

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

December 17, 2019
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue, Norwalk, CT

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article II
 - Discuss and vote on Chapter 68 – Noise Ordinance:
 - Section 68-5, Table 2
 - Section 68-5(C)(13)
 - Section 68-6(B)(6)
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - October 15, 2019 - ordinance committee meeting
- 6. OLD BUSINESS:**
- 7. NEW BUSINESS:**
 - Discuss and vote on the Ordinance Committee schedule for the 2020 calendar year.
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

Taxation (Chapter 103)

Solar Energy

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, December 17, 2019 at 7:00 p.m. in Norwalk City Hall, Room 231, 125 East Avenue, Norwalk, Connecticut for the purpose of discussing and voting on the following ordinance:

Chapter 103: Tax Exemption for Solar Energy Systems

Article II Tax Exemption for Solar Energy Systems

§ 103-3 Use of solar energy ~~heating or cooling~~ system.

A. Definitions:

(1) Solar Energy System means equipment which (a) provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating, cooling or generation of electricity, which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity and (b) employs mechanical means such as fans or pumps to transfer energy.

(2) Owner means the individual, corporation, partnership, limited liability company, unincorporated association, trustee, fiduciary, guardian, conservator, or other legal entity or any combination thereof in whose name(s) the title to a taxable interest in real estate stands on the land records of the City of Norwalk.

(3) Property means real property within the City of Norwalk which is identified in the tax records as a parcel of land and/or building, or which constitutes an individual condominium unit, planned community unit or separately taxable common element as shown on the records of the City of Norwalk's Tax Assessor.

B. Authorized:

An Owner of Property located within the City of Norwalk shall be entitled to an exemption from property tax on a solar installation on any building or private residence equipped with a Solar Energy System.

C. Exemption:

The extent of the exemption provided is the amount by which the assessed valuation of such Property equipped with such Solar Energy System exceeds the assessed valuation of such Property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy.

D. Term:

An Owner of Property located within the City of Norwalk shall be entitled to the property tax exemption provided herein for so long as the Solar Energy System is equipped and operating on any such Property.

E. Application; time for filing:

Application for the exemption must be filed by the Owner of such Property within 30 days following the annual assessment date. The application must be completed on a form provided by the Tax Assessor's office. Failure to file such application in said manner and form within the time prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Dated at Norwalk, Connecticut this 17th day of October 2019.

ATTEST: Donna I. King
Donna I. King, City Clerk

THE HOUR: Please publish once on Saturday, December 7, 2019

Noise
Norwalk City Code
Chapter 68

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, December 17, 2019 at 7:00 p.m. in Norwalk City Hall, Room 231, 125 East Avenue, Norwalk, Connecticut for the purpose of discussing and voting on the following ordinance:

Chapter 68: Noise

§ 68-5 Sound Level limits.

- A. No Person shall operate or cause to be operated any source of Sound from any use occupancy in such a manner as to create a Sound Level which exceeds the limits set forth in the use occupancy category in Table 2, when measured at or within the Property Line of the receiving property.
- (1) Continuous Sound
The limit in Table 2 may not be exceeded by incidents representing the normal, usual operation of the Sound source, during any three or more sampling intervals, the duration of which shall be no less than one half minute, within any one hour period. If the total duration of the Sound under investigation is less than one and one half minute, the requirement for a minimum of three measurements shall be waived.

TABLE 2
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS
BY RECEIVING LAND USE
dB(A)

Residential ¹ Day Time	Residential Night Time	Commercial 24 hours	Industrial 24 hours
OUTDOORS			
55	45	65 63	70
INDOORS ²			
45	35	55	60

1. If the residential receptor is within a commercial or Industrial Zone, or within 200 feet of such a zone, the permissible Sound Level limits in Table 2 are increased by 5 dB(A), and the day time limits apply until 10:00 p.m.
2. Indoor measurements shall only be taken if the Sound source is on or within the same property as the receiving property, as in the case of a Multi-Dwelling Unit Building or a Multi-Use Property (e.g., Sound generated within a commercial unit of a Multi-Use Property building and received within a residential unit of the same building). In addition, indoor measurements shall be taken if the Property Line between the receiving property and the source property is a common wall, floor or ceiling

§ 68-5 Sound Level limits.

C. Restricted Uses and Activities. The following shall be exempt from this chapter and these regulations are subject to special conditions as spelled out and to the general prohibition of § 68-6:

- (13) The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday – Friday) during Daytime Hours and for the minimum duration suggested by the manufacturer. During such testing the sound level limit shall be 70 dBA at the Property Line of any Affected Person. The permissible limits in 68-5(A) apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during Nighttime Hours in a Residential Zone unless there is a power outage. Generators used on a permitted Construction Site may not exceed 65 dBA at the Property Line of any Affected Person.

§ 68-6 Prohibited activities.

B. The following activities are prohibited:

- (6) After the appropriate permits have been obtained, Site Work or Construction Work and Demolition activities utilizing Construction Equipment on a Construction or Demolition site in a Residential Zone or Noise Sensitive Zone shall be limited to the weekdays, Monday through Friday, other than state or federal holidays, from 8:00 a.m. to 5:00 p.m. During the permitted hours, ~~Site-Work~~ such activities are exempt from the limits in Section 68-5(A).

After the appropriate permits have been obtained, Site Work or Construction and Demolition activities utilizing Construction Equipment on a Construction or Demolition site in a Commercial Zone or Industrial Zone shall be limited to weekdays, Monday through Friday, other than state or federal holidays, from 8:00 a.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 3:00 p.m. During the permitted hours, such activities are exempt from the limits in Section 68-5(A).

All motorized equipment used in Construction and Demolition activity shall be operated with a properly functioning muffler. The exemptions in this provision shall not apply to sound production devices (e.g. radios) used at a Construction Site.

Dated at Norwalk, Connecticut this 17th day of October 2019.

ATTEST: Donna I. King
Donna I. King, City Clerk

THE HOUR: Please publish once on Saturday, December 7, 2019

**Draft Meeting Minutes from
the 10/15/2019 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
OCTOBER 15, 2019**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Douglas Hempstead;
Thomas Livingston; Beth Siegelbaum; Chris Yerinides

STAFF: Brian Candela, Assistant Corporation Counsel

ROLL CALL

Ms. Melendez called the meeting to order at 7:01 p.m. and called the Roll.

PUBLIC HEARING

Ms. Melendez opened the public hearing for the following item at 7:04 p.m.

Discuss and Vote on Code of Ethics Section 32-16 – Incurring costs by Board of Ethics Staff

No members of the public were present and the public hearing was closed at 7:04 p.m.

Ms. Melendez opened the public hearing for the following item at 7:04 p.m.

Discuss and Vote on Code of Ethics Section 32-17 – Representation of Respondent by City

No members of the public were present and the public hearing was closed at 7:04 p.m.

Ms. Melendez opened the public hearing for the following item at 7:04 p.m.

Discuss and Vote on Bike Walk Advisory Commission Section 20-1B – Composition; Appointment; terms; vacancies; compensation

No members of the public were present and the public hearing was closed at 7:04 p.m.

Ms. Melendez opened the public hearing for the following items at 7:04 p.m.

Discuss and Vote on New Provision of Chapter 26 – Building Code – Fees Accessed

Discuss and Vote on Chapter 21, Section 21-2 – Permit Obtained from Building Inspector

Discuss and Vote on Chapter 95A, Section 95A-3 – Littering and Illegal Dumping Prohibited

Discuss and Vote on the Following Sections in Chapter 95:

Section 95-1 – Definitions

Section 95-5 – Littering Prohibited

Section 95-7 – Grass and Weeds

Section 95-10 – Snow and Ice Removal from Sidewalks and Driveways

No members of the public were present and the public hearing was closed at 7:05 p.m.

PUBLIC HEARING DISCUSSION

The Committee members discussed the following two items:

Discuss and Vote on Code of Ethics Section 32-16 – Incurring costs by Board of Ethics Staff

Discuss and Vote on Code of Ethics Section 32-17 – Representation of Respondent by City

Mr. Hempstead said if anyone is found to be not guilty, he wanted it to be automatic that they would be reimbursed. He said past practice was that if anyone was found to be not guilty, their fees were all covered.

Mr. Corsello suggested letting the Ethics Board weigh in on this. Mr. Livingston agreed.

**** MR. LIVINGSTON MOVED TO TABLE THE ITEMS
** MOTION PASSED UNANIMOUSLY**

**** MR. LIVINGSTON MOVED THE FOLLOWING ITEM TO THE FULL
COMMON COUNCIL**

Discuss and Vote on Bike Walk Advisory Commission Section 20-1B – Composition; Appointment; terms; vacancies; compensation

**** MOTION PASSED UNANIMOUSLY**

**** MR. HEMPSTEAD MOVED THE FOLLOWING ITEM TO THE FULL COMMON COUNCIL**

Discuss and Vote on New Provision of Chapter 26 – Building Code – Fees Accessed

**** MOTION PASSED UNANIMOUSLY**

The Committee members discussed the following items and made recommendations:

Discuss and Vote on Chapter 21, Section 21-2 – Permit Obtained from Building Inspector

Discuss and Vote on Chapter 95A, Section 95A-3 – Littering and Illegal Dumping Prohibited

Discuss and Vote on the Following Sections in Chapter 95:

Section 95-1 – Definitions

Section 95-5 – Littering Prohibited

Section 95-7 – Grass and Weeds

Section 95-10 – Snow and Ice Removal from Sidewalks and Driveways

**** MR. LIVINGSTON MOVED THE ITEMS TO THE FULL COMMON COUNCIL AS AMENDED**

**** MOTION PASSED UNANIMOUSLY**

PUBLIC COMMENT

There were no members of the public present who wished to speak this evening.

ACCEPTANCE OF MINUTES

September 17, 2019

The following corrections were made to the minutes:

Page 2: Correct Ms. Price to Mr. Price

Page 3: Replace Mr. Corsello Seconded to Motion Passed Unanimously

Page 5: Correct Mr. Rosett to Ms. Rosett

Page 5: Correct 10-1 (B) as amended to 20-10 as discussed

**** MS. SIEGELBAUM MOVED TO ACCEPT THE MINUTES AS CORRECTED
** MOTION PASSED WITH ONE (1) ABSTENTION (MR. HEMPSTEAD)**

OLD BUSINESS

The Committee members discussed the following item:

Discuss and Vote on Tax Exemptions for Solar Energy, Chapter 103, Article II. Sections 103-3 and 103-4

**** MR. CORSELLO MOVED THIS ITEM TO A PUBLIC HEARING ON
DECEMBER 17, 2019
** MOTION PASSED UNANIMOUSLY**

The Committee members discussed the following item:

Discuss and Vote on Chapter 94, Section 94-6 – Unlawful deposit

Mr. Hempstead said the City of Norwalk has its own fracking Ordinance. Mr. Candela added that the State of Connecticut has its own Ordinance which overrides the City's Ordinance.

No action was taken on this item.

The Committee discussed the following items and made recommendations:

Discuss and Vote and Receive Update on Chapter 68- Noise Ordinance

DEEP's Response and Conditional Preapproval of Norwalk's Proposed Noise Ordinance

DEEP has Requested All Standards Cited by Mr. Zwerling Before Final approval

DEEP Issue with Section 68-5 – Table 2

DEEP Issue with Exclusion for Construction Noise

Mr. Zwerling's Response and/or Comments to DEEP's Conditional preapproval

Mr. Zwerling's Response to the Issues and/or Requests raised by DEEP

Mr. Candela read Mr. Zwerling's response. In his letter he states that the DEEP still believes the standard for a commercial zone should be 64dBA. He recommended changing the limit from 65dBA to 63dBA.

**** MR. LIVINGSTON MOVED THE ITEMS AS AMENDED TO A PUBLIC
HEARING ON DECEMBER 17, 2019
** MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

There was no discussion on the following items.

Discuss and Vote on Code of Ethics Section 32-4 – Conflicts of Interests, interferences with duties; prohibited interests; exceptions

Discuss and Vote on Code of Ethics Section 32-8 – Prohibited Gifts

Discuss and Vote on Code of Ethics Section 32-12 – Board of Ethics

DISCUSSION ITEM

Mr. Livingston thanked Ms. Melendez for her hard work over the past four years. Ms. Melendez thanked the members of the Committee. Mr. Hempstead said he has been on the Ordinance Committee on and off over the years and said Ms. Melendez did a yeoman's work. He also thanked Mr. Candela. Mr. Candela thanked the Committee members and expressed his appreciation for their hard work.

ADJOURNMENT

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

There was no further business and the meeting was unanimously adjourned at 8:50 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

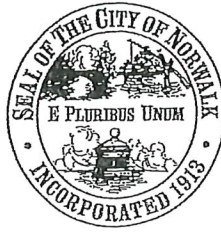
Approval of Schedule for Ordinance Committee Meetings

CITY OF NORWALK

LAW DEPARTMENT

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COMMON COUNCIL ORDINANCE COMMITTEE MEETING SCHEDULE - 2020

The Ordinance Committee meetings in 2020 will be held, as usual, on the **third Tuesday** of every month at **7:00 p.m. in Room 231**. The dates will be as follows:

January 21, 2020

February 18, 2020

March 17, 2020

April 21, 2020

May 19, 2020

June 16, 2020

July 21, 2020

August 18, 2020

September 15, 2020

October 20, 2020

November 17, 2020

December 15, 2020