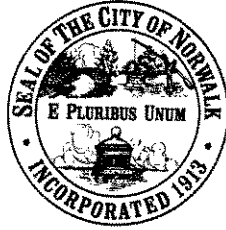


CITY OF NORWALK

LAW DEPARTMENT

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



TEL: (203) 854-7750
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COMMON COUNCIL ORDINANCE COMMITTEE

PUBLIC HEARING AND REGULAR MEETING

August 16, 2016
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on): Police Extra Work

Vicious Dogs
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: June 21, 2016
6. OLD BUSINESS (possible action on): Parking Authority Membership
7. NEW BUSINESS: (possible action on): Shorehaven Special Taxing District
Name Change
8. ADJOURNMENT

Chapter 96. Excavations and Encroachments in Public Streets and Grounds
§ 96-14. Protective measures.

Current Version

F.

When portions of the traveled way are made hazardous for the movement of vehicles or pedestrians, a sufficient number of traffic control persons shall be employed by the permittee to direct traffic safely through the area. If such conditions exist at the close of the working day, a watchman and a sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night. The work shall be planned to avoid such conditions whenever possible.

Proposed Version

F.

When portions of the traveled way are made hazardous for the movement of vehicles or pedestrians, a sufficient number of traffic control persons shall be employed by the permittee to direct traffic safely through the area. The Director, in coordination with the Police Chief, shall approve the traffic control plan and together shall determine the appropriate number of traffic control persons or Norwalk Police Officers, where necessary, to ensure the public's safety, however, when the roadway(s) affected are classified as: 1) City Collector; 2) City Minor Arterial; 3) City Major Arterial; 4) State Roadway; and/or 5) State Limited Access Highway, as listed on the Road Classification Map on file in the Public Works Department, or when the roadway(s) are immediately surrounding a school, hospital, or fire department, the Director shall first provide Norwalk Police Officers with the opportunity to direct traffic safely through the area. If the police department determines that no police officers are necessary or is unable to provide sufficient police officers, the Director shall, in the alternative, determine the appropriate number of traffic control persons necessary to ensure the public's safety. If such conditions exist at the close of the working day, a watchman Police Officer(s) and a sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night per the direction of the Director. The work shall be planned to avoid such conditions whenever possible.

Chapter 15. Animals and Fowl

Article II. Determination, Regulation and Control of Vicious Dogs

§ 15-12. Purpose.

It is hereby declared that:

A.

Vicious dogs have become a serious and widespread threat to the safety and welfare of the citizens of our community.

B.

Unprovoked attacks by vicious dogs upon persons and animals throughout the country have occurred at an increasing rate.

C.

Many of these attacks have taken place in public places and have been attributable in large degree to the failure of owners to register, confine and properly control their vicious dogs.

D.

Existing laws are inadequate to deal with the threat to public health and safety posed by vicious dogs.

E.

The owning, keeping or harboring of vicious dogs is a nuisance.

§ 15-13. Definitions.

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent.

ENCLOSURE

A fence or structure of at least six feet in height and at least five feet by 10 feet, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, shall be designed to prevent the dog from escaping from the enclosure and shall also provide protection from the elements for the dog.

IMPOUNDED

Taken into custody of the municipal dog pound.

KEEPER

Any person or legal entity other than the owner harboring or having in his possession any dog, keeping an interest in or having control or custody of the dog.

OWNER

Any natural person or legal entity, including but not limited to a firm, corporation, organization, partnership or trust, possessing, harboring, having, keeping an interest in or having control or custody of the dog.

VICIOUS DOG

A dog which has been declared vicious by the Board of Police Commissioners, or its designee, in accordance with § 15-14.

§ 15-14. Determination of viciousness.

A.

In the event that the Dog Warden has probable cause to believe that a dog is vicious, the Board of Police Commissioners or its designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Board of Police Commissioners or its designee shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held promptly within no fewer than five nor more than 10 days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public.

B.

The Board of Police Commissioners or its designee may declare a dog to be vicious if any one of the following criteria is met. Any dog:

(1)

Which, when unprovoked, in a vicious or terrorizing manner approaches any person in a menacing fashion or apparent attitude of attack upon the streets, sidewalks or any public grounds or places;

(2)

With a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

(3)

Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property;

(4)

Which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;

C.

The Board of Police Commissioners or its designee shall not declare a dog to be vicious based on any of the following criteria:

(1)

If any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

(2)

If an injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, assaulting or invading the premises occupied by the owner or keeper of the dog.

(3)

If the dog was protecting or defending the premises occupied by the owner or keeper of the dog or a human being within the immediate vicinity of the dog from an unjustified attack or assault.

D.

After the hearing, the Board of Police Commissioners or its designee shall notify, in writing, the owner or keeper of the dog of its declaration. If the dog is declared vicious, the Dog Warden shall immediately impound the dog. In the event that the owner or keeper of the dog refuses to surrender the dog to the Dog Warden, the Dog Warden may request a police officer to obtain a search warrant and to seize the dog upon the execution of the warrant.

§ 15-15. Ruling after declaration of viciousness.

After declaring the dog to be vicious, the Board of Police Commissioners or its designee shall make one of two rulings:

A.

That the dog be destroyed in an expeditious and humane manner after the expiration of a ~~the fivefourteen-day waiting appeal period, exclusive of Sundays and holidays.~~ In addition, the owner or keeper shall pay a fine of \$99, and such costs and expenses for necessitated by the seizure of the dog including such expenses as may be required for the and destruction of such the dog; or

B.

That the destruction of the dog will be postponed so long as:

That the owner or keeper of such a vicious dog shall always shall sign a written statement accepting the ruling of the Board of Police Commissioners or its designee and further agreeing to comply with any of the requirements meet the following requirements set forth in subsections (1)-(8) below as determined by the Board of Police Commissioners or its designee. The owner or keeper represents and agrees that failure to abide by any of the requirements at any time in the future shall trigger a hearing before the Board of Police Commissioners or its designee for the sole purpose of determining whether or not the conditions were complied with. If the conditions were not complied with, the dog may be destroyed in accordance with section 15-15a.

(1)

The vicious dog must be licensed according to the laws of the City of Norwalk and the State of Connecticut.

(2)

The owner or keeper shall present to the Town Clerk proof that the Owner or Keeper has procured liability insurance in the amount of at least ~~\$50,000-200,000~~ covering any damage or injury which may be caused by such vicious dog, and produce for the Town Clerk a copy of the policy declaration document identifying the insurance policy and its terms. Notice of any cancellation, termination or expiration of the liability insurance policy must be provided to the Town Clerk and the Board of Police Commissioners within 24 hours of the cancellation, termination or expiration. The owner or keeper shall maintain and not voluntarily cancel the liability insurance unless the owner or keeper shall cease to own or keep the vicious dog. Cancellation of the insurance policy for failure to pay the insurance premium shall be considered a voluntary cancellation, and a violation of this section.

(3)

The owner or keeper shall, at his/her own expense, have the licensing number assigned to such vicious dog tattooed upon such vicious dog by a licensed veterinarian. The number shall be noted in the Town Clerk's file for such vicious dog, if it is different from the licensing number when the vicious dog is registered in subsequent years. The tattoo shall be placed at a location to be determined by the Dog Warden. For the purposes of this § 15-15B(3), "tattoo" shall be defined as any permanent numbering of a vicious dog by means of indelible or permanent ink with the number designated by the licensing authority or any other permanent, acceptable method of tattooing.

(4)

The owner or keeper shall display a sign on his/her premises warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the street, road or highway, whether public or private, which abuts said premises.

(5)

The owner or keeper of a vicious dog shall provide a certificate to the Dog Warden from a licensed veterinarian that the animal has been spayed or neutered, and the owner or keeper of said vicious dog shall be responsible for the cost of such spaying or neutering.

(6)

The owner or keeper shall have an enclosure for the vicious dog on the property where the vicious dog will be kept or maintained. All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have an enclosure.

(7)

It shall be unlawful for an Owner or Keeper of a vicious dog to permit the dog to be outside the enclosure unless the dog is securely muzzled and restrained with a chain held by the owner or keeper having a minimum tensile strength of 300 pounds and not exceeding three feet in length and shall be under the direct control and supervision of the owner or keeper of the vicious dog. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting a person or another animal.

(8)

The owner or keeper shall notify the Town Clerk and the Dog Warden within 24 hours if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being or has died or has been sold or given away. If the vicious dog has been sold or given away, the owner or keeper shall also provide the Town Clerk and Dog Warden with the name, address and telephone number of the new owner or keeper of the vicious dog.

C.

The Dog Warden will release the impounded vicious dog back to the owner or keeper only after he/she complies to the satisfaction of the Dog Warden with all the provisions of § 15-15B(1) through (6) inclusive.

§ 15-16. Appeals.

The declaration and ruling of the Board of Police Commissioners or its designee may be appealed to a court of competent jurisdiction by the owner or keeper within ~~48 hours~~ 14 days of receiving the ~~declarations and ruling~~ decision. The vicious dog shall remain impounded pending an appeal. A hearing de novo shall be conducted without a jury, and the decision of the court shall be final and conclusive. The appeal shall be in writing and shall set forth clearly and concisely the reasons for the appeal and shall be served upon the Board of Police Commissioners or its designee in the manner prescribed by law for service of civil process.

§ 15-17. Prohibited activities.

A.

No person shall own or harbor any dog for the purpose of dog fighting nor train, torment, badger or bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

B.

No person shall possess with intent to sell or offer for sale or breeding or buy or attempt to buy within the City any vicious dog.

C.

No person shall keep a vicious dog within any portion of any multiple-unit dwelling. A "multiple-unit dwelling" shall mean any commercial or residential building consisting of two or more dwelling units. A "dwelling unit" shall mean any room or rooms designed or used as living quarters for one family or household.

§ 15-18. Violations and penalties.

A.

If any vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being or domestic animal, the Dog Warden is empowered to confiscate and, after expiration of a ~~five~~fourteen-day appeal waiting period, ~~exclusive of Sundays and holidays,~~ shall destroy said vicious dog. In addition, the owner or keeper shall pay such costs and expenses as may be required for the destruction of such vicious dog. The owner or keeper may file an appeal to the Superior Court in accordance with § 15-16. The penalties set forth herein shall not be lieu of or limit the right of any victim to bring a civil action against the owner or keeper of a vicious dog, as provided for by State statute.

B.

The Dog Warden is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of § 15-15B, inclusive of § 15-15B(1) through (8), § 15-17B and § 15-17C and is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with any of the provisions thereof. The impounded vicious dog shall not be released by the Dog Warden until the owner or keeper complies with all the provisions thereof. Additionally the owner or keeper shall pay a fine of \$99 per day for each violation, plus all such costs and expenses necessitated by the seizure of the vicious dog. In the event that the owner or keeper of the vicious dog refuses to surrender the vicious dog to the Dog Warden, the Dog Warden may request a police officer to obtain a search warrant and to seize the vicious dog upon the execution of the warrant.

C.

Violation of § 15-17A shall allow the Dog Warden to have probable cause that said dog is vicious as per § 15-14A, plus said person shall pay a fine of \$99 for each occurrence.

D.

Responsibility of parents for ensuring compliance. In the event that the owner or keeper of the vicious dog is a minor, the parent or guardian shall be responsible for ensuring compliance with this article.

§ 15-19. Exceptions.

This article shall not apply to:

A.

Kennels licensed in accordance with Title 22, Chapter 435, of the Connecticut General Statutes.

B.

K-9 or other dogs owned by the Police Department or any law enforcement officer which are used in the performance of police work.

§ 15-20. When effective.

This article shall take effect upon passage and compliance with the provisions of the Charter and Code of the City of Norwalk.

**CITY OF NORWALK
ORDINANCE COMMITTEE
JUNE, 21, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Douglas Hempstead;
Bruce Kimmel; Shannon O'Toole-Giandurco; Michael Corsello; Thomas
Livingston; John Kydes

STAFF: Brian McCann, Corporation Counsel

OTHERS: Lt. Marc Lepore NPD, Officer Andy Kowlakas NPD Union, Sgt Dave Orr NPD
Union President

ROLL CALL

Ms. Melendez called the meeting to order at 7:02 p.m.

PUBLIC HEARING

There was no public hearing held this evening.

PUBLIC HEARING DISCUSSION

There was no public hearing held this evening.

ACCEPTANCE OF MINUTES.

Meeting of May 17, 2016

- ** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS PRESENTED.**
- ** MOTION PASSED WITH TWO ABSTENTIONS (MR. CORSELLO, AND MR. KYDES).**

OLD BUSINESS

Extra Police Work

Ms. Melendez opened the discussion on extra police work. Mr. Livingston asked what brought this to the commission and Sgt. Dave Orr offered to provide information on the issue. He said there is a need for accountability from contractors. Currently the Police Department is being held accountable. He explained the different classifications of streets, and where flagmen were necessary.

Mr. Livingston said there needs to be a mechanism to recover money owed to the town by contractors, and that there is currently \$700,000 in collections.

Mr. Corsello asked about when payment is collected and if payment up front from contractors is an option.

Mr. Hempstead suggested bringing the proposal to a public hearing and finalizing the language of "Option A" after the hearing.

Option A – Police Chief and Director evaluate plan; Police Dept. has first opportunity to direct traffic on certain roadways.

**** MR. HEMPSTEAD MOVED TO SCHEDULE A PUBLIC HEARING AUGUST 16, 2016 ON "OPTION A."
** MOTION PASSED UNANIMOUSLY.**

Vicious Dogs

Ms. Melendez opened discussion on vicious dogs. Lt. Lepore was asked to explain how vicious dogs are currently dealt with by the Police Department. He explained that the owner of a vicious dog can be called into a hearing but that it rarely happens. Typically, most owners get a compliance agreement and restrictions will be placed on the dog, or the dog will be relocated.

Mr. Kimmel asked if the ordinance applied to a vicious dog on the owner's property. Mr. Hempstead asked if the ordinance applied to dogs growling loudly. Lt. Lapore said it did not apply in either of those scenarios.

**** MS. O'TOOLE MOVED TO SCHEDULE A PUBLIC HEARING AUGUST 16, 2016 ON VICIOUS DOGS.
** MOTION PASSED UNANIMOUSLY.**

DISCUSSION ITEM

Ms. Melendez opened discussion on the possible addition of a Parking Authority Member. Mr. Kydes suggested bringing the total number of members to seven. MS. O'Toole-Giandurco and Mr. Hempstead suggested adding two more with one from each party. Ms. Melendez said seven members is workable while nine would be too many.

**** MR. CORSELLO MOVED TO SCHEDULE A PUBLIC HEARING ON AUGUST 16, 2016 ON ADDING A MEMBER.
** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** MS. O'TOOLE-GIANDURCO MOVED TO ADJOURN.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Tom Blaney
Telesco Secretarial Services

DRAFT

CHAPTER 100*

MUNICIPAL PARKING AUTHORITIES

*Cited. 142 C. 155.

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Sec. 7-202. Definitions.

Sec. 7-203. Creation of parking authorities.

Sec. 7-204. Powers of parking authority.

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Sec. 7-206. Revenue bonds.

Sec. 7-206a. Bonds and notes not subject to statutory debt limit. Conveyance of title by municipality to public agency lessee.

Sec. 7-207. Rates and charges.

Sec. 7-207a. Use of parking meter revenues.

Sec. 7-208. Rights of bondholders.

Sec. 7-209. Bonds to be tax-exempt.

Sec. 7-210. Receipts to be trust funds.

Sec. 7-211. Provisions of special acts not affected.

Sec. 7-212. Parking authorities; tax exemption; investment of funds.

Sec. 7-212a. Public parking garages.

Sec. 7-202. Definitions. When used in this chapter, “parking facilities” means lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge; “parking authority” means a body corporate and politic created by the legislative body of any municipality as hereinafter provided; “parking division” means any existing municipal department, bureau, agency, commission or executive officer designated by any municipality as hereinafter provided; and “municipality” means any town, city or borough, whether consolidated or unconsolidated, and any fire district.

(1953, S. 280d; 1957, P.A. 13, S. 26.)

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Sec. 7-203. Creation of parking authorities. Any municipality may provide parking facilities and may, by ordinance, create a parking authority or designate a parking division for the purposes of creating and establishing off-street parking facilities. A parking authority created under the provisions of this section shall consist of five members, appointed by the chief executive officer of the municipality, not more than three of whom shall be of the same political party. Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed annually to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. Such authority shall select from among its members a chairman and may employ necessary personnel. The members of the authority shall serve without compensation but may be reimbursed for necessary expenses. No action of such authority shall be valid unless authorized by a vote of the majority of its members. Such authority shall maintain proper accounting and financial records and shall make an annual report to the chief executive officer of the municipality.

(1953, S. 281d; 1957, P.A. 13, S. 27.)

Parking authority, when created by the municipality, has powers given by this section and Sec. 7-204 to act in "the name of the municipality". 19 CS 46.

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Sec. 7-204. Powers of parking authority. Such parking authority or parking division shall have the power, in the name of the municipality, to (1) create, establish, and expand wherever built by such municipality, off-street parking facilities; (2) acquire by purchase, gift, devise, lease or condemnation, subject to the provisions of section 48-6, real property or any interest therein necessary for or incidental to the construction, maintenance, operation, or expansion of off-street parking facilities, provided such authority shall not be empowered to take by eminent domain any property from a corporation which has the right of eminent domain, and this chapter shall not affect the powers of eminent domain of any such corporation; prepare necessary plans and drawings; (3) construct or cause to be constructed parking facilities; (4) maintain and operate parking facilities; (5) establish and collect reasonable off-street parking fees; (6) give, grant or sell any real property owned by such parking authority to the municipality; dedicate any real property owned by such parking authority to the public purposes for a street or highway; (7) lease parking facilities or such expanded parking facilities as may be provided, and already subject to lease, to any public agency, individual, firm, corporation or hospital, as defined by subsection (b) of section 19a-490, upon such terms and conditions as the public interest may warrant; and (8) enforce parking regulations in a municipality that has adopted an ordinance under section 7-204a in accordance with the terms of such ordinance.

(1953, S. 282d; 1959, P.A. 242; 1969, P.A. 516; 1971, P.A. 604, S. 1; P.A. 73-614, S. 1, 3; P.A. 03-264, S. 2.)

History: 1959 act authorized authority to give, grant or sell its property to the municipality and to dedicate its property for a street or highway; 1969 act deleted language which, in effect, had made parking authority a lessor of facilities to others, leaving language which implied that the authority itself might lease facilities from others; 1971 act permitted expansion of facilities and specified that authority may lease facilities to public agencies; P.A. 73-614 allowed leasing of facilities to

individuals, firms, corporations and hospitals and deleted provision concerning dispensing or furnishing products or services other than parking at parking facilities; P.A. 03-264 added provision re enforcement of municipal parking regulations and inserted numeric subdivision designators.

See Sec. 7-273o re political advertising at parking authority facilities.

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Sec. 7-204a. Enforcement of municipal parking regulations. Any consolidated town and city which (1) was consolidated in 1896, (2) has a mayor and a court of common council, and (3) has a population of more than one hundred thousand, may, by ordinance adopted by the court of common council, authorize the parking authority of such consolidated town and city to (A) enforce the parking regulations of such consolidated city and town, and (B) receive the amount remitted to the town and city for parking regulations under subsection (b) of section 51-56a.

(P.A. 03-264, S. 1.)

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Sec. 7-205. Financing. Such parking authority or parking division, subject to the specific authorization and approval of the legislative body, may finance the creation and establishment of parking facilities by any one, or any combination, of the following methods: (a) General obligation bonds, including such general obligation bonds as shall mature at such time on a maturity schedule that will substantially equalize the payment of principal and interest annually; (b) revenue bonds as provided in section 7-206; (c) parking fees and special charges derived from the use of parking facilities; (d) general fund appropriations; (e) parking meter revenues; or (f) gifts, bequests, devises, grants-in-aid or otherwise.

(1953, S. 283d; 1971, P.A. 604, S. 3.)

History: 1971 act included general obligation bonds with maturity schedules which equalize principal and interest payments.

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Sec. 7-206. Revenue bonds. (a) The legislative body of any municipality is authorized to provide, by ordinance, for the issuance of revenue bonds of the municipality to finance parking facilities. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding twenty-five years from their date, and may be made redeemable before maturity at such price or prices, and under such terms and conditions, as is provided by the legislative body prior to the issuance of such bonds. The legislative body shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state. All bonds issued under the provisions of this chapter shall be negotiable instruments under the provisions of the general statutes.

Such bonds may be sold in such manner and for such price as is determined to be for the best interests of the municipality.

(b) Revenue bonds issued under the provisions of this chapter shall not constitute a pledge of the faith and credit of the municipality, but shall be payable as to principal and interest solely from the funds provided therefor from revenues under the provisions of this chapter, and shall contain on the face thereof a statement to that effect; and such bonds shall not be subject to the debt limitation prescribed by section 7-374.

(c) The ordinance authorizing the issuance of revenue bonds under the provisions of this chapter shall pledge the revenues to be received from the parking facility or parking facilities for which such bonds are issued. Such ordinance may also pledge off-street or on-street, parking meter revenues, or both, for such purpose and may further provide for mortgaging such parking facility or parking facilities as additional security, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the municipality, of the legislative body and of the parking authority or division in relation to the construction, improvement, maintenance, repair, operation and insurance of the parking facility or parking facilities, and provisions for the custody, safeguarding and application of all moneys and for the employment of necessary personnel. Except as otherwise provided in this chapter, the legislative body may provide for the payment of the proceeds of the sale of the bonds and the revenues of the parking facility or parking facilities to such officer, board or depository as it designates for the custody thereof, and for the method of disbursement thereof, with such restrictions as it determines. All expenses incurred in carrying out the provisions of such ordinance may be treated as a part of the cost of operation.

(d) The ordinance providing for the issuance of revenue bonds may also contain such limitations upon the issuance of additional revenue bonds as the legislative body deems proper.

(1953, S. 284d; 1957, P.A. 13, S. 28; 1959, P.A. 558, S. 2, 3; 1969, P.A. 424, S. 2.)

History: 1959 act added reference to Sec. 7-207a in Subsec. (b) and modified parking meter revenues in Subsec. (c) by adding "off-street or on-street"; 1969 act amended Subsec. (a) to remove provisions limiting interest on bonds to 5% and amended Subsec. (b) to delete reference to Sec. 7-207a with regard to revenues from which interest and principal paid.

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Sec. 7-206a. Bonds and notes not subject to statutory debt limit. Conveyance of title by municipality to public agency lessee. Bonds and notes issued under the provisions of section 7-206 for the purposes of sections 7-204 and 7-205 shall not be subject to any statutory limitations on the indebtedness of the municipality and such bonds and notes, when issued pursuant to the execution of a lease to a public agency, or an agreement for such lease, shall not be included in computing the aggregate indebtedness of the municipality in respect of any such limitation, and the municipality may convey title to the facility, including the land, to the public agency lessee, without consideration but only after receipt of sufficient funds to pay the principal of and interest on said notes or bonds and only when the terms of the lease agreement shall have been fully performed.

(1971, P.A. 604, S. 2.)

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Sec. 7-207. Rates and charges. The legislative body shall, in the ordinance providing for the issuance of revenue bonds, fix the initial schedule of minimum rates, rentals, fees and other charges for the use of, and for the service and facilities furnished or to be furnished by, each parking facility. After any parking facility has been in operation the legislative body may revise such schedule of rates, rentals, fees and charges from time to time, subject to the provisions of any lease theretofore made by the parking authority or parking division and then in force. The parking authority or parking division shall charge and collect the rates, rentals, fees and charges so fixed or revised. Such rates, rentals, fees and charges shall be so fixed and revised as to provide funds sufficient at all times (a) to pay the cost of maintaining, repairing and operating the parking facility or parking facilities, including reserves for such purpose and for replacements and depreciation, (b) to pay the principal of and the interest on the revenue bonds as the same become due and reserves therefor and (c) to provide a margin of safety for making such payments.

(1953, S. 285d.)

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Sec. 7-207a. Use of parking meter revenues. Any municipality may, by ordinance, authorize its parking authority or parking division to collect and receive all revenue from parking meters located on public streets in the municipality or to establish metered on-street parking zones. Any municipality that has adopted an ordinance under section 7-204a may authorize its parking authority to receive the amount remitted to the municipality for parking violations under subsection (b) of section 51-56a. All existing parking meters, upon the adoption of such ordinance, shall become the property of the parking authority or parking division and such authority or division shall succeed to all the obligations of such municipality relative to payment for such meters. The revenues from such meters shall be used by such authority or division for the regulation and control of the parking of vehicles in parking meter on-street and off-street zones, for the cost of purchase, installation, operation, inspection, supervision and maintenance of parking meters, for acquiring, operating and maintaining off-street parking facilities and to fulfill pledges made under the provisions of section 7-206 for the payment of bonds.

(1959, P.A. 558, S. 1; P.A. 03-264, S. 3.)

History: P.A. 03-264 added provision re receipt of fines remitted to municipality for parking violations under Sec. 51-56a(b).

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Sec. 7-208. Rights of bondholders. Any holder of revenue bonds issued under the provisions of this chapter or of any of the coupons appertaining thereto, except to the extent that the rights herein given may be restricted by the authorizing ordinance, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the provisions of the general statutes or under such ordinance, and may enforce and compel the performance of all duties required by this chapter or by such ordinance to be performed by the municipality, the legislative body, the

parking authority or parking division or any officer thereof, including the fixing, charging and collecting of rates, rentals, fees and charges for the services and facilities furnished by the parking facility or parking facilities.

(1953, S. 286d.)

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Sec. 7-209. Bonds to be tax-exempt. Revenue bonds issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

(1953, S. 287d.)

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Sec. 7-210. Receipts to be trust funds. All moneys received under the provisions of this chapter shall be deemed to be trust funds, to be held and applied as provided in this chapter. The ordinance authorizing the issuance of revenue bonds shall provide that any officer to whom, or bank, trust company or other fiscal agent to which, such moneys are paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and such ordinance provide.

(1953, S. 288d.)

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Sec. 7-211. Provisions of special acts not affected. Nothing in this chapter shall be construed to limit the powers enjoyed by any municipality under any special act.

(1953, S. 289d.)

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Sec. 7-212. Parking authorities; tax exemption; investment of funds. The property of any parking authority created under the authority of any general or special act shall be exempt from taxation, unless otherwise specifically provided in such general or special act or in the ordinance or resolution creating such parking authority. Any such parking authority may invest temporarily in direct obligations of the United States of America such portions of the proceeds received from the sale of bonds or other funds as is deemed available for such purpose.

(1953, S. 290d.)

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Sec. 7-212a. Public parking garages. Any town, city or borough shall have the power to enter into agreements or contracts with any person or corporation for the erection and construction of public parking garages by such town, city or borough, or by such person or corporation or by the cooperative efforts of such town, city or borough and such person or corporation. Such town, city or borough shall also have the power to lease portions of any parking structure or any portion of its real property rights including air rights above or areas below any such structure, not to be used for public parking purposes, for commercial use where in the opinion of the municipality such leasing is desirable or feasible in order to defray its expenses in connection therewith and to facilitate the erection of off-street parking structures, and such municipality shall have the right to borrow money and to issue its bonds and notes therefor, for the purpose of financing such construction.

(1967, P.A. 687.)

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