalk or in any securities authorized by the laws of the state as investments for trust funds or to deposit the same or any portion thereof in any savings banks or trust companies of the state. Said Board of Trustees shall annually, or more frequently if required, report to the Council the condition of said Benefit Fund, with the items of all the receipts and disbursements on account of the same. If said Benefit Fund shall be found, at any time, to be insufficient to meet the requirements made upon it, the Board of Estimate and Taxation, upon application made to it by said Board of Trustees, or by said Council, acting at the instance of said Board of Trustees, shall make an appropriation to supply such deficiency, and any prospective deficiency in said fund may be provided for by said Board of Estimate and Taxation in its annual appropriations for the Fire Department.

§ 1-342. The establishment of Veteran Reserve.

(Sp. Laws 1931, No. 37, § 5.)
In addition to the regular Fire Department of said city, composed of the permanent men and the officers of said Department, there shall be an honorary grade known as "The Veteran Reserve," to which said Board of Trustees may, at its discretion, by unanimous vote, transfer any member of the regular force of the Department who shall, from age or disability incurred in the discharge of perilous duty or in long and faithful service,

become permanently disqualified for the more active duties of the regular grade; provided the pay of any member of the said Veteran Reserve shall be regulated by said Board of Trustees in accordance with the amount of duty performed and shall not be less than 1/2 of the compensation previously received by such member while in the regular Fire Department Service and provided any member of said Veteran Reserve may be removed in the same manner as a member of the regular Fire Department and provided no transfer to said Veteran Reserve shall be made except on the certificate of such Medical Examiner as said Board of Trustees may appoint. All members so transferred shall be subject to the orders of said Board of Trustees, which may, at any time, require any such member to be reexamined, and in case he shall be reported capable of performing duty, may by an affirmative vote of a majority of its members, the Mayor to compose one of such majority, restore him to the regular Fire Department.

§ 1-343. Disability and old age.

(Sp. Laws 1931, No. 37, § 6.)
Said Board of Trustees may, by a unanimous vote, as a reward for conspicuously meritorious service, retire from duty any member of the regular force or the Veteran Reserve Force after 25 years of continuous service in the Department, upon the certificate of such Medical Examiner as said Board of Trustees may designate, showing that such member is permanently disabled, physically or mentally, so as to be unfit for any fire duty; provided such Medical Examiner shall further certify that, in his opinion, such disability is due either to the natural infirmities of old age or to injury received or exposure endured in the performance of duty in the Fire Department. Such member shall be entitled to receive from said fund, during the remainder of his life, unless removed from the retired list, after notice and hearing, by the unanimous vote of said Board of Trustees, a sum equal to 1/2 of the yearly compensation received in service before retirement as a regular member of the Fire Department, such sum to be payable in monthly installments. Said Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Fire Department who, while in the actual performance and by reason of the performance of such duty and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be entirely unfitted to perform such duty; and such member so retired shall be entitled to receive from said fund during his life, unless removed from the retired list, after notice and hearing, by the unanimous vote of the members of said Board of Trustees, a sum equal to 1/2 of his previous compensation received per annum, to be paid in monthly installments. Whenever said Board of Trustees shall remove a former member of the Fire Department from the retired list, said Board shall make and keep on file a written statement of the causes for having made such removal.

§ 1-344. Death benefits.

(Sp. Laws 1931, No. 37, § 7; Sp. Laws 1941, No. 419, § 1.)
When any member of said Fire Department shall have been killed while in the actual performance of duty, or shall have died from the effects of an injury received or illness contracted while in the actual discharge of such duty, said Board of Trustees shall direct a sum equal to 1/2 of the yearly compensation received in service as a regular member of the Fire Department, to be paid from said fund, in monthly installments to the widow of such firearm, or if he leave no widow, or such widow shall thereafter die or remarry, to his child or children not over 18 years of age, after the death or remarriage of such widow; provided such annual payments to such widow shall cease if such widow shall remarry, and such payments to any such child shall cease when such child shall attain the age of 18 years. In case such deceased member leave neither widow nor child under the age of 18 years, the Board of Trustees shall direct the whole of such sum to be paid to the parent or parents or dependent of such member, if such parent or parents or dependent, prior to his death, shall have been dependent upon him for support.

§ 1-345. Retirement.

(Sp. Laws 1931, No. 37, § 8; Sp. Laws 1933, No. 329, § 1.)

Said Board of Trustees may, of its own violation, and shall, at the request of any member of said permanent force, or any member thereof who shall have served in said class of service continuously for a period of 25 years and shall have attained the age of 60 years, place such officer or member on the retired list. Thereafter, such retired officer or member shall be entitled to receive from said fund during his life an annual sum, payable monthly, equal to 1/2 of his pay at the time of his retirement.

§ 1-346. Examination by Medical Examiner; restoration to duty.

(Sp. Laws 1931, No. 37, § 9.)
Said Board of Trustees may, at its discretion, order any member on the retired list, except such member as shall have been retired under the provisions of § 1-345, to be examined by a Medical Examiner to be designated by said Board, and if such member shall be reported capable of performing fire duty, said Board may, by an affirmative vote of a majority of its whole number, the Mayor to be one of said majority, restore such member either to the regular or to the Veteran Reserve Force.

§ 1-347. Authorization of Board of Trustees to make rules and regulations.

(Sp. Laws 1931, No. 37, § 10.)
The Board of Trustees shall have authority to make rules and regulations necessary to carry out the provisions of §§ 1-338 to 1-352, but such rules and regulations shall not be effectual until ratified by a majority vote of the Council.

§ 1-348. Failure to pay assessments.

(Sp. Laws 1931, No. 37, § 11.)
Any person who shall fail to pay an assessment which may be made against him under the provisions of §§ 1-338 to 1-352, shall not be entitled to any benefits from said fund.

§ 1-349. Transfer of fund and investment thereof.

(Sp. Laws 1931, No. 37, § 12.)
All of the accumulations deposited in the firemen's benefit fund at the time of the passage of §§ 1-338 to 1-356, from whatever source derived, are transferred to and invested in the Trustees of said Firemen's Benefit Fund, to be held, managed and disposed of as herein set forth, and all acts of said Trustees in reference thereto are ratified and confirmed.

§ 1-350. Resignation and reinstatement.

(Sp. Laws 1931, No. 37, § 13; Sp. Laws 1933, No. 329, § 2.)
The term of service of any member of the permanent force of the Fire Department of said City of Norwalk who shall have resigned and shall have been immediately reinstated as a member of said permanent force of the Fire Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under any pension law or firemen's fund law affecting such member. Any member of the permanent force of said Fire Department who shall have resigned from said Department where no charges were pending against him, and who shall, afterwards at any time, be reinstated as a member of said permanent force of said Fire Department, shall be entitled to have his two periods of service in said Department considered as a term of continuous service for the purpose of receiving any benefits under any pension law or firemen's fund law affecting such member.

§ 1-351. Death allowances for members eligible for retirement list.

(Sp. Laws 1931, No. 37, § 14.)
When any member of the permanent force of the Fire Department who shall be on or shall be eligible to be placed on the retired list, by reason of the provisions of § 1-345, shall die while on or eligible to be placed on the retired list, the Board of Trustees of the Firemen's Benefit Fund shall direct an allowance out of said fund equal to 1/2 of the salary of such deceased fireman, to be paid to the widow or dependents of such deceased fireman.

§ 1-352. Death allowances for members after continuous service.

(Sp. Laws 1941, No. 419, § 2.)
When any member of the Fire Department shall die, after having served continuously for a period of 20 years or more, exclusive of the time served as a volunteer, or callman, the Board of Trustees shall direct an allowance out of the Fireman's Benefit Fund equal to 1/2 of the yearly salary of such deceased fireman to be paid in monthly installments to the widow of such fireman or, if he leave no widow or said widow thereafter dies or remarries, to his child or children not over 18 years of age; after the death or remarriage of such widow, provided, in case of any fireman who shall have died while a member of the Veteran Reserve, such allowance shall be 1/2 of the pay which such deceased fireman was receiving immediately prior to being placed in such Veteran Reserve, and provided in case such fireman leave neither widow nor child under the age of 18 years, the Board of Trustees shall direct the whole of such sum to be paid to the parents or parent or dependent of such deceased member, if such parent or parents or dependent, prior to his death, shall have depended upon him for support.

ARTICLE X. Department of Social Services

§ 1-353. Department of Social Services.

(Charter Amendment 2-10-1981.)[1]
There shall be a Department of Public Welfare, referred to elsewhere in the Charter, which shall be known as the "Department of Social Services."
[1]
Editor's Note: The Charter Amendment adopted 2-10-1981 also provided for the repeal of former §§ 1-353 through 1-361, which comprised former Art. X, Department of Public Welfare (Sp. Laws 1913, No. 352, § 171; Sp. Laws 1933, No. 331, §§ 1 and 2; Sp. Laws 1935, No. 505, §§ 1, 2, 3, 4, 5, 6 and 7.).

§ 1-354. Appointment of Director.

(Charter Amendment 2-10-1981.)
There shall be a Director of Social Services in accordance with the provisions of Section 17-9 of the General Statutes. Said Director shall be in charge of and be responsible for the operation of the Department in carrying out its functions and duties. He shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of four years and may, at the beginning of a term, be made subject to a probationary period of service, after which he may be removed for cause. The provision shall become effective on the date the present Director of Social Services ceases to hold said office; said four-year term shall commence on the July 1 following the date the present Director ceases to hold said office.

§ 1-355. Creation and composition of Board of Social Services.

(Charter Amendment 2-10-1981.)

A.

There shall be a Board of Social Services of the city consisting of five electors of the city, who shall consult with the Director of Social Services, advise the Mayor and the Council on the operations of the Department and exercise such special functions and assignments as the Mayor or Council may direct.

B.

The Mayor of said city shall appoint the members of said Board, subject to confirmation by the Council, for a term of two years. Any vacancy which may occur in the membership of said Board may be filled for the unexpired portion of the term in the manner hereinbefore provided. The members of said Board shall serve without compensation. The members of the Board whose terms are unexpired as of the date hereof shall continue as members of the Board for the balance of their terms. The two existing terms expiring December 1, 1981, shall be succeeded by two terms of one year each which shall expire December 1, 1982, and thereafter they shall expire every two years.

The two existing terms expiring December 1, 1983, shall expire on that date and every two years thereafter. Upo for a term expiring December 1, 1983, and every two years thereafter.

§ 1-356. Powers and duties of Director of Social Services.

(Charter Amendment 2-10-1981.)

A.

The Director shall recommend such personnel as are required to carry out the duties and responsibilities assigned to the Department pursuant to this ordinance. The number, duties, responsibilities and salaries of such personnel shall be set forth in a set of written job specifications, prepared by said Director and approved by the Common Council, and shall further be subject to such other approval of the Board of Estimate as may be provided by law.

B.

The Director of Social Services shall administer the powers and duties delegated to the Department of Social Services by the Welfare Commissioner or Commissioner of Income Maintenance of the State of Connecticut. She/He shall have authority over all Department of Social Services officials. She/He may require the enforcement of any law, regulation or ordinance relating to social services or public assistance. She/He shall have all the power given Directors of Social Services under the General Statutes of the state.

C.

On or before the first day of October in each year, the Director of Social Services shall report in writing to the Mayor and Common Council upon the activities of the Director of Social Services. Such report shall contain a review of activities of the Department and shall contain recommendations for such Council action as he may find advantageous for the protection of Social Services.

§ 1-357. Reimbursement.

(Charter Amendment 2-10-1981.)

The Department of Social Services shall be authorized to seek reimbursement for any state or federal program for the needy, including but not limited to the poor, aged, infirmed, blind and disabled, in accordance with state or federal law.

§ 1-358. Turning over reimbursement or receipts to Comptroller.

(Charter Amendment 2-10-1981.)

All money reimbursed or receipts from the state or federal government shall be paid over to the Comptroller for deposit in the general fund of the City of Norwalk.

§ 1-359. through § 1-361. (Reserved)

ARTICLE XI. (Reserved)

[1]
Editor's Note: Former Article XI, Department of Public Works, was repealed 10-24-1978. For current provisions in this regard, see Ch. 88, Public Works Department, of the Code of the City of Norwalk.

§ 1-362. (Reserved)

(Sp. Laws 1945, No. 313, § 1.)

§ 1-363. (Reserved)

(Sp. Laws 1945, No. 313, § 2; Charter Amendment 8-17-1976.)

§ 1-364. (Reserved)

(Sp. Laws 1945, No. 313, § 3; Sp. Laws 1947, No. 218, § 2.)

§ 1-365. (Reserved)

(Sp. Laws 1945, No. 313, § 4.)

§ 1-366. (Reserved)

(Sp. Laws 1947, No. 218, § 1.)

ARTICLE XII. Planning Commission

§ 1-367. Definitions for the purpose of this Article.

(Charter Amendment 11-3-1970; effective 1-1-1971.)
For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate, the singular includes the plural and the plural includes the singular. The term "streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways. The term "park" includes parks, parkways, parking spaces, waterfronts, squares, commons, grounds and other open spaces. "Subdivision" means the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision;[1] "resubdivision" means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon, if any of the lots shown thereon have been conveyed after the approval or recording of such map. The term "Commission" means the Norwalk City Planning Commission.[2] The term "Council" means the Common Council of the City of Norwalk. The term "Master Plan" as used herein shall have the same meaning as the term "plan of development" as used in the Connecticut General Statutes. Official submission of matters to the Commission shall be deemed the date of

any resolution or reference from the Council, or the postmarked date of envelopes containing submitted matters in the case of reference by any board, commission, individual or corporation.

[1]
Editor's Note: See Land Subdivision Regulations, Appendix, Part I.

[2]
Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-367 should be interpreted as referring to the Norwalk Planning and Zoning Commission rather than the Norwalk City Planning Commission. See Ch. 79, Planning and Zoning Commission.

§ 1-368. Creation, composition, powers and duties of Commission.

(Sp. Laws 1947, No. 214, § 2; Sp. Laws 1955, No. 400, § 1.)
There shall be in the City of Norwalk a City Planning Commission with the powers and duties hereinafter set forth. The Commission shall consist of the Mayor and the Commissioner of Public Works[1] or a member of the Department of Public Works designated by the Commissioner, both ex officio, and eight additional persons, with not more than four being registered members of any one political party. All of such members shall be electors of the City of Norwalk. Five concurring votes are required for the transaction of business. The Mayor and the Commissioner of Public Works, or a member of the Department of Public Works designated by the Commissioner, shall be nonvoting ex officio members, except in the case of a tie vote when the Mayor shall cast the deciding ballot. The membership shall be appointed by the Mayor with the approval of a majority of the Council. Upon expiration of the term of any such member, his successor shall be appointed for a term of four years. In the event of death, resignation or removal for cause of any of the members, the Mayor, with the approval of the majority of the Council, shall appoint, within 30 days, a member to fill the unexpired portion of the term. Members may, after a public hearing to be held not less than seven days or more than 14 days after legal notice of such hearing and due cause outlined in such notice, be removed by a majority vote of City Council, for inefficiency, neglect of duty or malfeasance in office. Three successive absences from meetings shall be deemed neglect of duty with no other proof required.

[1]
Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-368 had been superseded by §§ 79-2, Powers; 79-3, Composition and appointment; 79-4, Alternate members; and 79-5, Terms of office, of Ch. 79, Planning and Zoning Commission.

[2]
Editor's Note: See also § 1-363.

§ 1-368.1. Commission powers under statutory provisions.

(Added by Charter Amendment 11-3-1970; effective 1-1-1971.)
In addition to the powers and duties specifically granted and imposed upon the Planning Commission under the Charter of the City of Norwalk, the Commission shall have all of the powers and duties granted to and imposed on planning commissions under Chapter 126 of the Connecticut General Statutes, which are not inconsistent with the duties and powers set forth in said Charter.

§ 1-368.2. Consolidation of Planning and Zoning Commissions authorized.

(Added by Charter Amendment 11-3-1970; effective 1-1-1971.)
The Common Council may by ordinance designate either the Zoning Commission or the Planning Commission as the Planning and Zoning Commission for Norwalk, in the manner set forth in Section 8-4a of the Connecticut General Statutes, or may, after such a designation, reverse such designation in accordance with Section 8-4b of the Connecticut General Statutes.

§ 1-369. Chairman of Planning Commission; Custodian; meetings.

(Sp. Laws 1947, No. 214, § 3.)
The Commission shall elect its own Chairman and create other offices. The term of the Chairman shall be one year with eligibility for re-election. The Commission shall adopt rules for the transaction of business in conformity with the provisions of §§ 1-366 to 1-376, and shall keep a public record of its resolutions and transactions. The City Clerk shall be Custodian of the Commission's records. The Commission shall hold regular monthly meetings.

§ 1-370. Appointment of employees; expenditures; budget.

(Sp. Laws 1947, No. 214, § 4; Sp. Laws 1955, No. 400, § 2; Charter Amendment 8-17-1976.[1])
The Commission may appoint employees necessary for its work, subject to the same provisions of law as govern corresponding civil employees. No employee, whether hired for compensation or otherwise, shall directly or indirectly engage in the real estate business, as the same is defined in Section 1783c of the 1953 Supplement to the General Statutes, in the City of Norwalk. The Commission may contract with consultants for service. The expenditures of the Commission, exclusive of gifts of public benefit, shall be within the amounts appropriated. The Commission is to prepare a detailed budget each year to present on or before the first regular Council meeting in March to the City Council, for acceptance or amendment by a 2/3 vote of said Council. Such budget shall be given to the Comptroller for presentation to the Board of Estimate and Taxation in compliance with the provisions of the Charter of the City of Norwalk.
[1]
Editor's Note: Approved by the electorate at the general election held 11-2-1976.

§ 1-371. Master Plan for city development.

(Sp. Laws 1947, No. 214, § 5.)
It shall be the function and duty of the Commission to make and adopt a Master Plan for the physical development of the city. Such plan, with accompanying maps, charts and descriptive matter, shall show the Commission's recommendations for such development, including the general location, character and extent of streets, building lines, parks, aviation fields, other public grounds, public buildings and public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communications, power or other purposes; also rules and regulations to control the subdivision of land and the laying out of streets; also the relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing; also the approval or disapproval of the proposed names of new streets and to change the confusing names of existing streets.
[1]
Editor's Note: See Appendix, Part I, Land Subdivision Regulations, § 6.

§ 1-372. Adoption of plan.

(Sp. Laws 1947, No. 214, § 6.).
The Commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts or any amendment thereof or addition thereto. Before the adoption of the plan or any such part, amendment or addition, the Commission shall hold at least two public hearings thereon, notice of time and place of which shall be given by two publications in a newspaper of general circulation in the city, at least 10 and five days prior to such hearing. The resolution shall refer expressly to the maps and descriptive matter intended by the Commission to form the plan, and the action taken shall be recorded on the map, plan and descriptive matter by the identifying signatures of the Chairman and Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to the Council. The resolution and certified copy of such plan or part shall then be adopted by a majority vote of the Council and signed by the Mayor in the manner provided in the Charter for the adoption of ordinances, in order that it shall have the legal status of the official plan, and thereupon shall be so designated on the city official map.

§ 1-373. Effect of adoption of Master Plan; approval of subdivisions required.

(Added by Charter Amendment 11-3-1970; effective 1-1-1971.)

A.
Whenever the city has adopted the Master Plan or one or more major sections thereof, no street or park, other than those created by subdivision in accordance with Subparagraph B below, public building or structure or public utility whether publicly or privately owned, shall be constructed or authorized in the city or in such planned section and district until the location, character and extent thereof has been submitted to and approved by the Commission and the Council. In case of approval by the Commission, a majority of the Council is required for concurrence; in case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership.

B.
Whenever the city has adopted the Master Plan or one or more major sections thereof, no subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than $200 for each lot sold or offered for sale or so subdivided. All plans for subdivision shall, upon approval, be filed or recorded in the office of the Town Clerk, and any plan, not so filed or recorded in accordance with the Commission's regulations, shall become null and void. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon, and the filing or recording of a subdivision plan without such approval shall be void.

§ 1-374. Master Plan; failure to act.

(Sp. Laws 1947, No. 214, § 8.)
The failure of the Commission to act within 60 days from the date of official submission to the Commission shall be deemed approval, but the matter in question shall still require the action of the Council in the manner hereinbefore provided.

§ 1-375. Publishing report copies that pertain to Master Plan.

(Sp. Laws 1947, No. 214, § 9.)
The Commission shall have power to promote public interest in and understanding of the plan and may publish copies of any report and may employ other means of publicity. The Commission shall recommend to public officials programs for public improvements and the financing thereof. It shall be part of its duties to consult and advise with public officials and organizations and citizens with relation to the carrying out of the plan. The Commission shall have the right to accept and use gifts of public benefit for the exercise of its functions. All public officials shall, upon request, furnish the Commission, within a reasonable time, such available information as it may require in its work.

§ 1-376. Submissions to Planning Commission.

(Sp. Laws 1947, No. 214, § 10.)
No project, undertaking, contract or expenditure involving a total cost to the City of Norwalk of $10,000 or more, even though funds have been provided for by the Board of Estimate and Taxation, shall be made, commenced or contracted for until such project, undertaking or contract has been submitted to the Commission and considered by it with relation to the general plan and has been approved in accordance with the foregoing provisions of §§ 1-366 to 1-374. This section shall not apply to bond issues, notes, temporary or refunding loans or payments of the same or interest thereon, or to the regular annual departmental budgets.

§ 1-377. Appeals.

(Charter Amendment 11-3-1970, effective § 1-1-1971.)
Any person aggrieved by an official action of the Planning Commission may appeal therefrom within 15 days of such official action to the Court of Common Pleas for Fairfield County in accordance with the provisions of Section 8-28 of the Connecticut General Statutes.

§ 1-377.1. Saving clause.

(Charter Amendment 11-3-1970, effective 1-1-1971.)
All acts heretofore taken by the Planning Commission under the Charter of the City of Norwalk are expressly ratified, confirmed and approved.

ARTICLE XIII. Parking Department

[1]
Editor's Note: Former Article XIII, Parking Authority, was repealed 8-17-1976 by the Charter Amendment which established the Parking Department.

§ 1-378. In general.

(Charter Amendment 8-17-1976.[1])
In the place and stead of the Norwalk Parking Authority there is established a Parking Department for the City of Norwalk.
The Common Council shall establish by ordinance rules, regulations, policies and procedures which shall govern the operation of said Parking Department. Such ordinance may be amended from time to time by the Common Council as it may deem necessary for the proper operation of said Parking Department.
All of the property, equipment, leases and other assets of the Norwalk Parking Authority are hereby vested in the City of Norwalk and the City of Norwalk shall assume all obligations of the Norwalk Parking Authority at law or in equity.
The above provisions shall become effective on the first day of July, 1977.
[1]
Editor's Note: Approved by the electorate at the general election held 11-2-1976.

§ 1-379. through § 1-397. (Reserved)

[1]
Editor's Note: Former Article XIV, City Court, was deleted in its entirety, as the city court system was abolished by state statute.

ARTICLE XIV. (Reserved)

§ 1-398. through § 1-423. (Reserved)

ARTICLE XV. Streets, Sidewalks and Building Lines

[1]
*Editor's Note: Refer also to Ch. **101**, Streets and Sidewalks.*

Part 1. General

§ 1-424. The city shall be the successor to rights, duties and privileges of town.

(Sp. Laws 1913, No. 352, § 112.)
The city shall, on and after the first 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 Selectment of towns in relation to the improvement of such state-aided highways.

§ 1-425. State appropriations available for town.

(Sp. Laws 1913, No. 352, § 8.)
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 said 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 said city, and the Council of the city shall succeed to all the duties imposed upon Selectment of towns in relation to the improvement of highways by state aid.

§ 1-426. Obstructions and encumbrances.

(Sp. Laws 1913, No. 352, § 123.)
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.

[1]
*Editor's Note: See Ch. **101**, Streets and Sidewalks, § **101-3**.*

§ 1-427. Ice and snow.

(Sp. Laws 1913, No. 352, § 124; Sp. Laws 1915, No. 367, § 8.)
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.
[1]
*Editor's Note: See Ch. **101**, Streets and Sidewalks, § 101-17.*

§ 1-428. Public lighting.

(Sp. Laws 1957, No. 527.)
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 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.
[1]
*Editor's Note: See Ch. **86**, Public Lighting, supra.*

§ 1-429. West Avenue.

(Sp. Laws 1933, No. 414, § 1.)
West Avenue in the City of Norwalk from Wall Street to North Main Street is included in the trunk-line system of highways.

§ 1-430. Abandonment of West Avenue.

(Sp. Laws 1933, No. 414, § 2.)
The Highway Commissioner is authorized to abandon, on written notice to the Mayor of Norwalk, either before or after construction or reconstruction, the above-described section of highway when and if he shall substitute another section of highway for relief or as a cut-off for the same.

§ 1-431. West Avenue; reversion to city.

(Sp. Laws 1933, No. 414, § 3.)
The section of highway described in § **1-429** shall, when abandoned by the Highway Commissioner, revert to the City of Norwalk.

§ 1-432. Glover Avenue.

(Sp. Laws 1955, No. 402.)
Glover Avenue from Route 7 to Oakwood Avenue and Oakwood Avenue from Glover Avenue to the Wilton town line, in the Town of Norwalk, shall be included in the trunk-line system of highways.

§ 1-433. Washington Street Bridge.

(Sp. Laws 1949, No. 249.)
Washington Street Bridge in the City of Norwalk and its approaches to the intersection with Water Street and its intersection with Liberty Square shall be in the system of state highways.
[1]
Editor's Note: See § 1-7 for Sp. Law 1913, No. 352.

§ 1-434. Cross Street.

(Sp. Laws 1957, No. 419, § 1.)
The Highway Commissioner is directed to relocate and construct that part of Cross Street in the City of Norwalk from Hoyt Street to Belden Avenue in accordance with a general plan developed by the City of Norwalk and approved by the Highway Commissioner.

§ 1-435. Cross Street; acquiring rights-of-way; cost of constructing bridges and approaches.

(Sp. Laws 1957, No. 419, § 2.)
The City of Norwalk shall acquire all rights-of-way required for the purposes of § **1-434**, at its own expense. The cost of the construction of the bridge over the Norwalk River shall be paid from the flood fund and the cost of the construction of the approaches from the highway fund.

§ 1-436. Cross Street; responsibilities.

(Sp. Laws 1957, No. 419, § 3.)
The City of Norwalk shall be responsible for the maintenance of said part of Cross Street subsequent to the relocation and construction provided in § **1-434**, and the Highway Commissioner shall have no obligation or liability therefor.

§ 1-437. Yankee Doodle Bridge.

(Sp. Laws 1957, No. 503.)
The highway bridge of the Connecticut Turnpike to be built across the Norwalk River in Norwalk is named the "Yankee Doodle Bridge."

Part 2. Laying Out, Altering, Extending or Discontinuing

[1]
Editor's Note: See Ch. 101, Streets and Sidewalks.

§ 1-438. General powers of Council.

(Sp. Laws 1913, No. 352, § 113.
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.

§ 1-439. 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 assessments.

(Sp. Laws 1913, No. 352, § 114; Sp. Laws 1915, No. 367, § 7.)
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 line 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 days before the time fixed in such notice for such hearing, and such publication shall be legal and sufficient notice to persons and corporations whose land it is proposed to take for such layout or alteration, or over which said line is proposed to be established. At the time and place mentioned in said notice, and at any meeting adjourned therefrom, 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, is 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 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 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 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 Engineer[2] to the Mayor, said assessments shall forthwith become due and payable to said city, and the Mayor shall issue his warrant to the Tax Collector for the collection thereof, and any assessment which shall not be paid within 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.

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

[2]
Editor's Note: See § 1-363.

§ 1-440. Assessment appeals.

(Sp. Laws 1913, No. 352, § 115.)
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 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 nor more than 20 days after its date, which shall be served at least six 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.

§ 1-441. Fourth Taxing District; paving streets.

(Sp. Laws 1913, No. 352, § 116.)
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 property assessed under this section shall be again assessed for a similar purpose for a period of 10 years from the date of the first assessment.

[1]
Editor's Note: For Fourth Taxing District see Art. II.

§ 1-442. Fourth Taxing District; designation of courses, width, height and level of sidewalks and gutters.

(Sp. Laws 1913, No. 352, § 126.)
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 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,[1] 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 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.
[1]
*Editor's Note: See § **1-363**.*,

§ 1-443. Repairing sidewalks.

(Sp. Laws 1913, No. 352, § 127.)
If the owner of any land shall neglect to repair any sidewalk along his frontage in the manner and time said Council directs said Council may employ any person to do the same, and the expense thereof shall be paid by the owner. The Mayor may issue a warrant authorizing the Tax Collector to collect such sum.

§ 1-444. Power of Commissioner of Public Works as to sidewalks, curbs and gutters.

(Sp. Laws 1945, No. 216, § 1.)
The Commissioner of Public Works in the City of Norwalk may, from time to time, order and require the owner or owners of land fronting on any street or highway in said city, at the expense of such owner or owners, to make, construct and lay sidewalks, curbs, and gutters in such dimensions and material and at such grade or grades as said Commissioner shall designate and order, and to repair, reconstruct or relay the same; and to seed or sod with grass or otherwise fill the space between the walks and the curb line or the property line on any street or highway and to keep the growing grass in such space trimmed and cut. Said Commissioner may limit the time for carrying out any order made by him, and notice of any such order shall be given by mailing from the post office at Norwalk or South Norwalk a copy of such order to the last-known usual place of abode of the owner or owners of the property affected thereby, or to the agent or person having charge of or occupying the premises, or by leaving a copy of the order with the owner or owner's agent or person having charge of or occupying the premises. If any owner or owner's agent fails to comply with the order within the time specified or

limited therein, said Commissioner may execute such order according to the specifications set forth therein, at the initial expense of the city, and then assess the cost of executing such order against such owner and against the property upon which or adjoining which such sidewalk, curb or gutter was laid, relaid, constructed, reconstructed or repaired. Such cost, with interest at the rate of 6% per annum, from the publication of the notice of assessment by said Commissioner as hereinafter set forth, shall be a debt of the owner or owners of such property and shall be and remain a lien upon such property until full payment, plus interest and lien fees as in the case of tax liens, has been received by said city. Notice of such debt and assessment shall be given as follows: within 30 days after the work is completed, said Commissioner shall cause to be published in a newspaper having a circulation in said city a notice giving the names of the owner or owners of the property, as appears from the land records of the city, the street on which the property is located, and the amount of the assessment laid by him. Thereafter and within 30 days after such publication, said Commissioner shall notify the Mayor that such work has been completed and of the amounts of such assessments and the names of those from whom such assessments are due and the properties against which the assessments have been laid and the Mayor shall thereupon issue his warrant to the Tax Collector for the collection thereof. Any assessment which shall not be paid within 60 days after such publication by said Commissioner shall be a lien from the date of such publication upon the land or other property against which such assessment was made and such lien shall be continued and may be foreclosed in the manner provided by law for the collection of tax liens, provided a certificate thereof setting forth the name or names of the owner or owners of the property, a description of the property on which the lien exists, the amount claimed, the date of publication of such notice and the nature of the work for which such lien is claimed, signed by the Tax Collector, shall be lodged with the Town Clerk within three months after such notice of such assessment was published in the newspaper by said Commissioner.

[1]
Editor's Note: For Commissioner of Public Works, see § 1-363.

§ 1-445. Work by city and apportioning assessment costs.

(Sp. Laws 1945, No. 216, § 2.)
In lieu of ordering or requiring the owner or owners of land fronting on any street or highway to make, lay, construct, repair, relay or reconstruct sidewalks, curbs or gutters as hereinbefore set forth, said Commissioner may, after public hearing, notice of which shall be published in a newspaper having a circulation in said city at least 10 days prior to said hearing, make, construct, lay, repair, reconstruct or relay sidewalks, curbs and gutters, or any of them and apportion the cost thereof as determined by him and assess the same against the owner or owners of the property upon which or adjoining which such sidewalks, curb or gutter was laid, relaid, constructed, reconstructed or repaired. Such cost, with interest at the rate of 6% per annum, from the date of the publication of the notice of assessment by said Commissioner as hereinafter set forth, shall be a debt of the owner or owners of such property and shall be and remain a lien upon such property until full payment, plus interest and lien fees as in the case of tax liens, has been received by said city. Notice of such debt and assessment shall be given as follows: within 30 days after the work is completed, said Commissioner shall cause to be published in a newspaper having a circulation in said city a notice giving the name or names of the owner or owners of the property as appears from the land records of the city the street on which the property is located and the amount of the assessment laid by him. Thereafter and within 30 days after such publication, the Commissioner shall notify the Mayor that such work has been completed and the amounts of such assessments and the names of those from whom such assessments are due and the properties against which the assessments have been laid, and the Mayor shall thereupon issue his warrant to the Tax Collector for the collection thereof. Any assessment which has not been paid within 60 days after such publication of such notice by said Commissioner shall be a lien from the date of such publication upon the land or other property against which such assessment was laid and such lien shall be continued and may be foreclosed in the manner provided by law for the collection of tax liens, provided a certificate thereof setting forth the name or names of the owner or owners of the property, a description of the property on which the lien exists, the amount claimed, the date of the publication of such notice and the nature of the work for which such lien is claimed, signed by the Tax Collector, shall be lodged with the Town Clerk within three months after such notice of such assessment was published in the newspaper by said Commissioner.

§ 1-446. Appeal from assessment.

(Sp. Laws 1945, No. 216, § 3.)
Any person aggrieved by any assessment made by said Commissioner under the provisions of the foregoing sections, may, within 30 days after the publication of the notice of assessment, appeal from such assessment to any Judge of the Superior Court or the Court of Common Pleas by a written petition with citation attached, returnable in not less than six nor more than 20 days after its date, which shall be served at least six days before the return day upon the Clerk of the City of Norwalk; and any number of persons affected by any such assessment may join in such appeal. Such Judge may, by a Committee or otherwise, review such assessment and correct any error or errors therein and award costs.

§ 1-447. Validation of liens.

(Sp. Laws 1945, No. 216, § 4.)
Any and all liens securing assessments for sidewalks, curbs and gutters and for sewers heretofore filed, for and on behalf of the City of Norwalk, and which have been signed by the Tax Collector instead of the Mayor or City Clerk are and shall be valid to the same extent and in the same manner as if such liens had been originally signed by the Mayor or Clerk.

§ 1-448. Repeal of inconsistent ordinances.

(Sp. Laws 1945, No. 216, § 5.)
Any provision of any special act relating to the City of Norwalk and an ordinance or resolution of the Common Council of said city inconsistent with the terms of §§ **1-444** to **1-448**, are repealed.

§ 1-449. Establishment or alteration of lines, grades, width and height; general.

(Sp. Laws 1945, No. 263, § 1.)
The Common Council of the City of Norwalk, upon recommendation of the Commissioner of Public Works of said city, may establish or alter and reestablish curblines and grades of any street or highway, and the course, width and height of curbs and gutters, in said town, upon the City Clerk's giving notice of such proposed action by advertisement thereof not less than five days in advance of such action.

§ 1-450. Repeal of inconsistent acts and ordinances repealed.

(Sp. Laws 1945, No. 263, § 2.)
Any provision of any special act relating to the City of Norwalk or of any ordinance or resolution of the Common Council inconsistent with the terms of §§ **1-449** to **1-450** is repealed.

Part 3. (Reserved)

[1]
*Editor's Note: Former Part 3, Sprinkling, which was comprised of §§ **1-451** through 1-456, Sp. Laws 1913, No. 352 §§ 117 through 122, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.*

§ 1-451. through § 1-456. (Reserved)

ARTICLE XVI. Sewers and Sewerage Disposal

[1]
Editor's Note: See also, Charter, § 1-12; Ch. 94, Sewers and Sewage Disposal; Appendix, Part III, Sewer Assessments.

Part 1. General

§ 1-457. Authority to lay out, construct, maintain and repair; assessment of damages or benefits.

(Sp. Laws 1913, No. 352, § 137.)
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 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.

§ 1-458. Sewer connections.

(Sp. Laws 1913, No. 352, § 138.)
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 $100.

[1]
Editor's Note: For exclusion of certain territory refer to § 1-17.

Part 2. (Reserved)

[1]
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: §§ 1-459through 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.

§ 1-459. through § 1-483. (Reserved)

ARTICLE XVII. Parks and Recreation

[1]
Editor's Note: See also, Ch. 74, Parks and Recreation; Appendix, Part IV, Veteran's Memorial Park.

Part 1. General

§ 1-484. Authorization to establish park at or near Calf Pasture Beach.

(Sp. Laws 1917, No. 423, § 1.)
The City of Norwalk is authorized to establish and create a public park on the east side of Norwalk Harbor at and near Calf Pasture Beach; bounded northerly about 2,130' by the land of estates of J. Raymond Marvin and William E. Marvin and a public highway running in a general easterly and westerly direction, and easterly and southeasterly, southerly and westerly by the waters of Long Island Sound and Norwalk Harbor.

§ 1-485. Calf Pasture Beach; rights of state.

(Sp. Laws 1917, No. 423, § 2.)
The State of Connecticut grants to the City of Norwalk and its successors, all right, title and interest which the state has or may have in and to the beaches, sedge flats and marshlands located within the above boundaries for the aforesaid public park purposes in perpetuity, and said city is authorized to build and maintain a sea wall or walls, a boat landing or landings or dock or docks between high and low water mark in front of and adjoining the above described tract and to fill in and grade the space within the walls as it may deem expedient; and the spaces so filled in as aforesaid are granted to said city and its successors for such park purposes, provided the sea walls and boat landings and docks authorized shall be so constructed as not to interfere with or impair navigation.

§ 1-486. Calf Pasture Beach; eminent domain.

(Sp. Laws 1917, No. 423, § 3.)
Such park and the establishment thereof is declared to be of public convenience and necessity. In case the City of Norwalk cannot agree with any or all of the claimants, possessors or owners of land within the limits of the layout of the park, it may take such interest in the land required for such park as the claimants to the same, the possessors or owners may have in the manner provided by Sections 4109 and 4110 of the General Statutes, as amended by Chapter 311 of the Public Acts of 1915, for the taking of land for a town house or hall.

§ 1-487. Calf Pasture Beach; compensation.

(Sp. Laws 1917, No. 423, § 4.)
The city may take the land within the above described boundaries for park purposes upon paying to the owners, possessors or claimants thereof just compensation for their lawful interest therein.

§ 1-488. Calf Pasture Beach; Commencement and condemnation.

(Sp. Laws 1917, No. 423, § 5; Sp. Laws 1921, No. 131.)
No land or interest therein above high water mark shall be taken under §§ 1-484 to 1-488, without the consent of the owner, claimant or possessor thereof, unless condemnation proceedings are commenced by virtue of this act on or before June 1, 1923.

Part 2. (Reserved)

[1]
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: §§ 1-489through 1-493, Sp. Laws 1941, No. 36, §§ 1 to 5; §§ 1-494 through 1-499, Sp. Laws 1949, No. 205, §§ 1 to 6; §§ 1-500 through 1-506, Sp. Laws 1947, No. 342, §§ 1 through 6, and Sp. Laws 1953, No. 278, §§ 1 and 2. These sections will be maintained for record purposes in a separate book entitled "Bond Issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts." Copies of such compilation shall be kept in the offices of the City Clerk and Town Clerk and in the Finance Department.

§ 1-489. through § 1-506. (Reserved)

ARTICLE XVIII. Schools

[1]
Editor's Note: See also Part 2, Board of Education, §§ 1-516 through 1-520.

Part 1. General

§ 1-507. through § 1-509. (Reserved)

[1]
Editor's Note: 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.

§ 1-508. School districts.

(Sp. Laws 1913, No. 352, § 165.)
The territorial limits of said 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.

§ 1-509. through § 1-515. (Reserved)

[1]
Editor's Note: 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.

Part 2. Board of Education

§ 1-516. Creation and composition of Board of Education.

(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.[1])

There shall be in said city a Department of Education which shall be under the control of nine 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] Said Board shall hold a regular meeting each month. The Mayor of said city shall be, ex officio, Chairman of said Board of Education and shall preside at all meetings of said Board. He shall have no vote in any meeting of said Board except in case of a tie vote among the regular members of said Board. Said Board shall, at its first meeting and annually thereafter, elect from its number a Chairman pro tempore, who shall preside at all meetings of said 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 said Board and shall perform all duties imposed by said Board or by law. Said Board shall appoint a Superintendent of Schools and such number of assistants, principals, teachers, nurses and janitors as it may deem necessary and prescribe their respective terms of office and duties. Said Board shall, so far as practicable, on or before the first day of March of each year, make such appointments before any appropriation has been made to cover the salaries of the persons appointed, and § 1-213 of said act of consolidation shall not apply to such obligations. 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. If the vacancy occurs during the first 16 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 said 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. If the vacancy occurs after the first 16 months of any four-year term of office, the person so chosen shall serve until the completion of said four-year term. The Council of said city shall not have the power to fill any vacancy in said Board of Education.

[1]
Editor's Note: Approved by the electorate at the general election held 11-7-2000.

[2]
Editor's Note: For election of Board of Education members refer to § 1-167.

§ 1-517. Duties of Board.

(Sp. Laws 1931, No. 315, § 1.)

The Board of Education of the City of Norwalk shall have charge and direction of the public schools in said city and of the expenditure of moneys appropriated for the support of the same.[1] This authority shall not include erection of new schools or additions to the present buildings. Said 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 §§ 1-517 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 said public schools.

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

§ 1-518. Submission of amount required for salaries; included in budget submitted; appropriation.

(Sp. Laws 1931, No. 315, § 2; Sp. Laws 1933, No. 174; Sp. Laws 1967, No. 197, § 8; Sp. Laws 1969, No. 264, § 3; Charter Amendment 8-17-1976;[1] Charter Amendment 8-29-1978.[2])

Said Board of Education shall submit to a special meeting of the Board of Estimate and Taxation, which shall be held on the third Monday of December in each year, an estimate of the amount required for salaries of the

Superintendent of Schools and the assistants, principals, teachers, nurses, clerks, janitors and secretary, and the Board of Estimate and Taxation shall consider such estimate, and, on or before the fifteenth day of March next following, shall determine the total amount it will appropriate for such salaries at its annual sessions in March and April.[3] If the Board of Education, in any year, by a majority vote, shall consent, such determination of the amount to be appropriated for salary purposes for the next year may be deferred until a date not later than the first Monday of April in such year. If the amount to be appropriated for such salaries has been determined upon, it shall be included by the Board of Education in the budget required to be submitted to the Treasurer of the city annually, but, if such amount has not been determined when such budget shall be submitted, the amount of the estimate submitted to the Board of Estimate and Taxation shall be included in such budget. The amount determined upon by the Board of Estimate and Taxation shall be appropriated by it for school salary purposes at its regular meeting in April.[4]

[1]
Editor's Note: Approved by the electorate at the general election held 11-2-1976.

[2]
Editor's Note: Approved by the electorate at the general election held 11-7-1978.

[3]
Editor's Note: This date was corrected by resolution of the Common Council 3-8-1977.

[4]
Editor's Note: See also, Art. VI, § 1-289, for appropriations in general.

§ 1-519. Salaries.

(Sp. Laws 1931, No. 315, § 3.)
The salaries of all persons appointed by the Board of Education under the provisions of an act concerning the Board of Education of the City of Norwalk, approved April 18, 1929, shall be as fixed by said Board, but the aggregate amount of such salaries, together with the salaries of persons thereafter appointed, shall not exceed the amount determined by the Board of Estimate and Taxation under § 1-518, unless an additional amount shall be appropriated for that purpose.

§ 1-520. Board reports.

(Sp. Laws 1913, No. 352, § 168; Sp. Laws 1921, No. 189, § 5.)
Said Board . . . . . shall at the end of each fiscal year, transmit to the Mayor a full report of its proceedings during said year, with a statement showing the total amount of money received and expended for the support of said schools, and, at least once in each month, shall transmit to the Mayor a detailed statement of expenses incurred during the preceding month, and said expenses shall be paid in the same manner as other expenses of said city.

Part 3. Bonds and Notes

§ 1-521. through § 1-613. (Reserved)

[1]
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.

§ 1-614. Bond issue of 1957; minimum fee for students attending technical institute.

(Sp. Laws 1957, No. 665, §§ 6, 7.)
The minimum fee chargeable to each full-time student attending any post secondary state technical institute shall be $100 per annum.
This Section six shall take effect July 1, 1959.

ARTICLE XIX. Library Appropriations

§ 1-615. Special meeting of electors.

(Sp. Laws 1925, No. 18.)
A special meeting of the electors of the First, Second, Third, and Sixth Taxing Districts, respectively, of the City of Norwalk shall be held at least 30 days prior to the first regular meeting, in each year, of the Board of Estimate and Taxation of said city, for the purpose of making in each district an appropriation for the ensuing fiscal year for the library maintained within the particular district. The Board of Estimate and Taxation shall annually lay a tax based on the assessment list of the district last completed to defray the expenses of the library of such district to the amount appropriated by the district as hereinbefore provided.[1]

*Editor's Note: See First Taxing District, § **1-28**; Second Taxing District, § **1-82**; Third Taxing District, § **1-118**; Sixth Taxing District, §§ **1-136** and **1-140**.*

ARTICLE XX. (Reserved)

*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)

ARTICLE XXI. Pensions for Certain Retired Employees

Editor's Note: As to pension plan for city employees see Appendix, Part II, Pension Plan.

§ 1-659. through § 1-662. (Reserved)

[1]
Editor's Note: Former §§ 1-659, Payment to Grace Briggs Barrett, and 1-660, Pension from date of retirement included in estimate of expenditures, Sp. Laws 1949, No. 34, §§ 1 and 2, and §§ 1-661, Payment to Charles T. McGovern, and 1-662, Pension included in estimate of expenditures, Sp. Laws 1953, No. 426, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

§ 1-663. Payment to widows.

(Sp. Laws 1955, No. 298; Charter Amendment 9-2-1980.[1])
The City of Norwalk shall pay annually to Mary E. Eldridge, widow of James Eldridge, during the term of her natural life, the sum of $706.80, in equal monthly payments to commence September 1, 1955. The Board of Estimate and Taxation shall include annually in the estimate of expenditures of the City and Town of Norwalk a sum sufficient to pay such pension.
[1]
Editor's Note: Approved by the electorate at the general election held 11-4-1980.

§ 1-664. (Reserved)

[1]
Editor's Note: Former § 1-664, Payment to John Mills, Sp. Laws 1957, No. 154, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

ARTICLE XXII. Extension of Fire Protection

[Adopted 6-14-1961]
[1]
Editor's Note: See also Art. IX and Ch. 41, Fire Department.

§ 1-665. Jurisdiction.

(Charter Amendment 11-3-1970; effective 7-1-1971.)
The jurisdiction of the Norwalk Fire Department shall extend to the entire City of Norwalk except to the Sixth Taxing District.

§ 1-666. Fire Department to be maintained.

A.
The Norwalk Fire Department shall maintain adequate fire-fighting force within the Fifth Taxing District of the City of Norwalk and in addition thereto shall maintain all necessary fire houses and fire-fighting equipment within the boundaries of the Fifth Taxing District of the City of Norwalk, except the Sixth Taxing District. (Charter Amendment 11-3-1970, effective 7-1-1971.)

B.
The Norwalk Fire Department shall make available the services of its entire department to the entire city whenever they may be required.

§ 1-667. Taxation.

(Charter Amendment 11-3-1970, effective 7-1-1971.)
All of the inhabitants and the real and personal property within the limits of the Fifth Taxing District, with the exception of the Sixth Taxing District, shall be liable to taxation in order to defray the expenses of the Norwalk Fire Department. An appropriation to cover the operation of the Norwalk Fire Department shall be included in the annual budget of the city.

§ 1-668. Termination of Sixth Taxing District exception.

(Charter Amendment 11-3-1970, effective 7-1-1971.)
At such time as the Sixth Taxing District shall cease to maintain its own Fire Department, the Sixth Taxing District shall no longer be excepted from the provisions of §§ **1-665** and **1-666** hereinabove, and all of the inhabitants and real and personal property within the Fifth Taxing District shall be liable to taxation to defray the expenses of said department.

ARTICLE XXIII. Referendum Procedure

§ 1-669. Matters subject to referendum; procedure.

(Charter Amendment 8-8-1974;[1] Charter Amendment 8-17-1976;[2] Charter Amendment 11-5-1996.)
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 12(c) hereinbelow, 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 Section 9-1(n) of the Connecticut General Statutes.

1.
Upon a petition of not less than 8% 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 submitted.

2.
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 $25.

3.
Within three days of the receipt of a request in accordance with Paragraph 2 above, the City Clerk shall cause to be prepared a form of petition for referendum in at least 500 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 the said 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 2 hereinabove.

4.

No ordinance or exercise of authority shall be subject to referendum unless, within 25 days of the mailing of notice in accordance with Paragraph 3, there shall be returned to the City Clerk as a lot by any of the named electors of the aforesaid request for petition, the petition forms containing the signatures, with addresses, of 8% of the electors of the City of Norwalk on the petition forms requesting such referendum issued by the City Clerk.

5.

a.

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 2 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 5(b) 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 Connecticut.

b.

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 2 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 forms.

c.

The City Clerk shall cause to be reprinted on each petition form the question or proposal in accordance with the provisions of 5(a) and (b) above, which shall be followed by sufficient lines for the signatures and addresses of 20 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 that:

1.

Each person whose name appears on this page personally signed the same in my presence.

2.

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

I recognize that the above statements are made by me subject to the penalti

Signature of circulator

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

6.

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 12(c) hereinbelow.

7.

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 Clerk:

a.
The number of validated signatures necessary to equal the signatures of 8% of the electors of the city.

b.
On each page of said 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 2 above either verifying the timely receipt of the petition forms in proper order containing the signatures of 8% 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 8% of the electors of the City of Norwalk.

8.
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 2 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 8% 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 election.

9.
a.
In the event that the City Clerk issues a statement verifying the timely receipt of petition forms in proper order containing the signatures of 8% of the electors of the City of Norwalk as provided in Paragraph 7(b) 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 Council.

b.
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 17 days nor later than 25 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 7(b) above; provided, however, that if such verification by the City Clerk as provided in Paragraph 7(b) above occurs less than 60 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 17 days nor later than 25 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 Norwalk.

10.
No question or proposal shall be approved, unless at the election at least 25% of the electors of the City of Norwalk cast a ballot with respect to such question or proposal.

11.
a.
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 12(c) hereinbelow.

b.
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 forthwith.

c.
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 2 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 required.

d.
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 11(c) above shall apply.

e.
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 2 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 said election the Board of Estimate and Taxation shall hold a public hearing on said 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 said meeting shall not approve any increase in total appropriations above the amount provided for in the disapproved budget, appropriation or part thereof.

f.
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 10 of this § 1-669.

g.
Notwithstanding any other provision hereof, any appropriations fixed by the Board of Estimate and Taxation pursuant to Sections c, d or e of this paragraph shall be final, and the actions taken by the Board of Estimate and Taxation pursuant to said sections shall be exempt from any further referendum as to said actions.

12.
a.
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 apply.

b.
When a period of time is prescribed for the doing of any act, or as to Paragraph 8 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 holiday.

c.
Should any provision of § 1-669 of this Article conflict with any other provision of any other section of this Article, or any other Article, of this Charter, the provision of § **1-669** 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 § **1-669**.
[1]
*Editor's Note: Approved by the electorate a 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.*
[2]
Editor's Note: Approved by the electorate at the general election held 11-2-1976.

§ 1-670. through § 1-671. (Reserved)

[1]
*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.*

Exhibit 7

CITY OF NORWALK

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125

LAW DEPARTMENT

TEL: (203) 854-7750
FAX: (203) 854-7901

MEMORANDUM OF LAW

DATE: March 22, 2016
TO: Charter Revision Commission
FROM: Mario Coppola, Corporation Counsel
RE: Issues that the Charter Revision Commission requested to be researched

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I. VACANCY PROCEDURE FOR THE TOWN CLERK IN NORWALK, CT

You inquired whether the vacancy procedure for the position of town clerk would need to be amended if the Charter was amended to extend the town clerk's position from a term length of two years to a term length of four years. Norwalk City Code § 1-174 provides that if there is a vacancy in the position of Town Clerk, then the Council shall elect, by a plurality of votes, an elector of the same political party from which the former incumbent was chosen. Amending the term length of the town clerk from two years to four years would have no effect on this vacancy provision; therefore, the provision would not need to be amended if the term length of the town clerk is changed.

II. VACANCY PROCEDURE FOR CHIEF ELECTED OFFICIALS WITH TERM LENGTHS OF FOUR YEARS

A. Relevant statutory provision

You inquired about the vacancy procedure for chief elected officials with term lengths of four years. Conn. Gen. Stat. § 9-220 sets forth permitted procedures for filling a vacancy for an elected municipal office. C.G.S. § 9-220 provides in relevant part:

If any town office in any town is vacant from any cause, such town, if such office is elective, shall, except as otherwise provided by law, fill the vacancy at the next town election or at a special election called for such purpose in accordance with the provisions of section 9-164, but, until such vacancy is so filled, it shall be filled by the selectmen. The selectmen shall fill all vacancies in offices to which they have the power of appointment.

B. *Survey of vacancy provisions of other CT municipalities*

I thought that it would be helpful for you to review the vacancy provisions of other municipalities where the chief elected official has a four year term. Below is a survey of the vacancy provisions for those municipalities:

BRIDGEPORT	The president of the city council shall act as mayor. If vacancy is within first 1-3 years of term, then a special election shall be held not less than 120 nor more than 150 days from the date of vacancy. If vacancy is in last year of term, then the president of the city council shall serve unexpired portion of term.
FAIRFIELD	A replacement, who shall be registered with the same political party as the vacated officeholder, shall be designated by the remaining Selectmen. If the Selectmen designate one of themselves to fill the vacancy, they shall designate another elector to fill the vacancy of Selectman. If the vacancy is not filled within 30 days, the vacancy shall be filled in accordance with the procedure set forth in Chapter 146 of Conn. Gen. Stats.
HARTFORD	In the event that the position of mayor becomes vacant, the council president shall serve as mayor until the next regularly scheduled municipal general election, or, if not permitted by the General Statutes, for the remainder of the mayor's term.
NEW LONDON	In any such event, an election to fill a vacancy for the unexpired term in the office of mayor shall be held at the next municipal or general election occurring more than thirty days after the vacancy occurs, unless the vacancy occurs in the last year of the term, in which event a mayor shall be chosen by the council by a majority vote of all its members. Any person so chosen to fill a vacancy shall continue in office until a successor is elected and has qualified.
RIDGEFIELD	Vacancies in the Board of Selectmen shall be filled in the manner prescribed in Section 9-222 of the Conn. Gen. Stats.

STAMFORD	The Board of Representatives shall, within sixty (60) days following the vacancy, elect a successor to fill such vacancy until December 1 following the next biennial election. A vacancy election shall be held at the next biennial election. Any political party may nominate one candidate. No voter may vote for more than one candidate to fill such vacancy. The candidate receiving the highest number of votes shall be elected until the next biennial election.
STRATFORD	The Council Chairman shall vacate his Council seat, and serve as Mayor. If such a vacancy occurs two (2) or more years prior to the next regular Mayoral election, a special election shall be convened by the Council to fill such vacancy per C.G.S. § 9-164(b). If such vacancy occurs less than two (2) years prior to the next regular Mayoral election, the Council chairman shall serve until a successor Mayor is elected at the next regular election.
WESTPORT	The Board of Selectmen shall forthwith convene a special election to fill the vacancy. Until a successor has been elected and qualified, the remaining Selectmen and the Finance Director, acting as a board, shall exercise the powers and duties of the First Selectman and of the Board of Selectman.
WILTON	A vacancy in the office of First Selectman shall be filled by the Second Selectman or, if he or she cannot serve, by another Selectman or an elector of the Town chosen by the remaining members of the Board of Selectmen until a replacement for that position is determined by a special election, to be held as soon as is reasonably possible after the vacancy occurs, to fill the unexpired term.

C. Charter Language regarding vacancy in the office of Mayor.

Norwalk City Code Section 1-174 provides, in relevant part:

> Whenever [a vacancy occurs in any elective city office] the Council of said city shall, having been called together for the purpose by the Clerk of said city, upon one week's notice, declare such office vacant and shall forthwith fill such vacancy; and the person chosen to fill such vacancy shall have all the powers and duties of the former incumbent of such vacant office and shall continue therein until the expiration of the term for which said incumbent was elected and until his successor is duly elected and qualified. A plurality of ballots shall be sufficient to elect. If such vacancy occurs in the office of the Mayor, it shall be filled from the Councilmen of said 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....The provisions of Section 9-221 of the General Statutes shall apply to the filling of vacancies occurring during the periods specified in said statute; provided, however, that nothing herein contained shall supersede the application of Section 9-167a of the Connecticut General Statutes.

I suggest that you consider amending Section 1-174 of the Charter as follows:

Whenever any elective officer of said town or city shall die, resign or remove his residence from said city or, by reason of permanent mental or physical disability or infirmity, shall become incapacitated to discharge the duties of his office or shall be convicted of malfeasance in office or any infamous crime or when any vacancy shall occur in any elective office of said town or city from any cause, the Council of said city shall, having been called together for the purpose by the Clerk of said city, upon one weeks's notice, declare such office vacant and shall forthwith fill such vacancy; and the person chosen to fill such vacancy shall have all the powers and duties of the former incumbent of such vacant office and shall continue therein until the expiration of the term for which said incumbent was elected and until his successor is duly elected and qualified, including a successor Mayor duly elected by special election as hereinafter provided. A plurality of ballots shall be sufficient to elect. If such vacancy occurs in the office of the Mayor, it shall be filled from the Councilmen of said city; if in the members of the Council, from the electors of the council district or districts in said city from which the former incumbent of such office was chosen; and if in any other elective office of said town or city, from the electors of said city, but 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. If a vacancy occurs in any elective office of the First, Second, Third or Sixth Taxing District of said city, such vacancy shall be filled by the Commissioners of the district in which the same occurs. The provisions of Section 9-221 of the General Statutes shall apply to the filling of vacancies occurring during the periods specified in said statute; provided, however, that nothing herein contained shall supersede the application of Section 9-167a of the Connecticut General Statutes. Provided, if a vacancy occurs in the office of Councilman, such vacancy shall be filled by the town and city committee of the political party to which the Councilman 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 Education.

Notwithstanding any of the foregoing, if a vacancy occurs in the office of Mayor and the unexpired term of the office of Mayor exceeds thirty months, there shall be a special election held, coinciding with the next Common Council general election, to fill the vacancy for the balance of said term only. Between the occurrence of the vacancy and the election of the Mayor at said special election, said vacancy shall be filled by the Common Council on a temporary basis as hereinbefore provided.

Exhibit 10

CITY OF NORWALK

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125

LAW DEPARTMENT

TEL: (203) 854-7750
FAX: (203) 854-7901

MEMORANDUM OF LAW

Date: March 22, 2016
To: Charter Revision Commission
From: Mario F. Coppola, Corporation Counsel
RE: Mayoral Appointments in Charter

You requested a list of the mayoral appointments contained in the Charter in order to determine whether amending the term length of the Mayor from two years to four years would affect any of the mayoral appointments listed in the Charter. Below is the list of mayoral appointments, and relevant provisions of the Charter:

Position (Term Length)	*Charter Section*	*Charter Language*
General/ Miscellaneous	§ 1-218. Mayoral appointments.	All officers required by law to be appointed by towns and by Selectmen of towns, not herein otherwise provided for, shall, on and after the first Monday of October, 1913, be appointed by the Mayor, subject to confirmation by the Council.
Corporation Counsel (2 years)	§ 1-223. Appointment and term of Corporation Counsel.	On the second Tuesday following his election, the *Mayor shall appoint a Corporation Counsel* for the term of two years or until his successor is appointed and qualified, unless removed for cause.
City Clerk (2 years)	§ 1-233. Appointment, term and salary of City Clerk.	On the second Tuesday following his election the *Mayor shall appoint the City Clerk*, subject to the approval of the Common Council, for a term of two years or until his successor shall have been appointed and qualified, unless removed for cause.
Director of Finance	§ 1-239. Director of	A. The *Mayor shall appoint and may remove at his discretion a Director of Finance* who, under the direction

Position (Term Length)	*Charter Section*	*Charter Language*
	Finance.	of the Mayor, shall have supervision over the Department of Finance and shall be responsible for the administration of the financial affairs of the City.
Assistant Director of Finance (if the Director of Finance does not appoint one)	§ 1-239. Assistant Director of Finance.	C. The Comptroller, Purchasing Agent, Tax Collector and Tax Assessor shall report to the Director of Finance and shall be subject to his or her control and direction, but the terms of said officers shall be as otherwise provided in this Charter. The Director of Finance shall give a bond in an amount to be determined by the Common Council to the City conditioned against defalcation or malfeasance in office, with a surety company as surety. The Director of Finance may transfer temporarily any employee of a division of the Department of Finance to another division thereof to meet seasonal or other temporary demands for clerical and other assistance. He or she may designate from among the heads of the four divisions above mentioned an Assistant Director of Finance who, during his or her temporary incapacity or absence, shall have all the powers and duties herein conferred or imposed upon the Director of Finance, *or in the event of his or her failure to do so, the Mayor shall appoint an Assistant Director of Finance.*
Comptroller (4 years)	§ 1-240. Division of Accounting and Treasury.	A. There shall be a Division of Accounting and Treasury headed by the Comptroller, who shall be appointed for a term of four years. *The Mayor* elected in November 1979, subject to confirmation by the City Council, *shall appoint a City Comptroller* to hold office for a term of four years beginning July 1, 1980, and until his or her successor shall be duly appointed and shall have qualified.
Purchasing Agent (4 years)	§ 1-241. Division of Purchasing.	A. There shall be a Division of Purchasing headed by the Purchasing Agent who shall be appointed for a term of four years. The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for an initial term from the date of his appointment to June 30, 1981, and *thereafter the Mayor, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for a term of four years* beginning July 1, 1981, and until his or her successor shall be duly appointed and shall have qualified.
Tax Collector (4 years)	§ 1-242. Division of	A. There shall be a Division of Tax Collection headed by the Tax Collector, who shall be appointed for a term of four

Position (Term Length)	*Charter Section*	*Charter Language*
	Tax Collection.	years. The Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint a Tax Collector to hold office for a term of four years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified.
Tax Assessor (4 years)	§ 1-243. Division of Tax Assessment.	A. There shall be a Division of Tax Assessment headed by the Tax Assessor, who shall be appointed for a term of four years. *The Mayor* elected in November 1977, subject to confirmation by the City Council, *shall appoint a Tax Assessor to hold office for a term of four years* beginning July 1, 1979, and until his or her successor shall be duly appointed and shall have qualified.
Assistant Tax Assessor (4 years)	§ 1-243. Division of Tax Assessment.	B. *The Mayor* elected in November 1981, subject to confirmation by the City Council, *shall appoint an Assistant Tax Assessor to hold office for a term of four years* beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified.
Board of Tax Relief (three years, staggered)	§ 1-271. Appointment of Tax Commissioners and Board of Relief; in general.	On the Wednesday next following the first Monday of October, 1933, the Mayor shall appoint, subject to confirmation by the Council, one member on the Board of Relief to hold office for the term of three years, and the person so appointed and the two members of the Board of Relief holding office at the time of such appointment and their successors to be appointed in the manner hereinafter provided shall constitute the Board of Relief. *Annually thereafter, on the Wednesday following the first Monday of October, the Mayor shall appoint subject to confirmation by the Council, one member of the Board of Relief to hold office from the date of his appointment for a like term of three years and until his successor shall be appointed and shall have qualified.* The term of office of the members of the Board of Relief in office at the time of the approval of this act shall be unaffected by the provisions hereof. *Any vacancy in the membership of the Board of Relief may be filled by the Mayor for the unexpired portion of the term, subject to confirmation by the Council.*
Personnel Director	§ 1-287.2. Personnel Director; appointment; term of	On the first Monday after the first Tuesday in December 1977, *the Mayor then in office shall appoint a Personnel Director, subject to confirmation of the Council of the City*, who shall hold office at the pleasure of the Mayor and who may be removed at any time at the will of the

Position (Term Length)	*Charter Section*	*Charter Language*
	office; vacancy.	Mayor. Such removal for all purposes shall be treated as a resignation. If the Mayor shall so remove his appointee, he shall forthwith appoint a successor, which appointment shall require confirmation by the Council. The Mayor shall fill any vacancy in the office of Personnel Director, subject to confirmation by the Council.
Board of Estimate and Taxation (4 years)	§ 1-288. Board of Estimate and Taxation; appointment, qualifications, term and compensation; vacancies.	There shall be in said city a Board of Estimate and Taxation composed of six electors who shall serve without pay. *Said members shall be appointed by the Mayor, subject to approval by the affirmative votes of a majority of the membership of the Common Council*, and there shall be not more than two members from any one Council District, and not more than three appointed members shall belong to the same political party. *Whenever a vacancy shall occur in said Board, the Mayor shall, subject to approval by the affirmative votes of a majority of the membership of the Common Council, appoint a member for the balance of the unexpired term.* Such balance of unexpired term shall be considered as a full term for the purpose of tenure as hereinafter provided. Each term of membership shall be of four years' duration, and no member shall serve more than two consecutive terms unless the Mayor's appointment for a third term shall be approved by the affirmative votes of 2/3 of the membership of the Common Council, and in no instance shall an appointed member serve more than three consecutive terms. Within one week after taking office in 1983, the Mayor shall appoint one member for a term of two years and one member for a term of four years, and biennially thereafter, within one week after taking office, the Mayor shall, in the manner herein provided, appoint three members of said Board, each for a term of four years. Such appointments are subject to approval by the affirmative votes of a majority of the membership of the Common Council.
Police Board (2 years)	§ 1-297. Police Board; creation, composition; powers and duties.	There shall be *a Police Board in the City of Norwalk, which shall consist of two resident electors who shall be appointed by the Mayor* and shall serve without compensation. Not more than 1/2 of the members of said Board, with the exception of the Mayor, shall be members of any one political party. The Mayor of said city shall be, ex officio, a member and Chairman of said Board. Within 10 days from the passage of this act, §§ 1-297 to 1-302, the Mayor shall appoint two members of said Board to serve until the first Wednesday following the first Monday of October 1937, and *biennially thereafter the*

Position (Term Length)	*Charter Section*	*Charter Language*
		Mayor shall appoint two members to serve two years, and each such member shall serve until his successor shall be appointed.
Fire Board (2 years)	§ 1-333. Fire Board; creation and composition; general powers.	There shall be *a Fire Board in the City of Norwalk, which shall consist of two resident electors who shall be appointed by the Mayor* and shall serve without compensation. Not more than 1/2 of the members of said Board, with the exception of the Mayor, shall be members of any one political party. The Mayor of the said city shall be, ex officio, a member and chairman of said Board. Within 10 days from the passage of §§ 1-333 to 1-337, the Mayor shall appoint two members of said Board to serve until the first Wednesday following the first Monday of October, 1937, *and biennially thereafter, the Mayor shall appoint two members to serve for two years, and each such member shall serve until his successor shall be appointed.*
Director of Social Services (4 years)	§ 1-354. Appointment of Director.	There shall be a Director of Social Services in accordance with the provisions of Section 17-9 of the General Statutes. Said Director shall be in charge of and be responsible for the operation of the Department in carrying out its functions and duties. *He shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of four years* and may, at the beginning of a term, be made subject to a probationary period of service, after which he may be removed for cause. The provision shall become effective on the date the present Director of Social Services ceases to hold said office; said four-year term shall commence on the July 1 following the date the present Director ceases to hold said office.
Board of Social Services (2 years)	§ 1-355. Creation and composition of Board of Social Services.	A. There shall be a Board of Social Services of the city consisting of five electors of the city, who shall consult with the Director of Social Services, advise the Mayor and the Council on the operations of the Department and exercise such special functions and assignments as the Mayor or Council may direct. B. *The Mayor of said city shall appoint the members of said Board, subject to confirmation by the Council, for a term of two years.* Any vacancy which may occur in the membership of said Board may be filled for the unexpired portion of the term in the manner hereinbefore provided. The members of said Board shall serve without

Position (Term Length)	*Charter Section*	*Charter Language*
		compensation. The members of the Board whose terms are unexpired as of the date hereof shall continue as members of the Board for the balance of their terms. The two existing terms expiring December 1, 1981, shall be succeeded by two terms of one year each which shall expire December 1, 1982, and thereafter they shall expire every two years.
City Planning Commission (4 years)	§ 1-368. Creation, composition, powers and duties of Commission.	There shall be in the City of Norwalk a City Planning Commission with the powers and duties hereinafter set forth. The Commission shall consist of the Mayor and the Commissioner of Public Works or a member of the Department of Public Works designated by the Commissioner, both ex officio, and eight additional persons, with not more than four being registered members of any one political party. All of such members shall be electors of the City of Norwalk. Five concurring votes are required for the transaction of business. The Mayor and the Commissioner of Public Works, or a member of the Department of Public Works designated by the Commissioner, shall be nonvoting ex officio members, except in the case of a tie vote when the Mayor shall cast the deciding ballot. *The membership shall be appointed by the Mayor with the approval of a majority of the Council. Upon expiration of the term of any such member, his successor shall be appointed for a term of four years. In the event of death, resignation or removal for cause of any of the members, the Mayor, with the approval of the majority of the Council, shall appoint, within 30 days, a member to fill the unexpired portion of the term.* Members may, after a public hearing to be held not less than seven days or more than 14 days after legal notice of such hearing and due cause outlined in such notice, be removed by a majority vote of City Council, for inefficiency, neglect of duty or malfeasance in office. Three successive absences from meetings shall be deemed neglect of duty with no other proof required.