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Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

March 16, 2021

7:00 p.m. – By videoconference and Teleconference

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**

- January 19, 2021 – regular meeting of the ordinance committee

6. OLD BUSINESS:

- Discuss and Vote on Chapter 7, General Provisions:
 - Section 7-6 – Definitions – Gender.

7. NEW BUSINESS:

- Discuss and Vote on Chapter 59A Housing: Equal Opportunity:
 - Section 59A-1.
 - Section 59A-2.
- Discuss and Vote on Chapter 60 Human Relations Commission:
 - Section 60-1.
 - Section 60-2.
 - Section 60-5.

8. DISCUSSION ITEM:

9. ADJOURNMENT:

1-19-21 draft minutes

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JANUARY 19, 2021
VIA TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson;
Thomas Keegan; Thomas Livingston; Kadeem Roberts

STAFF: Brian Candela, Corporation Counsel

OTHERS: Adam Cohen, Pullman and Comley

Ms. Shanahan called the meeting to order at 7:03 p.m.

ROLL CALL

Ms. Shanahan called the Roll as indicated above.

PUBLIC HEARING

There was no public hearing this evening.

PUBLIC HEARING DISCUSSION

There was no public hearing this evening.

ACCEPTANCE OF MINUTES

December 15, 2020 – regular meeting

Page 1 – correct time to 7:03 p.m.

Page 2 – public comment, second paragraph should read as follows:

Ms. Shanahan asked Mr. Flynn if he had concerns about Section 32-4 and told him it was on the website. He said he could not get it. Ms. Shanahan told Mr. Flynn that his comments have to be directed to Section 32-4 as that was the only agenda item. Mr. Flynn said that his first ethics complaint was against Mr. Camacho. Ms. Shanahan reiterated that his public comments could only be about Section 32-4 and to direct his comments to the language in the ordinance. Mr. Flynn continued and Ms. Shanahan said he could not speak about complaints he might have personally filed; only about the code.

**** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS AMENDED
** MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS**

OLD BUSINESS

There was no old business discussed this evening.

NEW BUSINESS

- Discuss new potential ordinance – Canfield Island Special Services District

Mr. Cohen represented Canfield Island Special Services District. He explained that the District was created by an ordinance in the mid 1980s. However, this ordinance did not lay out its powers. For the last 30 plus years, the District has operated under the assumption that this ordinance existed.

There are two other special services districts in Norwalk, Birchwood Condominiums and Waypointe. He noted that the Canfield Island Special Services District was validly created. He said the by-laws can be adopted as the ordinance.

Mr. Cohen said the ordinance requires the approval of the Ordinance Committee and the Common Council. He explained the purpose of a Special District. He said the bridge to Canfield Island needs to be replaced and they want to be sure to have everything in order so they can finance the project.

Mr. Livingston said he was struggling with the request. Mr. Cohen explained that Canfield Island Special Services District has a set of by laws. He added that he has to make a few tweaks to proposed ordinance. Mr. Candela said he will review the Connecticut State Statute. He said that at first glance, it looks like the proposed ordinance mirrors the ordinances in place for Birchwood and Waypointe.

Mr. Cohen explained that the ordinance is needed because everything the District does is guided by an ordinance.

Mr. Cohen said the plan is for the residents of the District to raise the money themselves by levying a tax to pay for the bridge. He said he will make a few changes to the ordinance and submit a final draft.

- Chapter 7, General Provisions, Section 6 – Definitions – Gender

Ms. Shanahan thanked Ms. Johnson for her research. Ms. Johnson reviewed the item and explained that the idea was raised to change the definition of gender so that going forward, every ordinance would use language that was gender neutral. She noted that

what is proposed is used by the State of Connecticut. The second and third sentences are the means to address gender neutrality. The Committee members discussed the code. Ms. Johnson said that bringing the code up to the 21st century is an opportunity to demonstrate inclusivity. She noted that there are citizens in Norwalk who will see themselves reflected in this document.

Mr. Keegan said he agreed with Ms. Johnson and said they should keep this as a simple statement. Mr. Roberts agreed. He added that at the end of the day, they want everyone to be comfortable.

Ms. Johnson said she will separate the amendment and bring it back to the Committee next month.

DISCUSSION ITEM

There were no other discussion items.

ADJOURNMENT

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

There was no further business and the meeting was unanimously adjourned at 7:41 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Chapter 7, General Provisions:
Section 7-6 – Definitions –
Gender

Chapter 7. General Provisions

Article I. General

§ 7-6. Definitions.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Council or the context clearly requires otherwise:

BOND

When a bond is required, an undertaking in writing shall be sufficient.

CITY

Shall mean the City of Norwalk, in the County of Fairfield, in the State of Connecticut.

COMPUTATION OF TIME

The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

COUNCIL

Means the Common Council of the City of Norwalk.

COUNTY

Means the County of Fairfield in the State of Connecticut.

GENDER

~~Words importing the masculine gender include the feminine and neuter. Gender is defined as a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.~~

~~References to man/men signify all individual persons or group of persons including woman/women and nonbinary individuals. Usage of he/him/his pronouns signify all other pronouns including she/her/hers and gender neutral pronouns including singular they/them/theirs pronouns.~~

GENERAL STATUTES

Means the revision of 1949 of the General Statutes of the State of Connecticut as amended.

JOINT AUTHORITY

Words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

MONTH

Means a calendar month.

NUMBER

A word importing the singular number only may extend and be applied to several persons or things, and a word importing the plural number may apply to one person or thing.

OATH

Includes an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OR, AND

"Or" may be read as "and," and the word "and" as "or," where the sense requires it.

OWNER

Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or of a part of such building or land.

PERSON

Includes and applies to associations, firms, partnerships and bodies polite and corporate as well as to individuals.

PRECEDING, FOLLOWING

Mean next before and next after, respectively.

SHALL

Is mandatory.

SIDEWALK

Means any portion of the street, usually lying on either side thereof, between the curb and the adjacent property line, intended for the use of pedestrians.

SIGNATURE, SUBSCRIPTION

Includes a mark when the person cannot write.

STATE

Means the State of Connecticut.

STREET

Includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the city, and means all that part thereof from property line to property line of the premises abutting thereon.

TENANT, OCCUPANT

Applied to a building or land, means any person who occupies the whole or a part of such building or land, whether alone or with others.

TIME

Words used in the past or present tense include the future as well as the past and present.

TOWN

Means the Town of Norwalk, in the County of Fairfield, in the State of Connecticut.

WRITTEN, IN WRITING

Includes any representation of words, letters or figures, whether by printing or otherwise.

YEAR

Means a calendar year.

All general provisions, terms, phrases and expressions shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.

**Chapter 59A Housing: Equal
Opportunity: Sections 59A-1
and Section 59A-2**

§ 59A-1

Declaration of policy.

[Amended 12-28-1999]

It is the policy of the City of Norwalk:

A.

To safeguard all individuals within the city from discrimination because of race, color, religious creed, sex, age, national origin, marital status, ancestry, sexual orientation, (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, ~~or present or past history of mental disability, intellectual disability, learning disability, physical disability, mental or physical disability,~~ including but not limited to blindness, or status as a veteran, in connection with housing, thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the city their full productive capacities, to secure the city against strife and unrest which would menace its democratic institutions and to preserve the public safety and general welfare; and

B.

To supplement through official local action the implementation in Norwalk of Section 46a-64c of the General Statutes of the State of Connecticut (prohibiting denials of full and equal accommodations in housing), the provisions whereof are incorporated herein by reference. References in this article to such sections of the General Statutes shall include such amendments thereof as may be made from time to time.

§ 59A-2

Definitions.

[Amended 12-28-1999]

As used in this article, the following terms shall have the meanings indicated:

COMMISSION

The Human Relations Commission of the City of Norwalk as defined in Chapter 60 of the Code of the City of Norwalk.

COMMISSIONER

A member of the Human Relations Commission.

DISCRIMINATE

To cause any difference in treatment based on race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived), gender identity or expression, lawful source of income, familial status, ~~or present or past history of mental disorder, mental retardation or physical disability,~~ present or past history of mental disability, intellectual disability,

learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran, and includes segregation, based upon any of the foregoing categories.

FAMILIAL STATUS

One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody with the written permission of such parent or other person; or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY

Includes a single individual.

HOUSING ACCOMMODATION

Any dwelling, housing unit, structure or portion thereof used or to be used for legal residential purposes.

OWNER

Any person having or exercising the right to sell, rent or lease any housing accommodation.

Chapter 60 Human Relations
Commission: Sections 60-1, 60-2
and 60-5

§ 60-1

Purposes and functions.

A.

A City agency is hereby created through which the City of Norwalk officially may encourage and bring about mutual understanding and respect among all groups in the City, eliminate prejudice, intolerance, bigotry, discrimination and disorder occasioned thereby and give effect to the guaranty of equal rights for all assured by the Constitution and the laws at the State of Connecticut and of the United States of America.

B.

To promote mutual understanding and respect among, and encourage and assure equality of opportunity for, all the people of Norwalk without regard for their race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (~~defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived~~), gender identity or expression, lawful source of income, ~~or past or present history of mental disorder, mental retardation or physical disability~~ present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, and/or status as a veteran; to conduct such programs of education, study, research, investigation and action as will contribute to carrying out the purposes and provisions of this chapter; and to cooperate with governmental and nongovernmental agencies and organizations in the field of intergroup relations and equal opportunities; and

C.

To supplement through official local action the implementation in Norwalk of Section 46a-60 of the General Statutes of the State of Connecticut (prohibiting unfair employment practice) and of Sections 46a-64 and 46a-64c of the General Statutes of the State of Connecticut (prohibiting denials of full and equal accommodations, including housing) the provisions whereof are incorporated herein by reference. References in this chapter to such sections of the General Statutes shall include such amendments thereof as may be made from time to time.

§ 60-2

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISCRIMINATION

Any unlawful difference in treatment based on race, color, religion, creed, national origin, ancestry, alienage, sex, age, marital status, sexual orientation (~~defined as heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality, whether actual or perceived~~), gender identity or expression, lawful source of income, ~~present or past history of mental disorder, mental retardation or physical disability~~ past or present history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran, and includes segregation, except that it shall not be discrimination for any religious or denominational institution to

devote its facilities exclusively or primarily to or for members of its own religion or denomination or to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained. Exceptions under Sections 46a-60, 46a-64 and 46a-64c of the Connecticut General Statutes shall be exceptions under this chapter (inclusive of sexual orientation discrimination as defined in Norwalk Code § 60-2).

PERSON

Includes an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy and receiver.

RELIGIOUS OR DENOMINATIONAL INSTITUTION

Any institution which is operated for religious purposes or is operated, supervised or controlled by a religious or denominational organization.

UNFAIR PRACTICE

An unfair employment practice in violation of Section 46a-60 of the Connecticut General Statutes (inclusive of sexual orientation discrimination as defined in Norwalk Code § 60-2) or a denial of full and equal accommodations, including discrimination, segregation or separation, in housing or in any other place of public accommodation, resort or amusement, hereinafter referred to as "housing or other accommodation," in violation of Sections 46a-64 and 46a-64c of the Connecticut General Statutes (inclusive of sexual orientation discrimination as defined in Norwalk Code § 60-2).

§ 60-5

Duties and powers.

The Commission shall have the power and duty:

A.

To work with federal, state and City agencies as well as private, civic, religious, business, industrial, labor and other organizations, groups and persons to achieve harmonious intergroup relations in the community as well as to develop and establish positive programs which will help all members of the community enjoy equality of opportunity in all phases of community life.

B.

To study and investigate and seek to resolve individual or community problems of limited opportunities, prejudice, discrimination, segregation and disorder and tension occasioned thereby.

C.

To issue reports and publications on its study, research and investigations designed to promote greater understanding of the problems, needs and progress in the field of intergroup relations and equal opportunities.

D.

To enter into cooperative working arrangements with the Connecticut Commission on Human Rights and Opportunities and other state and federal agencies having related responsibilities when such arrangements will aid in carrying out the purposes and provisions of this chapter and in maximizing the effectiveness of and avoiding duplication of effort by the Commission and such agencies.

E.

Through cooperation with the Connecticut Commission on Human Rights and Opportunities, the United States Commission on Civil Rights, and all state, federal and municipal agencies and officers, to assist and afford appropriate relief to any person in the City of Norwalk who has been denied full and equal accommodations (including housing) in violation of Sections 46a-64 and 46a-64c of the General Statutes of the State of Connecticut, or against whom there has been committed an unfair employment practice in violation of Section 46a-60 of the General Statutes (inclusive of sexual orientation discrimination as defined in Norwalk Code § 60-2).

F.

To, upon the approval of the Mayor and the Common Council, accept outside funds, gifts or bequests, public or private. The Commission may also seek reimbursement for costs incurred in providing requested services to businesses, organizations and other parties.

G.

To conduct investigations and assemble data for the purpose of preparing proposed ordinances, rules and regulations in keeping with the purposes of this chapter only, shall have the power from time to time to prepare and submit such ordinances, rules and regulations for the consideration of the Common Council within the areas set forth in the purposes for this chapter only; shall have the power to make written recommendations to other subdivisions, commissions and agencies of the City of Norwalk concerning matters within the purposes of this chapter only. In the course of conducting investigations, holding hearings, both public and private, and assembling data for the purposes aforementioned, the Commission may request, but shall not have the power to compel, the presence of persons and private records.

H.

To investigate, hold hearings and resolve claims of discrimination. Pursuant to Connecticut General Statutes § 7-148j, these powers include the power to issue subpoenas and subpoenas duces tecum, the power to issue written interrogatories and require written answers under oath, the power to hold hearings relating to any allegation of discriminatory practice which it has reasonable cause to believe has occurred, the power to issue any appropriate orders including those authorized by § 46a-86 and the power to petition the Superior Court for enforcement of any of the above. The Commission may also petition the Superior Court for temporary injunctive relief upon a finding that irreparable harm to the complainant will otherwise occur.

I.

The Commission or its designated agent shall have the right to apply to the Superior Court or other court of competent jurisdiction for an order compelling any individual whose presence, testimony or records are deemed necessary to effectively carry out the provisions of this chapter to appear before the Commission and testify or submit records in the manner and according to the rules governing the same in courts of justice. The courts shall have the power to issue subpoenas and to enforce the presence and testimony of such individuals (or records) in the same way and to the same extent as they now have the power to enforce and compel the presence or testimony of witnesses and availability of records in each of said courts.

J.

For the fiscal year September 1, 1966, through August 31, 1967, the Commission shall prepare an operating budget for submission to the Common Council. Said budget may be approved by a majority vote of the Council or may be modified or amended by a two-thirds vote of the entire membership of the Common Council. Said budget shall, thereupon, be given to the Comptroller for presentation to the Board of Estimate and Taxation as a request for funds from the Fifth District contingency and shall be processed in accord with the provisions of the Charter of the City of Norwalk regarding special appropriations out of contingency funds. Thereafter, the Commission shall prepare an annual operating budget for submission to the Common Council on or before the Common Council's first meeting in May of each year. Said budget may be approved by a majority vote of the Council or may be modified or amended by two-thirds vote of the entire membership of said Council. Said budget shall thereupon be given to the Comptroller for presentation to the Board of Estimate and Taxation.

K.

The Commission (subject to the qualifications as hereinafter set forth in § 60-8) shall have the power to employ a Director of Human Relations who is properly qualified in and experience and education in community relations work. All personnel shall work in cooperation with and under the guidance of the Commission. The salaries of personnel shall be recommended by the Commission and approved by the Common Council.

L.

The Commission shall have the right to call upon any other department of the City government for assistance in performing its duties; and it shall be the duty of such other departments to comply with a proper request of the said Commission. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.

M.

The Commission may, within the limits of its annual or special appropriation, enter into all contracts necessary to carry out the proper administration of the affairs of the Commission.

N.

The Commission may, by its own regulations, prescribe the procedures for the processing of complaints as it may deem necessary to carry out the purposes of this chapter.