



## REGULAR MEETING – ORDINANCE COMMITTEE AGENDA

MARCH 18, 2025, 7:00 PM  
BY ZOOM VIRTUAL MEETING

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



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



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



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be included into the record, they must be submitted by 12:00 p.m. the day of the meeting. Please email Brian Candela at [bcandela@norwalkct.gov](mailto:bcandela@norwalkct.gov) with the subject line "Public Comment" to provide written public comment prior to the meeting.

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PUBLIC HEARING**

- A. • Discuss and vote on Section 103-14 Appointment of members; increase in membership (Board of Assessment Appeals)
- B. • Discuss and vote on Vape Shop ordinance.

IV. **PUBLIC PARTICIPATION**

V. **ACCEPTANCE OF MINUTES**

- A. • February 18, 2025 – regular meeting of the ordinance committee

**VI. OLD BUSINESS**

- A. • Discuss and vote on Chapter 94: Solid Waste Collection & Disposal; Transfer Station & Yard Waste Site
- B. • Discuss and vote on new proposed ordinance: Issuance of Citations; Hearing Procedure

**VII. NEW BUSINESS**

- A. • Discuss new proposed ordinance: Use of Automated Traffic Enforcement Safety Devices
- B. • Discuss Chapter 73A: Parking Authority, sections 73A-1 through 73A-9

**VIII. DISCUSSION**

**IX. ADJOURNMENT**

## THE HOUR

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### PUBLIC NOTICES

#### Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, March 18, 2025 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on Section 103-14 Appointment of members; increase in membership. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by March 14, 2025.

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

- A. There shall be three regular members and three alternate members appointed to the Board of Assessment Appeals. The Mayor shall appoint these members subject to confirmation by the Common Council. Each regular member shall serve a term of four years from the date of appointment and until their successor is appointed and confirmed by the Common Council. Each alternate member shall serve a term of one year from the date of appointment.
- B. Revaluation.
- (1) In accordance with the provisions of General Statutes § 9-199(c), the Board of Assessment Appeals is hereby increased to seven regular members and seven alternate members for any assessment year during which a revaluation becomes effective. The Mayor shall appoint the additional members, subject to confirmation by the Common Council, the year that the revaluation becomes effective.
  - (2) In accordance with the provisions of General Statutes § 9-199(c), the Board of Assessment Appeals is hereby increased to four regular members and four alternate members for the assessment year immediately following the assessment year when the revaluation becomes effective, which is also the second assessment year of any given revaluation cycle. The Mayor shall appoint the additional members, subject to confirmation by the Common Council.
  - (3) The provisions of CGS § 9-167a concerning minority representation shall apply to the Board of Assessment Appeals.
  - (4) Upon the completion by the Board of Assessment Appeals of its work for any revaluation assessment year described above for which the additional members were appointed, the terms of the additional members appointed and confirmed pursuant to this section shall expire and no successors shall be appointed.

Dated at Norwalk, Connecticut this \_\_\_\_\_ day of February 2025.

ATTEST: Irene Dixon, City Clerk

## THE HOUR

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### PUBLIC NOTICES

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

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##### **B. Revaluation.**

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

(2) In accordance with the provisions of General Statutes § 9-199(c), the Board of Assessment Appeals is hereby increased to four regular members and four alternate members for the assessment year immediately following the assessment year when the revaluation becomes effective, which is also the second assessment

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B. Revaluation.

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

~~(1)~~(2) In accordance with the provisions of General Statutes § 9-199(c), the Board of Assessment Appeals is hereby increased to four regular members and four alternate members for the assessment year immediately following the assessment year when the revaluation becomes effective, which is also the second assessment year of any given revaluation cycle. The Mayor shall appoint the additional members, subject to confirmation by the Common Council.

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

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

Dated at Norwalk, Connecticut this 19th day of February 2025.

ATTEST: Irene G. Dixon  
Irene Dixon, City Clerk

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

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, March 18, 2025 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on a new Chapter entitled Vape Shops, Article 1 through Article 4 (Sections 1 through 16). Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by March 14, 2025.

## VAPE SHOPS

### Article I. General Provisions.

#### § \_\_\_\_-1. Purpose.

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

#### § \_\_\_\_-2. Definitions.

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

#### APPLICANT

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

#### BOARD OF HEALTH

The Board of Health of the City of Norwalk.

#### CHIEF OF POLICE

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

#### CITY CLERK

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

#### DIRECTOR OF HEALTH

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

#### RETAILER

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

#### SALE, SELL, OR SOLD

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

#### SALESPERSON

Any person who Sells Vape Products for a Retailer.

#### VAPE PRODUCTS

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

### Article II. License to Sell Vape Products.

#### § \_\_\_\_-3. License Required.

It shall be unlawful for any person, firm, corporation, or other entity to sell Vape Products in the City of Norwalk without first having obtained

## Legal Notice of Public Hearing

including health, zoning, building, fire and safety requirements of the City and the State of Connecticut as of the effective date of the license.

(3) Applicant/Retailer has not had two or more violations of any provision of the Norwalk City Code within the last 24 months.

(4) Applicant/Retailer has no outstanding violations of any provision of the Norwalk City Code.

(5) Neither the Applicant, if a natural person, nor any shareholder, director, officer, member, or partner of the Applicant, if the Applicant is not a natural person, has been convicted of any felony.

(6) The Applicant is at least 21 years of age.

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

#### § \_\_\_\_-8. Retailer's Requirement to Display License.

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

#### § \_\_\_\_-9. Renewal of License.

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

A. Applications for renewal shall be made at least 90 days before expiration and shall be in the form prescribed by the City Clerk and signed and sworn by the Applicant.

B. Each application for renewal of a license shall be accompanied by a nonrefundable fee in the amount set by the City Clerk and approved by the Common Council. Such fee is due and payable at the time of the application for renewal.

C. The City Clerk shall renew each license upon making the findings required for issuance of the original license.

D. No license shall be renewed if: (1) the Applicant/Retailer is in violation of any provision of this Chapter; (2) the Applicant/Retailer has any outstanding violations or fines pursuant to any Norwalk City Code provision; (3) the Applicant/Retailer has two or more violations of any provision of the Norwalk City Code within the last 24 months; or (4) the current license of the Applicant/Retailer has been suspended or revoked.

E. A license shall not be transferable, including from one Retailer to another Retailer or from one location to another location; provided, however, that in the case of a natural person, upon the death or incapacity of the Retailer who obtained the license, the establishment may continue in business for a period not to exceed 60 days to allow for an orderly transfer of the business to a successor licensee. During this period, the successor must complete all the steps required under this Chapter for obtaining an initial license.

F. If renewal of the license is denied, the City Clerk shall notify the Applicant/Retailer in writing not less than 30 days before expiration of the license including the facts and specific section or sections of this Chapter upon which this determination was made. Notification shall be sent by certified mail to the Applicant/Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

(h)

(i)

(j)

(k)

B. Penalties

(1) If the retailer a fine (a)

(b)

(c)

C. Upon suspension shall be reentry of suspension

### Article III. Hearing

#### § \_\_\_\_-14. Notice

The City Clerk with this Chapter

A. The City Clerk this Chapter or suspension of Retailer of Health and dual deadline

B. Notice of revocation by certified mail. Said notification the date of

C. A request for 20 days following or suspension

### § -3. License Required.

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

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

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

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

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

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

### § -6. Application; Notification of Denial.

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

### § -7. Issuance of License.

- A. The City Clerk shall issue a license to sell Vape Products within 45 days following receipt of the application, provided the application complies with the provisions of this Chapter and upon finding:
  - (1) All requirements concerning operations and facilities described in this Chapter will be complied with as of the effective date of the permit.
  - (2) Compliance with all other statutes, codes or ordinances,

Notification shall be sent by certified mail to the Applicant/Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

### Article IV. Compliance; Violations and Penalties.

### § -10. No Sales to Minors.

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

### § -11. Signage.

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

### § -12. Inspection.

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

### § -13. Violations and Penalties.

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

C. A request for hearing shall be made within 20 days following or suspension.

D. A hearing shall be held within 20 days following the date of the suspension.

E. The City Clerk shall notify the Applicant of the hearing, and shall provide the Applicant with the time and place of hearing.

F. At any hearing the Applicant may present testimony, evidence, witnesses. Witnesses shall be sworn.

G. The City Clerk shall provide the Applicant with the circumstances of the hearing.

H. The Board of Health shall, within 20 days following the hearing, state its findings and the facts and circumstances of the hearing.

I. A request for a hearing shall be made within 20 days following the suspension and a decision rendered by the Board of Health final. In the notice of suspension, the date of the hearing shall be promptly determined.

J. The criminal arrest of the Retailer, if a natural person, shall constitute a suspension of a license.

### § -15. Hearing on Appeal.

A. An Applicant aggrieved by the denial of such license shall have the opportunity to present evidence and arguments.

B. The City Clerk shall, within 20 days following the date of actual receipt of the application, schedule the hearing.

C. The Applicant shall be notified of the hearing.

D. The Board of Health shall, within 20 days following the date of said hearing, state its findings and the facts and circumstances of the hearing.

### § -16. Appeal.

Any person aggrieved by a decision of the Board of Health shall have the right to appeal to the Superior Court judicial district within 10 days of such order. This Chapter shall take effect upon the adoption of the licensing ordinance.

Dated at Norwalk, Connecticut  
ATTEST: Irene Dixon, City Clerk

## Legal Notice of Public Hearing

- including health, zoning, building, fire and safety requirements of the City and the State of Connecticut as of the effective date of the license.
- (3) Applicant/Retailer has not had two or more violations of any provision of the Norwalk City Code within the last 24 months.
  - (4) Applicant/Retailer has no outstanding violations of any provision of the Norwalk City Code.
  - (5) Neither the Applicant, if a natural person, nor any shareholder, director, officer, member, or partner of the Applicant, if the Applicant is not a natural person, has been convicted of any felony.
  - (6) The Applicant is at least 21 years of age.

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

### § \_\_\_\_-8. Retailer's Requirement to Display License.

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

### § \_\_\_\_-9. Renewal of License.

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

- A. Applications for renewal shall be made at least 90 days before expiration and shall be in the form prescribed by the City Clerk and signed and sworn by the Applicant.
- B. Each application for renewal of a license shall be accompanied by a nonrefundable fee in the amount set by the City Clerk and approved by the Common Council. Such fee is due and payable at the time of the application for renewal.
- C. The City Clerk shall renew each license upon making the findings required for issuance of the original license.
- D. No license shall be renewed if: (1) the Applicant/Retailer is in violation of any provision of this Chapter; (2) the Applicant/Retailer has any outstanding violations or fines pursuant to any Norwalk City Code provision; (3) the Applicant/Retailer has two or more violations of any provision of the Norwalk City Code within the last 24 months; or (4) the current license of the Applicant/Retailer has been suspended or revoked.

- E. A license shall not be transferable, including from one Retailer to another Retailer or from one location to another location; provided, however, that in the case of a natural person, upon the death or incapacity of the Retailer who obtained the license, the establishment may continue in business for a period not to exceed 60 days to allow for an orderly transfer of the business to a successor licensee. During this period, the successor must complete all the steps required under this Chapter for obtaining an Initial license.
- F. If renewal of the license is denied, the City Clerk shall notify the Applicant/Retailer in writing not less than 30 days before expiration of the license including the facts and specific section or sections of this Chapter upon which this determination was made. Notification shall be sent by certified mail to the Applicant/Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

## Article IV. Compliance; Violations and Penalties.

### § \_\_\_\_-10. No Sales to Minors.

- A. No Retailer or Salesperson shall sell any Vape Product to any person under the age of 21 years of age.

to conduct fire, building, health, or law enforcement related inspections.

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

### B. Penalties.

- (1) If the Chief of Police or the Director of Health find that a Retailer is in violation of this Chapter, it shall be punishable by a fine, suspension, and/or revocation of license as follows:
  - (a) Upon the first violation of this Chapter, the Chief of Police, the Director of Health, or their respective designees, shall impose a fine of \$250.00.
  - (b) If a second violation of this Chapter is issued within a 12-month period following the first violation, the Retailer's license shall be suspended for 6 months by the Director of Health. Upon suspension of a license, all Vape Products shall be removed from the premises. Failure to remove shall constitute a separate violation for each and every day of noncompliance.
  - (c) If a third violation of this Chapter is issued within a 24-month period following the first violation, the Retailer's license shall be revoked by the Director of Health. Upon revocation of a license, all Vape Products shall be removed from the premises. Failure to remove shall constitute a separate violation for each and every day of noncompliance.
- C. Upon suspension or revocation of a license, all Vape Products shall be removed from the premises within 7 days from the date of suspension or revocation.

## Article III. Hearings.

### § \_\_\_\_-14. Notification of revocation or suspension; hearing.

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

- A. The City Clerk may revoke or suspend any license issued under this Chapter by notifying the Retailer in writing of such revocation or suspension, and the reasons therefor, and informing the Retailer of their right to request a hearing before the Board of Health and the procedure for such hearing, including all procedural deadlines.
- B. Notice of revocation or suspension shall be sent to the Retailer by certified mail to the Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.
- C. A request for hearing must be delivered to the City Clerk within 20 days following the date of mailing of the notice of revocation or suspension.
- D. A hearing shall be scheduled to commence within 60 days following the date of actual receipt by the City Clerk of the request for a hearing.
- E. The City Clerk shall schedule the hearing on behalf of the Board

§ \_\_\_\_ -10. No Sales to Minors.

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

§ \_\_\_\_ -11. Signage.

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

§ \_\_\_\_ -12. Inspection.

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

§ \_\_\_\_ -13. Violations and Penalties.

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

lowing the date of actual receipt by the City Clerk of the request for a hearing.

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

§ \_\_\_\_ -15. Hearing on Denial of License or Renewal.

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

§ \_\_\_\_ -16. Appeal.

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

Article IV. Effective Date.

This Chapter shall take effect upon adoption, and the City Clerk shall implement the licensing of Retailers within 90 days after the date of adoption.

Dated at Norwalk, Connecticut this \_\_\_\_ day of February 2025.

ATTEST: Irene Dixon, City Clerk

## **Legal Notice of Public Hearing**

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, March 18, 2025 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on a new Chapter entitled Vape Shops, Article 1 through Article 4 (Sections 1 through 16). Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by March 14, 2025.

### **VAPE SHOPS**

#### **Article I. General Provisions.**

##### **§ \_\_\_\_-1. Purpose.**

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

##### **§ \_\_\_\_-2. Definitions.**

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

#### **APPLICANT**

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

#### **BOARD OF HEALTH**

The Board of Health of the City of Norwalk.

#### **CHIEF OF POLICE**

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

#### **CITY CLERK**

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

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#### **DIRECTOR OF HEALTH**

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

## **RETAILER**

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

## **SALE, SELL, OR SOLD**

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

## **SALESPERSON**

Any person who Sells Vape Products for a Retailer.

## **VAPE PRODUCTS**

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

## **Article II. License to Sell Vape Products.**

### **§ \_\_\_\_-3. License Required.**

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

### **§ \_\_\_\_-4. Filing of Application; Filing Fee.**

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

**§ \_\_\_\_-5. Contents of Application; Information Required.**

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

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

**§ \_\_\_\_-6. Application; Notification of Denial.**

Applications for licenses to sell Vape Products shall be submitted to the City Clerk~~Director of Health~~ not less than 60 days prior to the opening for operation of the establishment. A copy of the application shall be simultaneously submitted to the Chief of Police and the Town Clerk. Any license issued

under this Chapter shall be valid until the next renewal date unless suspended or revoked. Upon denial of an application, the ~~City Clerk~~ ~~Director of Health~~ shall notify the Applicant in writing not less than 30 days after receipt. The denial shall include the facts and specific sections of this Chapter upon which the determination was made. Notification shall be sent by certified mail to the Applicant's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

§ \_\_\_\_-7. **Issuance of License.**

- A. The ~~City Clerk~~ ~~Director of Health~~ shall issue a license to sell Vape Products within 45 days following receipt of the application, provided the application complies with the provisions of this Chapter and upon finding:
- (1) All requirements concerning operations and facilities described in this Chapter will be complied with as of the effective date of the permit.
  - (2) Compliance with all other statutes, codes or ordinances, including health, zoning, building, fire and safety requirements of the City and the State of Connecticut as of the effective date of the license.
  - (3) Applicant/Retailer has not had two or more violations of any provision of the Norwalk City Code within the last 24 months.
  - (4) Applicant/Retailer has no outstanding violations of any provision of the Norwalk City Code.
  - (5) Neither the Applicant, if a natural person, nor any shareholder, director, officer, member, or partner of the Applicant, if the Applicant is not a natural person, has been convicted of any felony.
  - (6) The Applicant is at least 21 years of age.
- B. Upon issuance, the license shall be valid for a period beginning with the date of the license to the first day of January next succeeding the date of license unless sooner suspended or revoked in accordance with this Chapter, or unless the Retailer to whom it was issued discontinues the business. In either case, the holder of the license shall immediately return it to the ~~City Clerk~~ ~~Director of Health~~.

§ \_\_\_\_-8. **Retailer's Requirement to Display License.**

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

§ \_\_\_\_-9. **Renewal of License.**

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

- A. Applications for renewal shall be made at least 90 days before expiration and shall be in the form prescribed by the City Clerk ~~Director of Health~~ and signed and sworn by the Applicant.
- B. Each application for renewal of a license shall be accompanied by a nonrefundable fee in the amount set by the City Clerk ~~Board of Health~~ and approved by the Common Council. Such fee is due and payable at the time of the application for renewal.
- C. The City Clerk ~~Director of Health~~, shall renew each license upon making the findings required for issuance of the original license.
- D. No license shall be renewed if: (1) the Applicant/Retailer is in violation of any provision of this Chapter; (2) the Applicant/Retailer has any outstanding violations or fines pursuant to any Norwalk City Code provision; (3) the Applicant/Retailer has two or more violations of any provision of the Norwalk City Code within the last 24 months; or (4) the current license of the Applicant/Retailer has been suspended or revoked.
- E. A license shall not be transferable, including from one Retailer to another Retailer or from one location to another location; provided, however, that in the case of a natural person, upon the death or incapacity of the Retailer who obtained the license, the establishment may continue in business for a period not to exceed 60 days to allow for an orderly transfer of the business to a successor licensee. During this period, the successor must complete all the steps required under this Chapter for obtaining an initial license.
- F. If renewal of the license is denied, the City Clerk ~~Director of Health~~ shall notify the Applicant/Retailer in writing not less than 30 days before expiration of the license including the facts and specific section or sections of this Chapter upon which this determination was made. Notification shall be sent by certified mail to the Applicant/Retailer's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.

#### **Article IV. Compliance; Violations and Penalties.**

##### **§ \_\_\_\_-10. No Sales to Minors.**

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

violation of this section. If a person fails to provide such proof of age, such Retailer or Salesperson shall not Sell any Vape Products to the person.

§ \_\_\_\_ -11. Signage.

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

§ \_\_\_\_ -12. Inspection.

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

§ \_\_\_\_ -13. Violations and Penalties.

A. Violations.

- (1) Any Retailer who violates any of the provisions of this Chapter shall be guilty of an infraction and subject to civil penalty fine, suspension, and/or revocation of license. Each violation, and every day in which a violation occurs, shall constitute a separate and distinct infraction.
- (2) In the event that a violation has occurred, the ~~City Clerk~~ Director of Health shall have 30 days from the date of the violation to issue notice of said violation via written order to the Retailer. The order shall specify the section of this Chapter of which the Retailer is in violation and shall specify the penalty for non-compliance. Notification shall be sent by certified mail to the Applicant's residence or place of business. Said notification shall be deemed complete seven days following the date of mailing.
- (3) A Retailer shall be found in violation of this Chapter if:
  - (a) The Retailer or any Salesperson Sells Vape Products to any person under the age of 21 years.
  - (b) The Retailer fails to post signage and license as required.
  - (c) The Retailer fails to pay any fines imposed in accordance this Chapter.
  - (d) The Retailer or any Salesperson Sells or uses on the premises any narcotic substance or any controlled drug as defined in Section 21a-242 of the Connecticut

General Statutes, as amended from time to time.

- (e) The Retailer fails to maintain standards prescribed by the Connecticut Department of Public Health or the City's Health Department, or their respective successors.
- (f) The Retailer or any Salesperson refuses to submit to the City Clerk Director of Health any reports or make available any records required in investigating the establishment for the purpose of ensuring compliance with this Chapter.
- (g) The Retailer or any Salesperson fails or refuses to submit to an investigation by persons authorized by law to conduct fire, building, health, or law enforcement related inspections.
- (h) The Retailer or any Salesperson violates state or local Vape Products sales and use laws.
- (i) The Retailer or any Salesperson violates any of the provisions of this Chapter, or any rules and regulations established by the City Clerk Director of Health, pursuant to this Chapter.
- (j) The Retailer or any Salesperson furnishes or makes any misleading or false statements or reports in relation to this Chapter, including in connection with an application for an initial or renewal license or an inspection under this Chapter.
- (j)(k) Upon suspension or revocation of a license, the Retailer fails to remove all Vape Products from the premises.

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B. Penalties.

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

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

### Article III. Hearings.

#### § \_\_\_\_-14. Notification of revocation or suspension; hearing.

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

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

suspension, the Retailer may be suspended immediately, pending a hearing thereon, which hearing shall be promptly instituted and all facts and issues promptly determined.

- J. The criminal arrest for a felony, on or off the premises, of the Retailer, if a natural person, or any shareholder, director, officer, member, or partner of the Retailer, if the Retailer is not a natural person, shall constitute an emergency requiring the immediate suspension of a license pending a hearing.

§ \_\_\_\_-15. Hearing on Denial of License or Renewal.

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

§ \_\_\_\_-16. Appeal.

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

Article IV. Effective Date.

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

Dated at Norwalk, Connecticut this 19th day of February 2025.

ATTEST:

Irene Dixon, City Clerk

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

**CITY OF NORWALK  
ORDINANCE COMMITTEE  
REGULAR MEETING  
FEBRUARY 18, 2025**

**ATTENDANCE:** Lisa Shanahan, Chair; Josh Goldstein; Johan Lopez; Nora Niedzielski-Eichner; Jalin Sead; Anne Wennerstrand; Heather Dunn

**STAFF:** Atty. Brian Candela

**OTHERS:** Council Member Nicole Eddy; Donald Overton; Kristina Testa Buzzee; Vanessa Valadares; Diane Lauricella; Police Chief James Walsh Via Videoconference and Teleconference; Doris, Board of Assessment Appeals

**ROLL CALL**

Chair Shanahan called the meeting to order at 7:02 p.m. A quorum was present.

**PUBLIC HEARING**

**DISCUSS AND VOTE ON CHAPTER 115: COMMISSION ON THE STATUS OF WOMEN**

There were no members of the public who wished to comment at this time.

**\*\* MS. WENNERSTRAND MOVED TO TAKE CHAPTER 115: COMMISSION ON THE STATUS OF WOMEN TO THE COMMON COUNCIL FOR HEARING.**

Ms. Dunn said that, under Duties, in 115-4 Section J, change the term from ‘To promote equality’ to ‘To promote equity’. Additionally, under Duties, 115-4, Section D. change ‘matters of consequence to women’ to ‘matters of consequence to women and marginalized genders’.

*Ms. Wennerstrand withdrew her motion.*

**\*\* MS. WENNERSTRAND MOVED TO TAKE CHAPTER 115: COMMISSION ON THE STATUS OF WOMEN TO THE COMMON COUNCIL FOR HEARING AS AMENDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**PUBLIC PARTICIPATION**

Council Member Goldstein said that since Ms. Valadares was present, he wished to express his gratitude for all the work that they did during the recent storm events. The other Council Members agreed.

Ms. Diane Lauricella of 21 Little Fox Lane, greeted the Council Member. She said she was unable to get into the meeting for the Public Hearing. She said that she was in favor of the name change, but wished to make sure that when studies, forums and other programs are done they include 51% of women.

Ms. Lauricella said that with the BAA, there appeared to be a conflict of interest since most of the BAA members were realtors.

She went on to say that regarding Waste Management, there are some violations that have gone on for years. She asked that they address these issues. She also said that she hoped that they had witnessed the citation hearings and that many of the citations have been going on for years.

### **ACCEPTANCE OF MINUTES**

#### **JANUARY 21, 2025 – REGULAR MEETING OF THE ORDINANCE COMMITTEE**

**\*\* MR. LOPEZ MOVED TO APPROVE THE MINUTES OF JANUARY 21, 2025 AS SUBMITTED.**

Council Member Shanahan said that there were two changes.

Please make the following changes:

- Remove Chair Shanahan from having made motions.
- Correct Chair Shanahan's title from 'Chairman' to 'Chair'.

*Mr. Lopez withdrew his motion.*

**\*\* MR. LOPEZ MOVED TO APPROVE THE MINUTES OF JANUARY 21, 2025 AS AMENDED.**

**\*\* THE MOTION PASSED WITH SIX (6) IN FAVOR (SHANAHAN; GOLDSTEIN; LOPEZ; NIEDZIELSKI-EICHNER; WENNERSTRAND; DUNN) AND ONE (1) ABSTENTION (SEAD).**

**\*\* MR. GOLDSTEIN MOTIONED TO MOVE OLD BUSINESS TO THE END OF THE MEETING.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **NEW BUSINESS**

#### **DISCUSS CHAPTER 94: SOLID WASTE COLLECTION & DISPOSAL; TRANSFER STATION & YARD WASTE SITE**

Ms. Valadares came forward to discuss this item. She said that she appreciated the kind words and would be passing this on to the staff. She said that there had been some discussions about changing vendors and they need to be in compliance with the new contract. She said that they need to clarify some of the definitions.

She explained that the City only picked up solid waste in the Fourth Taxing District and residents that wished to opt out, could do so. She said that when properties were sold, the new residents often did not know about the opt out option and often the truck driver had issues figuring out which houses were in the program and who was not. The Department wishes to eliminate the opt out program and bill all the residents in this area. Residents can continue to take their garbage to the transfer station if they wish. Any building over four units will be considered as commercial.

Ms. Valadares explained that they would be changing the type of totes that they use and any loose garbage bags or overflow will not be picked up. This will be a major change and will result in major savings because they will be using automated trucks. Chair Shanahan said they need to have this in place by July 1st.

Ms. Niedzielski-Eichner said that she wanted to make sure that there is a timeline for operations in place so that residents aren't being woken up in the night by dumpsters being picked up. Mr. Goldstein had concerns about the legal language in the ordinances. Atty. Candela said that he had just received the document. Mr. Goldstein asked about enforcement when residents have loose bags of garbage. Ms. Valadares said that there was already some language in the ordinance for dealing with such situations and enforcement. She said that they were just taking the opportunity to improve. The consultant has already reviewed the section and made recommendations on various issues.

#### **DISCUSS AND VOTE ON SECTION 103-14 - APPOINTMENT OF BOARD OF ASSESSMENT APPEALS MEMBERS; INCREASE IN MEMBERSHIP**

Atty. Candela came forward to discuss this item. He provided a brief overview and noted that the first year following a reassessment, there are a lot of appeals and during the second year, there are some appeals. He read the update regarding new members and reviewed the proposed changes. The BAA members have a very cramped timeline to do the work. Chair Shanahan said that they were asking to take this to public hearing. Atty. Candela said that Doris had asked for more members because they needed the help.

Mr. Overton greeted the Committee members, there were 10 members of the Board in 2002, and last year, there was a re-evaluation with 755 homeowners. He pointed out that this year, there is a phase-in program in place. Usually, the taxes are locked in, but when residents open their tax bills, they will see an increase because of the phase-in program.

The BAA is a volunteer group, and they are mostly realtors because they have a basis for evaluation. Many of the members have been there for many years and come from all over the

city. April is a busy month for most realtors, so having as many cases as they do will be difficult. Mr. Overton gave a brief overview of the evaluation process and noted that if a realtor can't make some of the meetings, it handicaps the BAA.

Ms. Doris then greeted the Committee and said that she would like to echo everything Mr. Overton said. The various members love doing their job and many of the residents that come are angry and upset. Deliberations are currently limited to a month. The BAA does 20 time slots a day and each hearing is 20 minutes by State statute. Currently no one on the board is able to take full days. The BAA members try to be equitable in sharing the number of cases. There needs to be at least three members present and often have to call other members in to cover a shift. She urged the Committee to support adding more members to help alleviate the workload.

**\*\* MR. GOLDSTEIN MOVED TO APPROVE ITEM SECTION 103-14 - APPOINTMENT OF BOARD OF ASSESSMENT APPEALS MEMBERS; INCREASE IN MEMBERSHIP AND MOVE IT FORWARD TO A PUBLIC HEARING.**

**\*\* MR. SEAD SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH SIX (6) IN FAVOR (SHANAHAN; GOLDSTEIN; LOPEZ; NIEDZIELSKI-EICHNER; WENNERSTRAND; SEAD) AND ONE (1) ABSTENTION (DUNN).**

Chair Shanahan said that they would move this to public hearing and then to the Council.

### **OLD BUSINESS**

#### **A. DISCUSS AND VOTE ON VAPE SHOP ORDINANCE**

Chief Walsh came forward to discuss this item. He provided the ordinance for review for those present. He said he felt that this was a great ordinance. Mr. Lopez then provided his overview of the changes in the section and review of the changes followed.

Mr. Goldstein asked why they had changed the Director of Health to the City Clerk. Chair Shanahan said that they had discussed this at length and felt that the City Clerk would have the authority to do this. Atty. Candela explained that the Board of Health would be making decisions on any inspection appeals. Discussion followed about the details.

The discussion moved to those business owners who have been issued violations and whether the police have the right to seize legal products. Chief Walsh said that they would be hard pressed to confiscate legal products, but if they can prove the store sold it to a minor, they can be found in violation. They can only seize contraband products. Ms. Niedzielski-Eichner asked what would constitute a crime and prevent the sale of the items. Discussion followed regarding how this would be defined as a crime. It was noted that other states were struggling with this issue as well.

Chair Shanahan said that they were trying to make this very unattractive to business owners to sell. Ms. Niedzielski-Eichner asked how they could make sure the fine was paid. Atty. Candela

said they could talk to the staff to place a judgement lean on them or enforcement actions could be taken. Discussion followed regarding the methods that could be used to ensure that the fine was paid.

*Ms. Niedzielski-Eichner left the meeting at 8:00 p.m.*

**\*\* MR. LOPEZ MOVED TO MOVE THE VAPE SHOP ORDINANCE TO A PUBLIC HEARING AT THE NEXT MEETING OF THE ORDINANCE COMMITTEE.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**DISCUSS AND VOTE ON NEW PROPOSED ORDINANCE: ISSUANCE OF CITATIONS AND HEARING PROCEDURE**

Atty. Candela came forward to discuss this item. He provided the draft for those present. He then gave a brief overview of the goal of the Citation wording. He said that they had looked at many different ordinances to choose the best possible procedure. Chair Shanahan said that they wished to have the Committee members read through this and note their comments.

Ms. Dunn said that most of the other ordinances said that they were subject to approval by the Council. Atty. Candela added a note to confirm that this was the case and they were subject to the Common Council. Ms. Dunn asked who would be responsible for writing these citations. Atty. Candela said that they usually rely on attorneys because they know the details. Ms. Dunn also had concerns about the hearing officer having personal liability. Atty. Candela said that he would review it and ask whether they needed to hold harmless language for the hearing officers.

Chair Shanahan said they should all review the proposed ordinance given the time.

**ADJOURNMENT**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

*The meeting adjourned at 8:12 P.M.*

Respectfully Submitted,  
Ian A. Soltes  
Telesco Secretarial Services

## +CHAPTER 94: Solid Waste Collection & Disposal; Transfer Station & Yard Waste Site

### ARTICLE I Collection and Disposal

#### § 94-1. Purpose.

Control of the accumulation, collection, storage, removal and disposal of ~~Acceptable~~ Solid Waste ~~waste and Recyclable Waste~~ is a governmental function of the City of Norwalk (~~the "City"~~) for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. The City is authorized by law to regulate the disposition of ~~S~~solid ~~W~~waste generated within its boundaries and to license solid waste collectors.
- B. The City is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where ~~S~~solid ~~W~~waste generated within its boundaries shall be disposed.
- C. The enactment of this article is in furtherance of the City of Norwalk's approved Regional Solid Waste Management Plan.

#### § 94-2. Definitions.

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

**ACCEPTABLE SOLID WASTE** — Unwanted or discarded materials of the kind normally collected or disposed of or caused to be collected or disposed of by or on behalf of a municipality through private or municipal collection and commercial, governmental and light industrial waste for which a municipality is required by state law to make provisions for the safe and sanitary disposal thereof; ~~but not including in any case.~~ Acceptable Solid Waste does not include Special Handling Waste or Bulky Solid Waste.

**BULKY SOLID WASTE** — Household waste ~~comprised consisting of~~ Furniture ~~furniture~~ (such as couches, chairs, bookcases, etc.), ~~m~~Mattresses, ~~Rolled~~ rugs/carpets (no more than four feet wide), ~~Metal metal~~ items, ~~Metal~~ appliances— (such as washing machines, dryers, dishwashers, etc.) ~~(CANNOT contain freon), and~~ and ~~Large plastic items- (such as children's toys, outdoor chairs, etc.), and/or such other items as the Director shall designate from time to time.~~ excluding land clearing debris and waste from demolition or construction activities. Bulky Solid Waste does not include Special Handling Waste or Yard Waste.

**COMMERCIAL WASTE** — ~~Waste generated at any establishment defined as commercial by Planning and Zoning and waste generated at any residential building with more than 4 units.~~

**DIRECTOR** — The Chief of Operations and Public Works of the City, or their designee.

**FOOD WASTE** — Organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, including fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bakery items, cheese, eggshells, and coffee grounds.

**HAZARDOUS WASTE** — Pathogenic ~~logial~~, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921, through 6925, as amended from time to time, and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the

Resource Conservation and Recovery Act of 1976, 90 Stat 2806, 42 U.S.C. § 6901, as amended from time to time, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

RECYCLABLE WASTE – Waste consisting of (1) items designated by the Connecticut Commissioner of Energy and Environmental Protection as required to be recycled, (2) items designated by the Director for mandatory recycling pursuant to this Chapter, and (3) Yard Waste.~~The City of Norwalk follows the regulations and definitions set in The Mandatory Recycling Act, as amended.~~

RESIDENTIAL ~~PREMISES DWELLING~~ – Any residential building with 4 or less dwelling units.

SPECIAL HANDLING WASTE —

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

SOLID WASTE – All forms of waste generated by a person that may be regulated by the City, including to the extent so permitted, Acceptable Solid Waste, Bulky Solid Waste, Food Waste, Recyclable Waste, and Special Handling Waste.

~~SOURCE SEPARATED ORGANICS – Food waste: organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, including fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bakery items, cheese, eggshells, and coffee grounds.~~

YARD WASTE – ~~includes Organic debris generated from the maintenance of lawns, gardens and outdoor green spaces, including without limitation, leaves, brush, tree trimmings, branches (no longer than 4' and no wider than 3" in diameter), grass clippings, pine needles, flowers, plants, with the exception of soil, dirt and rocks.~~

YARD WASTE SITE – The location where Yard Waste generated within the boundaries of the City of Norwalk by residential, business, commercial or other establishments may be disposed.

§ 94-3. ~~Source separation of material~~ Recyclable Waste.

- A. The Director shall establish the necessary rules and regulations to comply with the regulations issued

pursuant to Public Act No. 87-544, an Act Mandating Recycling in Municipalities and Concerning Source Reduction Planning, as amended ~~and/or supplemented from time to time. In addition to any materials required to be recycled under such Act, the Director may require any of the following items may be required to be recycled;~~ corrugated cardboard, glass food containers, metal food containers, newspapers, office paper, scrap metal, storage batteries, waste oil, Yard Waste, high-density polyethylene bottles or jars of any size or shape used to package food, household laundry products or crankcase oil (HDPE plastic containers), polyethylene terephthalate containers of any size or shape used to package beverages (PET plastic food containers) (plastics No. 1 ~~through and No. 7~~) ~~only through June 30, 2009; plastic No. 1 through No. 7, thereafter~~, dry cell batteries and scrap tires. [Amended 2-24-2009]

- B. All ~~items designated by the Director for mandatory recycling~~ Recyclable Waste shall be separated and kept apart from ~~other Acceptable Solid Waste~~ by the ~~property owner/generator or his/her~~ agent, packaged in the prescribed manner, placed at the curb in accordance with the schedule determined by the Director and collected by the City or by any contractor employed by the City or by the property owner's private collector. Recyclable Waste placed for City collection must be in City provided containers. Any ~~solid waste~~ left for collection which contains any items designated by the Director ~~for mandatory recycling~~ as Recyclable Waste ~~shall~~ may be refused by any collector within the City. Such material ~~shall~~ may also be refused at the ~~transfer~~ Transfer Station.
- C. All Yard Waste generated by residents of the City can be ~~hailed~~ disposed of at the Yard Waste Site or set out for collection during the times set by the ~~Director~~ Chief within the eligible taxing districts. All tree trimmings and brush shall be tied in bundles of not over four feet in length, capable of being handled by one person. [Amended 2-24-2009] All Yard Waste set out for collection ~~should~~ shall be placed in an open top container no larger than 65 gallons or in paper bags, excluding brush and branches. All bags or containers set out for collection ~~should~~ shall be placed at the ~~curb~~ curbline at the time designated by the Director, but no later than 6:00 a.m. on days on which collections will be made; provided, however, that such bags and containers may be so placed for collection on the evening preceding the date on which collections will be made, but no earlier than 6:00 p.m. All containers shall be removed from the curbline within 24 hours after collection.
- D. No person, ~~firm or corporation other than the generator thereof or their agent, other than the owner, lessee or any occupant of a Residential Premises or commercial establishment or any employee of the City or any contractor employed by the City for the removal of items to be recycled~~ shall pick up, remove, destroy or interfere with ~~the mandatory recyclable items~~ Recyclable Waste or any part thereof.

#### § 94-4. Solid waste disposal facility.

- A. Pursuant to Connecticut General Statutes, Section 22a-220a, the Common Council hereby ~~issues notice of its intent to designate and, upon compliance with the provisions of state law, shall, by resolution,~~ designates the Norwalk Transfer Station as the ~~area location~~ where Acceptable Solid Waste, and Bulky Solid Waste and Recyclable Waste (other than Yard Waste) generated within the boundaries of the City of Norwalk by residential, business, commercial or other establishments may be disposed.
- B. ~~In accordance with agreements made between the City and any terminal disposal system~~ If required by the Director, Acceptable Solid Waste, Bulky Solid Waste and ~~items designated for mandatory recycling~~ Recyclable Waste ~~shall~~ shall be separately delivered to an authorized solid waste disposal facility.

- ~~B.C.~~ Acceptance of a City license by a private collector acknowledges the right of the City to inspect each load delivered to the Norwalk transfer station. [Amended 2-24-2009]

§ 94-5. Acceptable Solid Wwaste collection requirements.

- A. The owner or lessee of each Residential Premises Dwelling, where Acceptable Solid Waste is created or generated shall provide, at a suitable place upon such premises and not on the street or sidewalk, sufficient receptacles for receiving and holding such solid Wwaste during the intervals between collections. Acceptable Ssolid Waste eligible for City collection shall only be stored in City provided 65-gallon containers; Acceptable Solid Waste garbage shall not be placed out for collection in plastic bags or outside of the container. Each containerreceptacle shall be placed out for collection with the lid closed and shall not weigh more than 75 pounds when full. Containers shall be maintained in good condition-. No loose material will be collected by the City.
- B. All- containers used for the storage of Aeeptable Solid wasteAcceptable Solid Waste, Food Waste or Recyclable Waste; Source Separated Organics or Yard Waste containers shall be maintained by the owners thereof and promptly replaced when no longer fit for use. Containers not conforming to the requirements set forth by this artieleChapter and deemed a sanitary or accident hazard, as determined by the Director, may be confiscated by the City and disposed of, without compensation to the owner.
- C. The property owner, lessee or the person served shall have-place the City-provided Acceptable Solid Waste -City provided containers placed at the curbline as is practicable at the time designated by the Director, but no later than 6:00 a.m. on days on which collections will be made; provided, however, that Acceptable Solid waste,such Reeyelable Waste, Source Separated Organics or Yard Waste containers or receptacles may be so placed for collection on the evening preceding the date on which collections will be made, but no earlier than 6:00 p.m. The All containersProperty Owner or the persons' City provided container shall be removed from the curbline within 24 hours after collection.
- D. The owner of each Commereial-commercial premise, where Ssolid Wwaste is created or generated shall provide, at a suitable place upon such premises and not on the street or sidewalk, sufficient receptacles for receiving and holding such Ssolid Wwaste during the intervals between collections. Solid waste cannot be stored on a commercial premises for more than 7 days. Acceptable Solid Waste, Bulky Solid Waste and Recyclable Waste Commercial Waste generated in the City can be hauled disposed of atto the City's Norwalk Transfer Station or collected by a licensed hauler.

§ 94-6. Unlawful deposit.

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

- C. It shall be unlawful for any person, ~~firm or corporation~~ to place ~~Hazardous Wastes Special Handling Waste~~ or similarly dangerous substances, as determined by the Director, into any ~~container used for the storage and/or disposal of Acceptable Solid waste~~ Acceptable Solid Waste, Food Waste or Recyclable Waste, Source Separated Organics or Yard Waste container Recyclable Waste, or to transport any such substance to the Norwalk Transfer Station, Yard Waste Site or -solid waste disposal facility designated by the Director pursuant to this Chapter.
- D. No person shall deposit any Ssolid Wwaste in any City receptacle in a City park which has been brought from any area outside said City park. This provision shall not prohibit disposal of garbage, rubbish or waste created by activities in said park, such as by the consumption of food.

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

- A. The Director is authorized and directed to have removed or cause to be removed all Acceptable Ssolid Wwaste, when properly prepared as provided in this ~~article~~ Chapter, from all areas within the Fourth Taxing District of the City. Such collections shall be a governmental function under the direction of the Director and shall be financed by ~~appropriations from residents of~~ the Fourth Taxing District ~~revenues~~.
- B. Within the Fourth Taxing District, collection schedules and methods of collection shall be determined by the Director, ~~provided further~~ that collections shall be made on scheduled days in each locality or street and that the ~~citizens~~ residents of the Fourth Taxing District shall be informed of the times of collection or any changes therein by means of proper notice in the local newspaper or by such other means as may be expedient.
- C. ~~—The City shall not tax charge any qualified residential condominium or residential cooperative unit, as defined by Chapter 828 of the Connecticut General Statutes, or single family residence property located on a private road within the Fourth Taxing District, for that portion of the property tax attributable to garbage collection, provided that:~~
- (1) ~~The amount of the tax exemption for each qualified unit or residence shall be calculated as follows: that portion of the annual mil rate for garbage collection multiplied by the assessed value of the unit or residence.~~

#### § 94-8. Collection and transportation license required.

- A. The Director shall be the licensing and registration authority for all Ssolid Wwaste collectors, vehicles and ~~Acceptable Solid waste, Recyclable Waste, Source Separated Organics or Yard Waste~~ containers operating within the City. It shall be unlawful for any person to collect or remove Ssolid Wwaste in the City or to transport the same upon or through any street or public place of the City unless such person (1) is an employee or agent of the City assigned to such work, (2) has been granted a license by the Director to do so, (3) is the employee of a person who has been so licensed or (4) is the actual producer of such ~~Acceptable Solid waste~~ Solid Waste, Recyclable Waste, Source Separated Organics or Yard Waste within the City or ~~his employee~~ their agent then and there engaged in transporting the same from the premises where produced to any area where public disposal is permitted.
- B. It shall be unlawful for any employee of the actual producer of any Ssolid Wwaste to collect, remove or transport such waste for more than one actual producer thereof or for such employee or any producer to combine or commingle within the City the waste of more than one producer or for any person to act as the employee of more than one producer for the purpose of collecting, removing or transporting such waste upon or through any street or public place of the City unless such person has been granted a license by the Director.
- C. Each licensed Ssolid Wwaste collector shall obtain a separate registration for each vehicle and/or ~~Acceptable Solid waste, Recyclable Waste, Source Separated Organics or Yard Waste~~ container ~~he~~

they operates within the City. When a vehicle is employed to transport more than one ~~Acceptable Solid waste, Recyclable Waste, Source Separated Organics or Yard Waste~~ container, each container to be transported as well as the vehicle shall require a separate registration. Registrations shall not be transferable from vehicle to vehicle nor container to container; provided, however, that the Director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

#### **§ 94-9. Requirements for containers and vehicles.**

Any person ~~permitted~~licensed by this ~~article~~Chapter to collect, remove or transport ~~Ssolid Wwaste~~ over the streets of the City shall use containers or vehicles provided with tight covers and so constructed and operated as to prevent offensive odors escaping therefrom and ~~Acceptable Solid waste, Recyclable Waste, Source Separated Organics or Yard Waste~~ from being blown, dropped, spilled or leaked therefrom.

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

- A. The Director shall establish license, registration and disposal fees for: **[Amended 2-24-2009]**
- (1) The privilege of engaging in the business of collecting or removing ~~Ssolid Wwastes~~ in the City or transporting the same through the streets or public places of the City; and
  - (2) Disposing of or depositing the same at the City's ~~solid waste~~ disposal facilities.
- B. Prior to issuance of any license and the collection of any license, registration or use fees, the Director shall determine that the proposed licensed operation:
- (1) Will not create a nuisance;:-
  - (2) Will not create or aggravate a traffic or health hazard;:-
  - (3) Will result in efficient, prompt and clean collection service; and:-
  - (4) Will meet all state health and safety standards as to construction of vehicles.
  - ~~(5) Will operate within the limits of the City Noise Ordinance.~~
- C. The license, registration and disposal fees for each of the types of ~~Ssolid Wwaste~~ shall be established in accordance with the provisions of § 90-4, Approval of rates and fees.
- D. The Director shall establish such rules and regulations as are appropriate for the administration of the provisions of this section.

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

- A. Applications for licenses, renewals of licenses and vehicle and/or ~~Acceptable Solid waste, Recyclable Waste, Source Separated Organics or Yard Waste~~ container registration under this ~~article~~Chapter shall be submitted in writing to the Director. Each application shall contain the following information:
- (1) The name and address of the applicant. If the applicant is a proprietorship, firm or partnership, the names of all owners or partners shall be listed; if the applicant is a corporation or limited liability company, the names and title of each of the officers shall be listed;:-
  - (2) The purpose for which the license is sought;:-
  - (3) The area within which the applicant wishes to collect or transport ~~Ssolid Wwaste~~; and:-

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

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

In order to preserve the public health, safety and welfare, the Director shall have the authority to limit the number of licenses for the collection and/or transportation of ~~Acceptable Solid waste~~Solid Waste, ~~Recyclable Waste, Source Separated Organics or Yard Waste~~ which ~~that~~ may be issued under this ~~article~~Chapter. Notice of such limitation shall be posted in the same manner as rules and regulations issued by the Director under this ~~article~~Chapter.

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

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

#### § 94-14. Transferability of license.

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

#### § 94-15. Revocation of license.

- A. Any license granted by the Director under this ~~article~~Chapter may be revoked by the Director if the Director ~~finds and~~determines that the licensee has:

(1) failed to comply with any of the terms of such license or of this ~~article~~Chapter or ~~the~~ rules and regulations duly promulgated hereunder;

(2) ~~or failed~~s to render satisfactory collection services; or

(2)(3) Violated any provision of the City Code or the rules and regulations promulgated thereunder, including without limitation, the City Noise Ordinance.

~~A.B.~~ Revocations and suspensions shall become effective only after a public hearing. The Director shall send a written notice of proposed suspension or revocation to said ~~collector~~licensee, stating the reasons for such action. The Public Works Committee of the Common Council, or its successor, shall, within 15 days of the date of such written notice, hear and decide the matter. Such hearing shall be held in public session; provided, however, that the hearing may be held in executive session at the request of the ~~collector~~licensee. The ~~collector~~licensee, the Director and other persons invited by either of them or by the Committee may appear and present such testimony and evidence as they may wish. The Committee may revoke the license, suspend the license for a time certain, decline to revoke or suspend the license or make such other determination as ~~may be it~~, in its sole discretion, deems appropriate in the circumstances.

~~B.C.~~ The decision of the Public Works Committee shall be final and binding upon the ~~collector~~licensee. No application for a license ~~revoked~~ under this ~~article~~Chapter shall be accepted for a period of one year from the date of the Committee's action.

~~C.D.~~ Notwithstanding anything to the contrary herein, the Director shall have power to refuse permission to a ~~collector~~licensee to use the Norwalk ~~T~~ransfer ~~S~~tation when, in ~~their~~his opinion, such ~~collector~~licensee has violated this ~~article~~Chapter or any applicable rule or regulation. [Amended 2-24-2009]

#### **§ 94-16. Rules and regulations.**

The Director shall have the authority to make such other reasonable rules and regulations concerning collection, transportation and disposal of ~~Solid Waste Acceptable Solid waste, Recyclable Waste, Source Separated Organics or Yard Waste~~ as ~~he they~~ shall deem necessary, which shall take effect no less than three days after posting at the Department of Operations and Public Works' offices and at all designated solid waste disposal facilities.

#### **§ 94-17. Violations and penalties. [Amended 2-24-2009]**

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

### **ARTICLE II Use of Transfer Station and Yard Waste Site [Added 4-14-2020]**

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

Except as provided below, a All non-commercial vehicles of Norwalk residents and/or real property owners for which a vehicle tax is paid to Norwalk shall be entitled to dispose of up to a total of one ton ~~free per~~

year of combined Acceptable Solid Waste, Yard-Recyclable Waste, and Bulky Solid Waste ~~combined-without charge~~ with a valid disposal pass to the Norwalk Transfer Station and the Yard Waste Site. In order to maintain the validity of this pass, Norwalk residents and/or real property owners shall remain current on their vehicle tax. If Norwalk residents and/or real property owners are more than 45 days delinquent on their vehicle tax, then this pass shall become invalid until the vehicle tax, and all applicable fees, interest and penalties, have been satisfied. The disposal pass must be displayed on the driver's side dashboard during use of both facilities.

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

Except as provided below, aAll non-commercial vehicles of Norwalk residents and/or real property owners for which a vehicle tax is paid to a city other than Norwalk shall be entitled to purchase a disposal pass to the Norwalk Transfer Station and the Yard Waste Site for a sum to be set pursuant to the Department of Operations and Public Works' fee schedule.

**§ 94-20. Additional permits.**

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

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

~~All vehicles~~Except as may be otherwise determined by the Director, all vehicles of non-residents, non-permit holders and/or non-real-property owners shall be entitled to use the Norwalk Transfer Station and Yard Waste Site for a sum to be set pursuant to the Department of Operations and Public Works' fee schedule.

## Chapter \_\_. Issuance of Citations; Hearing Procedure

### § \_\_-1. Purpose.

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

### § \_\_-2. Appointment of hearing officers.

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

### § \_\_-3. Notice of violation.

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

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

### § \_\_-4. Admission of liability.

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

### § \_\_-5. Hearing procedure.

**Commented [BC1]:** Ask whether we need hold harmless language for the hearing officers?  
Chapter 67A.

**Commented [BC2R1]:** Section 67A discusses municipal officers that are elected or appointed. The Mayor appoints citation hearing officers for both blight and zoning. Therefore, appointed citation hearing officers would be covered under Chapter 67A, entitled Municipal Liability (as long as their conduct was not a malicious, wanton or willful act or ultra vires act and was within the scope of their employment).

**Commented [BC3]:** Do we need people with specific credentials to be a citation hearing officer?

**Commented [BC4R3]:** Ideally, I would recommend that the citation hearing officers be attorneys that are well-versed in the particular area they are handling. Attorneys also have knowledge of due process concerns and how to interpret the General Statutes. However, the City could also use electors that are not attorneys, but have knowledge about the particular area they are handling.

**Commented [BC5R3]:** For Zoning, Mayor appoints. NCC 117-8(B): "The Mayor shall appoint one or more citation hearing officers which are electors of the City of Norwalk, other than employees of the City, persons who issue zoning citations, anyone on any City board, commission or agency, Common Council members, or anyone currently holding a politically appointed position."

For Blight, Mayor appoints, but must be an attorney. NCC 58-4(D): The Mayor shall appoint one or more citation hearing officers other than police officers, City employees, or the Blight Prevention Officer, to conduct citation appeal hearings. The citation hearing officer shall be a member, in good standing, of the Connecticut Bar Association. Issuance and service of citations, payment of fines, hearings and appeals to the Connecticut Superior Court shall be governed by Section 7-152c of the Connecticut General Statutes, as amended.

**Commented [BC6]:** Subject to Common Council approval?

**Commented [BC7R6]:** Based on what I located concerning Zoning citation officers and Blight enforcement officers, I do not think it is necessary.

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

**§ \_\_\_\_-6. Notice of assessment and judgment.**

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

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

**§ \_\_\_\_-7. Appeal.**

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

**§ \_\_\_\_-8. Other remedies.**

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

## **USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES**

### **Sec. x-1. Use of Automated Traffic Enforcement Safety Devices.**

Pursuant to the authority granted in Public Act 23-116 of the 2023 Session of the Connecticut General Assembly (the “Act”), the City of Norwalk (the “City”) hereby authorizes the use of Automated Traffic Enforcement Safety Devices at locations within School Zones, Pedestrian Safety Zones, and other places within the boundaries of the City, provided that the locations of such devices are identified in a plan submitted to and approved by the Connecticut Department of Transportation.

### **Sec. x-2. Definitions.**

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

#### **AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE**

A device designed to detect and collect evidence of alleged traffic violations by recording images that capture the Number Plate, date, time, and location of a Motor Vehicle that (1) exceeds the posted speed limit by ten or more miles per hour, or (2) fails to stop such vehicle when facing a steady red signal on a traffic control signal.

#### **AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE OPERATOR**

A person who is trained and certified to operate an Automated Traffic Enforcement Safety Device.

#### **MOTOR VEHICLE, NUMBER PLATE, and OWNER**

Shall have the respective meanings set forth in G.G.S. § 14-1, as amended from time to time.

#### **PEDESTRIAN SAFETY ZONE**

An area designated by the Office of the State Traffic Administration or the Traffic Authority of the City pursuant to C.G.S. § 14-307a, as amended from time to time.

#### **PERSONALLY IDENTIFIABLE INFORMATION**

Information created or maintained by the City or a Vendor that identifies or describes an Owner and includes, but need not be limited to, the Owner's address, telephone number, Number Plate, photograph, bank account information, credit card number, debit card number, or the date, time, location, or direction of travel on a highway.

#### **SCHOOL ZONE**

An area designated by the Office of the State Traffic Administration or the Traffic Authority of the City pursuant to CG.S. § 14-212b, as amended from time to time.

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## **TRAFFIC AUTHORITY, TRAFFIC CONTROL SIGN, and TRAFFIC CONTROL SIGNAL**

Shall have the respective meanings set forth in G.G.S. § 14-297, as amended from time to time.

### **VENDOR**

A person who: (1) provides services to the City under this Chapter; (2) operates, maintains, leases, or licenses an Automated Traffic Enforcement Safety Device; or (3) is authorized to review and assemble the recorded images captured by an Automated Traffic Enforcement Safety Device and forward such recorded images to the City.

### **Sec. x-3. Vendors.**

The City may enter into agreements with Vendors for the design, installation, operation, or maintenance, or any combination thereof, of Automated Traffic Enforcement Safety Devices. If a Vendor designs, installs, operates, or maintains an Automated Traffic Enforcement Safety Device, the Vendor's fees may not be contingent on the number of citations issued or fines paid pursuant to this Chapter.

### **Sec. x-4. Operation of Automated Traffic Enforcement Safety Devices.**

All Automated Traffic Enforcement Safety Devices shall be operated by an Automated Traffic Enforcement Safety Device operator.

### **Sec. x-5. Violation.**

- (a) The Owner of a Motor Vehicle commits a violation of this Chapter if the person operating such Motor Vehicle:
  - (1) Exceeds the posted speed limit by ten or more miles per hour and such operation is detected by an Automated Traffic Enforcement Safety Device; or
  - (2) Fails to stop such Motor Vehicle when facing a steady red signal on a Traffic Control Signal and such failure is detected by an Automated Traffic Enforcement Safety Device.
- (b) Automated Traffic Enforcement Safety Devices shall be used solely for identifying violations of this Chapter.
- (c) For the first thirty days after a location is equipped with an operational Automated Traffic Enforcement Safety Device, the Owner of a Motor Vehicle that allegedly violates this Chapter that is detected by such device shall receive a written warning instead of a citation.

### **Sec. x-6. Penalty for violation.**

- (a) Whenever an Automated Traffic Enforcement Safety Device detects and produces recorded images of a Motor Vehicle allegedly committing a violation of this Chapter, a sworn member or employee of the City's Police Department, or an employee of the City

designated by the Traffic Authority, shall review and approve the recorded images provided by such device. If, after such review, the member or employee determines that there are reasonable grounds to believe that a violation of this Chapter has occurred, the member or employee may issue by a citation to the Owner of such Motor Vehicle. The citation shall be sent by first class mail.

- (b) A citation under this Chapter shall include the following:
  - (1) The name and address of the Owner of the Motor Vehicle;
  - (2) The Number Plate of the Motor Vehicle;
  - (3) The violation charged;
  - (4) The location of the Automated Traffic Enforcement Safety Device and the date and time of the violation;
  - (5) A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
  - (6) A statement or electronically generated affirmation by the member or employee who reviewed the recorded images and determined that a violation occurred;
  - (7) Verification that the Automated Traffic Enforcement Safety Device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to the Act;
  - (8) The amount of the fine imposed and how to pay such fine; and
  - (9) The right to contest the violation and request a hearing pursuant to Chapter X of the Norwalk City Code.
- (c) In the case of an alleged violation involving a Motor Vehicle registered in Connecticut, the citation shall be mailed not later than thirty days after the identity of the Owner is ascertained to the address of the Owner that is in the records of the Connecticut Department of Motor Vehicles. In the case of an alleged violation involving a Motor Vehicle registered in another jurisdiction, the citation shall be mailed not later than thirty days after the identity of the Owner is ascertained to the address of the Owner that is in the records of the official in the other jurisdiction issuing such registration.
- (d) A citation shall be invalid unless mailed to an Owner not later than sixty days after the alleged violation.

**Sec. x-7. Fine for violation.**

- (a) The City shall impose a fine against the Owner of a Motor Vehicle that commits a violation of this Chapter.
- (b) The fine for the first violation of this Chapter shall be fifty dollars (\$50.00). The fine for each subsequent violation of this Chapter shall be seventy-five dollars (\$75.00). These fines shall be imposed against the Owner of the Motor Vehicle committing the violation.

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- (c) Payment of a fine and any associated fee may be made by electronic means.
  - (d) A reasonable fee, not to exceed fifteen dollars (\$15.00) per citation, may be imposed for the costs associated with the electronic processing of the payment of a fine.
  - (e) Any funds received by the City from fines imposed pursuant to this Chapter shall be used solely for the purposes of improving transportation mobility, investing in transportation infrastructure improvements, or paying the costs associated with the use of Automated Traffic Enforcement Safety Devices within the City.

**[Sec. x-8. Removal or immobilization of motor vehicles bearing outstanding citations.**

No person shall park or operate a Motor Vehicle on any City street, in any public parking garage, on any public property within the City, or on property owned or managed by the Norwalk Housing Authority if the last registered owner of the vehicle or Number Plate owes delinquent fines and fees from this Chapter in a cumulative amount of two hundred forty five dollars (\$245.00) or greater, or has three or more delinquent citations that are otherwise unsettled and uncontested. In addition to being subject to a Class II parking violation penalty as provided in section 231-6 of the code, such vehicle shall, upon approval of the Traffic Authority or their designee, be subject to the removal or immobilization provisions as provided in section 231-8 of the code.]

**Sec. x-9. Appeal.**

Any Owner issued a fine for violating the provisions of this Chapter may, within ten days of the receipt of the fine, appeal in writing to a citation hearing officer in accordance with Section X of the City Code.

**Sec. x-10. Defenses.**

The defenses available to the Owner of a Motor Vehicle who is alleged to have committed a violation of this Chapter shall include, but are not limited to, any one or more of the following:

- (a) The operator was driving an emergency vehicle in accordance with the applicable provisions of C.G.S. § 14-283, as amended from time to time.
- (b) The Traffic Control Signal was inoperative, which is observable on the recorded images.
- (c) The violation was necessary for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images.
- (d) The violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images.
- (e) The violation took place during a period of time in which the Motor Vehicle had been reported as being stolen to a law enforcement unit, as defined in C.G.S. § 7-294a, as amended from time to time, and had not been recovered prior to the time of the violation.

- (f) The Automated Traffic Enforcement Safety Device was not in compliance with the calibration check required pursuant to the applicable provisions of the Act.

**Sec. x-11. Disclosure of Personally Identifiable Information.**

- (a) No Personally Identifiable Information shall be disclosed by the City or a Vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection, and enforcement of the fines imposed pursuant to this Chapter.
- (b) No Personally Identifiable Information shall be stored or retained by the City or a Vendor unless such information is necessary for the charging, collection, and enforcement of the fines imposed pursuant to this Chapter.
- (c) The City or a Vendor shall destroy all Personally Identifiable Information and other data that specifically identifies a Motor Vehicle and relates to a violation of this Chapter not later than thirty days after any fine is collected or the resolution of a hearing conducted for the alleged commission of such violation, whichever is later.
- (d) Any information and other data gathered from Automated Traffic Enforcement Safety Devices shall be subject to disclosure under the Freedom of Information Act, as defined in C.G.S. § 1-200, as amended from time to time, except that no Personally Identifiable Information may be disclosed.

**Sec. x-12. The Act.**

To the extent of applicability, the provisions in the Act that are necessary to further and/or effectuate this Chapter are hereby incorporated and adopted in toto, herein.

**Sec. x-13. Severability.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

**Sec. x-14. Repealer.**

All Chapters, bylaws, orders, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Chapters, bylaws, orders, resolutions, or parts thereof, heretofore repealed.

**Chapter 73A**  
**PARKING AUTHORITY**

**§ 73A-1. Creation; powers and duties.**

There is hereby created, in accordance with the provisions of ~~Chapter 100~~, Sections 7-202 to 7-212a of the Connecticut General Statutes, as amended (the "~~ChapterAct~~"), an authority known as the "Norwalk Parking Authority." The Norwalk Parking Authority (the "Authority") shall have all the powers and perform all the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the ~~ChapterAct~~, as it shall be amended from time to time, subject to the provisions of this ~~ordinanceChapter~~.

**§ 73A-2. Responsibility for parking facilities; Enforcement of parking regulations.**

- A. The Authority shall have all of the powers and perform all of the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the ~~chapterAct~~ with respect to all City parking facilities. For purposes of this ~~C~~chapter, "City parking facilities" shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles off the street or highway and open to ~~the general~~ public use with or without charge, and off-street and on-street parking meters owned by the City wherever located, including, without limitation, parking facilities and parking meters constructed subsequent to the effective date of this ~~C~~chapter, additions to or replacements of existing parking facilities and parking meters and parking facilities and parking meters within mixed-use facilities, including the property comprising the South Norwalk, East Norwalk and the Merritt 7 Railroad Stations and their related parking facilities, subject to relevant agreements with the State of Connecticut. The areas included within the definition of this term are all buildings and improvements and all means of ingress and egress used to access and travel about within the railroad station facilities. Excluded from this definition is the property comprising the Rowayton Rail Station which is subject to an agreement with the State of Connecticut, unless otherwise provided for by a separate agreement by and between the City and the Parking Authority.
- B. The Authority is hereby granted all net revenues earned from City parking facilities on and after July 1, 2002, including, but not limited to, revenues from the lease, license or other use of any portion of City parking facilities directly related to the parking of motor vehicles, revenues from parking meters and parking permits collected on or after July 1, 2002, and revenues from parking fines and penalties levied on or after July 1, 2002, plus any interest thereon. For purposes of this ~~C~~chapter, "net revenues" shall mean revenues less any and all related expenses incurred in generating such revenues, including, but not limited to, contractual and other obligations of the City charged to the Authority, such as the cost of collecting and enforcing parking fines and penalties and an allocable share of expenses of City departments and City personnel providing services to the Authority. Net revenues shall be used by the Authority for any of its corporate purposes pursuant to the ~~chapterAct~~, including, but not limited to, the acquisition, construction, expansion, improvement and equipping of City parking facilities, the operation and maintenance of City parking facilities, the establishment of capital and operating

reserves and the payment of debt services on bonds issued by the City or the Authority pursuant to the provisions of the Actchapter.

C. The Authority shall assume all existing obligations of the City in connection with City parking facilities as of July 1, 2002, and any obligations which accrue on or after July 1, 2002, which arise from City parking facilities. Nothing contained in this Cchapter shall be deemed to transfer any existing fee ownership interest of the City in any City parking facility, including the underlying land, air rights above or any easements through City parking facilities, to the Authority, and provided further, that control over parking meters within the City, including, but not limited to, the type, location, number and servicing thereof, shall be subject to the approval of the traffic authority of the City.

C.D. The Authority shall have the power and authority to (1) enforce the parking regulations of the City, and (2) receive amounts remitted to the City for violations of parking regulations under Connecticut General Statutes Section 51-56a(b), as amended from time to time.

#### **§ 73A-3. Members; terms, vacancies; residency.**

- A. The Authority shall consist of five members to be appointed by the Mayor and confirmed by the Common Council, not more than three of whom shall be of the same political party.
- B. Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. The Mayor and the Director of Transportation, Mobility and Parkingthe Department of Public Works, or their designee, shall serve as ex officio, nonvoting members of the Authority.
- C. No person shall be appointed or reappointed to the Authority unless a resident of the City.

#### **§ 73A-4. Compensation of members.**

The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses.

#### **§ 73A-5. Organization; officers and employees.**

- A. The Authority shall organize and operate in conformity with the provisions of Section 7-203 of the chapterAct and Article VII of the City Charter, each as amended from time to time.
- B. The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also employ an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation and benefits as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes of the Authority.
- C. The Authority or its Executive Director, as directed by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purpose of the

Authority. The selection, appointment, assignment of duties, compensation, benefits, termination, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority. ~~The Executive Director and other employees of the Authority shall not be considered employees of the City.~~

- D. The Authority or its Executive Director as directed by the Authority, shall have the sole right to select, direct and control such technical consultants, accountants, parking operators and other contractors as it deems necessary to carry out the purpose of the Authority. The selection, scope of services, compensation, termination and other terms and conditions of such contacts shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.
- E. The Authority or its Executive Director, as directed by the Authority, may enter into agreements with the City to provide the Authority with various services to support the Authority.

#### **§ 73A-6. Annual budget and reports.**

- A. On or before November 15th of each year, the Executive Director of the Authority shall submit to the Authority a recommended annual budget for the Authority for the next succeeding fiscal year commencing July 1st and ending June 30th. The Authority shall adopt a proposed budget on or before December 15th of each year and submit the proposed budget to the Director of Finance on or before December 31st of each year, or on or before such other dates as departments of the City shall be required to submit budgets. The Authority's budget shall be submitted to the Board of Estimate and Taxation and the Common Council for consideration and adoption in the manner and on the same schedule as departments of the City.
- B. Parking fee increases not included in the approved budget shall be submitted by the Executive Director of the Authority to the Board of Estimate and Taxation and the Common Council for their consideration and approval.
- C. The Authority shall contract for an annual independent audit and shall submit a copy thereof to the Mayor, the Board of Estimate and Taxation and the Common Council on or before the date of submission of the City's audit for the same period.

#### **§ 73A-7. Meetings.**

- A. The Authority shall annually adopt a schedule of its regular meetings and file that schedule with the City Clerk. The Authority may hold special meetings on the call of the Chair~~man~~ or any two members upon giving notice thereof to all members of the Authority at least 24 hours in advance of such meeting.
- B. All meetings of the Authority shall be held in compliance with the applicable provisions of the Connecticut Freedom of Information Act, as amended from time to time.

#### **§ 73A-8. Term of Authority.**

The Authority shall continue to exist until abolished by subsequent ordinance of the Common Council, which shall not be earlier than the repayment of all obligations of the Authority, including without limitation, the retirement of all outstanding indebtedness of the Authority, or the assumption of such obligations by the City.

**§ 73A-9. When effective.**

This ~~C~~chapter shall take effect upon its adoption by the Common Council.