

ORD NO 1229
ADOPTED 9-4-91
PUBLISHED 9-7-91

AN ORDINANCE AMENDING CHAPTER 3 1\2 (BOATS, DOCKS AND WATERWAYS) OF THE NORWICH CODE OF ORDINANCES BY CREATING A HARBOR MANAGEMENT COMMISSION

BE IT ORDAINED BY THE NORWICH CITY COUNCIL that it hereby enacts a Harbor Management Commission pursuant to Section 22a-113k through 22a-113t of the Connecticut General Statutes by deleting Section 3 1\2 - 1 and replacing it with the following language:

Sec. 3 1\2 - 1.1 Purpose

The City of Norwich wishes to protect its sensitive natural, marine and historic areas found along its harbor; to provide greater public opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all harbor users; and to allocate land and water resources in an economically and environmentally sound manner. The City believes the most equitable way of balancing competing uses in the harbor and adjacent inland waterways is to develop, adopt and implement a Harbor Management Plan and create a Harbor Management Commission pursuant to Section 22a-113k through 22a-113t of the Connecticut General Statutes (as amended).

Sec. 3 1\2 - 1.2 Establishment and Membership

There shall be a Harbor Management Commission which shall consist of seven (7) members: two (2) members shall be selected from among the Norwich City Council; one (1) member shall be the City Manager or his\her designee; and four (4) members who shall have some demonstrable prior interest or involvement in matters connected with harbor activity shall be appointed by the City Manager with the approval of the City Council. The Harbor Master, City Council President, Planning Director, Recreation Director, Parks Director and a representative of the Inland Wetlands Watercourses and Conservation Committee shall serve as ex-officio members of the Commission, without vote.

No regular member of the Harbor Management Commission shall receive compensation for service but may be reimbursed for any necessary expenses.

Sec. 3 1\2 - 1.3 - Term of Office

The term of the Commission's City Council members shall be concurrent with the Council term. The term of the City Manager or his\her designee shall be concurrent with the Manager's tenure of office. The term of the four (4) appointed members shall run for two (2) years. If a member resigns or is removed for any reason before his/her term expires, replacement shall be in accordance with Section 3 1\2 - 1.2 to complete the term. A Commission member can be removed by the City Manager for good cause, upon request of the Commission. Failure to attend three (3) consecutive meetings without good reason shall constitute good cause for removal.

The Commission by majority vote shall elect each year from among its members a Chairman who shall preside over the meetings of the Commission and a Secretary who shall keep the minutes of the meetings. The Commission may adopt by-laws not inconsistent with the provisions of the Norwich City Charter. The Commission can form subcommittees to address specific duties of the Commission.

Sec. 3 1\2 - 1.4 - Jurisdiction

The Harbor Management Commission shall have jurisdiction within the area located in or contiguous to the waters of the Thames River and bounded by the projection of the boundary line of the Town of Montville and Town of Preston. In addition, the Commission shall have jurisdiction within the area located in or contiguous to the waters of the Shetucket River up to the existing Route 2 bridge and Yantic River up to the base of the existing falls.

Sec. 3 1\2 - 1.5 Powers, Duties and Responsibilities

The purpose of the harbor management commission shall be to prepare a harbor management plan in accordance with Sections 22a-113m through 22a-113o of the Connecticut General Statutes (as amended). The Commission may expend funds or incur debts on behalf of the City, hire staff and consultants for the preparation of a plan and to assist with any subsequent powers, duties and responsibilities pursuant to the plan to the extent such expenditures are specifically authorized by the City Council. Upon adoption of the plan, the commission shall provide for the annual review of the harbor management plan and shall make any additions and/or modifications to the plan that may be deemed appropriate subject to the process set forth in sections 22a-113m through 22a-113o of the Connecticut General Statutes (as amended). In addition the commission may exercise any of the following powers, duties and responsibilities:

- a. to recommend ordinances for adoption by the City Council which implement the harbor management plan and which may specify fines for violation of those ordinances, in accordance with the City Charter and Section 22a-113m of the Connecticut General Statutes;
- b. to assist the harbor master in the assignment of moorings, the management of mooring and anchorage areas and the collection of mooring fees after a local mooring fee system is established by ordinance;
- c. to prepare an operating budget for the commission using funds from sources which may include, but are not limited to, General Fund appropriations, mooring fees, violation fines or a harbor management fund established by City ordinance;
- d. to assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area;
- e. to review and make recommendations on proposed land and water use activities contiguous to the waterfront and within the commission's jurisdiction that are received for review by other municipal agencies;

- f. to review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for an activity taking place within the commission's jurisdiction and to respond in a timely fashion with recommendations to the regulating agencies;
- g. to conduct or cause to be conducted, studies of the conditions and operations in and adjacent to the Norwich harbor and to present to the City Council proposals for the harbor's efficient operation; and
- h. to request, when appropriate, a general permit from the United States Army Corps of Engineers and/or delegation of the state enforcement authority pursuant to Section 22a-2a of the Connecticut General Statutes (as amended).

Sec. 3 1\2 - 1.6 Referral of Proposals Submitted to Other Agencies

Pursuant to Section 22a-113p of the Connecticut General Statutes (as amended), the commission may review and make recommendations, consistent with the adopted harbor management plan, on any proposal affecting the real property on, in, or contiguous to the harbor submitted to the Commission on the City Plan, Zoning Board of Appeals, Inland Wetlands Watercourses and Conservation Commission, Historic District Commission, Norwich Sewer Authority or Redevelopment Agency. The harbor management commission shall be notified in writing of at least thirty five (35) days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty five (35) days prior to the taking of any final action. The respective municipal agency shall send a copy of the application\proposal to the commission upon request.

The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds (2\3) vote of all the members of the agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation on or before the date of the hearing or action on such a proposal shall be deemed an approval.

Sec. 3 1\2 - 1.7 Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this ordinance are hereby declared to be severable.

Note: The ordinance was reviewed and recommended for adoption at the June 17, 1991, meeting of the Administration, Planning and Economic Development Committee.