

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

May 16, 2017
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on):
3. PUBLIC HEARING DISCUSSION Indemnification
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: April 18, 2017
6. OLD BUSINESS (possible action on): Bike/Walk Advisory Committee
Noise Ordinance
7. NEW BUSINESS: (possible action on):
8. ADJOURNMENT

**Draft Meeting Minutes from
04/18/2017 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
APRIL 18, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Douglas Hempstead; Bruce Kimmel;
Thomas Livingston

STAFF: Timothy Callahan, Director of Health; Brian Candela, Corporation
Counsel; Thomas Kulhawik, Police Chief;
Michael Wrinn, Planning and Zoning;

OTHERS: Richard Bonenfant, Common Council member;
Charles Shamoon, Assistant Counsel, New York Department of
Environmental Protection (by phone)

ROLL CALL

Ms. Melendez called the meeting to order at 7:08 p.m. and called the Roll.

PUBLIC HEARING

A public hearing was not held this evening.

PUBLIC HEARING DISCUSSION

There was no discussion this evening.

PUBLIC COMMENT

Mr. Thomas Rich reported that he hired a sound engineer and highlighted their report. He said that where multiple used exist, the most restrictive category should apply.

Mr. Vernon Howard said that on March 31st he had a sound study done at his home; it was the quietest Friday compared to a typical Friday. He submitted a letter from his neighbor.

Ms. Diane Lauricella said that noise is a health issue and that a health professional is needed to assist the Zoning, Legal and Police departments. She submitted a picture showing noise levels.

Mr. Nick Rodriguez said that from the receiver end in a mix use that 45 decibels is reasonable.

ACCEPTANCE OF MINUTES

March 21, 2017

**** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS PRESENTED**

**** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Noise

Mr. Hempstead suggested finding the funding to hire a consultant to create the Ordinance. Mr. Bonenfant noted that when the Ordinance was created in 2000, it focused on construction activity, but not the noise it generated. Mr. Kimmel said that they all agree that the noise for normal living is between 40 – 45 decibels, but in the buildings with entertainment, the noise level goes up to the apartments. He asked Mr. Wrinn if it is a construction problem at 62 decibels. Mr. Wrinn said that is a question for the Building Department. He said that he understood they are at 62 decibels because they are using the least restrictive level.

Mr. Kimmel asked if it would be possible to keep the level at 45 decibels, if they reduce the receptor zone to 45 decibels. Mr. Wrinn said they would have to do something to insulate the ceiling. He said that the speakers would have to be taken down and move their acoustics. He noted that these are older buildings and they create a lot of challenges.

Chief Kulhawik explained that when the Police officers respond to a complaint, they do a reading on a calibrated device. If the level is over 62 decibels, they will issue a violation. He said that the device is easy to use. Mr. Livingston asked if there is a mechanism to enforce the Ordinance. Chief Kulhawik said that the Police Officers are instructed to document and notify the Zoning Department of a door is open.

Mr. Kimmel said that over 60 decibels is not healthy. He asked the Committee members if they wanted to stay at the least or most restrictive levels for a mixed use zone. Mr. Hempstead asked, from a Zoning perspective, if there is a difference between a restaurant permit and a nightclub permit. Mr. Wrinn explained that a permit can be issued to replace an existing bar they are not issuing new permits for bars.

Mr. Hempstead asked if they could create a noise ordinance in the Washington Street Historic District that is more restrictive. Mr. Livingston said he liked the idea of a district

April 18, 2017

Ordinance Committee

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wide zoning. Mr. Hempstead asked if they could write an Ordinance that restricts the liquor permit so they can't have a nightclub. Mr. Livingston said they need to be cognizant of industrial areas as well.

Mr. Shamoon joined the meeting by phone. He discussed the New York City noise code and said that fines are fairly substantial. They developed a way for musical venues to hire a specialist to insulate those venues. He said he created a video showing how necessary it is to insulate a musical venue.

Mr. Shamoon said he found a reasonable way to work with stakeholders to prevent music from disturbing others. He noted that 45 decibels is necessary to get uninterrupted sleep in a residence. He said that 45 decibels can be achieved by suspending speakers by wire with a professional suspension system which absorbs the sound and does not transfer it to the structure. He said they use only 45 decibels 100% of the time for all uses. One of the key things is a noise limiter. He described how it works and said that once it is set, the noise level can't exceed a certain decibel level.

Mr. Kimmel explained that the Committee is considering modifying the noise ordinance; a fair conclusion is that the limit would be 45 decibels. He said their job is to craft an adjustment to the existing ordinance with a hard limit of 45 decibels for 24 hours and that it is up to each establishment to make their revisions.

Mr. Shamoon said that all of the industrial areas will eventually become mixed use. He said that noise from machinery may be easier to fix, but a consultant should be hired. He said they have a catch all section called "unreasonable noise" that addresses industrial noise.

Mr. Kimmel said that in Norwalk, there is a situation with contradictory zoning next to each other. Mr. Shamoon said in NYC they have 12 foot plywood barriers around construction sites, which cuts down on the noise level.

Mr. Livingston asked Mr. Shamoon if they regulate frequencies. He said they did, but it is very complicated. He said that a decibel is a sampling of each frequency.

Mr. Bonenfant asked if any nightclubs were grandfathered in as the regulations evolved. Mr. Shamoon said the code was passed in 2005 and was not enforced until 2007. The establishments had two years to understand the code.

Mr. Hempstead asked that the Committee get a proposal and reach out to consultants. Mr. Kimmel said that based on what Mr. Shamoon said, it is possible that all the work is done; at this point it becomes the responsibility of the business owner. Mr. Livingston said that based on what Mr. Shamoon said, it takes time. Mr. Hempstead asked Chief Kulhawik if there is anything in the existing ordinance that would help with enforcement, such as revoking the license after a certain number of violations. Mr. Callahan said that

they can't revoke a license, but they may not renew a license. Mr. Wrinn said that if an establishment is playing music with their doors and windows open, they should be fined.

Mr. Kimmel asked the Committee members if they should go with the most or least restrictive ordinance. Mr. Hempstead asked if there is any way to add this to the blight ordinance; they are in violation of the noise ordinance, which becomes a blight issue.

Mr. Kimmel said that he understood that the catalyst for this discussion is the noise from bars and the residents living above the bars. Mr. Bonenfant said that this is a quality of life issue.

Mr. Hempstead suggested discussing who would do the enforcing. Mr. Howard said that Stamford has a Zoning officer on call and if they have to go out at night, the offender has to pay that fee.

For the next meeting, Mr. Kimmel asked Mr. Candela to:

- get an idea of how a timeline would work
- if the \$250.00 fine was set in stone
- how to deal with multiple violations

Mr. Wrinn said that an acoustical engineer would say that a noise limiter is key.

Mr. Livingston suggested:

- retaining an acoustical expert
- asking the Common Council to review the ordinance
- changing any language to apply the limit of 45 decibels in a mixed use zone
- creating a phase in period

Indemnification

Mr. Livingston asked Mr. Candela if it is his recommendation is to leave this as a municipal officer. Mr. Candela said it mirrors the statute.

**** MR. HEMPSTEAD MOVED TO HOLD A PUBLIC HEARING AT THE
NEXT REGULAR MEETING OF THE ORDINANCE COMMITTEE
** MOTION PASSED UNANIMOUSLY**

Bike/Walk Advisory Committee

This item was not discussed this evening.

NEW BUSINESS

No new business was discussed this evening.

ADJOURNMENT

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

There was no further business and the meeting was unanimously adjourned at 9:08 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Indemnification
Norwalk City Code Sections
Chapter 67A

MEMORANDUM TO FILE

Date: May 8, 2017

From: Brian Candela

RE: Public Hearing on Indemnification on the May 16, 2017 committee meeting

Attached is a copy of the proposed final revisions to the indemnification ordinance.

Chapter 67A. Municipal Liability

§ 67A-1. Indemnification.

[Amended 7-9-2002]

(a) The City of Norwalk shall protect and save harmless and shall defend any lawsuit or administrative proceeding instituted against any municipal officer, whether elected or appointed, of any board, committee, council, agency or commission of the City of Norwalk, or any municipal employee of the City of Norwalk from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such officer or such employee while acting in the discharge of his or her duties in accordance with applicable provisions of the Connecticut General Statutes including, but not limited to, Section 7-101a, as that section may be amended from time to time

(b) In addition to the protection provided under subsection (a) of this section, the City of Norwalk shall protect and save harmless any such municipal officer or municipal employee from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit instituted against such officer or employee by reason of alleged malicious, wanton or willful act or ultra vires act, on the part of such officer or employee while acting in the discharge of his or her duties. In the event such officer or employee has a judgment entered against him or her for a malicious, wanton or willful act in a court of law or administrative body, the City of Norwalk shall be reimbursed by such officer or employee for expenses it incurred in providing such defense and shall not be held liable to such officer and employee for any financial loss or expense resulting from such act.

§ 67A-2. Defense provisions.

Except as otherwise provided in this chapter, the City of Norwalk shall defend any action brought against any municipal officer or municipal employee. It shall not be liable for any judgment, settlement or for fees of attorneys or other costs if a municipal officer or municipal employee does not notify the City Clerk, in writing, within 10 days of his/her first notice of presentation or institution of a claim or a lawsuit or chooses to defend any action on his or her own without the authority of the Mayor or the Corporation Counsel, unless it is determined that the City of Norwalk was required to represent the interests of such person and has failed to provide counsel for such person.

§ 67A-3. Notice of withdrawal of defense.

In the event that the City of Norwalk determines at any time that it will not defend or save harmless any municipal officer or municipal employee as a result of the person's acts or omissions occurring not in the performance of governmental functions or within the scope of the

person's duties or if the person has acted in bad faith and not in the exercise of honest judgment or has acted maliciously, wantonly or in abuse of his or her discretion, the Mayor or the Corporation Counsel shall give prompt written notice to the person that the City of Norwalk will withdraw coverage and provision of defense as established by this chapter. The Mayor shall deliver written notice of the withdrawal to the Common Council at its next regular meeting. The withdrawal shall be effective unless rejected by a resolution of the Common Council.

§ 67A-4. Notice of withdrawal of policy to save harmless.

In the event that the City of Norwalk determines, at the time of the institution of any suit or administrative proceeding or at any time during the course of said suit or proceeding, that it will not defend said action or proceeding or protect and save harmless any municipal officer or municipal employee as a result of the person's acts or omissions occurring not in the performance of governmental functions or within the scope of the person's duties or if the person has acted in bad faith and not in the exercise of honest judgment or has acted maliciously, wantonly or in abuse of his or her discretion, the Mayor or the Corporation Council shall give prompt written notice to the person that the City of Norwalk will not defend and shall not protect and save harmless from any judgment or order entered in the lawsuit or administrative proceeding. The Mayor shall deliver written notice of the withdrawal to the Common Council at its next regular meeting. The withdrawal shall be effective unless rejected by a resolution of the Common Council: provided, further, that, in an appropriate case as determined by the Corporation Counsel, the City of Norwalk may elect to defend said person under a reservation of rights upon written notice to the person of such reservation of rights and upon informing the individual of a right to seek independent counsel.

§ 67A-5. Effect of existing coverage.

In the event that any municipal officer or municipal employee are covered by an insurance policy in effect at the effective date of this chapter, this chapter shall not take effect as to the municipal officer or municipal employee until the City Clerk has been advised, in writing, by the board, committee, council, agency or commission that the current insurance has terminated by reason of expiration or nonrenewal by the insurer.

Bike-Walk Advisory Committee

MEMORANDUM TO FILE

Date: May 8, 2017

From: Brian Candela

RE: Bike Walk Ordinance requests for the May 16, 2017 committee meeting

- 1) Can you provide a copy of the Complete Streets Program: Model Practices and Implementation?

Answer: Attached with all the documents necessary for the bike walk ordinance is a link to the documented requested above. This document is 446 pages long and therefore a physical copy was not provided with the other materials.

http://www.ccm-ct.org/sites/default/files/files/complete_streets_infokit.pdf

- 2) Can you contact CCM and ask for additional information about the bike walk program?

Answer: Email on March 29, 2017 at 12:33 p.m. from A.J. Birmingham of CCM
Per our conversation, I have attached a copy of a response I sent to Rudy Marconi, the First Selectman of Ridgefield, on a similar request for committees that handle bicycle issues. Additionally, we created an Info-kit last year on the topic of Complete Streets that should be useful in answering any questions your ordinance committee has. You can find a copy of that Info-kit. Attached as Exhibit A is a copy of the letter from CCM that was attached to this email. In addition, please see the link from request #1 above to review Complete Street Program: Model Practices and Implementation. This information was also provided in the email from A.J. Birmingham of CCM. Attached as Exhibit B is the first page of the Complete Streets Program.

- 3) Can you provide a red-line version of the bike walk ordinance to Tom Livingston?

Answer: Email on March 22, 2017 at 9:21 a.m.

Tom - As requested, enclosed please find a copy of the proposed ordinance concerning the Bike/Walk Advisory Committee (Microsoft Word format). Have a nice day. Attached as Exhibit C is a red-line version of the bike walk ordinance.

- 4) Can you provide a definition or explain the difference between committee and task force?

Answer:

There appears to be little uniformity in the use or meaning of either committee or task force. Generally, a committee is advisory in nature and can be either a formal (standing) committee established by ordinance or resolution, or an informal (ad hoc) committee created by the mayor and council. The committee may advise the mayor and council on issues and recommend policy.

A formal committee involves a group of people appointed or selected to perform a function on behalf of a larger group. For example, the ordinance committee involves a group of council members that are drafting municipal ordinances on behalf of the entire Common Council.

It would appear that a task force is similar to an ad hoc committee which is created by the municipality to study or work on a particular subject or problem and give advice on the subject. Task forces are work groups typically comprised of experts in specified areas of knowledge or practice. They are brought together to accomplish a specific objective. A task force or ad hoc committee are formed for short periods of time and are temporary in nature. They usually operate informally and serve in an advisory capacity. For example, a municipality may create a Gypsy Moth Committee to advise the town on how to deal with a seasonal gypsy moth infestation.

Since no clear definition could be found from the various Connecticut sources, I also reviewed Black's Law Dictionary. According to Black's Law Dictionary, a committee is defined as "a group of people appointed or elected to consider, determine, or manage a matter." Webster's Dictionary defines committee as "a body of persons delegated to consider, investigate, take action on, or report on some matter."

Attached as Exhibit D are copies of other municipal ordinances concerning the complete street program from the following Connecticut municipalities: Stamford, South Windsor, Hartford, Middletown and West Hartford. Attached as Exhibit D are ordinances from municipalities in other states (Troy, Corvallis, Eau Claire, Oakland, Urbana and Wichita).

Exhibit A

From: ALAN BIRMINGHAM
To: "selectman@ridgfieldct.org"
Cc: GEORGE RAFAEL
Subject: Your CCM Research Request - Bicycle Committees
Date: Wednesday, January 27, 2016 2:37:00 PM

January 27, 2016

Dear First Selectman Marconi,

The following is in response to your request for information regarding municipalities that have a committee that deals with bicycle issues.

I found nine municipalities that have a committee dedicated to dealing with bicycle related issues. I initially looked through the committee listings on the websites of municipalities within a similar population range to Ridgefield to see which of them have committees that deal with bicycle related issues. In my initial search I was able to find committees that exist in Darien, Farmington, Simsbury and South Windsor. I then did a more general online search to see if any other municipalities have a bicycle committee that are outside of your population range. I was able to find an additional five municipalities which include Clinton, Fairfield, Plainville, West Hartford and Weston. Below you will find a table that lists the bicycle committees that I was able to find and links to their respective websites.

Municipality	Bicycle Committee
Clinton	Bike & Pedestrian Alliance of Clinton (BPAC)
Darien	Pedestrian Infrastructure Advisory Committee (PIAC)
Fairfield	Fairfield Bicycle & Pedestrian Committee
Farmington	Bicycle Advisory Committee
Plainville	Bicycle Friendly Committee
Simsbury	Simsbury Bicycle Pedestrian Advisory Committee
South Windsor	Sidewalk and Bikeway Subcommittee
West Hartford	Bicycle Advisory Committee
Weston	Weston Bicycle and Pedestrian Select Committee

I hope that this information is helpful. Please feel free to contact me directly at (203) 498-3055 or by email at abirmingham@ccm-ct.org, should you have any further inquiries.

Regards,

A.J. Birmingham
Associate Research Analyst
Connecticut Conference of Municipalities (CCM)
900 Chapel Street
New Haven, CT 06510
P: 203-498-3055

E: abirmingham@ccm-ct.org

www.ccm-ct.org

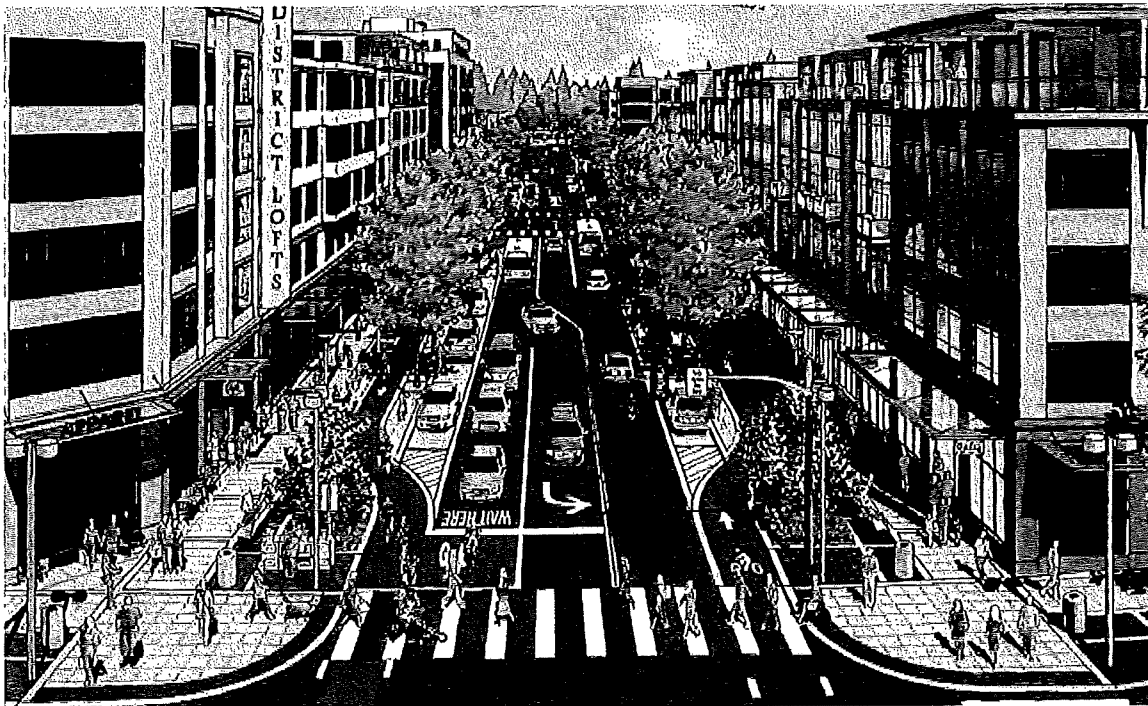


collaborating for the common good

CCM Research and Information Services does not provide legal advice, opinions or conclusions. Any information provided in response to a research request is for general reference purposes only. If you have questions about a legal issue, the application of the law to specific factual situations, or the interpretation of any statutes, ordinances or case law, CCM strongly recommends that you consult your municipal attorney or other relevant party. An electronic carbon copy of all research request responses is provided to the chief elected official of the requesting member municipality.

This message (including any attachments) may contain confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Exhibit B



Complete Streets: Model Practices and Implementation

**A CCM Government Relations & Research
Municipal InfoKit
February 2016**



**Connecticut Conference
of Municipalities**

Exhibit C

[Proposed Ordinance]

[Revisions updated after Ordinance Committee meeting on 02/21/17].

Chapter _____. Bike/Walk Advisory ~~Committee~~Commission

§ _____. Composition.

The Bike/Walk Advisory ~~Committee~~Commission shall be composed of seven members to be nominated by the Mayor and approved by the Common Council. The Mayor shall designate one of the seven members as Chairman. Each member of the ~~Committee~~Commission shall be appointed for a term of three years, and terms shall be staggered. The terms of the initial members shall be as follows: two members with terms to expire June 30, 2018; three members with a term to expire June 30, 2019; and two members with terms to expire June 30, 2020. Thereafter, the terms for all members shall be for three years commencing on July 1st. ~~If a member shall terminate in advance of his or her term, his or her replacement shall be appointed by the Mayor to complete his or her term.~~ The ~~Committee~~Commission may, upon a majority vote, request that the Mayor to remove any member who is absent from 25%^[3] or more meetings in any 12 month period ~~or more in a year~~. Any vacancy shall be filled by the Mayor with the approval of the Common Council for the unexpired term of the member whose place shall become vacant. Members shall serve without compensation.

The Directors ~~or their designees~~ of the Planning & Zoning, Public Works, and Health Departments, the Executive Director of the Redevelopment Agency ~~or his designee~~, and the Police Chief, ~~or their respective~~his designees, shall each serve ex officio with a vote. Staff support shall be provided by the Public Works and Health Departments.

§ _____. DutiesPurpose.

A. The Bike/Walk Advisory ~~Committee~~Commission supports bicycling and walking as safe, convenient, accessible, and sustainable forms of transportation and recreation that increase Norwalk's livability and economic vitality, and improve public and environmental health.

B. The purpose of the ~~Committee~~Commission ~~will shall be to work with the Planning and Zoning, Public Works and Health Departments to:~~

(1) Promote Complete Streets programs and facilities for bicycles and pedestrians in Norwalk;-

~~(2) Coordinate public awareness campaigns, educational trainings and events;~~

(23) Review, promote, and update Norwalk's Master Bicycle Plan;

(3) Review and provide advice in the implementation of the transportation component of the Plan of Conservation and Development; and

(4) ~~Work with appropriate City agencies and departments to review~~Review and provide advice on transportation and other projects having an impact on walking and biking in the ~~City~~Norwalk from the earliest stage possible.

C. The Commission may also:

[Proposed Ordinance]

[Revisions updated after Ordinance Committee meeting on 02/21/17].

- (1) Coordinate and promote public awareness campaigns, education, and events related to bicycle and pedestrian issues; and
- (2) Conduct research and evaluation and seek grants and accept donations from private individuals and public entities in furtherance of its purpose.

Exhibit D

ARTICLE XII. - COMPLETE STREETS^[20]

Footnotes:

--- (20) ---

Added Jan. 5, 2015 by Ord. No. 1181.

Sec. 231-78. - Title.

This Article shall be entitled the Complete Streets Ordinance.

Sec. 231-79. - Definitions

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

Complete Streets. Roadways that are designed and operated to provide safe and convenient access to all Users.

Users. Are all people that use roadways, including pedestrians, bicyclists, public transportation riders, and motorists and includes people of all ages and abilities, including children, seniors and individuals with disabilities.

Transportation Improvement Project. Any public or private investment within the public right-of-way, regardless of funding source, including, but not limited to, new construction, reconstruction, alteration and maintenance inclusive of road resurfacing, except that a Transportation Improvement Project shall not include routine upkeep such as cleaning, sweeping, plowing or spot repair.

Sec. 231-80. - Implementation

This Article shall require the implementation of Complete Streets in appropriate locations within the City of Stamford by the Office of Operations, as follows:

- (a) The Office of Operations shall review all Transportation Improvement Projects being designed for implementation within the City limits and explore opportunities to meet the needs of all Users, including but not limited to motorists, pedestrians, bicyclists, and transit vehicles.
- (b) All Transportation Improvement Projects located within 1,000 feet of a school, commercial center, or bus stop shall include infrastructure designed to accommodate pedestrians.

- (c) The requirements of this Article shall not apply to Transportation Improvement Projects:
 - (1) where specific users are prohibited by law (e.g. Interstate highways or pedestrian-only paths); or
 - (2) where the cost of the accommodations necessary to implement Complete Streets is excessively disproportionate to the need or probable use; provided, however, that the Director of Operations must document the rationale for exemption from the Complete Streets Ordinance in such cases.

Sec. 231-81. - Complete Streets Manual.

A Complete Streets Manual, detailing the steps to be taken to implement this Ordinance, shall be adopted by the Office of Operations and approved by the Board of Representatives.

Town of South Windsor Complete Street Policy

SECTION I. Introduction

Roads have traditionally been built for passenger vehicles, trucks, busses and emergency vehicles. Today, walking and bicycling are becoming more and more popular as modes of transportation. Transit provides important transportation options to a number of residents. Limited resources, both in funding and land, generally means that these transportation modes must coexist in the same general space. It is the view of the Town of South Windsor that transportation systems and facilities should provide for all transportation users. "Complete Streets" are supported in the South Windsor Plan of Conservation and Development as well as the South Windsor Walk and Wheel Way's Master Plan.

A Complete Street is defined as a roadway designed to safely accommodate all users including pedestrians, pedestrians with special needs such as the disabled, the young and the elderly, bicyclists, transit users and motorists. It is a framework that emphasizes changing design standards so that streets meet the travel needs of all users, not just the needs of motor vehicles.

Complete Streets may include facilities and amenities, including but not limited to, pavement markings and signs; sidewalks and pedestrian safety improvements such as medians, curb extensions and crosswalks; ADA (Americans with Disabilities Act) accessible curb ramps and accessible pedestrian signals; transit shelters and signage and improved pedestrian and bicycle access to transit stops and stations; bike lanes, or shared use lanes; bicycle parking facilities; street trees, landscaping, street lighting, street furniture; and adequate drainage facilities, including opportunities for storm water quality treatment facilities.

SECTION II. Purpose and Vision

It is the intent of the Town of South Windsor in enacting this policy to improve the safety and quality of life of residents of South Windsor by providing safe, convenient, and comfortable routes and connections for walking, bicycling, and public transportation; encourage healthy, active living; and reduce traffic congestion and fossil fuel use.

By advancing a Complete Streets policy in our community, active transportation choices will be provided to the people who live, work and travel on our town streets. Developing a Complete Streets program encourages a full range of travel choices, creates a comprehensive transportation system, and offers easy access to retail, residential housing, employment and businesses. Some of the benefits include:

- Improve safety for all road users for the population that does not drive;
- Provide residents with the ability to walk and bicycle more often encourages a healthy and active community;
- Improve the mobility of users by offering multiple modes of transportation in and around Town;
- Improve the air quality and address climate change; and
- Offer more travel choices to residents and visitors resulting in potential economic benefits to the Town.

To accomplish this, the Town of South Windsor needs to strive for its transportation systems and facilities to accommodate this coexistence in a safe and practical manner. Planning and design need to consider all potential modes of transportation in their development. The concept is to provide, where practical, pedestrian and bicycle friendly connections between neighborhoods, transit stops, bike routes and greenways / trails, recreational area; public buildings, parks, schools, points of interest, town center, and other key commercial areas; and also transit service between destinations as demand and need dictates.

SECTION III. Objectives

The objectives of the South Windsor Complete Street policy are:

- Improve safety and mobility for pedestrians, bicyclists, children, older individuals, non-drivers and the mobility challenged, as well as those who choose to live vehicle free;
- Develop and support a transportation system that is accommodating of active transportation modes that promote healthier life styles;
- Develop and support a transportation system that is conducive of compact, sustainable and livable communities.
- Improve mobility and accessibility to activity centers, including employment and commercial centers, schools, public buildings, parks, transit, and trails;
- Encourage a shift to alternative transportation modes, reducing reliance of carbon fuels and promoting energy conservation;

This policy will be implemented via a Complete Streets Advisory Committee with membership from key departments whose responsibilities are reasonably related to complete street interests. Membership may include representatives from Parks and Recreation, Planning, Public Works, Engineering and Police. The Committee will seek input from other Boards and Commission (e.g. South Windsor Walk and Wheel Ways) as appropriate.

SECTION IV. Role of Complete Streets Advisory Committee

The Advisory committee would meet on a quarterly basis or as needed, and at the inception of public transportation projects or private projects that affect the transportation system, within the South Windsor limits.

The purpose of the advisory committee is to:

- Provide input on public projects to further the Town's complete streets philosophy.
- Review and make recommendations on short and long-range transportation plans as related to pedestrian and bicycle issues in South Windsor and assist in the implementation of the Transportation component of the Plan of Conservation and Development
- Review and recommend transportation project prioritization and funding as related to pedestrian and bicycle issues in the Town.
- Assist and advise the Planning and Zoning Commission with respect to pedestrian and bicycle facilities and parking.
- Coordinate with adjacent municipal, and regional public entities to promote creation of networked pedestrian and bicycle facilities as appropriate.
- Assist in the development and implementation of Safe Routes to Schools Program.

- Seek grant money and other States and Federal monies for pedestrian and bicycle project enhancements.

The Committee may pursue other initiatives to increase safety and awareness regarding complete street considerations throughout the municipality.

- Training: Key officials whose responsibilities are reasonably related to complete street interests will attend training related to complete streets. Such officials may include the Director of Public Works, Police Chief, Director of Planning, Town Engineer, Local Traffic Authority, Board of Education staff, and other relevant official representing the interests of the Town.
- Checklists: The Town of South Windsor may utilize a Complete Streets Checklist to assist in ensuring compliance with this policy and at the earliest point in project development for all applicable projects.
- Department Reviews: Complete Streets shall be considered in all projects receiving public funding. The Checklist will be integrated into all department reviews including Planning, Engineering, Public Works, and Public Safety. The Checklist will consider all travel modes, along with environmental and social context.
- Design Guidance: The Town of South Windsor shall utilize the latest engineering practices in its design, construction, and maintenance of highways to reflect the accommodation of all users
- Regulations, Documents, and Policies: The Town of South Windsor shall work to update Zoning Regulations, Subdivision Regulations, and the Plan of Conservation and Development, Public Improvement Specifications and other relevant regulatory documents to facilitate the implementation of the objectives of this policy.
- Street Connectivity: The Town of South Windsor shall promote changes to provide a system of streets with multiple routes and connections serving the same origins and destinations to encourage street connectivity. By increasing the number of street connections or local street intersections in communities, bicycle and pedestrian travel also is enhanced. A well-planned, connected network of collector roadways allows emergency responders to operate more efficiently, and generally increases quality of life enjoyed by residents.

Adopted 7/18/2016

Introduced
by:

HEADING
AND
PURPOSE

SUBSTITUTE

Luke A. Bronin, Mayor

AN ORDINANCE AMENDING CHAPTER 31 - STREETS AND SIDEWALKS – OF THE HARTFORD MUNICIPAL CODE TO ADD ARTICLE X COMPLETE STREETS POLICY

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

September 12, 2016

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 31 of the Municipal Code is hereby amended to add Article X - Complete Streets Policy.

ARTICLE X. COMPLETE STREETS POLICY

Sec. 31-301. Purpose, goals.

(a) A complete streets policy ensures that all public rights of way are designed and operated to provide a safe, accessible, connected means of transportation for all users including pedestrians, bicyclists, transit riders, motor vehicle drivers, emergency vehicle operators, and commercial vehicle operators, and for users of all ages and abilities, including children, senior citizens, and persons with disabilities.

(b) A complete streets policy contributes toward the safety, health, economic vitality, and the quality of life in a community by providing safe, convenient, efficient connections between home, school, work, recreation, and other destinations. It will improve the city's existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network.

(c) The following principles underlie a complete streets policy:

- i. Ensure that the design of our city's rights of way, including sidewalks, buffer areas, parking lanes, travel lanes, bicycle lanes, street furniture, lighting, landscaping, and medians, complements and enhances the surrounding land use and neighborhood character;
- ii. Increase the efficiency of the road network by reducing traffic congestion through improved and expanded transportation options for transit-takers, bicyclists and pedestrians for purposes of recreation and commuting, which in turn will reduce reliance on the single passenger automobile as a mode of transportation;
- iii. Recognize that Hartford is made up of a dense downtown core surrounded by historically significant neighborhoods and ensure that these neighborhoods of the City of Hartford remain vibrant and livable through context-appropriate street design;
- iv. Make the public right of way safer and more inviting for all users, including bicyclists, pedestrians, and those taking transit or driving, by reducing the frequency and severity of vehicular, bicycle and pedestrian-related crashes and by designing and managing streets to encourage travel at appropriate volumes and safe speeds that will achieve, to the extent possible, "Vision Zero" principles to eliminate traffic-related fatalities;
- v. Protect and preserve the environment of the City of Hartford by reducing the emission of

- greenhouse gases, reducing the quantity of and improving the quality of stormwater runoff, diminishing the heat island effect, and reducing the consumption of non-renewable energy resources;
- vi. Improve and enhance the health, wellness, and physical fitness of the city's residents by providing more safe, convenient and accessible opportunities for bicycling and walking;
 - vii. Improve the city's quality of life and local economy by providing a high-quality multi-modal transportation network that connects neighborhoods to places of employment, shopping, entertainment, social gathering, outdoor seating, historic assets, off-road pathways (such as those in public parks), and recreation opportunities;
 - viii. Create a standard process and shared understanding that directs decision-makers to consistently plan, design, construct, operate, and maintain streets to accommodate all users in order to allow them to travel safely and independently;
 - ix. Further support the development of streets, canopy coverage, and neighborhoods as described and regulated in the city zoning regulations.
- x. **Sec. 31-302. Definitions.**
- xi. For purposes of this article X the following definitions apply:
 - xii. Complete street means a public right of way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable and convenient access along and across the right-of-way by users of all ages and abilities.
 - xiii. Improvement project means new construction, reconstruction, resurfacing, rehabilitation, repair or maintenance of the existing transportation network located within the public right of way or that may affect the public right of way, whether such improvement project is funded wholly, partly, or not at all by the city. An improvement project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as, but not limited to, mowing, cleaning, sweeping, spot repair, pothole filling, water, sewer and drainage or other utility installation or repairs.
 - xiv. Phase means planning, design, construction, operation, and maintenance.
 - xv. Public right of way means an area, public or private, dedicated for use by pedestrians and vehicles. Public right of way includes thoroughfares such as streets, highways, bike paths and walkways and normally incorporates curbs, lawn strips, street trees, sidewalks, lighting, signage, drainage facilities, street furniture, and other similar features.

Sec. 31-303. Implementation.

The principles of a complete streets policy shall be followed by all city departments during any phase of any improvement project in a public right of way. To this end:

- (a) City departments shall review, revise, and recommend changes to all existing policies, procedures, and design standards to ensure conformance with this complete streets policy.
- (b) The department of public works shall coordinate with the Metropolitan District Commission, utility companies, developers, and other agencies as necessary to ensure that utility maintenance and repairs on public streets are done in accordance with this policy, provided there is no statute, settlement agreement, or judicial decision to the contrary.
- (c) The city shall maintain a map of existing bicycle infrastructure, including at minimum bicycle lanes and cycle tracks, and make it available to the public.
- (d) The city shall develop a "Complete Streets Plan" consistent with this Article that, shall include, but not be limited to setting minimum standards for various types of complete streets,

identifying placement of bicycle facilities such as bicycle racks and corrals throughout the city, establishing a multi-year plan for a connected and safe pedestrian network, and advancing the intent of city ordinances and commissions relating to historic preservation and trees. The city shall promulgate this Complete Streets Plan prior to the next adoption of the next city plan of conservation and development following the effective date of this Article. In developing the Complete Streets Plan, the city shall review current design standards and standard operating procedures to ensure that they reflect the best and latest design standards available, and the Urban Street Design Guide of the National Association of City Transportation Officials published in 2013, as amended from time to time, shall serve as a primary guide for the review.

- (e) An existing employee of the department of public works or the department of development services shall be designated by the Mayor as the Bike/Pedestrian Coordinator for the city. The Bike/Pedestrian Coordinator shall be responsible for managing the development of the Complete Streets Plan. There is established a Complete Streets Working Group, which shall advise the city on the development of the Complete Streets Plan as provided for in subsection (d), which shall be convened by the Bike/Pedestrian Coordinator, and which shall include representatives of the department of public works, department of development services, bicycle and pedestrian advocacy groups, and neighborhood resident(s).
- (f) In recognition of the unique nature of the built environment, public input, and the needs of many users, individual street designs shall be sensitive to residential and business area context, address neighborhood needs, provide safety for and balance the needs of all users, and ensure a strong sense of place.

Sec. 31-304. Exceptions.

The city recognizes that, under certain circumstances, it may not be feasible or practical to implement any one or more elements of the complete streets policy. In such case, a petition documenting the reason for the exception shall be made to the city engineer and the head of planning within the department of development services, who shall act on the request for an exception within thirty days of receipt thereof. A failure to act on the petition within that time period will result in a granting of an exception. The exceptions to the application of the complete streets policy shall include the following:

- (a) Existing public rights of way which are not being significantly altered or modified.
- (b) Improvement projects on public rights of way where one or more categories of users are prohibited, such as interstate freeways or pedestrian malls.
- (c) Cost of complete streets design is excessively disproportionate to the need or probable use.
- (d) A documented absence of current and future need such as no existing or planned transit service in and around the project.
- (e) Routine maintenance of the transportation network that does not change the roadway geometry or operations, such as moving, sweeping, and spot repair.
- (f) Where a reasonable and equivalent project along the same corridor is already programmed to provide facilities exempted from the project at hand by being under contract for construction, currently under bid review, or advertised for construction prior to the effective date of this ordinance.
- (g) Facilities that are under the jurisdiction of another entity, such as the federal government or the State of Connecticut Department of Transportation, with such facilities being addressed on an individual basis to achieve improvements that advance the city's complete streets policy.

Sec. 31-305. Reporting.

The department of public works shall annually report to the Mayor on the progress and the implementation of the complete streets policy including, but not limited to, the following performance measures, but only to the extent such information is available to the department:

- (a) Total miles of bike lanes/trails built or striped;
- (b) Linear feet of new sidewalks;
- (c) Number and location of ADA accommodations built in public sidewalks and streets;
- (d) Number of transit accessibility accommodations built or installed;
- (e) Number of new curb ramps installed on city streets;
- (f) Number of new street trees planted and removed by the department of public works;
- (g) Crosswalk and intersection improvements;
- (h) Rate of crashes, injuries and fatalities by mode;
- (i) Performance of the transportation and complete streets network, including speeds volumes and comparison to goals;
- (j) Number and location of exemptions granted from this policy; and
- (k) Bicycle and pedestrian counts at key locations, which may be conducted by city employees or obtained from other governmental or private entities.

This ordinance shall take effect upon adoption.

Complete Streets 262-61

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new Article III (Complete Streets) be added in its entirety as set forth below to Chapter 262 (Streets, Sidewalks and Parking Areas) of the Middletown Code of Ordinances, and that all resolutions inconsistent herewith, including Resolution 75-12, are hereby repealed:

ARTICLE III (Complete Streets)

§ 262-61 Complete Streets.

A. This Article and Section shall be entitled the Complete Streets Ordinance.

B. As used in this Article and Section, the following terms shall have the meanings indicated:

1. **Complete Streets** are roadways that are designed and operated to provide safe and convenient access to all Users.
2. **Complete Streets Committee** is a standing committee of no more than six persons, nominated by the Mayor, confirmed by the Council, and serving four-year terms. No more than two-thirds of the Committee may be of the same political party. Should a vacancy occur in a seat, it will be filled through Mayoral nomination and Council confirmation.
3. **Complete Streets Master Plan** is a comprehensive plan detailing the steps to be taken to implement this Ordinance, as approved and adopted by the Planning and Zoning Commission.
4. **Users** are all people that use roadways, including pedestrians, bicyclists, public transportation riders, and motorists and includes people of all ages and abilities, including children, seniors and individuals with disabilities.
5. **Transportation Improvement Project** is any public or private investment within the public right of way, regardless of funding source, including, but not limited to, new construction, reconstruction, alteration, and maintenance inclusive of road resurfacing, except that a Transportation Improvement Project shall not include routine upkeep such as cleaning, sweeping, plowing or spot repair.

C. This Article and Section shall **require the implementation of Complete Streets in appropriate locations within the City of Middletown** by the Public Works Department, Public Works and Facilities Commission in collaboration with the Police Chief/Traffic Authority and other transportation agencies as necessary for review, as follows:

1. The Public Works Department/Public Works and Facilities Commission, in collaboration with the Complete Streets Committee, will review all Transportation Improvement Projects being designed for implementation within the City limits and **explore opportunities to meet the needs of all Users**, including but not limited to motorists, pedestrians, bicyclists, and transit vehicles, in a manner **consistent with the Complete Streets Master Plan**.
2. All Transportation Improvement Projects located within **1,000 feet of a school, commercial center, or bus stop will include infrastructure designed to accommodate pedestrians**, as recommended by Complete Streets Committee and affirmed by the Public Works and Facilities Commission to be sent to the Common Council for consideration.
3. The requirements of the Complete Streets Ordinance will not apply to Transportation Improvement Projects:

1. a. Where specific users are prohibited by law (e.g. interstate highways or pedestrian-only pathways); or
2. b. Where the **cost of accommodations necessary to implement Complete Streets has been demonstrated and documented to be excessively disproportionate to the need or probable use.** The Public Works Department must document the rationale for exemption from the Complete Streets Ordinance in such cases.
- c. When a Transportation Improvement Project is to be funded by a road bond passed prior to the date of passage of this ordinance, and when such road bond funding and scope is inadequate to include Complete Streets improvements in that specific project, consideration will be given by the Public Works Commission, the Complete Streets Committee, and Common Council in order to determine whether additional funding should be appropriated to include Complete Streets improvements in that project.

**RESOLUTION ESTABLISHING THE
WEST HARTFORD PEDESTRIAN AND BICYCLE COMMISSION**

WHEREAS, on May 10, 2011, the West Hartford Town Council established the ad hoc West Hartford Bicycle Advisory Committee;

WHEREAS, the ad hoc West Hartford Bicycle Advisory Committee was created for the purpose of assisting the Town of West Hartford in becoming bicycle friendly;

WHEREAS, the ad hoc West Hartford Bicycle Advisory Committee has aided in West Hartford becoming more bicycle friendly resulting in the League of American Bicyclists awarding West Hartford a Bronze medal award;

WHEREAS, ad hoc committees must come to an end when their tasks or duties have been completed, but West Hartford continues to believe that more can be done to help West Hartford improve its public facilities for bicyclists and pedestrians.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD that the Town Council shall establish the West Hartford Pedestrian and Bicycle Commission to promote bicycle and pedestrian safety through education and advocacy and to recommend facility and rights-of-way improvements;

BE IT FURTHER RESOLVED by the Town Council that the West Hartford Pedestrian and Bicycle Commission shall consist of nine (9) members who are West Hartford residents, who shall serve without compensation, and who shall be appointed by the Town Council;

AND BE IT FURTHER RESOLVED by the Town Council that each member of the West Hartford Pedestrian and Bicycle Commission shall serve no more than two terms, the terms shall not be longer than 3 years; of the members first appointed, three members shall serve one year, three members shall serve two years, and three members shall serve a full three-year term with all successive terms for all members being three years;

FINALLY, BE IT FURTHER RESOLVED that this commission and its members shall be required to comply with C.G.S. § 1-200, et seq., as well as the West Hartford Code, including but not limited to Chapter 5.

SUBSTITUTE

RESOLUTION ADOPTING A COMPLETE STREETS POLICY FOR THE TOWN OF WEST HARTFORD

WHEREAS, the Town of West Hartford actively promotes safe streets through design, education and enforcement of all of its transportation network; and

WHEREAS, Complete Streets are Right-of-Ways that are planned, designed, constructed, operated and maintained in such a way as to enable safe, comfortable and convenient access along and across the Right-of-Way by users of all ages and abilities, including but not limited to, pedestrians, bicyclists, transit riders, motorists, emergency, freight and commercial vehicle operators; and

WHEREAS, Complete Streets may include facilities and amenities, including but not limited to, pavement markings and signs; sidewalks and pedestrian safety improvements such as medians, curb extensions and crosswalks; ADA (Americans with Disabilities Act) accessible curb ramps and accessible pedestrian signals; transit shelters and signage and improved pedestrian and bicycle access to transit stops and stations; bicycle detection at intersections and wide travel lanes, bike lanes, or shared use lanes; bicycle parking facilities; street trees, landscaping, street lighting, street furniture; and adequate drainage facilities, including opportunities for storm water quality treatment facilities; and

WHEREAS, the Town's Bicycle Advisory Committee advocates for and the Town's Master Bike Plan recommends "Adopt[ing] a Complete Streets Policy"; and

WHEREAS, the Town's Plan of Conservation and Development has specifically recommended "Promot[ing] an integrated and balanced 'complete street' transportation systems which provides the best possible service, mobility, convenience, and safety while reinforcing positive social, economic, and environmental influences on West Hartford"; and

WHEREAS, the Town Council adopted a resolution directing the Town Manager to consult with interested stakeholders and prepare a policy that demonstrates the Town's commitment to the development of Complete Streets for the benefit of the entire community; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD that the attached Complete Streets Policy is adopted and shall be applicable to the planning and design of all new transportation and Complete Streets Improvements initiated after the adoption hereof.

Community Planning and Physical Services Committee
(Davidoff, Kindall, Hall)
7-21-15

Town of West Hartford

Complete Streets Policy

1. VISION

Complete Streets are necessary to promote an integrated and balanced transportation network. Complete Streets strive to provide the best possible blend of service, mobility, and convenience, and safety while reinforcing a positive social, economic, and environmental influence on West Hartford.

Complete Streets are a vital component of the Town's transportation network and contribute directly to the health, safety, economic vitality and quality of life in the West Hartford Community. Through implementation of Complete Streets principles, the transportation network in West Hartford will be safe, accessible, comfortable and convenient for all transportation users.

2. GOALS

The goal of the Complete Street Policy is to ensure our Town roadways complement and enhance the surrounding land use and neighborhood character and accommodate all users, including drivers, bicyclists, pedestrians and transit patrons, older residents, children and persons with mobility impairments. The specific goals are:

- a. To protect and preserve the environment of the Town of West Hartford by reducing the emission of greenhouse gases, and reducing the consumption of non-renewable energy resources.
- b. To ensure the neighborhoods of West Hartford remain vibrant and livable.
- c. To expand opportunities for bicyclists and pedestrians throughout the Town.
- d. To make the roadway and street environment safer and more inviting by reducing the frequency and severity of vehicular, bicycle and pedestrian-related accidents.
- e. To ensure safe pedestrian and bicycle routes for children to get to school.
- f. To improve and enhance the health and physical fitness of the city's residents by providing more safe and convenient opportunities for bicycling and walking in West Hartford.
- g. To improve the Town's quality of life and local economy by providing high quality recreational and multi-modal transportation facilities and providing non-motorized means of transportation.

3. GUIDING PRINCIPLES

It is recognized that each Complete Street is unique and the following principles shall guide the development of transportation projects:

- a. Shall be suitable and appropriate to the function and context of the transportation facility;
- b. Shall be sensitive to the neighborhood context and cognizant of the neighborhood needs;
- c. Shall be flexible in project design to ensure that all users have basic safe access and use;
- d. Shall be considered a component of a comprehensive, integrated and interconnected transportation network that allows all users to choose between different modes of travel; and
- e. Shall be consistent and compatible with the Town's Plan of Conservation and Development and the Town's Bicycle Facilities Plan.

4. APPLICABILITY AND SCOPE

All Transportation Improvements and phases fall under this policy. Complete Streets principles will be applied to all Town- or State-sponsored improvements and all privately-funded projects and developments that impact the right-of-way. The Town will approach every planned Transportation Improvement as an opportunity to create safer and more accessible streets for all users. Transportation improvement phases include, but are not limited to, planning, programming, designing, engineering, construction and reconstruction, operation and maintenance.

Maintenance activities alone are not Complete Streets Improvements, nor should they prompt street improvements that necessitate Complete Streets consideration except those improvements that may be necessary to satisfy legal mandates such as the Americans with Disabilities Act. To the maximum extent possible, provisions for safe access shall be made for pedestrians and bicyclists during maintenance activities.

Complete Streets policy objectives may be achieved by implementing single elements into a project, completing a series of improvements over the course of time, or by developing major network level improvements.

The Town recognizes that its infrastructure includes a transportation network that should provide convenient access and safe travel for all users within the Town and beyond the Town's borders. Because of its regional impact, implementation of this policy reinforces the need for collaboration among the many regional partners and stakeholders affected by the implementation of this policy.

5. IMPLEMENTATION

The Town of West Hartford (Town) will plan, design, construct, operate and maintain appropriate Facilities for pedestrians, bicyclists, transit riders, motorists, children, the

elderly and people of all abilities in all new construction, reconstruction, and repaving improvements subject to the exceptions contained herein.

An important aspect of this Complete Streets policy is to ensure that West Hartford bicycle riders feel safe traveling within and through the Town. The Town currently lacks defined bicycle routes for convenient and easily accessible transportation through and around the Town. To address this, the Town Staff, in consultation with the Town's Bicycle Advisory Committee, shall develop a Bicycle Facility Plan. Such Plan shall be presented to the Council for adoption no later than nine (9) months from the adoption of this Complete Streets Policy, and shall be reviewed and/or updated every three years.

a. Definitions:

Bicycle Facilities Plan – A comprehensive plan and accompanying map that identifies a vision and framework for bicycle facility improvements to implement a continuous and easily accessible bicycle route network within and through the Town.

"Complete Streets" -- Right-of-ways that are planned, designed, constructed, operated and maintained in such a way as to enable safe, comfortable and convenient access along and across the Right-of-Way by users of all ages and abilities and modes of transportation.

Complete Streets Improvements -- Facilities and amenities associated with the transportation network, that are recognized as contributing to Complete Streets, such as, but not limited to, pavement markings and signs; sidewalks and pedestrian safety improvements such as medians, curb extensions and crosswalks; ADA (Americans with Disabilities Act) accessible curb ramps and accessible pedestrian signals; transit shelters and signage and improved pedestrian and bicycle access to transit stops and stations; bicycle detection at intersections and wide travel lanes, bike lanes, or shared use lanes; bicycle parking facilities; street trees, landscaping, street lighting, street furniture; and adequate drainage facilities, including opportunities for storm water quality treatment facilities.

Facilities - An area or structure which is built, installed or established to serve a particular purpose or transportation mode/user.

Maintenance Activity - Ordinary repair designed to keep Facilities in safe working condition, such as, but not limited to, mowing, cleaning, sweeping, spot repair, concrete joint repair, pothole filling, water, sewer and drainage or other utility installation or repairs.

Right-of-Way --An area, public or private, dedicated for use by pedestrians and vehicles. Right-of-way includes thoroughfares such as streets, highways, bike paths and walkways and normally incorporates curbs, lawn strips, street trees, sidewalks, lighting, signage, drainage facilities, street furniture and other similar features.

b. Cooperation and collaboration

The implementation of Complete Streets will require cooperation and collaboration between many stakeholders on a regular basis. As such, the Town will take the following steps to facilitate the process:

- The Planning Division shall review and propose revisions to all appropriate land use ordinances, policies and regulations to support the implementation of Complete Streets.
- The Planning and Engineering Divisions shall review, revise or recommend changes to all policies, procedures and design standards associated with site plan and other requirements for public and private development to ensure best practices are utilized to support Complete Streets.
- The Town shall continue to identify regional, state and federal funds to implement Complete Streets Improvements to supplement the Town's Capital Improvement Program.
- The Town shall promote collaboration and coordination between Town departments and other transportation and planning agencies, including the Connecticut Department of Transportation and Capitol Region Council of Governments that work within the Right-of-Way and utilize the transportation network for programmatic purposes in order to make the most efficient use of limited financial resources.
- The Engineering Division shall establish necessary procedures to ensure the application of Complete Streets principles at the earliest design stage.
- The Town shall encourage staff professional development in the area of Complete Streets through attendance at seminars, conferences and workshops.
- The Town shall actively promote public information and education and solicit feedback about Complete Streets to West Hartford stakeholders including but not limited to, Boards and Commissions, residents, community groups and leaders, the business community, and the private development community.

c. Exceptions

The Town is committed to Complete Streets and application of this policy and/or Complete Street principles will begin at the earliest phase of a project, except in the following extraordinary circumstances:

1. Where pedestrians and bicyclists are prohibited by law from using the Facility.
(In such an instance, alternative facilities and accommodations shall be considered within the same transportation corridor.)
2. If the cost of constructing Complete Streets Improvements is disproportionate to the current need or anticipated future demand for such improvements.
3. Where there is an absence of current or projected need.

All requests for exceptions shall be submitted at the earliest project phase (e.g. during initial project planning and budgeting) and may include the following elements if available: a narrative, site photographs, project site map, drawings and any other supporting data. All proposed requests for exception shall be posted to the Town's website and distributed to stakeholder groups, including the Bicycle Advisory Committee, and shall be subject to a seven (7) day public comment period. At the end of the public comment period, all comments received, if any, shall be included in the final documentation for exception request. The final documentation shall be transmitted in the form of an exception request to the Town Manager.

For projects that do not include any state or federal funding, the Town Manager, acting in his or her capacity as the "Local Traffic Authority", in consultation with the Directors of Community Services and Public Works and upon recommendation from the Town Engineer shall determine whether the application of this policy and Complete Streets principles falls under one or more of the exceptions outlined above.

Notwithstanding the above, in accordance with the Connecticut General Statutes, as amended, where a transportation project includes state or federal transportation funding, the determination of the applicability of the exception request must be made by the Town Council. Once the Bicycle Facilities Plan is adopted by the Town Council, any recommendation for an exception to this policy that is objected to, where the exception concerns the Bicycle Facilities Plan, shall be brought to the Town Council for their approval or denial.

All granted exceptions shall be posted to the Town's website. Where exceptions are granted, parallel accommodations for the category of users excluded shall be considered on alternate routes within the transportation system.

6. BEST PRACTICES -- DESIGN GUIDANCE

The Town will follow accepted or adopted design standards and use the best and latest design standards available, including the following:

- American Association of State Highway and Transportation Officials (AASHTO)
 - A Policy on Geometric Design of Highways and Streets (6th Edition, 2011)
 - Guide for the Development of Bicycle Facilities (4th edition, 2012)
 - Guide for the Planning, Design and Operations of Pedestrian Facilities (2004)

- American Planning Association (APA)
 - Complete Streets: Best Policy and Implementation Practices (2012)
 - U.S. Traffic Calming Manual (2009)
- Federal Highway Administration (FHWA)
 - Manual of Uniform Traffic Control Devices (MUTCD)
 - PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System
- Institute of Transportation Engineers (ITE)
 - Designing Walkable Urban Thoroughfares: A Context Sensitive Approach (2010)
- National Association of City Transportation Officials (NACTO)
 - Urban Bikeway Design Guide (2nd edition, 2014)
 - Urban Street Design Guide (2013)
- U.S. Architectural and Transportation Barriers Compliance Board
 - Accessible Rights-of-Way: Design Guide

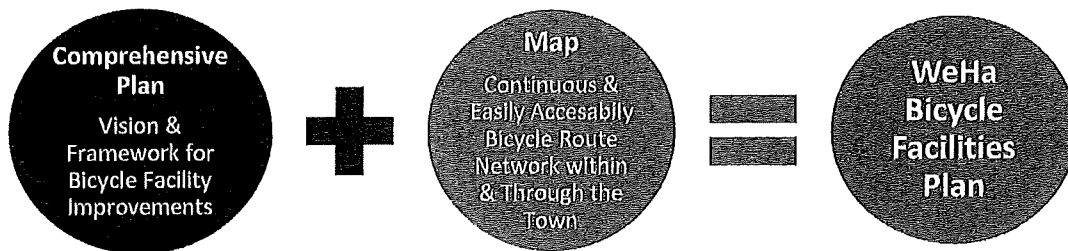
7. REPORTING TO TOWN COUNCIL

The application of Complete Streets will be a process that requires regular evaluation to determine progress and effectiveness. To facilitate that regular evaluation, the Town Manager shall provide a written report to the Town Council on an annual basis on the progress and effectiveness of the Complete Streets policy, and any exceptions granted from the Complete Streets policy.

Within the Annual Report from the Town Manager to the Town Council, the performance measures that will be evaluated include, but are not limited, to the following:

- Miles of bicycle lanes, routes, or trails built / dedicated by width and type
- Number of bicycle parking Facilities installed
- Number of traffic calming Facilities built / installed
- Number of traffic control signs/signals installed/ upgraded
- Linear feet of pedestrian accommodations built or repaired
- Number of crosswalks built or improved
- Number of ADA accommodations built / installed
- Number of transit accessibility improvements built
- Number of street trees planted
- Maintenance Activities of existing Complete Streets Facilities.
- Number of exceptions approved
- User data :bicycle, pedestrian, transit and traffic counts
- Bicycle and pedestrian accident data
- Total dollar amount spent on Complete Streets Improvements

West Hartford Bicycle Facilities Plan



Vision

To provide a seamless network of on and off-street bicycle routes linking destinations such as schools, parks, shopping and public transportation from one end of West Hartford to the other in an accessible and comfortable manner for people of all ages and abilities

Policy Context

The West Hartford Bicycle Facilities Plan is the result of local policy (Complete Streets) that is supported by many local plans that promote bicycling.

2015 Complete Streets Resolution

Vision –“Complete Streets are necessary to promote an integrated and balanced transportation network. Complete Streets strive to provide the best possible blend of service, mobility, and convenience, and safety while reinforcing a positive social, economic, and environmental influence on West Hartford.”

Reference to Bicycle Facilities Plan in the Policy: “An important aspect of this Complete Streets policy is to ensure that West Hartford bicycle riders feel safe traveling within and through the Town. The Town currently lacks defined bicycle routes for convenient and easily accessible transportation through and around the Town. To address this, the Town Staff, in consultation with the Town’s Bicycle Advisory Committee, shall develop a Bicycle Facility Plan. Such Plan shall be presented to the Council for adoption no later than nine (9) months from the adoption of this Complete Streets Policy, and shall be reviewed and/or updated every three years.”

2007 West Hartford Master Bike Plan

“The goal of the Plan is to make recommendation about an accessible and convenient network of improvements such as bike paths, bike routes, bike lanes and secure bike racks, to suggest ways to

educate, encourage and enforce safe cycling, and finally, to provide a framework for evaluating this Plan.”

2009 Plan of Conservation and Development

Goal - “Promote an integrated and balanced “complete street” transportation system which provides the best possible service, mobility, convenience, and safety while reinforcing a positive social, economic, and environmental influence on West Hartford.”

Traffic & Transportation Policies

“Utilize the existing neighborhood street grid to establish dedicated walking and bicycle networks from neighborhoods to commercial and municipal destinations.”

- Establish and identify, with signage or other highly visible markings, “best routes” for bicyclists and pedestrians.
- Work with employees and various Town departments to provide recommended bicycle parking at destinations.
- Work to design and implement a safe bike commuter route to downtown Hartford.

“Support transportation improvements that protect the character and safety of the residential neighborhoods through prudent use of traffic calming techniques and promoting a “complete street” network.”

- Implement with input from affected residential neighborhoods traffic calming techniques to reduce speed, discourage commercial and cutthrough traffic, and promote walking and bicycling in residential neighborhoods.

“Support programs that provide and encourage alternate transportation modes on a Town-wide basis.”

- Complete the Trout Brook bike path and other bike paths using the existing street grid with the input of the Bicycle Task Force. Develop connections to existing and planned regional greenways and multi-use trails.

Creating the Bicycle Network

The Community Services Department formed a working group to assess and analyze the opportunities for a comprehensive bicycle network within and through the Town. The group coordinated several meetings with the Bicycle Advisory Committee (BAC), conducted field visits and met with city officials from New Haven and New Britain. Next, literature based research was conducted which focused on best practices, design standards and bicycle plans from peer communities (local and national), including:

- American Association of State Highway and Transportation Officials (AASHTO)
 - A Policy on Geometric Design of Highways and Streets (6th Edition, 2011)
 - Guide for the Development of Bicycle Facilities (4th edition, 2012)
 - Guide for the Planning, Design and Operations of Pedestrian Facilities (2004)
- American Planning Association (APA)
 - Complete Streets: Best Policy and Implementation Practices (2012)

- U.S. Traffic Calming Manual (2009)
- • Federal Highway Administration (FHWA)
 - Manual of Uniform Traffic Control Devices (MUTCD)
- National Association of City Transportation Officials (NACTO)
 - Urban Bikeway Design Guide (2nd edition, 2014)
 - Urban Street Design Guide (2013)
- City of Boston (*Insert Plan Title*)
- City of Cambridge, MA (*Insert Plan Title*)
- City of Seattle (*Insert Plan Title*)
- City of San Francisco (*Insert Plan Title*)
- New York City (*Insert Plan Title*)
- City of New Britain (*Insert Plan Title*)
- City of New Haven (*Insert Plan Title*)
- Town of Fairfield (*Insert Plan Title*)

This research resulted in the development of a Bicycle Network Map which seeks to provide a seamless network of on and off-street bicycle routes linking destinations such as schools, parks, shopping and public transportation from one end of West Hartford to the other in an accessible and comfortable manner for people of all ages and abilities.

An important part of the Bicycle Network Map and Plan development is public outreach. In an effort to solicit feedback on and further develop the map and Plan, the Town will conduct the following public input and outreach efforts:

- Numerous Stakeholder Outreach Meetings and Collaboration
- Online Survey
- Online Comment and Feedback Tool
- Public Displays
- Public Meeting to be Cohosted by the Bicycle Advisory Committee in March/April.

Bicycle Network Map

The Bicycle Network Map is the result of a variety of analyses, assessments and public input and represents the community's vision to provide a seamless network of on and off-street bicycle routes linking destinations such as schools, parks, shopping and public transportation from one end of West Hartford to the other in an accessible and comfortable manner for people of all ages and abilities.

As of (*Insert Date of Adoption of the Plan Here*), the Network includes:

Bicycle Route Type	Existing (miles)	Planned (miles)
Separated		
Shared		
Off Street		

The Network Map is included in Appendix A.

Bicycle Network Street Inventory

An inventory of each street included in the Bicycle Network Map is included in Appendix B. The table includes the following information:

- Street Name
- Bicycle Network Route Classification
- Street Classification
- ADT (If available)
- Speed Limit
- Pavement Width
- Presence of Sidewalks
- Presence of On Street Parking
- Road Length

Bicycle Facilities Toolbox

The Bicycle Network discussed and depicted in Section 4, is comprised of three distinctive bicycle facility categories: Separated Routes, Shared Routes, and Off Street Routes. Each route category contains numerous bicycle facility types. The definitions and guidance for all are derived from the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide, Second Edition 2014, and American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, Fourth Edition, 2012 and as may be amended.

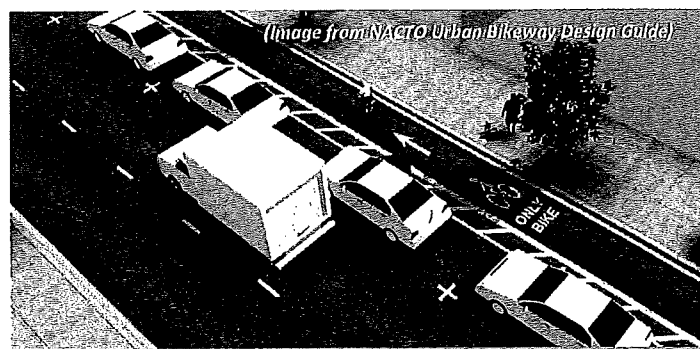
Separated Routes

For purposes of this Plan, Separated Routes are the highest level of facility type. They include physical or visual separation and may be at sidewalk or street level, the benefits of which include clear separation between user groups (bicyclists, pedestrians and motorists). Where properly designed and implemented, this type of facility has been shown to increase ridership by making bicycling more appealing to a broader range of cyclists.

Separated Routes include the following bicycle facilities types:

Cycle Track

A cycle track is an exclusive bike facility that combines the user experience of a separated path with the on-street infrastructure of a conventional bike lane. A cycle track is physically separated from motor traffic and distinct from the sidewalk. Cycle tracks have different forms but all share common elements—they provide space that is intended to be exclusively or primarily used for bicycles, and are



separated from motor vehicle travel lanes, parking lanes, and sidewalks. In situations where on-street parking is allowed cycle tracks are located to the curb-side of the parking (in contrast to bike lanes).

Cycle tracks may be one-way or two-way, and may be at street level, at sidewalk level, or at an intermediate level. If at sidewalk level, a curb or median separates them from motor traffic, while different pavement color/texture separates the cycle track from the sidewalk. If at street level, they can be separated from motor traffic by raised medians, on-street parking, or bollards. By separating cyclists from motor traffic, cycle tracks can offer a higher level of security than bike lanes and are attractive to a wider spectrum of the public.

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/>.)

Design considerations

- For use on streets with, high traffic volumes and/or speeds, multiple travel lanes, high turnover on-street parking and high bicycle volumes
- Suggested width 5-8 feet (5' for one-way, 8' for two-way) plus suggested 1-3 feet wide road buffer
- May be at street level or elevated to sidewalk
- May require specialized intersection treatments
- May be one-way or bi-directional
- Operational requirements include specialized equipment for street sweeping and snow removal

Buffered Bicycle Lanes

Buffered bicycle lanes are conventional bicycle lanes paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane. A buffered bike lane is allowed as per MUTCD guidelines for buffered preferential lanes from motor traffic and distinct from the sidewalk.



Benefits of buffered bicycle lanes include providing greater distance between motor vehicles and bicyclists; reduced risk of “dooring”; greater maneuverability outside of the motor vehicle travel lane; and provides for more room for bicycling without provided the perception of an additional travel or parking lane. When properly designed, buffered bicycle lanes encourage bicycling by contributing to the perception of safety among users of the bicycle network.

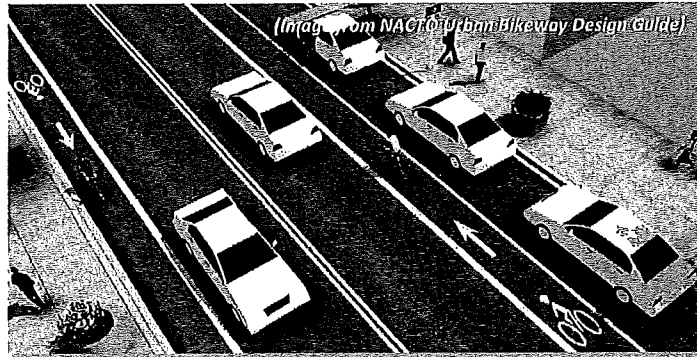
(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/buffered-bike-lanes/>.)

Design considerations

- For use on any street where a standard bicycle lane is being considered but particularly on streets with high traffic volumes and/or speeds, on-street parking and streets with extra lanes and/or extra lane width
- May require specialized intersection treatments
- Suggested width 5 feet for bicycle lane and 2 feet for buffer

Bicycle Lanes

Bicycle lanes are designated portions of the roadway marked and signed for the exclusive use of bicyclists. A standard bicycle lane is located adjacent to motor vehicle travel lanes and flows in the same direction as motor vehicle traffic. Bicycle lanes are typically on the right side of the street, between the adjacent travel lane and curb, road edge, or parking lane. This facility type may be located on the left side when installed on one-way streets.



Bike lanes enable bicyclists to ride at their preferred speed without interference from prevailing traffic conditions. Bike lanes also facilitate predictable behavior and movements between bicyclists and motorists. Bicyclists may leave the bike lane to pass other bicyclists, make left turns, avoid obstacles or debris, and avoid other conflicts with other users of the street.

Bike Lane is defined as a portion of the roadway that has been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicy

Design considerations

- For use on any streets with medium to low traffic volume and posted speeds less than 30 mph
- May require specialized intersection treatments
- Suggested width 5-6 feet for bicycle lane

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/>)

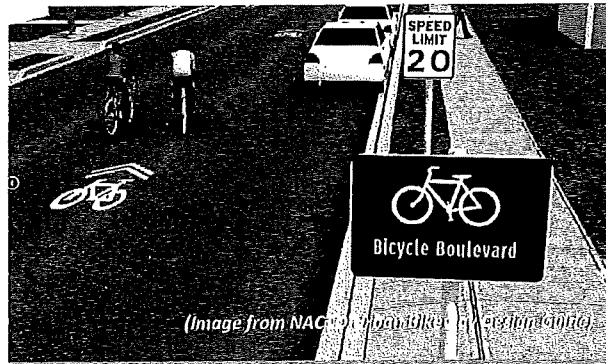
Shared Routes

For purposes of this Plan, Shared Routes are a lower level bicycle facility type. They include a means of visual cues (markings and signage) to indicate the presence of a shared lanes environment for bicycles and automobiles. When and where properly designed and implemented, shared routes treatments reinforce the legitimacy of bicycle traffic on the street, recommend proper bicyclist positioning, and may be configured to offer directional and way finding guidance.

Separated Routes include the following bicycle facilities types:

Bicycle Boulevards

Bicycle boulevards are streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs, pavement markings, and speed and volume management measures to discourage through trips by motor vehicles and create safe, convenient bicycle crossings of busy arterial streets.



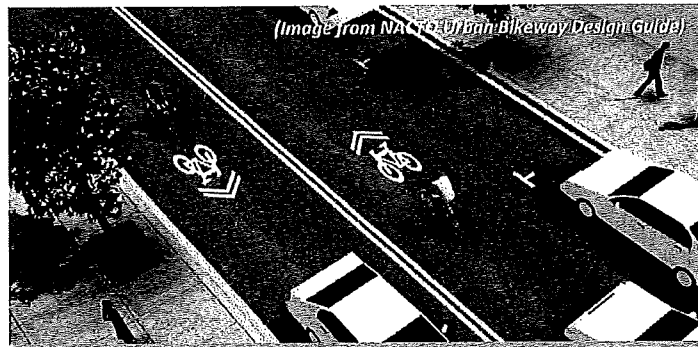
Design considerations

- For use on low volume and speed streets that discourage speeding and cut-through vehicular traffic
- May require traffic calming devices such as speed tables, traffic circles or chicanes.

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/bicycle-boulevards/>)

Sharrows

Sharrows are shared lane road markings used to indicate a shared lane environment for bicycles and automobiles. They reinforce the legitimacy of bicycle traffic on the street, recommend proper bicyclist positioning, and may be configured to offer directional and wayfinding guidance. The MUTCD outlines guidance for shared lane markings in section 9C.07.



Design considerations

- For use on streets with speeds less than 35 mph.
- Frequent visible placement of the markings is essential.

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/bikeway-signing-marking/shared-lane-markings/>)

Signed Route

A signed bicycle route consists of comprehensive signing and/or pavement markings to guide bicyclists to their destinations along preferred bicycle routes. Signs are typically placed at decision points along bicycle routes – typically at the intersection of two or more bikeways and at other key locations leading to and along bicycle routes.

Design considerations

- For use on any street identified as part of the bicycle network.

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/bikeway-signing-marking/bike-route-wayfinding-signage-and-markings-system/>)

Off Street Routes

For purposes of this Plan, Off Street Routes are any shared use path or trail permitting more than one type of non motorized user. They serve as part of the bicycle network and support multiple recreational opportunities including walking and bicycling and serve as connection points between on street routes within the network. An off street route is physically separated from motor vehicular traffic with an open space of barrier.

Design considerations

- Must be ADA compliant
- Suggested minimum width 10 feet

Lane Treatments, Signage, and Intersection Treatments,

Bicycle Lane & Signage Treatments

Bicycle signage and marking encompasses any treatment or piece of infrastructure whose primary purpose is either to indicate the presence of a bicycle facility or to distinguish that facility for bicyclists, motorists, and pedestrians. Bicycle signage includes several sub-categories, including way-finding and route signage, regulatory signage, and warning signage. Some bicycle specific signage exists to provide motorized traffic with information and instruction.

Bicycle lane markings represent any device applied to the pavement surface and intended to designate a specific right-of-way, direction, potential conflict area, or route option. These markings must take into consideration the use of particular colors, materials, and designs, as well as the legibility of these elements for motorists and pedestrians. Markings may be used to augment a particular lane, intersection, or signal treatment. In all cases, markings must strive for a high level of visibility, instant identification, and take into account both motorist and bicyclist movements in relation to the marking placement.

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/bikeway-signing-marking/>)

Intersection Treatments

Intersections with bicycle facilities should reduce conflict between bicyclists (and other vulnerable road users) and vehicles by heightening the level of visibility, denoting a clear right-of-way, and facilitating eye contact and awareness with competing modes. Intersection treatments can resolve both queuing and merging maneuvers for bicyclists, and are often coordinated with timed or specialized signals.

The configuration of a safe intersection for bicyclists may include elements such as color, signage, medians, signal detection, and pavement markings. Intersection design should take into consideration existing and anticipated bicyclist, pedestrian and motorist movements. In all cases, the degree of mixing

or separation between bicyclists and other modes is intended to reduce the risk of crashes and increase bicyclist comfort. The level of treatment required for bicyclists at an intersection will depend on the bicycle facility type used, whether bicycle facilities are intersecting, the adjacent street function and land use.

(Adapted from the NACTO Urban Bikeway Design Guide and exact reference available at <http://nacto.org/publication/urban-bikeway-design-guide/intersection-treatments/>)

Implementation

In accordance with the Complete Streets Policy, this Plan will be implemented through the Town's Capital Improvement Program. The Town will plan, design, construct, operate and maintain the routes identified on the Bicycle Network Map by implementing single elements or facilities of a route into a project, completing a series of improvements over the course of time, or by developing major network level improvements.

The Town will approach every planned transportation improvement within the Bicycle Network as an opportunity to create safer and more accessible streets for all users. The Town recognizes that its infrastructure includes a transportation network that should provide convenient access and safe travel for all users within the Town and beyond the Town's borders. Because of its regional impact, implementation of this policy reinforces the need for collaboration among the many regional partners and stakeholders affected by this Plan.

It is important to note that implementation of this Plan will come at a cost. Full town-wide implementation of the Bicycle Network will take many years of dedicated capital improvements and a continued commitment to supporting bicycling by the Town.

Appendix A: Bicycle Network Map

(See Attached Map)

Appendix B: Bicycle Network Street Inventory

(Street inventory data to be added upon final approval of network)

Street Name	Bicycle Network Route Classification	Street Classification	ADT	Speed Limit	Pavement Width	Sidewalks	On Street Parking	Road Length

**ORDINANCE AMENDING THE CODE OF THE CITY OF TROY, BY CREATING A NEW
CHAPTER 271 ENTITLED COMPLETE STREETS**

Chapter 271: COMPLETE STREETS

Sec. 271-1. Definition of Complete Streets.

Sec. 271-2. Complete Streets policy.

Sec. 271-3. Scope of Complete Streets applicability.

Sec. 271-4. Exceptions.

Sec. 271-5. Design standards.

Sec. 271-6. Performance measures.

Sec. 271-7. Implementation and reporting.

Sec. 271-1. Definition of Complete Streets.

"Complete Streets" means streets that are designed and operated to enable safe access for all users, in that pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are able to safely move through the transportation network.

Sec. 271-2. Complete Streets policy.

The city shall design, build, operate and maintain a safe, reliable, efficient, integrated and connected multimodal transportation network that will provide access, mobility, safety, and connectivity for all users. In addition, the city will appoint a citizen run Complete Streets Advisory Board to whom quarterly reports on upcoming projects, and previously awarded exceptions, will be furnished.

Complete Streets design will promote improved health, economic growth, public safety, recreational opportunity, and social equality throughout the City of Troy, and will ensure that the safety and convenience of all users of the transportation system are accommodated, including pedestrians, bicyclists, users of mass transit, people of all ages and abilities, motorists, emergency responders, freight providers and adjacent land users.

Sec. 271-3. Scope of Complete Streets applicability.

- All city-owned transportation facilities in the public right-of-way including, but not limited to, streets, bridges and all other connecting pathways shall be designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely and independently.
- All privately constructed streets, parking lots, and connecting pathways shall adhere to this policy.
- The city shall foster partnerships with the State of New York, neighboring communities and counties, and business and school districts to develop facilities and accommodations that further the city's complete streets policy and continue such infrastructure beyond the city's borders.

- The city shall approach every phase of every transportation project as an opportunity to create safer, more accessible facilities for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance funded by the City of Troy, the State of New York, utility companies and all private development. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and maintenance, must also be included.
- A project's compliance with this policy shall be determined based on the filing of a Complete Streets Checklist Form.

Sec. 271-4. Exceptions.

All exceptions to this policy, must be reviewed by the Complete Streets Advisory Board and approved by the City Departments of Engineering and/or Planning and Development, and/or the Planning Commission, and be documented with supporting data that indicates the basis for the decision. Such documentation shall be made publicly available.

Exceptions may be considered for approval when:

- An affected roadway prohibits, by law, use by specified users (such as an interstate freeways or pedestrian malls), in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway;
- The activities are minor maintenance activities designed to keep assets in serviceable condition (e.g. mowing, cleaning, sweeping, spot repair, and surface treatments such as chip seal or interim measures);
- The City Engineer issues a documented exception concluding that the application of Complete Streets principles is unnecessary, unduly cost prohibitive, or inappropriate because it would be contrary to public safety; or
- Other available means or factors indicate an absence of need, including future need.

The City Departments of Engineering and/or Planning and Development, and/or the Planning Commission shall submit quarterly reports to the Complete Streets Advisory Board and the Mayor's Office summarizing all exceptions granted in the preceding quarter. These reports shall be submitted after the end of the quarter, and shall be posted on-line.

Sec. 271-5. Design standards.

The city shall adopt state transportation design standards as well as adapt, develop, update and adopt inter-departmental policies, urban design guidelines, zoning and performance standards and other guidelines based upon resources identifying best practices in urban design and street design, construction, operations and maintenance. These resources include, but are not limited to: the New York State Department of Transportation Highway Design Manual, New York State Department of Transportation Specification Book, the AASHTO Green Book; AASHTO Guide for the Planning, Designing and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle

Facilities; ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; NACTO Urban Bikeway Design Guide; Manual on Uniform Traffic Control Devices; and US Access Board Public Right-of-Way Accessibility Guidelines. When fulfilling this Complete Streets policy the City will follow the design manuals, standards and guidelines above, as applicable, but should not be precluded from considering innovative or nontraditional design options where a comparable level of safety for users is present or provided.

Designs for all projects will be context-sensitive, considering adjacent land uses and local needs and incorporating the most up-to-date, widely accepted, ADA compliant design standards for the particular setting, traffic volume and speed and current and projected demand. Each project must be considered both separately and as part of a connected network to determine the level and type of treatment necessary for the street to be complete.

Sec. 271-6. Implementation and reporting.

The City of Troy shall view Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:

One Year Outcomes

- **Complete Streets Advisory Board.** The City will establish a Complete Streets Advisory Board made up of citizen appointees and interdepartmental city employees to oversee the implementation of this policy. The Complete Streets Advisory Board will include members of at least three city departments including Engineering, Public Works, Housing and Community Development, Economic Development, Zoning and Planning, Parks and Recreation, Code Enforcement and the Police Departments from the City of Troy. The committee should include citizen representatives from the bicycling, disabled, transit users, youth and elderly communities and other advocacy organizations, as relevant. This committee will meet quarterly and provide a written report to the Mayor's Office evaluating the City's progress and advise on implementation;
- **Complete Streets Checklist Form.** The City and the Complete Streets Advisory board shall adopt or design a complete streets checklist form to be filled out during a project review to determine compliance with this policy;
- **Staff Training.** The City will train pertinent City staff on the content of the Complete Streets principles and best practices for implementing the policy;
- **Streets Manual.** The City will create and/or adopt a Complete Streets Design Manual to support implementation of this policy;
- **Funding.** The City will actively seek sources of appropriate funding to implement Complete Streets;
- **Reporting.** The Complete Streets Advisory Board or other relevant departments, agencies, or committees shall report on the annual increase or decrease for each performance measure contained in this ordinance compared to the previous year(s). This report will be presented to the Mayor's Office and made available to the public.
- **Coordination.** The City will utilize inter-department project coordination to promote the most responsible and efficient use of fiscal resources for activities that occur within the public right of way;

Three Year Outcomes

- **Inventory.** The City and The Complete Streets Advisory Board will maintain a comprehensive inventory of the pedestrian and bicycling facility infrastructure integrated with the City's database and will prioritize projects to eliminate gaps in the sidewalk and bikeways networks;
- **Education.** The City shall promote complete streets education in partnership with bicycling, disabled, youth and elderly communities, the school district and the police department); and
- **Capital Improvement Project Prioritization.** The City will reevaluate Capital Improvement Projects prioritization to encourage implementation of bicycle, pedestrian and transit improvements;

Five Year Outcomes

- **Revisions to Existing Plans and Policies.** All relevant departments, agencies, or committees will incorporate Complete Streets principles into all existing plans, manuals, checklists, decision-trees, rules, regulations reviews, approvals and programs as appropriate including but not limited to Comprehensive Plans, Economic Development Plans, Bicycle and Pedestrian Master Plans, Transit Plans, Snow Emergency Plans, Sidewalk Maintenance Plans and other appropriate plans, manuals, rules, regulations and programs;
- **Other Plans.** The City will prepare, implement and maintain a Bicycle and Pedestrian Master Plan, a Safe Routes to School Plan, an Americans with Disabilities Act Transition Plan, a Street Tree and Landscape Master Plan, a Lighting Master Plan;
- **Storm Water Management.** The City will prepare and implement a plan to transition to sustainable storm water management techniques along our streets;

Sec. 271-7. Performance measures.

The City of Troy and the Complete Streets Advisory Board shall measure the success of this Complete Streets policy using, but not limited to, the following performance measures:

- Number of people reached through bike/ped education programs.
- Total miles of bike lanes. (bike sharrows?)
- Linear feet of new or repaired pedestrian accommodations.
- Number of new ADA compliant curb ramps installed along city streets.
- Crosswalk and intersection improvements.
- Percentage of transit stops accessible via sidewalks and curb ramps.
- Rate of crashes, injuries, and fatalities by mode.
- Rate of children walking or bicycling to school.

Unless otherwise noted above, within six months of ordinance adoption, the city shall create individual numeric benchmarks for each of the performance measures included, as a means of tracking and measuring the annual performance of the ordinance. Quarterly reports shall be posted on-line for each of the above measures.

Approved as to form, May 15, 2014

ORD. #35

Ian H. Silverman, Corporation Counsel

ORDINANCE 2014-16

**AN ORDINANCE RELATING TO BOARDS AND COMMISSIONS,
AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 1.16, AS AMENDED.**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 1.16.020 is hereby amended as follows:

Section 1.16.020 Scope.

This Chapter establishes boards and commission to advise Council on its respective areas of municipal policy.

1. Advisory Boards shall be established by the City Council by ordinance and the Board's charge shall be codified in this Chapter of the Corvallis Municipal Code. Advisory Boards serve in an advisory capacity to the Mayor, City Council, and staff.
2. Commissions shall be established by the City Council by ordinance and the Commission's charge shall be codified in the Chapter of the Corvallis Municipal Code. Commissions have been delegated decision making authority by the City Council.
3. Task Forces shall be established by the City Council via resolution which includes the Task Force's charge, the term of the committee, the timeline for the project, and other direction as needed. Task Forces are created for specific purposes where another Advisory Board or Commission does not already exist to assign a project to, and serves for a short period to complete the tasks identified by the City Council. When the work is completed, the Task Force is disbanded.

(Ord. 2014- __ § 1, Ord. 81-99 § 2, 1981)

Section 2. Municipal Code Chapter 1.16.200 is hereby amended as follows:

Section 1.16.200 Airport Advisory Board.

- 1) An Airport Advisory Board is hereby created consisting of eight persons.
- 2) The Airport Advisory Board shall advise Council and City Manager concerning:
 - a) The management, care, and control of the Municipal Airport of the City; required rules and regulations in connection therewith; and the expenditure of such funds as shall be appropriated by Council therefore.
 - b) The planning of the Airport Industrial Park located generally north of Airport Road and east of Ingalls Street; and potential impacts of such plans upon the Airport.

Page 1 of 18

-- Ordinance -- Renaming Advisory Boards and Commissions

Section 1.16.210 - Bicycle and Pedestrian Advisory Board.

- 1) A Bicycle and Pedestrian Advisory Board is hereby created.
- 2) The Advisory Board shall consist of seven members, with membership balanced to capably represent various bicycling and pedestrian issues.
- 3) The Advisory Board shall advise Council on all matters relating to bicycle use, operation, pedestrian transportation, recreation, routing, and safety in the City limits.

(Ord. 2014-16 § 4, 11/17/2014; Ord. 96-30 § 1, 1996; Ord. 81-99 § 54, 1981)

CODE OF ORDINANCES
CITY OF EAU CLAIRE, WISCONSIN

Current through December 31, 2016

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Title 1

GENERAL PROVISIONS

2.65.110 Penalty for violation. Any person violating any provision of this chapter shall be subject to a forfeiture of not more than 200 dollars for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. (Ord. 4293, 1982).

Chapter 2.66

BICYCLE/PEDESTRIAN ADVISORY COMMISSION

Sections:

- 2.66.010 Creation.**
- 2.66.020 Purpose and Intent.**
- 2.66.030 Composition.**
- 2.66.040 Procedure.**
- 2.66.050 Duties and Responsibilities.**
- 2.66.060 Meetings.**

2.66.010 Creation. A bicycle/pedestrian advisory commission for the city of Eau Claire is hereby created. (Ord. 6692, 2006).

2.66.020 Purpose and intent. It is hereby declared a matter of public policy that the protection, improvement, and enhancement of the city transportation system to ensure safe and efficient movement of people and goods, and provide a variety of mode choices, while enhancing neighborhood livability and resident quality of life, is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the community. The purpose of this chapter is to:

- A. Provide substantive advice and guidance to the city council on bicycle and pedestrian related issues to help the community achieve the objectives outlined in the comprehensive plan;
- B. Provide a balanced and efficient transportation network that offers viable alternatives to driving and maximizes the use of existing investment;
- C. Improve pedestrian connections to create a continuous and seamless pedestrian system;
- D. Enhance the pedestrian environment to create a more walkable community;
- E. Continue to build a connected bicycle route and trail network that is viable, convenient, safe, and secure; and
- F. Encourage both utilitarian and recreational bicycling. (Ord. 6692, 2006).

2.66.030 Composition. A. The bicycle/pedestrian advisory commission shall consist of ten (10) members, which shall be recommended by the advisory committee on appointments and confirmed by the city council.

B. To the extent feasible, both transportation and recreational interests shall be represented, including, but not limited to bicycling organizations, organizations concerned with education and safety, business organizations, private citizens concerned with non-motorized transportation such as commuting, persons with disabilities, the aging community, recreational enthusiasts, and students.

C. The members of the commission shall elect to serve a one (1) year term a chair, vice-chair, secretary, and other officers as may be necessary from among the membership at the first meeting of the commission, after all appointments have been made. Said officers shall thereafter be elected for a one (1) year term, each year, at the first meeting after new appointments to the commission have been made.

D. The directors of community services, engineering, and community development, or their designees, shall serve as ex-officio, non-voting members and support staff to the commission. (Ord. 7202, 2016; Ord. 6692, 2006).

2.66.040 Procedure. A majority of the commission shall constitute a quorum. The commission shall adopt such by-laws as appropriate to further govern its proceedings. (Ord. 6692, 2006).

2.66.050 Duties and responsibilities. The commission shall have the following duties and responsibilities:

- A. Provide advice in the development of a bicycling master plan;
- B. Provide advice in the development of a pedestrian/sidewalk master plan;
- C. Provide guidance in the establishment of a list and prioritization of recommended bicycle and pedestrian facility improvements;
- D. Make recommendations on bicycle/pedestrian matters with an emphasis on policy and planning issues;
- E. Periodically review the results of policy implementation to ensure that the bicycle and pedestrian related goals of the comprehensive plan are being met;
- F. Advise the city council about citizen concerns regarding bicycle and pedestrian transportation matters;
- G. Make recommendations on how to improve institutional and professional responsiveness to promote non-motorized transportation;
- H. Educate and inform the public and local officials on bicycle, pedestrian, and multi-modal transportation issues;
- I. Facilitate citizen participation in local government considerations and decisions involving bicycle, pedestrian, and multi-modal transportation matters; and
- J. Promote bicycle, school, and pedestrian safety programs. (Ord. 6692, 2006).

2.66.060 Meetings. The commission shall hold regular meetings as may be provided by its by-laws, and may hold special meetings at the call of the chair or at the request of the city council. (Ord. 6692, 2006).

Chapter 2.68

OFFICERS' BONDS

Sections:

- 2.68.010 Treasurer relieved of bond.**
- 2.68.020 Obligation assumed by city.**
- 2.68.030 Comptroller.**
- 2.68.040 Chief of police.**

2.68.010 Treasurer relieved of bond. The city elects not to give the bond on the municipal treasurer provided for by Section 70.67(1) of the statutes. (Prior code §1.20(1)).

2.68.020 Obligation assumed by city. Pursuant to Section 70.67(2) of the Wisconsin Statutes, the city shall be obligated to pay, in case the treasurer thereof fails to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer. (Prior code §1.20(2) (part)).

2.68.030 Comptroller. The comptroller shall be covered with a fidelity bond of ten thousand dollars. The city shall pay the cost of such bond. (Ord. 4942, 1989; Prior code §1.15 V).

2.68.040 Chief of police. The chief of police shall be covered with a fidelity bond of ten thousand dollars. The city shall pay the cost of such bond. (Ord. 4942, 1989).

Chapter 2.70

DEPARTMENT OF HUMAN RESOURCES

Sections:

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 FEB -4 PM 2:04

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Patrick Tang

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13215 C.M.S.

**Ordinance Creating the Bicyclist and Pedestrian Advisory Commission and
Specifying the Terms and Responsibilities of its Commissioners**

WHEREAS, Metropolitan Transportation Commission Resolution 4108 requires each jurisdiction to have a City Council-appointed Bicycle and Pedestrian Advisory Committee as a prerequisite to receiving funds from Transportation Development Act Article 3; and

WHEREAS, Transportation Development Act Article 3 is a portion of state sales tax revenues dedicated to bicyclist and pedestrian projects and awarded to jurisdictions for eligible projects based on review and prioritization by a Bicycle and Pedestrian Advisory Committee; and

WHEREAS, the City seeks to receive Transportation Development Act Article 3 funds as a means for implementing the City's Bicycle Master Plan and Pedestrian Master Plan, both part of the Land Use and Transportation Element of the Oakland General Plan; and

WHEREAS, the City supports bicycling and walking to achieve policy goals on transportation, sustainability, public health, equity, and quality of life; and

WHEREAS, the City's Bicycle and Pedestrian Advisory Committee was formed in 1994 as an informal advisory body to the Public Works Agency and the committee has met monthly since 1995; and

WHEREAS, a City Council-appointed Bicyclist and Pedestrian Advisory Commission will satisfy these requirements, improve the City's competitiveness for discretionary grants, and promote bicycling and walking in Oakland; and

WHEREAS, Section 601 of the City Charter reserves to the City Council the authority to create boards and commissions by ordinance, and to prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby creates the Bicyclist and Pedestrian Advisory Commission.

Section 2. The purpose of the Bicyclist and Pedestrian Advisory Commission is to advise City Council and staff on bicyclist- and pedestrian-specific policies, projects, and programs, and on the accommodation of bicyclists and pedestrians in all transportation plans, policies, projects and programs. The Commission shall serve as a resource to City staff and a forum for the public's participation in and review of the City's efforts to improve the safety and access of walking and bicycling in Oakland. The duties and functions of the Commission are as follows:

- a. Review and advise on proposed projects for Transportation Development Act Article 3 funding;
- b. Provide input to staff on the expenditure of Measure B Bicycle & Pedestrian Pass-through funds.
- c. Provide input to staff in implementation of the Bicycle Master Plan, the Pedestrian Master Plan, and other related Plans.
- d. Identify projects and plans that are pertinent to the Commission's purpose and prioritize those projects and plans for design review by the Commission.

Section 3. The Commission shall consist of nine commissioners appointed by the Mayor and confirmed by the City Council. Five commissioners shall constitute a quorum and votes shall carry by a majority of the nine commissioners.

Section 4. The minimum qualifications for membership are that an individual must live in Oakland and have a demonstrated history of professional and/or community involvement with bicyclist and/or pedestrian issues. In selecting commissioners, the Mayor will strive for geographic representation of Oakland's neighborhoods.

Section 5. Commissioners shall be appointed to three year terms that begin on January 1. Commissioners shall serve no more than six consecutive years. Individuals who serve for six consecutive years may be reappointed to the Commission after one year of not serving as a commissioner. The terms shall be staggered such that three of the commissioners' terms will conclude on December 31 of the first year; three will conclude on December 31 of the second year; and three will conclude on December 31 of the third year. If a commissioner does not complete her or his term, a new commissioner shall be appointed for the duration of that term.

Section 6. The inaugural commissioners shall be appointed as follows. Subject to confirmation by the City Council, the Mayor will appoint commissioners with the following terms: three

commissioners with a term ending December 31, 2014; three commissioners with terms ending December 31, 2015; and three commissioners with terms ending December 31, 2016.

Section 7. In the event an appointment to fill a vacancy has not occurred by the conclusion of a commissioner's term, that commissioner may continue to serve on the Commission during the following term in a holdover capacity for a period not to exceed one year to allow for the appointment of a commissioner to serve the remainder of said following term. However, commissioners shall serve no more than six consecutive years.

Section 8. A commissioner may be removed for failing to meet attendance standards. The standards are based on a monthly meeting schedule and apply to regular meetings only, and not to special meetings of the Commission. A commissioner may be removed by a majority vote of the commissioners if in a calendar year that commissioner has four or more excused absences; or three or more unexcused absences; or three or more consecutive absences.

Section 9. The Chair of the Public Works Committee of the City Council shall serve as a liaison between the Bicyclist and Pedestrian Advisory Commission and the City Council. The Commission shall provide annual reports to the Public Works Committee of the City Council to summarize the Commission's work over the course of the year and to identify key policy issues affecting the safety of and access for bicyclists and pedestrians in Oakland.

Section 10. The Commission shall establish additional rules of operation and procedures for conducting its business by a majority vote of the commissioners.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB - 4 2014

PASSED BY THE FOLLOWING VOTE:

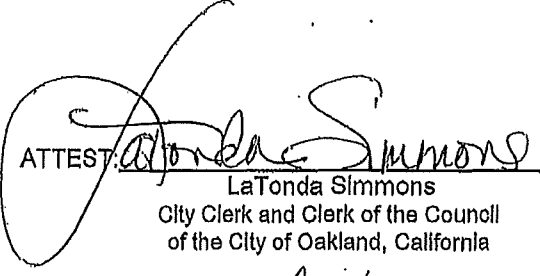
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date
JAN 21 2014

DATE OF ATTESTATION:

2/5/2014

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JAN 27 PM 4: 25

NOTICE AND DIGEST

Ordinance Creating the Bicyclist and Pedestrian Advisory Commission and Specifying the Terms and Responsibilities of its Commissioners

An Ordinance has been prepared that will create a Bicyclist and Pedestrian Advisory Commission in compliance with Metropolitan Transportation Commission Resolution 4108 regarding the required review of bicyclist and pedestrian projects funded by Transportation Development Act Article 3.

The purpose of the Bicyclist and Pedestrian Advisory Commission is to advise City Council and staff on bicyclist- and pedestrian-specific plans, policies, projects, and programs, and on the accommodation of bicyclists and pedestrians in all transportation plans, policies, projects and programs. The Commission will serve as a resource to City staff and a forum for the public's participation in the review of the City's efforts to improve the safety of and access to walking and bicycling in Oakland.

COPY

ORDINANCE NO. 2007-06-063

**AN ORDINANCE AMENDING THE BICYCLE
AND PEDESTRIAN ADVISORY COMMISSION ORDINANCE**

WHEREAS, in Ordinance No. 2006-06-072 passed by the Council on June 5, 2006, and signed by the Mayor on the 16th day of June, 2006, the Bicycle and Pedestrian Advisory Commission was established; and

WHEREAS, there is a need to clarify some matters contained therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The existing Section 23-147 entitled "Composition, appointment, quorum" as set forth in Ordinance No. 2006-06-072 is hereby repealed, and in its place is enacted the following:

"Section 23-147. Composition, appointment, terms, quorum.
(a) the Bicycle and Pedestrian Advisory Commission shall consist of eleven (11) members appointed by the Mayor, and approved by the Council, from constituencies which have an interest and expertise in bicycle and pedestrian issues. Four (4) members shall be representatives nominated by the following organizations:

- (1) Urbana School District No. 116;
- (2) the Urbana Park District;
- (3) the University of Illinois;
- (4) the City of Urbana Public Works Department.

All members shall be voting members.

(b) Six (6) members shall constitute a quorum.

(c) After the expiration of the initial appointments which were made prior to the effective date of this amendatory ordinance, members who are appointed shall serve for a 3-year term. Members appointed after the effective date of the amendatory ordinance shall be appointed in a manner to accomplish staggered membership, and thus, four (4) members shall be appointed for a one-year term, three (3) members for a two-year term and four (4) members for a three-year term, with all such terms to end on the 30th day of June as appropriate for the term for which they were appointed. Members shall continue to serve until their successors are appointed by the Mayor and approved by the city council."

COPY

Section 2. Section 23-148, Duties, as such exists in Ordinance No. 2006-06-072, is hereby amended to add (e) to read as follows:

"(e) The commission shall meet from time to time, at least once each quarter, on call of the chairperson or of any six (6) members."

Section 3. Section 23-149, entitled Meetings, absence of member, as such exists in Ordinance No. 2006-06-072, is hereby repealed upon the taking effect of this amendatory ordinance and the following shall be enacted in its place:

"Section 23-149. Removal of members. Appointed members may be removed by the Mayor for any of the following reasons:

(a) any member who was absent from three (3) duly noticed consecutive meetings;

(b) a member who violates the conflict of interest provisions of the commission's bylaws;

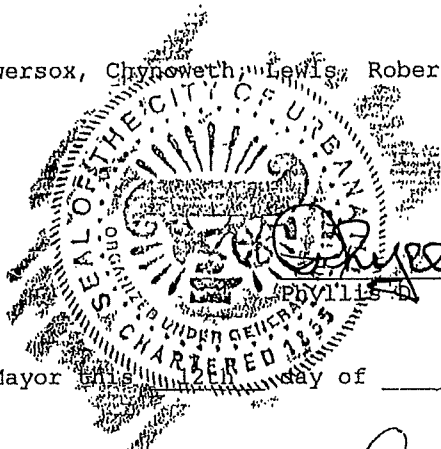
(c) for good cause as determined by the Mayor.

PASSED by the City Council this 9th day of July,
2007.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 9th day of July,
2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

[Special Council Meeting]

(150004) Published in the Wichita Eagle on February 15, 2013

ORDINANCE NO. 49-441

AN ORDINANCE CREATING SECTIONS 2.12.1140 – 2.12.1144 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO THE ESTABLISHMENT OF A BICYCLE AND PEDESTRIAN ADVISORY BOARD; PRESCRIBING THE FUNCTIONS, POWERS AND DUTIES OF SUCH BOARD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 2.12.1140 of the Code of the City of Wichita Kansas shall read as follows:

Wichita Bicycle and Pedestrian Advisory Board – Created.

There is created a City of Wichita Bicycle and Pedestrian Advisory Board to consist of eleven (11) members.

SECTION 2. Section 2.12.1141 of the Code of the City of Wichita shall read as follows:

Wichita Bicycle and Pedestrian Advisory Board – Members and Term.

- a) Seven members of the Wichita Bicycle and Pedestrian Advisory Board will be appointed by the City Council and four will be appointed by the City Manager. After the initial Wichita Bicycle and Pedestrian Advisory Board appointments in 2013, all appointments to the Wichita Bicycle and Pedestrian Advisory Board shall occur following an application and recommendation process coordinated by the Bicycle and Pedestrian Advisory Board.
- b) The initial appointments to the Wichita Bicycle and Pedestrian Advisory Board shall be staggered, consisting of six two-year terms and five one-year terms. After the initial appointment, the duration of all appointments shall be consistent with Section 2.12.020(1).
- c) The terms of office shall be set forth in Section 2.12.010 and 2.12.020. Members of the Wichita Bicycle and Pedestrian Advisory Board should include, but shall not be limited to, a mix of the following.
 1. A diverse group of citizens interested in making Wichita a better place to bicycle and walk. This includes but is not limited to:
 - Experienced and inexperienced bicyclists; and
 - Bicyclists and/or pedestrians representing seniors, students, and/or persons with disabilities.
 2. Different stakeholder groups including, but not limited to:
 - Bicycle and/or walking clubs (advocacy and/or riding clubs);
 - Representatives of business organizations, and bicycle and/or walk friendly businesses;
 - Schools and neighborhood organizations;
 - Organizations concerned with community health; and

- Organizations concerned with bicycling and/or walking safety.
3. Different stakeholders representing geographical locations throughout the city.

SECTION 3. Section 2.12.1142 of the Code of the City of Wichita shall read as follows.

Wichita Bicycle and Pedestrian Advisory Board – Purpose and Objectives.

The purpose of the Wichita Bicycle and Pedestrian Advisory Board shall be to advise the Mayor; City Council; the City Manager; all departments; all offices of the City; City boards and committees; and other public agencies that provide services within the City, on matters related to bicycling and/or walking and the impact that their actions may have on the bicycling and/or walking environment. This includes, but is not limited to:

- a) the creation, development, and revision of plans and policies related to bicycling and walking, including the Wichita Bicycle Master Plan;
- b) the implementation of plans and policies related to bicycling and walking, including the Wichita Bicycle Master Plan;
- c) the routing, operation, and safety of bicyclists and pedestrians;
- d) the establishment of priorities for new bicycle and/or pedestrian facilities or enhancement of existing bicycle and/or pedestrian facilities;
- e) funding for new bicycle and/or pedestrian facilities or enhancement of existing bicycle and/or pedestrian facilities, including the City Capital Improvement Program;
- f) the designs for new bicycle and/or pedestrian facilities or enhancement of existing bicycle and/or pedestrian facilities;
- g) the designs for improvements to roadways that impact plans and policies related to bicycling and walking;
- h) the language of ordinances and regulations that effect bicycling and/or walking;
- i) the establishment of priorities for maintenance and cleaning of roads, paths, sidewalks, and other facilities used by bicyclists and/or pedestrians; and
- j) the implementation of education and enforcement policies, projects and programs related to bicycling and walking.

SECTION 4. Section 2.12.1143 of the Code of the City of Wichita shall read as follows.

Wichita Bicycle and Pedestrian Advisory Board Officers, Meetings, Rules.

The Wichita Bicycle and Pedestrian Advisory Board shall conduct meetings, elect officers, and adopt by-laws in accordance with Section 2.12.020(1).

SECTION 5. Section 2.12.1144 of the Code of the City of Wichita shall read as follows.

Wichita Bicycle and Pedestrian Advisory Board – Staffing.

The City Manager shall assign such staff support to the Wichita Bicycle and Pedestrian Advisory Board to ensure that it receives informational support and professional and technical assistance necessary to carry on its duties and conduct its meetings. The staff support shall include, but not be limited to representatives from the Police, Public Works and Utilities, Planning, Transit, and Park and Recreation departments to attend the regularly scheduled meetings.

SECTION 6. This ordinance shall become effective and be in force from and after its adoption and publication once in the official City newspaper.

ADOPTED at Wichita, Kansas, this February 12, 2013.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

Noise
Norwalk City Code
Chapter 68

MEMORANDUM TO FILE

Date: May 8, 2017

From: Brian Candela

RE: Noise Ordinance requests for the May 16, 2017 committee meeting

- 1) Requested to revise the noise ordinance and make the following changes:
 - a. Draft language for a mixed use zone with a noise capacity of 45 dba
 - b. Draft language for a phase-in period
 - c. Draft language to make nighttime hours commence at 10:00 p.m.

See the requested revisions to the noise ordinance. Attached as Exhibit A.

In addition to the requests identified above, please note that Exhibit A includes the proposed revisions (red-line changes) to the noise ordinance that were made by Connecticut's Department of Energy & Environmental Protection.

2) Are the fines set in stone at \$250.00?

The only authority which I have found concerning municipal fines suggests that it cannot exceed \$250. However, there are municipalities that enact penalties which exceed the state statutes. Any amendment to the City of Norwalk's noise ordinance which increases the fines in excess of \$250 would have to be approved by the Department of Energy and Environmental Protection and could be challenged in court.

It is well recognized that a municipality only has powers that are expressly provided to it by the state. City Council of the City of West Haven v. Hall, 180 Conn. 243, 248 (1980) ("We have long recognized that as a creation of the state, a municipality has no inherent powers of its own ... the only powers a municipal corporation has are those which are expressly granted to it by the state.")

Connecticut General Statutes § 7-148 is entitled "Scope of Municipal Powers". Connecticut General Statutes § 7-148(c)(10)(A) allows the municipality to prescribe penalties that are not to exceed \$250.

Here is a summary of the penalties assigned for a violation of the noise ordinance by other municipalities: Ansonia (17-18): (1) initial violation of \$25; (2) second violation of \$50; and (3) third violation of \$100.

Bridgeport (8.80.100): \$100 fine and each day such violation occurs or continues after the time for correction of the violation given in an order has elapsed shall constitute a separate violation.

Bristol (15-25): Initial fine is \$90. Each day a violation continues after the issuance of a noise ticket shall constitute a continuing violation, and the amount of the fine for the second day shall be \$200, shall increase to \$400 for the third day and shall remain a \$400 fine for each and every day said violation continues thereafter.

Danbury (12-14(h)): \$25 for the first violation, \$50 for a subsequent violation occurring within 30 days of the first violation and \$75 for any subsequent violation occurring within 30 days of any previous violation not including the first violation.

Darien (38-51): Any person found in violation of the provision of this section shall be fined in an amount not to exceed Connecticut General Statutes § 7-148(c)(10)(A).

East Haven (12-55): Initial fine is \$55. In the case of continuing conduct, each 30 minute period after the initial violation shall constitute a separate violation. If another violation occurs in a 12 month period, the fine is increased to \$75.

Enfield (38-108): Initial violation is allowed a 2 week grace period to correct. Any violations occurring after the grace period totals \$50.

Greenwich (6B-10): Initial offense is a warning. Second offense is \$100 and each subsequent offense is \$249.

Hartford (23-8): \$90 fine or up to 25 days in jail.

New Haven (18-82): Any person in violation of this article shall be fined the maximum amount allowed by state statute. Each day such violation continues shall constitute a separate violation.

New London (14-75): Fine is limited to a range (\$10 - \$100).

Portland (12-46): Initial fine is \$50. Each day the violation continues after the time for correction shall constitute a continuing violation and the amount shall be doubled for each day. The maximum fine is \$400.

Seymour (8-61): Initial violation shall be fined in an amount of \$100. Each day the violation continues after the time for correction shall constitute a continuing violation and the amount shall be doubled for each day. The maximum fine is \$400.

Shelton (7-50): Any person found in violation of the provision of this section shall be fined in an amount not to exceed Connecticut General Statutes § 7-148(c)(10)(A).

South Windsor (50-62): The fine will not exceed \$99.

Stamford (164-10): Each violation totals \$90.

Trumbull (13-55): First offense is \$75 and each subsequent offense is \$100.

Waterford (9.08.090): Fine cannot exceed \$100.

Watertown (12-39): Fines are not to exceed the maximum permitted by the Connecticut General Statutes.

Westbrook (12-10): Initial fine is \$25. Each day such violation continues after the time for correction has expired shall constitute a continuing violation and the amount of the fine shall be doubled. However, the maximum fine shall not exceed \$400.

Westport (42-21): Fine is not to exceed \$99.

3) Obtain fee schedules and proposals for a noise consultant.

Brooks Acoustics proposal is attached as Exhibit B.
Eric Zwerling's proposal is attached as Exhibit C.

4) Can you use blight enforcement to impact the noise ordinance?

Numerous state laws authorize municipalities to regulate and address blighted properties. These statutes give municipalities the general authority to regulate and secure buildings, structures and businesses to promote health, safety, and welfare. Connecticut General Statutes § 7-148. Municipalities may address blight through their local health or building officials or fire marshal, in cases where the blighted conditions violate public health, building, or fire safety codes. The law authorizes municipalities to adopt and enforce blight ordinances, fine owners for violating these ordinances, impose liens and levy special assessments to recover unpaid fines and remediation costs. Connecticut General Statutes § 7-148(c)(7)(H)(xv); Connecticut General Statutes § 7-148aa, Connecticut General Statutes § 7-148ff, Connecticut General Statutes § 49-73b and Connecticut General Statutes § 47a-53.

Connecticut General Statutes § 19a-343 is entitled State action to abate public nuisance. Offenses. Connecticut General Statutes § 19a-343(c) states that “the issuance of three or more citations for a violation of a municipal ordinance as described in subsection (14) of this section, for the following offenses shall constitute the basis for bringing an action to abate a public nuisance ... (14) [v]iolation of a municipal ordinance resulting in the issuance of a citation for (A) excessive noise on nonresidential real property that significantly impacts the surrounding area, provided the municipality’s excessive noise ordinance is based on an objective standard.”

Chapter 58A of the Norwalk City Code is entitled Blight Prevention. Blight is defined as “(A) any condition which poses a serious or immediate danger to the health or safety of any citizenship of the community ... (E) [p]roperty has been cited for more than two code violations in the past which have not been corrected and are not subject of a pending appeal.” A code violation is defined as a violation of any zoning regulation, building code, public health code and fire code.

Pursuant to Connecticut General Statutes § 19a-343, it appears that Norwalk could use blight enforcement to regulate and/or impact the noise ordinance. However, while it appears that Norwalk can utilize this enforcement method to regulate the noise ordinance, it also seems that this might not be the most efficient means of enforcement. Allowing multiple departments to impact the noise ordinance might lead to conflicting decisions by those departments. Currently the health department has the sole power in enforcement proceedings in Chapter 68 (Noise) and also has the expertise to understand the impact that noise can have on the public.

5) Can you prevent a renewal of health license if there are a certain number of violations of the noise ordinance?

Municipalities have the authority to prohibit nuisances. Connecticut General Statutes § 7-148 authorized municipalities to: (1) prohibit and abate nuisances, including activities harmful to inhabitants’ health, morals, safety, convenience and welfare; (2) preserve the public peace and good order, prevent and quell disorderly assemblages, and prevent disturbing noises; and (3) keep streets, sidewalks, and public places free from undue noise and nuisances.

Connecticut General Statutes § 19a-206 is entitled Duties of municipal directors of health. This statute empowers municipal health directors and requires them to preserve the public health. It also provides them with the ability to levy fines and penalties as well as rescind licenses and/or permits.

Chapter 57 of the Norwalk City Code establishes a health department which is responsible for administering/enforcing health laws and investigating complaints of nuisances and conditions affecting the security of life and health in the city. The board of health shall have all the powers necessary for the promotion

and preservation of the general health of the inhabitants of Norwalk and for the suppression and prevention of nuisances which may be deemed detrimental to the general health. Chapter 68-10(B) provides the health department with the power to implement enforcement proceedings, such as an injunction or other appropriate remedies. These enforcement proceedings are not limited by any fines that might be levied in Chapter 68-10(A). Tomasso Bros., Inc. v. October Twenty-Four, Inc., 230 Conn. 641, 649 (1994) (Supreme Court has recognized production of noise to the detriment of one's neighbor as a continuing nuisance that may be subject to injunction). Maykut v. Plasko, 170 Conn. 310, 311 (1976) (while the defendants' use of property is lawful in the zone in which it exists, it may nevertheless be found to constitute a nuisance: "that a municipality by its zoning regulations condones certain uses is no defense to an unreasonable use constituting a nuisance").

Currently the health department has the sole power in enforcement proceedings in Chapter 68 (Noise) and also has the expertise to understand the impact that noise can have on the public. Connecticut General Statutes § 19a-206 allows municipal health directors to levy fines, penalties and rescind licenses and/or permits.

6) Can you cut the amount of hours that an establishment can serve liquor due to a certain number of violations of the noise ordinance? Can you restrict a liquor permit?

Connecticut General Statutes § 30-55a(b) is entitled Suspension of permit for violation of noise standards. This section holds that "[w]hen any permit premises where alcoholic liquor is consumed on the premises emits noise, which when measured at a radius of two hundred feet from the premises, as described in the permittee's application for a liquor permit, exceeds the ambient noise standard for the land use classification for the location at which such measurement is made, as established by the Department of Energy and Environmental Protection pursuant to section 22a-69, the Department of Consumer Protection may suspend the permit to sell alcoholic liquor for three days for a first violation, five days for a second violation and fourteen days for any subsequent violation."

See also Nelseco Nav. Co. v. Department of Liquor Control, 226 Conn. 418 (1993) (the state's power and authority over the regulation of the liquor business is broad and pervasive ... the state's power is not limited to business hours or to the sale of liquor and the legislature intended to confer on the state the authority to police a wide range of matters related to the liquor business).

Pursuant to Connecticut General Statutes § 30-55a(b), it appears that Norwalk could suspend a permit to sell alcohol.

7) Who will enforce the noise ordinance? When will it be enforced?

Section 68-10 of the Norwalk Noise Ordinance is entitled Violations and Penalties. I have amended this section to add enforcement (found in section 68-10D).

Bridgeport: Section 8.80.130 (Enforcement) is enforced by the Police and Health Department.

Hamden: Section 7 (Enforcement & Penalties) is enforced by the Police.

Hartford: Section 23-7 (Enforcement) is enforced by the Police.

New Haven: Section 18-89 (Enforcement) is enforced by the Police and Health Department.

Stamford: Section 164-13 (Enforcement) is enforced by the Police and Health Department.

8) Can you revoke old permits with a new ordinance? Can you implement a geographic restriction on a noise ordinance?

According to the Office of Legislative Research, noise control ordinances can be retroactive, just as emissions standards. Noise control ordinances are viewed as ways of dealing with pollution. However, I could not locate a test case where a court upheld a retroactive ordinance. The Connecticut Conference of Municipalities could not provide any additional evidence either.

The common law of most states recognize that a property owner may acquire a vested interest in certain development or use of property. A common law vested right has been determined by most states to vest the property owner against changes in land-use regulations where the property owner has relied in a good faith on governmental actions tending to support or affirm the property owner's expected use of his/her property. A vested right to use private property is a right that is immune to the governmental exercise of its police power. The vested right concept is a part of the balancing of the respective legitimate interests of the private property owner against those of the general public. Most jurisdictions have recognized common law vested rights in the following five circumstances:

- a) Property owner in good faith has made substantial expenditures in expectation of a particular use of the property;
- b) Where local government has approved a particular plan of development;
- c) Site-specific rezoning may also vest a property owner's rights in the underlying uses permitted by the site-specific zoning;
- d) Approval of phased projects or planned developments; and
- e) Issuance of building permits.

Typically one or more of these five factors is present where a court determines that rights have vested against local governmental regulatory change. Although not strictly a common law vested right, it should be noted that the pending ordinance doctrine adopted by some states provides for vesting in some circumstances despite proposed regulatory changes. In those states adhering to the pending ordinance doctrine, the general rule is that for a property owner to vest rights under regulations existing at the time of an application, the application must be determined complete, there must be no pending regulatory changes of which the property owner is aware, or should be aware, and the application must be submitted in good faith. It should be noted that I have not been able to locate a decision in Connecticut that discusses the pending ordinance doctrine.

In Husti v. Zuckerman Property Enterprises, 199 Conn. 575 (1986), the Connecticut Supreme Court upheld a Shelton zoning regulation banning outdoor concerts and theatrical performances in residential zones in order to confine this activity to "sections of the city that are well suited to accommodate the secondary effects of such activities." Id. at 581. The court stated that it had "held on numerous occasions that zoning restrictions, so far as they reasonably promote public health, safety, and welfare without depriving landowners of all economically viable use of their property, are constitutional even though the effect of the restrictions may be to limit the exercise of private property rights." Id. at 580. This regulation withstood the constitutional challenges even though "[a]rguably the city could have chosen to address ... [threats to safety and tranquility] by limiting the decibel levels of concerts [or] limiting audience size ..." Id. at 584. "Any provision of a statute or ordinance abrogating such a [vested] right in an unreasonable manner, or in a manner not related to the public welfare, is invalid." Petruzzi v. Zoning Board of Appeals, 176 Conn. 479, 484 (1979); Lampasona v. Planning and Zoning Commission of North Stonington, 6 Conn. App. 237, 239 (1986).

While Norwalk can pass a retroactive noise ordinance, it is likely that an aggrieved landowner would assert that his/her property was grandfathered in under the prior ordinance section and has therefore obtained a vested property right. In response, Norwalk would argue that the value of a retroactive noise ordinance is for the health and safety of the entire community. It is anticipated that a retroactive noise ordinance would lead to

potential future litigation. A court, hearing such as a lawsuit, would most likely utilize a balancing test between the aggrieved landowner and the general public.

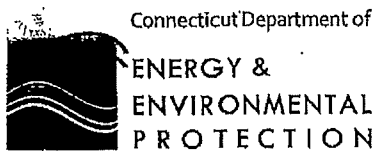
It might be problematic for Norwalk to implement a geographic restriction on a potential updated noise ordinance because the logical basis for it is to protect the health and safety of the entire community, not just a specific area.

9) Issues concerning outdoor noise.

Municipalities can regulate outdoor entertainment by virtue of their authority to prohibit nuisances. Connecticut General Statutes § 7-148 authorized municipalities to: (1) prohibit and abate nuisances, including activities harmful to inhabitants' health, morals, safety, convenience and welfare; (2) preserve the public peace and good order, prevent and quell disorderly assemblages, and prevent disturbing noises; and (3) keep streets, sidewalks, and public places free from undue noise and nuisances. Outdoor entertainment may constitute a private nuisance, thus subjecting it to municipal regulation, when it unreasonably interferes with neighbors' use and enjoyment of their homes. In Esposito v. New Britain Baseball Club, 49 Conn. Sup. 509 (2005), the Superior Court held that nearly biweekly fireworks displays at the conclusion of minor league baseball games constituted a private nuisance. The court held that "the severity of the interference ... outweighs the benefits of the interfering use which is, fundamentally, a profit making enterprise that provides entertainment. While the court recognizes and applauds the social utility of that business to the city, it is not sufficient to justify the extent to which these individual plaintiffs have suffered and will suffer." Id. at 526.

Connecticut courts have also upheld zoning regulations that restrict certain activities that affect residents' health, welfare, or safety. In Husti v. Zuckerman Property Enterprises, 199 Conn. 575 (1986), the Connecticut Supreme Court upheld a Shelton zoning regulation banning outdoor concerts and theatrical performances in residential zones in order to confine this activity to "sections of the city that are well suited to accommodate the secondary effects of such activities." Id. at 581. The court stated that it had "held on numerous occasions that zoning restrictions, so far as they reasonably promote public health, safety, and welfare without depriving landowners of all economically viable use of their property, are constitutional even though the effect of the restrictions may be to limit the exercise of private property rights." Id. at 580. This regulation withstood the constitutional challenges even though "[a]rguably the city could have chosen to address ... [threats to safety and tranquility] by limiting the decibel levels of concerts [or] limiting audience size ..." Id. at 584. The U.S. Supreme Court dismissed this appeal for want of a substantial federal question. See also Town of Woodbury v. Taylor, Superior Court, judicial district of Waterbury, 1993 WL 544630, *6 (1993) ("the presentation of concert performances ... in a residential neighborhood would threaten the quality of life and safety of the inhabitants of the neighborhood by causing noise, attracting large crowds and creating large amounts of traffic on residential rural roads unless controlled by the appropriate municipal agency which in this case is the Woodbury Zoning Commission.")

Exhibit A



79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

Attorney Matt Sapienza
City of Norwalk
Office of Corporation Council
125 East Avenue, Rm 237
Norwalk, CT 06851

RE: Preapproval of Norwalk's Proposed Noise Ordinance Amendments

Dear Attorney Sapienza:

This correspondence is in response to your letter of March 3, 2017, requesting the Department of Energy and Environmental Protection's (DEEP) preapproval of the City of Norwalk's (City) proposed noise control ordinance amendments. Based on DEEP's review of the ordinance, the proposal conforms to state noise control standards for sources of noise and DEEP therefore is granting preapproval for the City of Norwalk's proposed noise ordinance. Also attached, please find suggested revisions to the ordinance DEEP recommends prior to adoption by the City to clarify non-substantial errors in the proposal.

Once the City has approved the ordinance amendments please submit it to Paul Kritzler, Paul.Kritzler@ct.gov, in the Bureau of Air Management. The ordinance will then be presented to the Commissioner of DEEP for final approval. If you have any questions please call Mr. Kritzler at (860) 424-3889.

A handwritten signature in dark ink, appearing to read "Richard A. Pirolli", is written over a horizontal line.

Richard A. Pirolli, Director
Bureau of Air Management
Division of Planning and Standards

Date

3/17/17

Attachment 1

City of Norwalk Proposed Noise Ordinance

Suggested Revisions

1. Section 68-3, "Construction Site." "demolition taxes place" should be "demolition takes place."

Reason: Typo

2. Section 68-6(A). Should read "It shall be unlawful for any person to make, continue, or cause to be made or continued, and loud, unnecessary or unreasonable noise.

Reason: Oxford comma inclusion to properly differentiate prohibitions. Disjunctive to conform with the language common to other jurisdictions within the state.

3. Section 68-6(B)(2) and (B)(2)(b). "wren" should be "when."

Reason: Typo

4. Section 68-6(B)(2). Suggest amendment to "No mobile source engine shall be allowed to operate for more than three minutes when the mobile source is not in motion in accordance with the prohibitions and exemptions of section 22a-174-18 of the Regulations of Connecticut State Agencies."

Reason: As written the anti-idling provisions do not include all of the exemptions that the state regulations include. That may be by design. If not, the suggested revision would capture the exemptions of the state regulation as well as prevent the City from needing to make revisions to the ordinance if the state idling regulations were to change (i.e. more or less exemptions were to be added or subtracted.)

5. Section 68-6(B)(2)(7). "Nighttime. In-house construction" should be "Nighttime in-house construction."

Reason: Remove unnecessary period.

6. Section 68-9(A). Suggest change "make tests" to "conduct tests".
7. Section 68-11. All references to the "Connecticut Department of Environmental Protection" should be changed to "Connecticut Department of **Energy and** Environmental Protection."

Reason: For accuracy.

[HISTORY: Adopted by the City of Norwalk Common Council 7-26-1983; amended in its entirety 9-19-2001. Subsequent amendments noted where applicable.]

Chapter 68. Noise

§ 68-1. Short title.

This chapter shall be known as the "City of Norwalk Noise Control Ordinance."

§ 68-2. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Norwalk through the reduction, control and prevention of noise.

§ 68-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

AMBIENT NOISE or BACKGROUND NOISE

Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

COMMERCIAL ZONE

All commercial districts, business districts, as defined in the Zoning Regulations of the City of Norwalk,^u and all uses associated therewith, either permitted as a right or as a special use.

COMMON COUNCIL

The Common Council of the City of Norwalk.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

CONSTRUCTION EQUIPMENT

Any equipment or device operated by fuel pneumatically or electric power used in construction or demolition work.

CONSTRUCTION SITE

Site where construction or demolition takes place.

DAYTIME HOURS

The hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, the hours between 8:00 a.m. and 8:00 p.m. on Saturday and the hours 9:00 a.m. through 8:00 p.m. on Sundays and federal and state holidays.

DECIBEL

A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (sound pressure level) is defined as:

$$\text{SPL} = 20 \log P/P_0 \text{ in dB}$$

Where

$$P_0 = 0.0002 \text{ microbar}$$

DEMOLITION

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DIRECTOR OF HEALTH

The Health Director of the City of Norwalk.

DOMESTIC POWER EQUIPMENT

Not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a home owner.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE

Any motor vehicle authorized by the City of Norwalk to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

EMERGENCY WORK

Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

HEALTH BOARD

As defined in Chapter 57 in the City Code.

IMPULSE NOISE

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE

All industrial districts as defined by the Zoning Regulations of the City of Norwalk.

MIXED USE ZONE

All city-owned property which are zoned for multiple purposes (residential-commercial, residential-industrial), as defined in the Zoning Regulations of the City of Norwalk, and all uses permitted therewith either as a right or as a special use.

MOTOR VEHICLE

Per Section 14-1(26) of the Connecticut General Statutes, as amended.

MUFFLER

A device for abating sounds, such as those produced by escaping gases.

NIGHTTIME HOURS

The hours between 8:00 p.m. and 7:00 a.m., Sunday evening through Friday morning, Friday evening 8:00 p.m. through 8:00 a.m. Saturday morning and Saturday evening 8:00 p.m. through 9:00 a.m. Sunday morning. Saturday nighttime hours apply to state and federal holidays.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 68-5B or C of this chapter.

NOISE DISTURBANCE

Any sound which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person, or which causes injury or damage to property or business.

NOISE LEVEL

The sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The level so read is designed "dB(A)" or "dBA."

NOISE SENSITIVE ZONE

Any area designated by the Norwalk Board of Health as a "noise-sensitive zone" where noise problems are likely to occur or known to exist. As a minimum requirement, said zone must

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include within its boundaries a school, hospital, house of worship, day-care center, nursing home, public library, senior citizen center, residence or court.

PERSON

Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES

Any buildings, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

PROPERTY LINE

That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL VEHICLE

Any internal combustion-engine powered vehicle which is being used for recreational purposes.

RESIDENTIAL ZONE

All city-owned property used for recreational or educational purposes and all residential districts and any commercial district when used for residential purposes, as defined in the Zoning Regulations of the City of Norwalk, and all uses permitted therewith either as a right or as a special use.

SOUND

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL METER

An instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 (Type S2A).

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter (20×10^{-6} Newtons/meter²), and is expressed in decibels (dB).

§ 68-4. Noise level measurement procedures.

For the purpose of determining noise level as set forth in this chapter, the following guidelines shall be applicable:

A.

All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.

B.

Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this chapter.

C.

The general steps listed below shall be followed when preparing to take sound level measurements:

(1)

The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

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(2)

The sound level meter shall be calibrated before and after each set of measurements.

(3)

When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.

(4)

The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.

(5)

Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

D.

~~Multiple uses. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards.~~

Mixed uses. Where multiple uses exist within a mixed use noise zone, no person shall emit noise beyond the boundary of his/her premises exceeding the level stated below in section 68-5(b)(4).

§ 68-5. Noise levels.

A.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this chapter.

B.

Noise level standards.

(1)

No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential (day)	Residential (night)
Residential	62 dBA's	55 dBA's	55 dBA's	45 dBA's

(2)

No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential (day)	Residential (night)
Commercial	62 dBA's	62 dBA's	55 dBA's	45 dBA's

(3)

No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential (day)	Residential (night)
Industrial	70 dBA's	66 dBA's	61 dBA's	51 dBA's

(4)

No person in a mixed use zone, shall emit noise beyond the boundary of his/her premises exceeding the level stated herein: in excess of 42db(A) as measured inside any receiving property with a sound level meter. The provisions of this chapter that would be in violation of the date of adoption shall enjoy lawful nonconforming use status for a period of one year from the enactment of this section. Thereafter, they shall be in full force and effect for all properties.

C.

High background noise levels and impulse noise.

(1)

In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA's, provided that no source subject to the provisions of this chapter shall emit noise in excess of 80 dBA's at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.

(2)

No person shall cause or allow the emission of impulse noise in excess of 80 dB's peak sound pressure level during the nighttime to any residential noise zone.

(3)

No person shall cause or allow the emission of impulse noise in excess of 100 dB's peak sound pressure level at any time to any zone.

D.

Exclusions. These levels shall not apply to noise emitted by or related to:

(1)

Natural phenomena.

(2)

Any bell or chime from any building clock, school or church.

(3)

Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation.

(4)

Warning devices required by OSHA or other state or federal safety regulations.

(5)

Farming equipment or farming activity.

E.

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

(1)

Noise generated by any construction equipment which is operated during daytime hours.

(2)

Noise created as a result of, or relating to, an emergency.

(3)

Noise from domestic power equipment, such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises that result therefrom.

(4)

Noise from snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(5)

Noise from demolition work conducted during daytime hours.

(6)

Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

(7)

Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City, including, but not limited to, parades, sporting events, concerts and firework displays.

(8)

Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(9)

Noise created by the normal and ordinary activities of the Department of Public Works or any taxing district utility, including but not limited to the following: street sweeping, snow and ice control, maintenance of the sanitary sewer collection system, maintenance of storm drainage systems, solid waste collection and disposal, maintenance of traffic control devices and operation of off-street parking facilities.

(10)

Noise created by public school construction.

§ 68-6. Prohibited activities.

A.

General prohibition. It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary and or unreasonable noise.

B.

The following activities are prohibited:

(1)

Vehicle horns. No person shall at any time sound any horn or audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

(2)

Emissions from stationary or idling mobile sources. No mobile source engine shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion in accordance with the prohibitions and exemptions of section 22a-174-18 of the Regulations of Connecticut State Agencies except as follows:

(a)

~~When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;~~

(b)

~~When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;~~

(c)

~~To bring the mobile source to the manufacturer's recommended operating temperature;~~

(d)

~~When the outdoor temperature is below 20°F;~~

(e)

~~When the mobile source is being repaired.~~

(3)

Exhaust discharge. No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge is through a muffler as defined by § 68-3 of this chapter or through an apparatus providing equal noise reduction and that meet noise level requirements identified in § 68-5B.

(4)

Construction. No person shall at any time operate construction equipment on the construction or demolition site or carry on any construction or demolition during nighttime hours, except in an emergency in the interest of public safety and then only with a permit from the Director of Health or his designee and subject to all other applicable rules and regulations provided by state and local law, and said permit may not exceed a period of three days.

(5)

Blasting. No person shall at any time carry on blasting between the hours of 5:00 p.m. and 8:00 a.m. except in an emergency in the interest of public safety and then only with a permit from the Director of Health or his designee and subject to all other applicable rules and regulations provided by state and local law and the permit may not exceed a period of three days.

(6)

Leaf blowers. No person shall at any time operate a leaf blower during nighttime hours in a residential zone.

(7)

Nighttime--In-house construction. No person shall carry on nighttime in-house construction unless that construction activity takes place solely within the structure and emits no sound or noise outside of the structure.

§ 68-7. Motor vehicles.

A.

All motor vehicles operated within the limits of the City of Norwalk shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Sections 14-80a-1a through 14-80a-10a, inclusive, of the Regulations of Connecticut State Agencies.

B.

No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § **68-5B** or C.

C.

This section dealing with motor vehicle noise shall be enforced by the Chief of Police and/or his designated subordinates.

§ 68-8. Recreational vehicles; loudspeakers; sound reproduction systems.

A.

No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in § **68-5B** or C.

B.

The Norwalk Board of Health may designate noise-sensitive zones where noise problems are particularly likely to occur and likely to cause unusual problems. Loudspeakers and public address systems may be prohibited in such noise-sensitive zones by the Norwalk Board of Health.

C.

Operating, playing or permitting the operation or playing of any radio, television, phonograph or similar device which reproduces or amplifies sounds in such a manner as to create a noise disturbance is prohibited.

§ 68-9. Inspections.

A.

For the purpose of determining compliance with the provisions of this chapter, the Chief of Police and/or his/her designated representative-subordinates and/or the Director of Health and/or his/her designated subordinates is-are hereby authorized to make inspections of all noise sources and to take measurements and make conduct tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Chief of Police and/or his/her designated representative-subordinates may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

B.

It shall be unlawful for any person to refuse to allow or permit the Chief of Police and/or his/her designated representative-subordinates and/or the Director of Health and/or his/her designated subordinates free access to any premises when the Chief of Police and/or his/her designated representative-subordinates and/or the Director of Health and/or his/her designated subordinates is are acting in compliance with a warrant for inspection and-or order issued by the appropriate court.

C.

It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

D.

No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

§ 68-10. Violations, and penalties and enforcement.

A.

Any person who violates any provision of this chapter or any rule or regulation in force pursuant thereto shall be subject to a fine of no more than \$99 for the first offense, and \$250 for each subsequent offense within one year of the last offense. Each violation shall constitute a separate offense.

B.

Action pursuant to Subsection A of this section shall not be a bar to enforcement of this chapter, rules and regulations in force pursuant thereto and orders made pursuant to this chapter, by injunction or other appropriate remedy, and the Department of Health shall have the power to institute and maintain in the name of the City of Norwalk any and all such enforcement proceedings.

C.

Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

D.

Notwithstanding anything contained herein to the contrary, the Chief of Police and/or his/her designated subordinates and/or the Director of Health and/or his/her designated subordinates are hereby authorized to enforce Chapter 68.

§ 68-11. Variances; promulgation of regulations; contracts.

A.
Variances.

(1)
Any person living or doing business in Norwalk may apply to the Director of Health for a variance from one or more of the provisions of the chapter, which are more stringent than the Connecticut Department of Energy and Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Director of Health:

(a)
Location and nature of activity.

(b)
The time period and hours of operation of said activity.

(c)
The nature and intensity of the noise that will be generated.

(d)
Any other information required by the Director of Health.

(2)
No variance from these regulations shall be issued unless it has been demonstrated that:

(a)
The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection regulations.

(b)
The noise levels generated by the proposed activity will not constitute a danger to the public health.

(c)
Compliance with the regulations constitutes an unreasonable hardship on the applicant.

(3)
Following receipt and review of an application for a variance, the Director of Health shall fix a date, time and location for a hearing on such application.

(4)
The Director of Health shall cause the applicant to publish at his/her own expense all notices of hearings and other notices required by law, including, but not limited to, notification of all abutters of record and property owners within 200 feet.

(5)
Within 65 days of the receipt of the record of the hearings on a variance application, the Director of Health shall issue his/her determination regarding such application. All such decisions shall briefly set forth the reasons for the decision.

(6)
The Director of Health may, at his/her discretion, limit the duration of any variance granted under this chapter. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this chapter. Any such application shall include a certification of compliance with any condition imposed under the proposed variance.

(7)
The Director of Health may attach to any variance any reasonable conditions he/she deems necessary and desirable, including, but not limited to:

(a)

Requirements for the best practical noise control measures to be taken by the owner or operator of the source to minimize noise during the period of the variance.

(b)

Requirements for periodic reports submitted by the applicant relating to noise, to compliance with any other conditions under which the variance was granted or to any other information the Director of Health deems necessary.

(8)

The filing of an application for a variance shall operate as a stay of prosecution, except that such stay may be terminated by the Director of Health upon application of any party if the Director of Health finds that protection of the public health so requires.

(9)

In any case where a person seeking a variance contends that compliance with any provision of these regulations is not practical or possible because of the cost involved either in installing noise control equipment or changing or curtailing the operation in any manner, he/she shall make available to the Director of Health such financial records as the Director of Health may require.

(10)

A variance may include a compliance schedule and requirements for periodic reporting of increments of achievement of compliance.

(11)

Failure to rule on the application in the designated time shall constitute approval of the variance.

B.

Any person aggrieved by the decision of the Director of Health with respect to any variance may appeal to the Common Council within a period of 10 days of the reception of the Health Director's decision.

C.

The Director of Health is herewith authorized to recommend regulations from time to time not inconsistent with the State Public Health Code and/or the regulations of the State Department of Environmental Protection regarding noise which shall, upon approval by the Common Council and State of Connecticut Department of Energy and Environmental Protection, become effective therewith.

D.

Contracts. Any written agreement, purchase order or contract whereby the City of Norwalk is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed, conducted or manufactured without violating the provisions of the chapter.

§ 68-12. Severability.

If any clause, sentence, paragraph or part of this chapter, or the application thereof to any person, firm, corporation or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporation or circumstances, but shall be confined in its operation to the clause, paragraph or part thereof directly

involved in the controversy in which said judgment shall have been rendered and to the person, firm, corporation or circumstances involved. It is hereby declared to be the legislative intent of this body that this chapter would have been adopted had such invalid provisions not been included.

§ 68-13. Conflict with other regulations.

In the event that provisions or standards of this chapter or adopted under this chapter shall conflict with regulations or standards set by the State of Connecticut Department of Environmental Protection, the more strict standard shall apply.

§ 68-14. Word usage.

In construing this chapter, masculine or neuter pronouns shall be substituted for those of feminine form and vice versa, and the plural of the singular and the singular of the plural, shall be substituted in any case which the context may require.

§ 68-15. When effective.

This chapter shall be effective 10 days from its passage.

Exhibit B

Candela, Brian

From: Bennett Brooks <bbrooks@brooksacoustics.com>
Sent: Tuesday, May 02, 2017 3:12 PM
To: Candela, Brian
Subject: Re: Brooks Acoustics
Attachments: City of Norwalk - proposed noise ordinance revision .pdf

Hi Brian

Attached please find our proposal to assist with the noise ordinance revision.

Please contact me with any questions.

I look forward to working with you on this important project.

Best regards
Bennett

On Mon, May 1, 2017 at 3:42 PM, Bennett Brooks <bbrooks@brooksacoustics.com> wrote:
Hi Brian

Thanks for asking. We will have the proposal to you tomorrow.

Best regards
Bennett

On Mon, May 1, 2017 at 10:09 AM, Candela, Brian <bcandela@norwalkct.org> wrote:

Bennett:

Can you provide me with an update on the status of your proposal? Thanks and I hope you had a nice weekend.

Brian Candela, Esq.

Assistant Corporation Counsel

City of Norwalk

125 East Avenue

Norwalk, CT 06851

Phone: (203) 854-7295

Fax: (203) 854-7901

From: Candela, Brian

Sent: Monday, April 24, 2017 11:04 AM

To: bbrooks@brooksacoustics.com

Cc: Candela, Brian <bcandela@norwalkct.org>; Melendez, EloisaM <eloisa.melendez@hotmail.com>

Subject: Brooks Acoustics

Bennett:

On April 19, 2017, I reached out to Brooks Acoustics concerning the City of Norwalk's noise ordinance. Norwalk is looking to revise and amend its' entire noise ordinance. We are looking for assistance in research and consultation as well as in the drafting of the noise ordinance. We are looking for a proposal, or price quote, to determine if we should retain your company to assist in this endeavor. In addition to an approximate cost, we are also seeking a timeline when Brooks Acoustics might be able to complete this project. Please reach out this week, if possible, to advise if your company is interested in this matter.

I would like to present your proposal to the ordinance committee at our next meeting for their consideration. Therefore, if interested, please provide me with your proposal no later than May 5, 2017. Thank you for speaking with me about this matter previously and call me if you have any questions or concerns.

Brian Candela, Esq.

Assistant Corporation Counsel

City of Norwalk

125 East Avenue

Norwalk, CT 06851

Phone: (203) 854-7295

Fax: (203) 854-7901

--

Bennett M. Brooks PE FASA INCE
President
BROOKS ACOUSTICS CORP

30 Lafayette Square, Suite 103
Vernon, CT 06066
860.896.1081

49 N. Federal Highway #121
Pompano Beach, FL 33062
754.229.1450

www.brooksacoustics.com

National Council of Acoustical Consultants (NCAC) Member Firm

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Mr. Brian Candela, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851

2 May 2017

Subject: Proposal - Acoustical engineering services – Proposed Noise Ordinance Revision

Dear Mr. Candela:

Thank you for asking Brooks Acoustics Corporation (BAC) to submit a proposal to review, research and assist in a proposed revision of the City of Norwalk Noise Ordinance (Chapter 68).

I am familiar with the noise ordinance revision process, having assisted several Towns in Connecticut with similar projects, including Cromwell, Manchester and Enfield. Further, I serve as the Co-chair of the American National Standards Institute (ANSI) Committee on Community Noise Ordinances.

BAC is pleased to offer the following acoustical engineering services: A review will be made of the available documents on the subject matter. Research will be conducted of the appropriate criteria for sound emissions, including applicable noise ordinances and regulations with regard to zones and land uses. Suggested language will be crafted for a proposed noise ordinance revision, in collaboration with the Corporation Counsel, and other city officials as appropriate. The proposed ordinance revision may be presented at an appropriate venue, such as a public hearing, as needed. As appropriate, responses from stakeholders will be studied and may be incorporated into the proposed revision. A summary report of the study findings will be written, as may be appropriate.

The above described effort will be charged as Senior Consultant engineering time, at the labor rate of \$250/hour, plus miscellaneous laboratory and travel expenses, in accordance with the attached contract terms. If additional services are required, they will be provided at the attached terms and conditions contract rates.

As this is a potential ordinance revision matter, it is difficult to make an exact estimate of the labor hours and fees which are involved. Based on previous similar projects, the labor hours which may be required could range from 20 to 40 hours. The corresponding fees could be from approximately \$5000 to \$10,000, depending on the scope of services that are required. All efforts will be made to provide the engineering services required in the most expeditious manner and at the least cost.

Please review the attached contract terms sheet and return with an authorized signature to our CT office for processing, at the following address.

Brooks Acoustics Corporation
30 Lafayette Square, Suite 103
Vernon, CT 06066

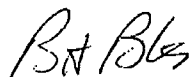
Attention: Kathie Thomas, Office Manager
Email: kathie@brooksacoustics.com
Phone: 860-896-1081

Please apply an authorized signature below to indicate agreement with these terms and return to our CT office in order to commence services.

_____	_____	_____
Name	Title	Date

I look forward to working with you on this important project.

Very truly yours,
BROOKS ACOUSTICS CORPORATION



Bennett M. Brooks, PE, FASA, INCE
President

Attachment

General Terms and Conditions

Fees: The total fee, as stated by Brooks Acoustics Corporation (BAC), shall be understood to be an estimate, and shall not be exceeded by more than ten percent without approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered. Hourly labor rates (US Dollars) are as follows:

Senior Consultant.....	\$250.00
Consultant	200.00
Senior Associate	160.00
Associate.....	130.00
Chief Technician	110.00
Senior Technician	100.00
Technician	90.00
Laboratory Assistant	80.00

The Minimum Fee for individual projects is \$2500.00.

A retainer fee of \$00.00 shall be paid by the Client to BAC, or a Purchase Order shall be issued, as a condition to commence services. Monthly progress payments shall be made during the project duration.

Reimbursable Expenses: Reimbursable expenses are defined as follows and shall be invoiced at direct cost: (1) Travel and Subsistence. (2) Reproduction of documents, telephone and telefax, shipping and mailing expenses. (3) Use of BAC vehicles at 55 cents per mile. (4) Any other direct disbursements and fees made on behalf of the client.

Indemnification: (1) The Client agrees to indemnify and hold harmless BAC against all damages, losses or costs to the extent caused by Client's negligent acts in connection with the project and the acts of anyone for whom the Client is legally liable. (2) Whereas job-site safety conditions are the sole responsibility of the Contractor, the Client agrees to hold harmless and indemnify BAC for and against all claims, damages, awards and costs of defense arising out of claims related to job-site safety. (3) The Client agrees to stipulate within the Contract Documents that the Contractor or Client shall purchase and maintain, during the course of construction, "all-risk" builder's risk insurance which names the contractor, the Client's agents and BAC as additional insureds.

Risk Allocation: In recognition of the relative risks, rewards and benefits of the project to both the Client and BAC, the risks have been allocated such that, BAC's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed ten times our fee or \$50,000, whichever is less. Such causes include, but are not limited to BAC's negligence, errors, omissions, strict liability, breach of contract and breach of warranty.

Fiduciary Responsibility: The Client confirms that neither BAC nor any of BAC's subconsultants or subcontractors owes a fiduciary responsibility to Client or owner. The

Client also confirms that the owner has so agreed in owner's agreement with client.

Termination: (1) This agreement between Client and BAC may be terminated by either party upon (7) seven days' written notice in the event of persistent failure of performance of the material terms and conditions of this agreement by the other party through no fault of the terminating party. (2) If this agreement is terminated during the course of performance of the work, BAC shall be paid the reasonable value of the services performed during the period prior to the effective date of termination of the agreement. (3) In the event of termination, BAC shall be paid all termination expenses resulting therefrom. (4) If, prior to termination of this agreement, any work designed or specified by BAC during any phase of the work is suspended in whole or in part for more than three months or abandoned after written notice from the Client, BAC shall be paid for such services performed prior to receipt of such notice.

Billings/Payments: Invoices for BAC's services shall be submitted, at BAC's option, either upon completion of such services or on a monthly basis. **Invoices shall be payable upon receipt. Final invoice shall be payable upon receipt of final documentation – CASH ON DELIVERY (COD).** Client shall be responsible for all costs of collection including reasonable attorney's fees.

Document Ownership: All documents, electronic files and any intellectual work, including patentable designs, produced by BAC under this agreement shall remain the property of BAC and may not be used by the Client for any other endeavor without the written consent of BAC.

Mediation: In addition to and prior to arbitration, the parties shall endeavor to settle disputes by mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect unless the parties mutually agree otherwise. Demand for mediation shall be filed in writing with the other party to this agreement and with the American Arbitration Association. A demand for mediation shall be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event shall the demand for mediation be made after the date when institution of legal or equitable proceeding based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

Accepted by: City of Norwalk, Connecticut
Proposed noise ordinance revision

(Client's Authorized Representative Signature)

(Name & Title)

B. A. Brooks

(BAC's Authorized Representative Signature)

Bennett Brooks - President Date 2 May 2017
(Name & Title)

Exhibit C

Candela, Brian

From: noiseconsultancy@aol.com
Sent: Wednesday, May 03, 2017 10:32 AM
To: Candela, Brian
Cc: Melendez, EloisaM
Subject: Acoustical Consulting Services Proposal - Norwalk Noise Code
Attachments: Norwalk - Noise Code - 2017.pdf

Dear Mr. Candela,

Attached please find my proposal to provide the acoustical consulting services that you have requested.

I look forward to the possibility of assisting you in protecting and improving the quality of life for the residents of Norwalk.

Be well.

Eric

Eric Zwerling, M.S., INCE, ASA

President, The Noise Consultancy, LLC
Office (908) 237-0298

Director, Rutgers University Noise Technical Assistance Center
Office (848) 932-5782

Cell (732) 266-1762

-----Original Message-----

From: Candela, Brian <bcandela@norwalkct.org>
To: Eric Zwerling <zwerling@envsci.rutgers.edu>
Cc: Melendez, EloisaM <eloisa.melendez@hotmail.com>; noiseconsultancy <noiseconsultancy@aol.com>; Candela, Brian <bcandela@norwalkct.org>
Sent: Thu, Apr 27, 2017 5:51 pm
Subject: RE: Rutgers Noise Technical Assistance Center

Dear Eric. I apologize for the delay, but I have been on trial the last two weeks and it is still going on. I will be in the office tomorrow morning at 8:30 a.m. and I will be leaving at 9:15 a.m. I am available during that time to discuss Norwalk's noise ordinance with you.

Brian Candela

From: Eric Zwerling [<mailto:zwerling@envsci.rutgers.edu>]
Sent: Tuesday, April 25, 2017 11:43 AM
To: Candela, Brian <bcandela@norwalkct.org>
Cc: Melendez, EloisaM <eloisa.melendez@hotmail.com>; noiseconsultancy@aol.com
Subject: Re: Rutgers Noise Technical Assistance Center

Dear Brian,

I'd like the opportunity to talk a bit prior to preparing a proposal. I tried to call but got your voice mail.

I want to discuss Norwalk's code, jurisdictional will, the extent of the services you desire, and the distinction between the services I provide at Rutgers University and as a private consultant

Please call me on my cell phone when it's convenient, or let me know when you'll be available.

Be well.

Eric

Director, Rutgers University Noise Technical Assistance Center
Office (848) 932-5782

President, The Noise Consultancy, LLC
Office (908) 237-0298

Cell (732) 266-1762

From: Candela, Brian <bcandela@norwalkct.org>
Sent: Monday, April 24, 2017 11:14:15 AM
To: Eric Zwerling
Cc: Candela, Brian; Melendez, EloisaM
Subject: Rutgers Noise Technical Assistance Center

Mr. Zwerling:

The City of Norwalk is looking to revise and amend its' entire noise ordinance. We are looking for assistance in research and consultation as well as in the drafting of the noise ordinance. We are looking for a proposal, or price quote, to determine if your center can assist us in this endeavor. In addition to an approximate cost, we are also seeking a timeline when the Rutgers Noise Technical Assistance Center might be able to complete this project. Please reach out this week, if possible, to advise if your center is interested in this matter.

I would like to present your proposal to the ordinance committee at our next meeting for their consideration. Therefore, if interested, please provide me with your proposal no later than May 5, 2017. Thank you for your assistance and call me if you have any questions or concerns.

Brian Candela, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

THE NOISE CONSULTANCY, LLC

309 VAN NESTE ROAD
FLEMINGTON, NEW JERSEY 08822



(908) 237-0298

noiseconsultancy@aol.com

www.noiseconsultancy.com

SENT VIA EMAIL

May 3, 2017

Brian Candela, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851

Dear Mr. Candela,

This letter is in response to your request for a proposal to assist you in amending Norwalk's Noise Code at Chapter 68, as we discussed on the phone yesterday. I've reviewed Chapter 68 and can see where its application could present practical difficulties.

As I noted in our phone conversation, in my capacity as President of the Noise Consultancy, I've assisted jurisdictions across the breadth of the US to amend or rewrite their noise ordinances. Please review my resume for a list of clients. I have also served as an expert witness in courts from New Orleans to New York City, including Federal Court.

In my capacity as Director of the Rutgers University Noise Technical Assistance Center, in the past 26 years I've trained maybe 8,000 noise enforcement investigators throughout the country from Alaska to Florida, as well as internationally. Thus, I am well aware of the capabilities of field enforcement officers.

Based upon our conversation, I will propose two approaches to offering my consulting services: as an hourly rate or as a comprehensive lump sum. Your decision may be based upon the extent of the services you desire.

HOURLY RATE: I can provide my services on an hourly basis, if you desire to perform much of the work in-house, with my assistance in reviewing that work. The rate for my services is \$220/hour, and travel is invoiced at \$165/hour. On-site consultation will be invoiced at \$1,800/day, plus travel.

INCLUSIVE PROPOSAL:

- One day of on-site consultation, scheduled at a mutually convenient date;
- Present an educational seminar on the basics of sound as it applies to noise regulation including: the various approaches to noise ordinances (i.e., nuisance ordinances v. performance ordinances) and the practical benefit/drawbacks to each approach, followed by an open discussion to determine the specific desires of Norwalk regarding what the jurisdiction desires to regulate or exempt from the ordinance;

- Tour the jurisdiction, specifically the problem areas;
- Conduct sound level measurements of problem sources &/or conduct a demonstration of the methodology of sound level measurement for enforcement purposes;
- Review whatever relevant documents are provided by the City of Norwalk;
- Draft a new or amended Noise Ordinance, as appropriate, based upon all information gathered;
- Perform whatever redrafting is necessary, until the new or amended Ordinance is adopted, or declared legislatively dead;
- Remain available for consultation via phone or e-mail.

The inclusive price for these services is \$9,500. Expenses are additional, and would include, if necessary, a hotel.

Additional days of consecutive on-site consultation will be invoiced at \$1,400/day plus expenses. Additional days of non-consecutive on-site consultation will be invoiced at \$1,800/day plus travel time and expenses.

If Norwalk desires training for your investigators, I will submit a separate proposal from the Rutgers University Noise Technical Assistance Center for such services.

If you have any questions whatever regarding this proposal, please don't hesitate to call me.

I look forward to the possibility of working with the City of Norwalk, and assisting you in your effort to deliver a better quality of life to your residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric M. Zwerling', with a stylized flourish at the end.

Eric M. Zwerling, M.S., INCE, ASA
President

ERIC M. ZWERLING, M.S., INCE, ASA

Rutgers University Noise Technical Assistance Center
14 College Farm Road
New Brunswick, NJ 08901

The Noise Consultancy, LLC
309 Van Neste Rd
Flemington, NJ 08822

CURRENT POSITIONS

- 1991-Present *Director* - Noise Technical Assistance Center
Department of Environmental Sciences
Rutgers - The State University of New Jersey
- 1999-Present *President* - The Noise Consultancy, LLC
Noise Consultant/ Expert Witness (Since 1992)
[Expert for the Defendants, City of New York Law Department
-in- Robert Turley, *et al.*, - against- Rudolph Guiliani, *et al.*,]
- 1993-Present *Noise Enforcement Expert* - New Jersey Department of Environmental
Protection. Contracted (as Director of the RNTAC) to provide technical expertise
on noise related issues to the NJDEP and the State of New Jersey
- 1998-Present *Instructor* - "Noise Hazards" in 'Fundamentals of Industrial Hygiene'.
University of Medicine and Dentistry of New Jersey , School of Public Health,
Office of Public Health Practice
- 1998-Present Committee Member - S12 Working Group 41, Model Community Noise
Ordinances. Acoustical Society of America
- 2001-Present Committee Member - Technical Study Group on Community Noise
Institute of Noise Control Engineering
- 1994-Present *Instructor* - "Community Noise" in 'Environment and Public Health Course,"
Rutgers Continuing Education Program, Cook College Office of Continuing
Professional Education.
- 1992-2005 *Adjunct Professor*- Rutgers University Department of Environmental
Sciences. Course: 375:336 'Community and Occupational Noise'
- 1998-2000 Commissioner - Franklin Township (NJ) Environmental Commission
- 2010-Present Board of Education, Chair – Green Committee
Readington Township, New Jersey

PROFESSIONAL AFFILIATIONS

- Member - Acoustical Society of America
Member – Institute of Noise Control Engineering

EDUCATION

ABD Ph.D. Candidate
Rutgers - the State University of New Jersey
Department of Environmental Sciences

Occupational Hearing Conservationist
Council for Accreditation in Occupational Hearing Conservation.

Graduate Certificate in Environmental Ethics -
Department of Philosophy, University of Georgia.

B.S., M.S. University of Georgia.

JURISDICTIONAL CERTIFICATIONS

Approved Noise Control Investigator
New Jersey Department of Environmental Protection
Pursuant to N.J.A.C. 7:29 -2.11(a)3

Approved Noise Consultant
New York City Department of Environmental Protection
Pursuant to N.Y.C.A.C. Section 24-231

Approved Instructor
State of Michigan
Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

AWARDS

- 1997 *Advisor of the Year Award*
Rutgers College Student Activities Advisory Council
Faculty Advisor - Students for Environmental Awareness
- 2016 *Sustainable Raritan Award*
Outstanding Achievement in Public Education
Sustainable Raritan River Collaborative and Rutgers' Sustainable Raritan River Initiative

PUBLICATIONS

Zwerling, E.M. 2015. Proposed Noise Standard for Wind Turbine Generators on Farms.
State Agriculture Development Committee, New Jersey Department of Agriculture.

Zwerling, E.M, A. Myers, C. Shamoan. 2012. Analysis of the "Plainly Audible" Standard for Noise Ordinances. Proceedings of Inter- Noise 2012. Institute of Noise Control Engineering.

Zwerling, E.M., C. Shamoan. 2010. Proactive Regulation Engenders Creative Innovation - Quieting the Jackhammer. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering.

Szulecki, S., E. Zwerling, C. Anderson, B. Turpin. 2010. Modeling with CadnaA to estimate the probability of awakening associated with train horns. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering.

Zwerling, E.M., C. Anderson, S. Szulecki, F. Maimone, B. Turpin. 2009. Study of Train Noise in Teaneck, NJ. USEPA Agreement Number: X-83245701-0

Zwerling, E.M. 2005. Regulatory Scheme For Noise Enforcement In New Jersey . *Invited paper*. Journal of the Acoustical Society of America.V.118, No. 3, Pt 2 of 2, Sept. 2005, p. 1849.

Zwerling, E.M. 2004. Training as a Critical Component of Successful Noise Enforcement Programs. *Invited paper*. Journal of the Acoustical Society of America.V.115, No. 5, Pt 2 of 2, May 2004, p. 2568.

Zwerling, E.M. 2004. Noise Enforcement in Cities. *Invited paper*. Journal of the Acoustical Society of America.V.115, No. 5, Pt 2 of 2, May 2004, p. 2593.

Zwerling, E.M. 2002. Characteristics of Successful Local Noise Enforcement Programs. *Invited paper*. Journal of the Acoustical Society of America.V.112, No. 5, Pt 2 of 2, Nov. 2002, p. 2375.

Zwerling, E.M. 2002. Boom Car and Boom Box Code Drafting. The Quiet Zone. Spring 2002.

Zwerling, E.M. 2002. Hearing Protection. In *Encyclopedia of Public Health*, ed. Lester Breslow. Macmillan Reference USA.

Zwerling, E.M. 2001. Vehicle Enforcement. Rutgers Noise Technical Assistance Center. Developed for North Salem, NY

Zwerling, E.M. 2000. Regulation of Amplified Sound Sources. Proceedings of Noise-Con 2000. Acoustical Society of America / Institute of Noise Control Engineering, Newport Beach , CA. December 3-5, 2000 .

Zwerling, E.M. 2000. State of Michigan Model Noise Ordinance. Proceedings of Michigan Municipal League Annual Convention/ Michigan Association of Municipal Attorneys Annual Meeting, September 28-30, 2000 , Macinac Island , MI .

Zwerling, E. M. Contributing Editor. 1991-Present. Community Noise Enforcement. Rutgers Noise Technical Assistance Center.

Zwerling, E. M. Contributing Editor. 1998. Vehicle Sound Reproduction Enforcement. Rutgers Noise Technical Assistance Center. Developed for the City of Rochester, New York

Zwerling, E.M. 1997. Community Noise Enforcement: A Mature Technology. Hearing Rehabilitation Quarterly. 22:4, 4-8+.

Zwerling, E.M., D. Pinto, P. Hanna, J. Lepis, B. Turpin. 1997. Local Noise Enforcement Options and Model Noise Ordinance *With Pre-Approved Language for the State of New Jersey* . Rutgers Cooperative Extension Publication #E215.

Zwerling, E.M. 1997. Community Noise Infosheet. Environmental and Occupational Health Sciences Institute. Public Education and Risk Communication Division.

Zwerling, E.M. 1996. Turning Down the Volume: Effective Strategies for Community Noise Enforcement. *The Police Chief*. V. 63, Dec. 53-59.

Zwerling, E. M. & B. J. Turpin. 1996. Community Noise Enforcement: Reviving a Moribund Program or Developing One Anew. *Proceedings of Noise-Con 96, The 1996 National Conference on Noise Control Engineering*. 955-960.

Zwerling, E.M. 1996. Community Noise Pollution Certification and Assistance. Home page for Rutgers Noise Technical Assistance Center. <http://www.envsci.rutgers.edu/org/rntac/>

RESEARCH PROJECTS (at Rutgers University, as P.I. or Co-P.I.)

"Assistance Regarding Noise Standards for Wind Turbines on Farms," Granting Agency: New Jersey State Agricultural Development Commission (SADC), 2011 - 2015.

"Assistance Regarding Noise Standards for Photovoltaic Installations on Farms," for New Jersey State Agricultural Development Commission (SADC), 2010.

"Railroad Noise in Teaneck, New Jersey" Granting Agency: United States Environmental Protection Agency, 2005 - 2009.

"Road Noise Educational Outreach Program," Granting Agency: New Jersey Department of Transportation, 2002.

CONFERENCE PRESENTATIONS

Community Noise Control: Reviving a Moribund Program or Creating One Anew. International Code Council 2013 Conference. Atlantic City, NJ. September 30, 2013.

Emerging Noise Issues: Emergency Generators and Beach Bars. *Invited Presentation*. New Jersey Environmental Health Association Annual Public Health Conference. Atlantic City , NJ March 5, 2013.

Must we regulate civility? Yes, unfortunately. But, is it effective? *Invited lecture*. stillspotting () nyc . Guggenheim Museum. New York City. October 9, 2012.

Analysis of the "Plainly Audible" Standard for Noise Ordinances. *Proceedings of Inter- Noise 2012*. Institute of Noise Control Engineering. August 22, 2012.

Proactive Regulation Engenders Creative Innovation - Quieting the Jackhammer. *Invited Paper*. *Proceedings of Noise-Con 2010*. Institute of Noise Control Engineering. Baltimore, MD, April 20, 2010.

Environmental Health and Noise: Issues and Answers. *Invited Presentation*. New Jersey Environmental Health Association Annual Public Health Conference. Atlantic City , NJ March 3, 2008.

Noise Primer For Legal Professionals. *Invited Presentation*. New York State Bar Association Environmental Law Section Fall Meeting. Saratoga Springs , New York . October 13, 2007.

How to Control Noise Pollution in Your Community. *Invited Presentation*. 90th Annual Conference - New Jersey State League of Municipalities. Atlantic City , NJ November 15, 2005.

Regulatory Scheme for Noise Enforcement in New Jersey . *Invited Paper*. 150th Meeting - Acoustical Society of America . Minneapolis , MN October 17-21, 2005.

Noise Enforcement in Cities. *Invited Paper*. 147th Meeting - Acoustical Society of America . New York , New York May 24-28, 2004.

Training as a Critical Component of Successful Noise Enforcement Programs. *Invited Paper*. 147th Meeting - Acoustical Society of America . New York , New York May 24-28, 2004.

Community Noise Impacts. *Invited Presentation*. Topics in Public Health. New Jersey Department of Health and Senior Services. April 16, 2003.

Characteristics of Successful Local Noise Enforcement Programs. *Invited Paper*. First Pan-American/Iberian Meeting on Acoustics. Jointly Sponsored: Acoustical Society of America , the Iberoamerican Federation of Acoustics and the Mexican Institute of Acoustics. Cancun , Mexico .Dec 2-6, 2002.

Community-Based Environmental Noise Management, *Invited Panelist*; The Role of State and Local Governmental Agencies in Noise Abatement and Control, *Invited Panelist*. Inter-Noise 2002, The 2002 International Congress and Exposition on Noise Control Engineering. Dearborn , MI Aug. 19-21, 2002.

Community Noise Regulation and Enforcement: Theory and Practice. American Association of Code Enforcement. 4th Semi-Annual Education Conference. Bowie , MD. May 1-3, 2002.

Regulation of Amplified Sound Sources. Noise-Con 2000. Acoustical Society of America/Institute of Noise Control Engineering. Newport Beach , CA. December 3-5, 2000.

Writing and Enforcing a Noise Ordinance. Michigan Municipal League Annual Convention. Nuts and Bolts of Writing a Noise Ordinance. Michigan Association of Municipal Attorneys Annual Conference. Macinac Island , MI , September 28-30, 2000.

Municipal Noise Regulation - Theory and Practice. International Municipal Lawyers Association, Mid-Year Seminar. Washington , D.C. April 9-11, 2000.

Effective Strategies for Community Noise Enforcement:

Michigan Municipal League 9th Annual Education Conference. Mt. Pleasant, MI.
March 11, 1998.

The Association of Towns of the State of New York , Annual Meeting,
Educational Training Courses. New York City , February 16, 1998 .

American Association of Code Enforcement 8th Annual Business and Educational
Conference. Hagerstown , MD , October 20-25, 1997.

Community Noise Enforcement: Reviving a Moribund Program or Developing One Anew. Noise-Con '96, The 1996 National Conference on Noise Control Engineering, Seattle, WA, September 29-October 2, 1996.

NOISE ENFORCEMENT CERTIFICATION COURSES TAUGHT

Community Noise Enforcement
Vehicular Noise Enforcement
Vehicle Sound Reproduction Enforcement
Motor Sports Ordinance Enforcement
Octave Band Analysis for Enforcement Purposes

New Jersey :

Certification and recertification - every three months, 1991 to present.

On-Site:

New Rochelle, NY; Jacksonville, FL (four times); Long Beach, NY (three times); Everett, WA; St. Augustine, FL (three times), Seattle, WA (twice); Neptune Beach, FL; Gainesville, FL; Anchorage, AK (twice); Binghamton, NY (twice); Washington State Association of Code Enforcement (three times); Ft. Collins, CO; Shelter Island, NY (four times); New York City, NY [NYC DEP, NYPD, NYC Parks, NYC DDOC] (eight times); Rochester, NY; Newport, RI; Platekill, NY; Traverse City, MI; DeKalb County, GA (four times); Twinsburg, OH; Sandusky, OH; North Salem, NY; Honolulu, HI; Lafayette, LA (twice); Philadelphia, PA (twice); Barbados, West Indies (twice); Collier County, FL (three times); Walton County, FL (three times); Greenville County (SC); Vancouver B.C. (three times); Panama City Beach, FL (twice); Matanuska-Susitna Borough, AK; Union, OH; Ithaca, NY

ON-SITE ORDINANCE DEVELOPMENT WORKSHOPS

Lafayette, LA; Traverse City, MI; Plattekill, NY; St. Augustine, FL; Charleston County, SC; Lansing, MI; DeKalb County, GA; Walton County, FL, Overland Park, KS; Greenville County, SC, Decatur, AL; Yonkers, NY; Ossining, NY; Newport RI; Monroe County, FL; Fort Lauderdale, FL; Panama City Beach, FL

PARTIAL LIST OF CLIENTS

City of New York Law Department; City of Philadelphia Law Department, Environmental & Regulatory Compliance Division; U. S. State Department; City of New York Police Department; Bergen County (NJ) Utilities Authority; New York City Department of Environmental Protection; New York State Office of Attorney General; McDonald's Corporation, Lafayette (LA) Consolidated Government; McGlinchey Stafford (New Orleans); Gaeta Recycling, Inc.; National Ecology; Browning Ferris Industries; Township of Manalapan (NJ); Kansas State Legislature; Readington Township (NJ); City of Lansing (MI); City of Tacoma (WA); City of St. Augustine (FL); Atlantic Development and Management Corp.; CareMatrix Corporation; County of Charleston (SC); DeKalb County (GA); Greenville County (SC); Ethicon, Inc.; City of Yonkers (NY); Walton County (FL); City of Overland Park (KS); City of Newport (RI); City of Ossining (NY); Franklin Township (NJ); Alliance to Save Southern Ulster's Rural Environment; Roche Molecular Systems; Wheelabrator, Inc.; Monroe County (FL); City of Juneau (AK); Township of Branchburg (NJ); City of Eugene (OR); Union County United (PA); City of Fort Lauderdale (FL); City of Panama City Beach (FL); Stop & Shop Supermarket Company; Track Racket (Millville, NJ); Green Lawn Cemetery (Columbus, OH); Nissan Motor Company, Ltd.; City of Union (OH); City of Ithaca (NY); SA Engineering; Upper Deerfield Township (NJ)