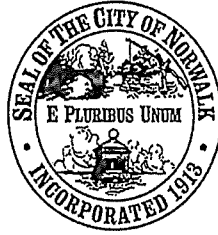


CITY OF NORWALK

LAW DEPARTMENT

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



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

REGULAR MEETING

April 18, 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
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: March 21, 2017
6. OLD BUSINESS (possible action on):
 - Noise
 - Indemnification
 - Bike/Walk Advisory Committee
7. NEW BUSINESS: (possible action on):
8. ADJOURNMENT

**Draft Meeting Minutes from
03/21/2017 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
MARCH 21, 2017**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Bruce Kimmel; Thomas Livingston, Doug Hempstead; Shannon O'Toole; Giandurco; Travis Simms (7:15PM)

STAFF: Brian Candela, Corporation Counsel

OTHERS: Tom Callahan, Director of Health; Nancy Rosett; Howard Vernon; Tom Rich; Diane Cece; Diane Laurcella; Luigi DiMeglio; Isaac Camoro; Vincent Palumbo; Ernie Dumas; Rick Reardon; Sylvia Hall; Bruce Morris; Greg Romano

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:02PM and called the roll. A quorum was present.

2. PUBLIC HEARING

Ms. Melendez opened the public hearing at 7:03PM.

Luigi DiMeglio- 20 Lubrano Place

Mr. DiMeglio distributed photos and stated that his backyard abuts to Premier Wood Company and said that they run a hydraulic buzz saw and kiln, and there is no warning of when the noise will start or how long it will last, and that the noise is destroying his quality of life and it is very stressful on his family. He said that the hydraulic buzz saw creates an 80 decibel noise level in his backyard, and that he called the police today and that they took some samples of decibel levels and from what he understands that got a 62 point decibel level on his front porch. He said that there needs to be strong noise ordinances in the city.

Diane Cece- Omstead Place

Ms. Cece said that strengthening the noise ordinance in Norwalk is something that is long overdue, and pointed out that noise is much more than a nuisance to people and it impacts the

quality of life, and that is also a health issue. She said that she urges the committee to look at the noise ordinance as much as they can so that there is a robust ordinance that protects residences so that their quality of life is not impaired.

Sylvia Hall- Lubrano Place

Ms. Hall stated that besides Premier Wood Company that AMEC Carting is also next door to her and they idle their trucks at 4:00AM., and that there is noise all hours of the day and evening and that no one can sleep. She said that she would like someone to address the issue.

Vernon Howard- 110 Washington Street

Mr. Howard read an article from the internet from 2004 regarding Washington Street and said that thirteen years later he feels the frustrations and that nothing has changed since 2004. He said that in New York City the acceptable interior decibel level is 42, and he urges the committee to use New York City's ordinance as a guide to further revamp the ordinance here. He said that it is time for Norwalk to implement a fair and humane noise ordinance that protects all businesses and residents from those who don't follow the rules and disrespect our community.

Isaac Camoro- Owner of Room 112

Mr. Camoro stated that he has a petition with 300 signatures; supporting SONO as it is and that 75 percent of the people who live on Washington Street want it the way it is. He said that when you build something, you need to build in consideration that it is an entertainment district, and that they are all spending money when they build bars and clubs. He said that we spend money on speakers, sound controls, everything, and that change to the noise ordinance would mean spending an extra \$2,000 to have someone come in and check for us to get a zoning approval. He said that we are trying to work together, not fight and that we're fighting together, that's what's happening, and that its entertainment and has been like that for 30 years. He said that he understands you own something and you really want something quieter like they say, rent your space, move two miles away, and that the change would hurt every restaurant in Norwalk, not just SONO, and that you have to expect noise in SONO.

Tom Rich- Various properties on Washington Street

Mr. Rich stated that out of control noise in any neighborhood with a variety of uses does not work and the neighborhood has become the home to 400 unit rental and condo home community, with approximately 600 full time residents and those residents deserve an undisturbed and peaceful night's sleep. He said that all the small business's that he just mentioned along with some that he has not mentioned along with their residential neighbors are absolutely the lifeblood of SONO, and not one of them causes a noise disturbance or would be negatively impacted by the suggested change in this noise ordinance. He said the petition was advertised deceptively on Facebook, calling it as having zero value, and that the unreasonable noise makers city-wide who continue to blast noise into the streets, through their ceilings and walls in total disregard for the neighbors

despite hundreds of calls to the police and years and years of pleading to turn it down. He said that with the warm weather is coming he shudders to think of how these few establishments will be emboldened if this ordinance isn't sent to the Common Council.

Vincent Palumbo- Washington Street

Mr. Palumbo stated he has no problem with the noise and does think the noise level to go from where it is to down to 45 decibels.

Diane Laurcella - 21 Blue Mountain Ridge Road

Ms. Laurcella stated that she is in favor of the proposed noise ordinance changes and that she completely disagrees with the previous speaker. She said that sound is a health issue related to constant sound, and it makes it impossible for people to seek peace to realize the value of their homes. She said that she is in support of the two changes to the noise ordinance, and suggested that a sub-committee be formed to help the police and health department with the enforcement and the implantation. She said that the noise ordinance will never work if we don't have the equipment, knowledge and training to enforce it.

Greg Romano- 126 Washington Street

Mr. Romano stated that's it's a couple of restaurants on Washington Street not the majority which are causing a great deal of trouble, and he thinks they can be in a really good spot with the ordinance changes, and that he really hopes they will be passed.

Bruce Morris- 315 Ely Avenue

Mr. Morris requested that the current noise ordinance be enforced because enforcement is an issue.

Ms. Melendez closed the public hearing at 7:38PM.

3. PUBLIC HEARING DISCUSSION

Ms. Melendez said that the actual change to the noise ordinance is to 45 decibels, and she thanked everyone for coming out whether they were for or against the changes. She said that the problem with Washington Street is that it is dually zoned for residential and commercial so it creates an issue when people are trying to live and sleep.

Mr. Kimmel said that he understands the residential perspective but there's also an industrial threshold, making for a complicated issue. He said that the industrial issue needs to be pursued down the road and thanked Mr. DiMeglio for bringing it to their attention.

Mr. Hempstead said this has been an issue going way back and has had more versions in 30 years and that the enforcement part is always the toughest part, and suggested that the committee be advocates for the funding for the enforcement, the equipment that goes with the enforcement and training, because just implanting this is empty without that part of it.

Mr. Hempstead asked for clarification on warning devices required by OSHA or other state or federal safety regulations.

Mr. Corsello said that going from 62 to 45 decibels all at one time may be too drastic and suggested making the decibel level 50, and that normal conversation is 60 decibels. Mr. Vernon said that meter reading was taken outside of the building. Mr. Livingston asked if restaurants can operate at 45 decibels and are we effectively putting restaurants out of business. Ms. O'Toole Giandurco said that she has the same concerns and suggested making the decibel level 50 for a starting point. Attorney Candela said that he will look to see if a change like that can be made. Mr. Livingston said that the time period needs to be clarified. Mr. Simms said this is a very difficult issue and that he is sensitive to small businesses and he equally concerned about the residence, but that there needs to be a common ground. He said that he's familiar with noise, but dropping the standard from 62 to 45 is almost like killing their business. He suggested that the members of the committee go to SONO with the meter and listen to what the difference in the decibels is to get an idea on how to move this forward. Mr. Hempstead suggested getting a noise consultant and that the existing ordinance is probably based on old technology and that he would much rather take the time to make it right.

Mr. Kimmel said that the idea was to get this done quickly, and that we used all the information we had to come up with these two very minor changes and according to the police these minor changes should have an immediate impact, and he thinks they are obligated to get this to the full council as soon as possible.

Ms. Melendez said The Connecticut Department of Energy and Environmental Protection would have to review any ordinance changes, and she was almost positive that the proposed changes would go through quickly.

**** MR. KIMMEL MOVED TO APPROVE THE TWO PROPOSED NOISE ORDINANCE CHANGES.**

**** THE MOTION FAILED WITH TWO IN FAVOR (MR. KIMMEL, MS. MELENDEZ) AND FIVE AGAINST (MR. HEMPSTEAD, MR. SIMMS, MR. CORSELLO, MS. O'TOOLE GIANDURCO AND MR. LIVINGSTON)**

**** MR. CORSELLO MOVED TO APPROVE THE PROPOSED NOISE ORDINANCE CHANGE TO INCREASE THE PENALTIES.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Kimmel said that for next month he would like to see all the material that has been requested for the decibel levels, and also what other municipalities are doing in similar situations to see how

they are handling it. He also requested that someone from Planning and Zoning attend next month's meeting to understand what legal tools there are and to answer any questions that the committee may have. Ms. Melendez requested that Chief Kulhawik also attend the meeting since there has been so much talk regarding the enforcement aspect of this.

4. PUBLIC COMMENT

Ms. Dumas said that Mr. DiMeglio has complained for over six years about noise at his house from Premier Wood Company and this should stop and it is a quality of life issue.

Mr. Simms left at 8:25PM.

Mr. Rick Reardon said that on Glover Avenue the city gave permission to a company to work until 10:00PM jack hammering, at asked if the people in that section of town were notified ahead of time. Ms. Melendez requested that he e-mail the information to the committee members. He also said that dumpsters are being emptied at 5:00AM all throughout SONO, and that LaJoie's has a shredder machine that they start using at 6:00AM.

Mr. Corsello left at 8:30PM.

Mr. Rich said that there's one business or two businesses in the entire SONO neighborhood that doesn't care about their neighbors, and that all of the other restaurants and businesses are not going to be affected. He said that they are the life blood of the neighborhood; the residents are the lifeblood of the neighborhood, not a single nightclub or two. He said that they need to take responsibility to soundproof their space and that he thinks there has been a setback here and that he is very worried that they are now going to go into a complete sideways momentum. He said he implores the committee to get a sound consultant. Mr. Hempstead said it's not a matter of resolving one issue but coming up with long term solutions as the city grows.

Ms. O'Toole Giandurco said that she understands the frustrations but that this only got to us last month and for the committee to push something through in one month is not us doing our homework to the whole city. She said we can take, and we have taken years to get through ordinances and said that she promises that will not be the case, but again this just got to the committee last month and for them to get from last month to a public hearing and have a fruitful discussion, and that the committees gets it and that they are working on it, but she does not think they did a disservice by not pushing everything through tonight, and showed a good act of faith and that they have the committees attention, and they are working on this.

Ms. Laurcella said that she supports making the Bike/Walk Task Force to a commission and she thinks it's a terrific idea. She also suggested that a report be done by the Health Department on the affects of noise.

Ms. Melendez closed the public hearing at 8:40PM.

5 ACCEPTANCE OF MINUTES

February 21, 2017

** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES.
** MOTION PASSED UNANIMOUSLY.

6. OLD BUSINESS

Indemnification

Mr. Livingston asked for clarification on how the municipal officer is defined. Attorney Candela said that he can look at the statute to see if there is a definition next to 7-101A.

Bike/Walk Advisory Committee

Mr. Kimmel asked about the issue of liability and if it has to be looked at in specific situations. Attorney Candela said that specific situations need to be looked at, but there are advisory opinions by a committee that the city is being put on notice of potential liability. Mr. Livingston asked if there is any difference in terms of liability with having a committee versus a task force. Attorney Candela said that he will look to see if there is language that differentiates between the two. Ms. Melendez said that she is in full support of the Bike/Walk task force and that the liability issue has been her only concern. Mr. Livingston said that he is also in support of the Bike/Walk task force but that there needs to be some clarity as to what they will actually be doing. Attorney Candela said that he will reach out to CCM. Ms. O'Toole Giandurco requested a copy of the complete streets program for the next meeting. She also suggested that Ms. Rosett establish a wish list on what she would like the task force to do because as it is written now it is very specific to three items. There was further discussion ensued and Mr. Livingston said he would work with Ms. Rosett on the proposed language.

7. NEW BUSINESS

There was no new business discussed.

ADJOURNMENT

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

The meeting adjourned at 9:15 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

Noise
Norwalk City Code Sections
68-4 & 68-10

MEMORANDUM TO FILE

Date: March 30, 2017

From: Brian Candela

RE: Noise Ordinance requests for the April 18, 2017 committee meeting

Attached as Exhibit A please find the proposed revisions to the noise ordinance that were made by Connecticut's Department of Energy & Environmental Protection. Enclosed as part of Exhibit A are red-line changes made to the noise ordinance based on the recommendations of Connecticut's Department of Energy & Environmental Protection along with Connecticut State Regulation 22a-174-18.

Following the approval of Chapter 68-10(A) by the Common Council on March 28, 2017, a letter was forwarded by way of email to Paul Kriztler of Connecticut's Department of Energy & Environmental Protection, Bureau of Air Management. The email was forwarded on March 29, 2017 and requested that the Commissioner of Connecticut's Department of Energy & Environmental Protection for final approval. Attached as Exhibit B.

- 1) Do we need approval from Connecticut's Department of Energy & Environmental Protection for any changes to the noise ordinance?

Answer: Email on March 22, 2017 at 2:20 p.m.

As requested, I have followed up with Connecticut's Department of Energy and Environmental Protection. They advised that I must submit any changes to Norwalk's noise ordinance for their final approval. Therefore, if the Common Council approves the change to section 68-10(A) of the noise ordinance, I will have to send it to Connecticut's Department of Energy and Environmental Protection for final approval before it can be implemented.

- 2) Can you get a health expert to attend the next ordinance committee meeting?

Answer: Email on March 23, 2017 at 8:41 a.m.

Tim Callahan (Norwalk health department) has advised that he is available to attend the committee meeting on April 18, 2017 to speak about the noise ordinance.

- 3) Can you provide examples of noise ordinances from other municipalities?

Answer: Attached as Exhibit C is a summary of other municipal noise ordinances and the municipal noise ordinances. In addition, attached as Exhibit C is a summary of the Connecticut State Agency Regulations concerning noise and the noise regulations.

- 4) Can you get someone from zoning and planning to attend the next ordinance committee meeting to discuss what legal tools we have with regards to noise?

Answer: Email on March 23, 2017 at 11:54 a.m.

Steve Kleppin (Planning & Zoning department) has advised that there is a Planning Commission meeting that same night down the hall. He has advised that someone from Planning and Zoning will be available to attend the committee meeting on April 18, 2017 to speak about the noise ordinance.

- 5) Can you get an acoustic or sound expert to attend the next ordinance committee meeting?

Answer: Excerpt of email from Doug Hempstead on March 23, 2017 at 5:30 p.m.

Also have a call into Alan Lo who is working with Jaffee Associates. They are the acoustical company I was talking about the other night. They are working on another project for the city and I am trying to connect and get them to the next meeting if the Chair is OK with that.

- 6) Can you get Police Chief Kulhawik to attend the next ordinance committee meeting?

Answer: Email on March 22, 2017 at 3:02 p.m.

Chief Kulhawik has advised that he is available to attend the committee meeting on April 18, 2017 to speak about the noise ordinance. He indicated that he has a prior engagement, but would be able to arrive by approximately 7:30 p.m.

- 7) Can you provide a red-line version of the noise ordinance to Doug Hempstead?

Answer: Email on March 22, 2017 at 9:45 a.m.

Doug - As requested, enclosed please find a copy of the proposed noise ordinance (Microsoft Word format with red line inserted). Have a nice day.

Exhibit A



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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, continue₂ or cause to be made or continued₂ 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:

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

Where

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

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.

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 designated "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 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.

(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.

§ 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)	(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)	(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)	(night)
Industrial	70 dBA's	66 dBA's	61 dBA's	51 dBA's

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 wren 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 or his designated representative is 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 designated representative 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 or his designated representative free access to any premises when the Chief of Police or his designated representative is acting in compliance with a warrant for inspection and 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.

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.

§ 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.

Sec. 22a-174-18. Control of particulate matter and visible emissions

(a) **Definitions.** For the purposes of this section, the following definitions shall apply:

(1) "Calendar quarter" means a consecutive three (3) month period (non-overlapping) beginning on January 1, April 1, July 1 or October 1;

(2) "Flue-fed incinerator" means an incinerator with a single flue that serves as both the charging chute and the flue to transport combustion products to the atmosphere;

(3) "Incinerator" means, notwithstanding Section 22a-174-1 of the Regulations of Connecticut State Agencies, any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance, including but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap, or facilities for cremating human or animal remains;

(4) "One-minute block average" means, for measurements taken at a source using opacity CEM equipment, the average of six (6) or more data points equally spaced over one minute; and, for measurements taken using 40 CFR 60, appendix A, reference method 9, the average of four or more data points equally spaced over a one minute period;

(5) "Shutdown" means the period of time beginning when the owner or operator of a stationary source initiates the process of ceasing the operation of such source and ending when operation thereof has completely ceased;

(6) "Six-minute block average" means, for measurements taken at a source using opacity CEM equipment, the average of thirty-six (36) or more data points equally spaced over a six (6) minute period; and, for measurements taken using 40 CFR 60, appendix A, reference method 9, the average of twenty-four or more data points equally spaced over a six (6) minute period;

(7) "Stationary reciprocating internal combustion engine" means any spark ignited or compression ignited engine that is also a stationary source as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies; and

(8) "Startup" means the time beginning when the owner or operator of a stationary source initiates the process of setting such source into operation.

(b) **Visible emission standards.**

(1) Stationary sources without opacity CEM equipment. Except as provided in subsection (j) of this section, an owner or operator of any stationary source without opacity CEM equipment for which opacity is measured using visual observation shall not exceed the following visible emissions limits:

(A) twenty percent (20%) opacity during any six-minute block average as measured by 40 CFR 60, appendix a, reference method 9; or

(B) forty percent (40%) opacity as measured by 40 CFR 60, appendix a, reference method 9, reduced to a one-minute block average.

(2) Stationary sources with opacity CEM equipment. Except as provided in subsection (j) of this section, an owner or operator of a stationary source for which opacity is measured using opacity cem equipment shall not exceed the following visible emissions limits:

(A) twenty percent (20%) opacity during any six-minute block average; or

(B) forty percent (40%) opacity during any one-minute block average.

(3) Mobile sources. Except as provided in subsection (j) of this section, no person shall cause or allow:

(A) any visible emissions from a gasoline powered mobile source for longer than five (5) consecutive seconds;

(B) visible emissions from a diesel powered mobile source of a shade or density equal to or darker than twenty percent (20%) opacity for more than ten (10) consecutive seconds, during which time the maximum shade or density shall be no darker than forty percent (40%) opacity; or

(C) a mobile source to operate for more than three (3) consecutive minutes when such mobile source is not in motion, except as follows:

(i) when a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control,

(ii) when it is necessary to operate defrosting, heating or cooling equipment to ensure the safety or health of the driver or passengers,

(iii) when it is necessary to operate auxiliary equipment that is located in or on the mobile source to accomplish the intended use of the mobile source,

(iv) to bring the mobile source to the manufacturer's recommended operating temperature,

(v) when the outdoor temperature is below twenty degrees Fahrenheit (20 degrees F),

(vi) when the mobile source is undergoing maintenance that requires such mobile source be operated for more than three (3) consecutive minutes, or

(vii) when a mobile source is in queue to be inspected by U.S. military personnel prior to gaining access to a U.S. military installation.

(c) Control of airborne particulate matter and fugitive particulate matter.

(1) No person shall cause or allow any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall be in accordance with good industrial practice as determined by the commissioner and shall include, but not be limited to:

(A) the use of water or other appropriate material to prevent airborne particulate matter generated by the demolition of buildings or other structures; construction operations; the clearing or grading of land; or the grading, construction or improvement of roads;

(B) the application of asphalt, water, suitable materials or covers to material stockpiles and other surfaces that can give rise to airborne particulate matter;

(C) the use of hoods, fans, fabric filters or other devices to enclose and vent the handling of materials that can give rise to airborne particulate matter;

(D) the covering, while in motion, of open-bodied trucks, open-bodied trailers and railroad cars transporting materials capable of giving rise to airborne particulate matter;

(E) the prompt removal of earth or other material deposited onto paved streets by trucking, earth moving equipment, erosion or other means; and

(F) the use of containment methods for sandblasting or similar operations.

(2) No person shall cause or allow the emission of visible particulate matter beyond the legal boundary of the property on which such emission occurs that either:

(A) remains near ground level beyond such property boundary; or

(B) diminishes the health, safety or enjoyment of people using a building or structure located beyond the property boundary.

(3) No person shall emit particulate matter into the ambient air in such a manner as to cause a nuisance.

(d) Emission standards for incinerators and prohibitions on flue-fed incinerators.

(1) No owner or operator shall cause or allow the construction, installation or operation of a flue-fed incinerator.

(2) Particulate matter emission standards for incinerators. No owner or operator shall cause or allow the operation of any incinerator that will result in particulate matter emissions in excess of the particulate matter emission standards set forth in subparagraph (A) or (B) of this subdivision:

(A) for incinerators for which construction or modification commenced on or after July 1, 1979, 0.08 grains per standard cubic foot corrected to twelve percent (12%) carbon dioxide (CO₂) over a two (2) hour average or 0.18 grams per cubic meter corrected to twelve percent (12%) carbon dioxide (CO₂) over a two (2) hour period; and

(B) for incinerators for which construction or modification commenced prior to July 1, 1979, 0.4 pounds of particulate per thousand pounds of flue gases adjusted to fifty percent (50%) excess air.

(3) Visible and fugitive emission standards for incinerators. No owner or operator of any incinerator shall cause or allow unburned waste or ash particulate emissions that are individually discernible by the human eye measured using 40 CFR 60, appendix A, reference method 9 and 40 CFR 60, appendix A, reference method 22.

(e) Particulate matter emission standards for fuel-burning equipment.

(1) The owner or operator of fuel-burning equipment subject to Section 22a-174-3a or former Section 22a-174-3 of the Regulations of Connecticut State Agencies shall emit no more than 0.10 pounds of particulate matter per million BTU of heat input or the particulate matter standard of a permit applicable to such equipment, whichever is more stringent.

(2) The owner or operator of fuel-burning equipment subject to former section 22a-174-2 of the Regulations of Connecticut State Agencies shall emit no more than the following particulate matter levels:

(a) 0.14 pounds of particulate matter per million BTU of heat input if the fuel burned is residual oil (No. 4 or No. 6 oil);

(B) 0.12 pounds of particulate matter per million BTU of heat input if the fuel burned is distillate oil (No. 2 oil);

(C) 0.10 pounds of particulate matter per million BTU of heat input if the fuel burned is natural gas; or

(D) 0.20 pounds of particulate matter per million BTU of heat input for any other fuel burned.

(3) Notwithstanding subdivisions (1) and (2) of this subsection and except as provided in subsection (j) of this section, the owner or operator of a stationary reciprocating internal combustion engine with a maximum continuous brake horsepower output rating, as specified by the manufacturer, greater than or equal to 175 brake horsepower (bhp), shall emit no more than:

(A) 0.10 pounds of particulate matter per million BTU of heat input or combust only fuel with a sulfur content less than or equal to 0.05% by weight, if the stationary reciprocating internal combustion engine was manufactured prior to or in model year 1996;

or

(B) 0.10 pounds of particulate matter per million BTU of heat input if the stationary reciprocating internal combustion engine was manufactured after model year 1996.

(f) **Process industries—general.**

(1) For the purposes of this subsection, the provisions of subparagraphs (A) through (D) shall apply:

(A) “process weight” means the total weight, in pounds, of all materials introduced into any specific process that may cause the emission of particulate matter, including solid fuels used in such process for purposes other than combustion and excluding combustion air, and liquid fuels, solid fuels and gaseous fuels burned;

(B) “process weight rate” means the process weight for any specific process measured over a one (1) hour time period;

(C) the process weight rate of a cyclical or batch operation is derived by dividing the process weight by the number of hours in one complete operation of the process, excluding any time during which the equipment is idle; and

(D) the process weight rate of a continuous operation is derived by dividing the process weight for a time period of operation by the length of that period of time.

(2) Except as provided in subsection (g) of this section, no owner or operator of a process industry source shall cause or allow the emission of particulate matter to the ambient air in any one hour from such source in excess of the emission rate calculated as required by subdivisions (3) and (4) of this subsection.

(3) To mathematically interpolate from Table 18-1 process weight rates up to and including sixty thousand pounds per hour (60,000 lbs/hr), the following equation shall be used:

$$\text{LOG } E = \text{LOG } 3.59 + 0.62 \times \left(\text{LOG } \frac{P}{2000} \right)$$

WHERE: P = Process weight rate in pounds per hour

E = Maximum allowable Emission rate in pounds per hour

LOG = The natural logarithm of the indicated value

(4) To mathematically interpolate and extrapolate from Table 18-1 process weight rates in excess of sixty thousand pounds per hour (60,000 lbs/hr), the following equation shall be used:

$$\text{LOG } E = \text{LOG } 17.31 + 0.16 \times \left(\text{LOG } \frac{P}{2000} \right)$$

WHERE: P = Process weight rate in pounds per hour

E = Maximum allowable emission rate in pounds per hour

LOG = The natural logarithm of the indicated value

(5) To determine compliance with the requirements of this subsection, an interpretation

resulting in the lowest allowable emission rate shall apply if the nature of any process or operation, or the design of any process unit, allows multiple interpretations.

(6) To determine the maximum allowable emission rate in accordance with this subsection for emissions that pass through a stack or stacks at a premises containing several similar process units, the total process weight shall include all such similar process units.

(7) To determine the maximum allowable emission in accordance with this subsection for a premises utilizing a series of operations that employ combinations of machines or other devices to process material, either continuously or in batches, the total process weight for such premises shall be the weight of all materials that may cause particulate matter emissions and are introduced into the series of operations, excluding all material that is the desired end product of any such series of operations.

Table 18-1. Interpolation/Extrapolation Table for Determining Particulate Matter Emission Rates and Process Weight Rates for Process Industries—General

Process Weight Rate (Pounds per hour)	<u>Emission Rate</u>(Pounds per hour)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

(g) Process industries—specific.

(1) Iron foundry cupola. For the purposes of this subdivision, “iron foundry cupola” means a furnace used in the iron foundry industry that uses coke, a derivative of coal, as fuel. No owner or operator shall cause or allow the operation of any iron foundry cupola unless:

(A) particulate matter control measures and/or control equipment remove at least ninety percent (90%) by weight of all particulate matter in the cupola discharge gases, or particulate matter emissions are less than or equal to 1.7 pounds of particulate matter per ton of iron produced, whichever practice or combination of practices results in the lowest particulate matter emissions; and

(B) gases, vapors and gas-entrained effluents from such cupolas are incinerated at a

minimum temperature of one thousand three hundred (1300) degrees Fahrenheit for a period of not less than three-tenths (0.3) of a second.

(2) Hot mix asphalt plant. No owner or operator shall cause or allow the operation of any hot mix asphalt plant unless:

(A) particulate matter emissions are less than 0.10 pounds of particulate matter per ton of asphalt produced; and

(B) the operation conforms to the requirements set forth in subsection (c) of this section.

(3) Foundry sand process. No owner or operator shall cause or allow the operation of a foundry sand process unless:

(A) particulate matter control measures and/or control equipment remove at least ninety percent (90%) of all airborne particulate matter from such process, or particulate matter emissions are less than 0.75 pounds of particulate matter per ton of material cast, whichever practice or combination of practices results in the lowest particulate matter emissions; and

(B) the operation conforms to the requirements set forth in subsection (c) of this section.

(4) Concrete batching process. No owner or operator shall cause or allow the operation of a concrete batching process unless:

(A) particulate matter control measures and/or control equipment remove at least ninety percent (90%) of all airborne particulate matter or 0.02 pounds of particulate matter per cubic yard of concrete, whichever practice or combination of practices results in the lowest particulate matter emissions; and

(B) the operation conforms to the requirements set forth in subsection (c) of this section.

(h) Control technology determinations.

To implement a control technology determination made by the commissioner, the commissioner may modify or revise a permit or issue an order to the owner or operator of a stationary source for which construction or major modification commenced after June 1, 1972 that requires more stringent emissions limitations than those set forth in subsections (b)(1) and (b)(2) of this section if such control technology determination does not result in a violation of the applicable provisions of 40 CFR 52, 60, 61, 62 or 63.

(i) Hazardous air pollutants.

Nothing in this section shall be construed to relieve an owner or operator from complying with all emissions limitations for hazardous air pollutants, hazardous materials or other hazardous substances.

(j) Excepted activities.

(1) The owner or operator of a stationary source shall not be subject to the visible emissions standards of subdivision (b)(2) of this section for measurements of opacity using opacity CEM equipment during a period of startup, shutdown or malfunction; commissioner-approved stack testing; or intentional sootblowing, fuel switching or sudden load changing done in accordance with good engineering practices provided that:

(A) the owner or operator is required by permit, order or regulation to install, operate and maintain opacity CEM equipment at such stationary source, and the owner or operator is in compliance with such permit, order or regulation with regard to such opacity CEM equipment. if a stationary source is not subject to a permit, order or regulation requiring operation and maintenance of opacity CEM equipment, an owner or operator may certify on a form acceptable to the Commissioner that:

(i) the owner or operator of such stationary source has installed opacity CEM equipment that meets the applicable criteria of 40 CFR 60, Appendices B and F, and

(ii) the owner or operator operates and maintains such installed opacity cem equipment in compliance with the requirements of 40 CFR 60, Appendices B and F;

(B) the period of exception from the visible emissions standards of subdivision (b)(2) of this section does not exceed one-half of one percent (0.5%) of the total operating hours of such stationary source during any calendar quarter; and

(C) the owner or operator of the stationary source does not cause or allow visible emissions in excess of sixty percent (60%) opacity during any six-minute block average of the period of exception from the visible emissions standards of subsection (b)(2) of this section.

(2) The owner or operator of an emissions unit that is subject to a visible emissions standard pursuant to a new source performance standard set forth in 40 CFR 60 shall not be subject to the visible emissions standards of subsections (b)(1) and (b)(2) of this section.

(3) Except for the use of open-bodied trucks and trailers subject to the requirements of subsection (c)(1)(d) of this section, a person engaged in agricultural operations shall be exempt from the requirements of subsection (c)(1) of this section provided such operations follow generally accepted agricultural practices and are in compliance with section 19a-341 of the Connecticut General Statutes.

(4) The owner or operator of any of the following sources shall be exempt from the requirements of subsection (b)(3) of this section:

(A) an antique mobile source over thirty years old;

(B) a mobile source used exclusively for racing;

(C) a mobile source while it is undergoing a mechanical repair or testing that affects the emission of visible air pollutants from such source;

(D) an aircraft;

(E) a locomotive operating on rails;

(F) a vessel operating on water; and

(G) commonly used residential lawn, garden and snow removal equipment.

(5) The operation of equipment to generate smoke or fog by any branch of the United States military or any other federal or state agency shall be exempt from the requirements of subsections (b) and (e) of this section provided such operation is limited to training exercises or the preparation thereof.

(6) The owner or operator of any stationary reciprocating internal combustion engine that is an emergency engine, as defined in subsection (a)(2) of section 22a-174-22 of the Regulations of Connecticut State Agencies and has a maximum continuous brake horsepower output rating, as specified by the manufacturer, greater than or equal to 175 bhp shall not be subject to the particulate matter emissions standards of subsection (e) of this section.

(7) The owner or operator of a stationary reciprocating internal combustion engine with a maximum continuous brake horsepower output rating, as specified by the manufacturer, of less than 175 bhp shall not be subject to the requirements of subsection (e) of this section.

(8) The requirements of subsections (e), (f) and (g) of this section shall not apply to the owner or operator of a source subject to more stringent bact requirements, provided that

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the source is operated in compliance with a BACT determination.

(9) A person conducting open burning pursuant to section 22a-174(f) of the Connecticut General Statutes or regulations adopted thereunder shall not be subject to the requirements of this section.

(10) If the owner or operator of a source possesses documentation demonstrating that the presence of uncombined water, such as water vapor, is the only reason for the failure of an emission to comply with the requirements of this section, then the provisions of this section shall not apply to that emission.

(11) The owner or operator of a municipal waste combustor as defined in Section 22a-174-38 of the Regulations of Connecticut State Agencies shall be exempt from the requirements of this section.

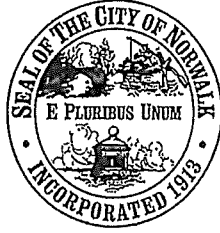
(Effective August 1, 1983; Amended April 1, 2004)

Exhibit B

CITY OF NORWALK

LAW DEPARTMENT

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March 29, 2017

Via Email: Paul.Kritzler@ct.gov

Paul Kritzler
Connecticut Department of Energy & Environmental Protection
Bureau of Air Management
79 Elm Street
Hartford, CT 06106-5127

**RE: Approval of Norwalk's Proposed Noise Ordinance Amendment
Norwalk Code Chapter 68-10(A)**

Dear Mr. Kritzler:

As requested, enclosed please find a copy of all documents pertaining to Norwalk's amendment to the noise ordinance for your file and review. As previously discussed, Chapter 68-10(A) was amended and submitted to the Common Council for approval. On March 28, 2017, the Common Council approved the amendment to Chapter 68-10(A). Therefore, please submit this amendment to the Norwalk ordinance for approval to the Commissioner of Connecticut's Department of Energy & Environmental Protection.

Please call me if you have any questions or concerns.

Very truly yours,


Brian Candela
Assistant Corporation Counsel

Enclosures:

- 1) Chapter 68 (Noise) of the Norwalk Ordinance
- 2) Submission of the amended ordinance for approval by Common Council
- 3) Approval of the amended ordinance by Common Council

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**ACTION
7:30 PM EST**

**MARCH 28, 2017
COUNCIL CHAMBERS**

C. ORDINANCE COMMITTEE

1. Approve proposed Ordinance changes on Norwalk Code Chapter 68-10(A), Noise.

APPROVED

NORWALK COMMON COUNCIL
REQUEST FOR ITEM TO BE PLACED ON AGENDA

DATE OF REQUEST: March 22, 2017
(Note - Agenda closes 12:00 Noon on the
Thursday before the Council meeting.)

PERSON/DEPARTMENT/COMMITTEE MAKING REQUEST:
Brian Candela, Assistant Corporation Counsel

SECTION ON AGENDA WHERE ITEM IS TO APPEAR:
Corporation Counsel - Ordinance

HAS ITEM BEEN TO A COUNCIL COMMITTEE? YES XX NO WHICH ONE?
Ordinance Committee of the Common council

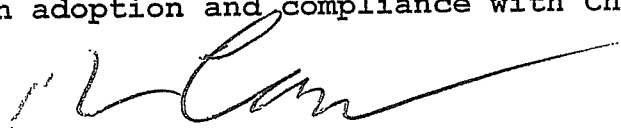
HAS THE ITEM BEEN REVIEWED BY THE P&Z COMMISSION UNDER Section 8-24 OF THE STATE STATUTES? YES NO N/A XX

LIST ITEMS AND ACTION TO BE TAKEN: (Attach document to be approved or backup material. If a contract is to be awarded, please include name of contractor, amount of contract to be awarded and account from which payment will be made.)

Approve proposed Ordinance changes on Norwalk Code Chapter 68-10 (A), Noise.

STATUTORY AUTHORITY UNDER WHICH ACTION IS BEING TAKEN:
Section 1-189 Charter of the City of Norwalk

EFFECTIVE DATE OF ACTION (if applicable):
Upon adoption and compliance with Charter provisions



Signature of Person Making Request

Please fill in all blanks and note if an item is not applicable.

Amended 4/13/84

[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,^m 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:

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

Where

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

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.

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 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.

(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.

§ 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)	(night)
Industrial	70 dBA's	66 dBA's	61 dBA's	51 dBA's

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 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 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 or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make 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 designated representative 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 or his designated representative free access to any premises when the Chief of Police or his designated representative is acting in compliance with a warrant for inspection and 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.

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.

§ 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 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 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 on 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 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 C

Summary of Various Municipal Ordinances re Noise

As requested, enclosed please find a summary of various municipal ordinances which have dealt with noise for your file and review. In addition, please also find the applicable Connecticut State Agency Regulations as well. Please note that the specific areas of each ordinance which deals with the applicable definitions, noise levels, penalties and enforcement will be attached for your review.

Connecticut State Agency Regulations (section 3.5)

Emitter Zone:	Industrial (C)	Business (B)	Residential (A)
Industrial (C):	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial (B):	62 dBA	62 dBA	55 dBA / 45 dBA
Residential (A):	62 dBA	55 dBA	55 dBA / 45 dBA

Daytime hours are between 7:00 a.m. and 10:00 p.m. Nighttime hours are between 10:00 p.m. and 7:00 a.m. Connecticut State Agency Regulation 22a-69-2.2 (Multiple uses) states that "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 specified in Section 3 (see 3.5 above) of these regulations." Regulation 22a-69-2.3 discusses a Class A noise zone (residential). Regulation 22a-69-2.3 discusses a Class A noise zone (residential). Regulation 22a-69-2.4 discusses a Class B noise zone (commercial). Regulation 22a-69-2.5 discusses a Class C noise zone (industrial).

Town of Branford (section 5.2)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Inspections can be found in section 9 and Penalties can be found in section 10. Daytime hours are between 7:00 a.m. and 10:00 p.m. Monday through Saturday and 9:00 a.m. through 10:00 p.m. on Sunday. Nighttime hours are between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

Town of Bridgeport (section 8.80.040)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Violations and Penalties can be found in section 8.80.100 and Enforcement can be found in section 8.80.130. Daytime hours are between 7:00 a.m. and 6:00 p.m. Monday through Friday and the hours between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday. Nighttime hours are between 6:00 p.m. and 7:00 a.m. Monday through Friday and hours between 6:00 p.m. and 9:00 a.m. on Saturday and Sunday.

Town of Danbury (section 12-14(e))

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Violations and Penalties can be found in section 12-14(h) and Enforcement can be found in section 12-14(i). Daytime hours are between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and the hours of 10:00 a.m. and 8:00 p.m. on Sundays and holidays. Nighttime hours are between 8:00 p.m. and 8:00 a.m. Sunday evening through Saturday morning, except that night shall mean the hours between 8:00 p.m. Saturday and 10:00 a.m. on Sunday and holidays.

Town of Greenwich (section 6B-5)

Emitter Zone:	Business	Residential
Business:	62 dBA	55 dBA / 45 dBA
Residential:	55 dBA	55 dBA / 45 dBA

Penalties can be found in section 6B-10. Daytime hours are 7:00 a.m. to 10:00 p.m. Nighttime hours are 10:01 p.m. and 6:59 a.m.

Town of Fairfield (section 78-5)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	51 dBA
Business:	62 dBA	62 dBA	45 dBA
Residential:	62 dBA	55 dBA	45 dBA

Enforcement can be found in section 78-6 and Penalties can be found in section 78-7. Nighttime hours are between 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 8:00 a.m. Friday and Saturday. Since there is no definition of Daytime hours, it is assumed that the hours not identified as Nighttime hours are Daytime hours.

Town of Hamden (section 3)

Emitter Zone:	Manufacturing	Business	Residential Day/Night
Manufacturing:	70 dBA	66 dBA	61 dBA / 51 dBA
Business:	62 dBA	62 dBA	55 dBA / 45 dBA
Mixed Use:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Enforcement and Penalties can be found in section 7. Daytime hours are between 7:00 a.m. and 9:00 p.m. weekdays and Saturday and between 8:00 a.m. and 9:00 p.m. on Saturday. Nighttime hours are between 9:00 p.m. and 7:00 a.m. weekdays and Saturday and after 9:00 p.m. and before 8:00 a.m. on Sunday. Definitions of Residential, Business, Manufacturing and Mixed Use Districts can be found in section 2 of this ordinance.

City of Hartford (section 23-3)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Enforcement can be found in section 23-7 and Penalties can be found in section 23-8. Day shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and the hours of 9:00 a.m. through 10:00 p.m. on Sunday. Night shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. through 9:00 a.m. on Sunday.

City of New Britain (section 16-105)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Penalties can be found in section 16-108. Daytime hours are 7:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 9:00 p.m. on Sunday. Nighttime hours are 9:00 p.m. to 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

City of New Haven (section 18-75)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Violations and Penalties can be found in section 18-82 and Enforcement can be found in section 18-89. Daytime hours are between 7:00 a.m. and 10:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday and Federal holidays. Unless otherwise provided, all other hours shall be construed as nighttime hours.

City of Stamford (section 164-5)

Emitter Zone:	Industrial	Business	Residential
Industrial:	70 dBA	66 dBA	61 dBA / 51 dBA
Commercial:	62 dBA	62 dBA	55 dBA / 45 dBA
Residential:	62 dBA	55 dBA	55 dBA / 45 dBA

Violations and Penalties can be found in section 164-10 and Enforcement can be found in section 164-13. Daytime hours are between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and the hours of 10:00 a.m. and 5:00 p.m. on Sunday. Nighttime hours begin at 8:01 p.m. Monday through Saturday and begin 5:01 p.m. on Sunday and Federal holidays. Nighttime hours end at 7:59 a.m. on Monday through Saturday and end at 9:59 a.m. on Sunday and Federal holidays.

Regulations of Connecticut State Agencies
Title 22a. Environmental Protection
Department of Energy and Environmental Protection (1)
Control of Noise

Regs. Conn. State Agencies § 22a-69-1.1

Sec. 22a-69-1.1. General

Currentness

(a) **adaptive reuse** means remodeling and conversion of an obsolete or unused building or other structure for alternate uses. For example, older industrial buildings, warehouses, offices, hotels, garages, etc., could be improved and converted for reuse in terms of industrial processes, commercial activities, educational purposes, residential use as apartments, or other purposes.

(b) **aircraft** means any engine-powered device that is used or intended to be used for flight in the air and capable of carrying humans. Aircraft shall include civil, military, general aviation and VTOL/STOL aircraft.

(i) **aircraft, STOL** means any aircraft designed for, and capable of, short takeoff and landing operations.

(ii) **aircraft, VTOL** means any aircraft designed for, and capable of, vertical take-off and landing operations such as, but not limited to, helicopters.

(c) **airport** means an area of land or water that is used, or intended to be used, for the landing and takeoff of aircraft and is licensed by the State of Connecticut Bureau of Aeronautics for such use. "Airport" shall include all buildings and facilities if any. "Airport" shall include any facility used, or intended for use, as a landing and take-off area for VTOL/STOL aircraft, including, but not limited to, heliports.

(d) **ANSI** means the American National Standards Institute or its successor body.

(e) **best practical noise control measures** means noise control devices, technology and procedures which are determined by the Commissioner to be the best practical, taking into consideration the age of the equipment and facilities involved, the process employed, capital expenditures, maintenance cost, technical feasibility, and the engineering aspects of the applicable noise control techniques in relation to the control achieved and the non-noise control environmental impact.

(f) **commissioner** means the Commissioner of the Department of Environmental Protection or his/her designated representative.

(g) **construction** means any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures,

public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling and paving.

(h) **daytime** means 7:00 a.m. to 10:00 p.m. local time.

(i) **director** means the Director of the Office of Noise Control in the Department of Environmental Protection.

(j) **emergency** means any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

(k) **intrusion alarm** means a device with an audible signal which, when activated, indicates intrusion by an unauthorized person. Such alarm may be attached to, or within, any building, structure, property or vehicle.

(l) **ISO** means the International Organization for Standardization, or its successor body.

(m) **lawn care and maintenance equipment** means all engine or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner, and including, but not limited to, lawn mowers, riding tractors, snowblowers, and including equipment intended for infrequent service work in inhabited areas, typically requiring skilled operators, including, but not limited to, chain saws, log chippers or paving rollers.

(n) **nighttime** means 10:00 p.m. to 7:00 a.m. local time.

(o) **noise zone** means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way and waters of the State.

(p) **office of noise control** means the office within the Department of Environmental Protection designated by the Commissioner to develop, administer and enforce the provisions of Chapter 442 of the Connecticut General Statutes.

(q) **OSHA** means the Occupational Safety and Health Act and any amendments thereto or successor regulations administered by the U.S. and Connecticut Departments of Labor or successor bodies.

(r) **person** means 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.

(s) **public emergency sound signal** means an audible electronic or mechanical siren or signal device attached to an authorized emergency vehicle or within or attached to a building for the purpose of sounding an alarm relating to fire or civil preparedness. Such signal may also be attached to a pole or other structure.

(t) **SAE** means the Society of Automotive Engineers, Inc., or its successor body.

(u) **safety and protective devices** means devices that are designed to be used, and are actually used, for the prevention of the exposure of any person or property to imminent danger, including, but not limited to, unregulated safety relief valves, circuit breakers, protective fuses, back-up alarms required by OSHA or other state or federal safety regulations, horns, whistles or other warning devices associated with pressure buildup.

(v) **site** means the area bounded by the property line on or in which a source of noise exists.

Credits

(Added effective June 15, 1978.)

Current with material published in Conn.L.J. through 3/21/2017.

§ 22a-69-1.1, CT ADC § 22a-69-1.1

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Regulations of Connecticut State Agencies Title 22a. Environmental Protection Department of Energy and Environmental Protection (1) Control of Noise

Regs. Conn. State Agencies § 22a-69-2.2

Sec. 22a-69-2.2. Multiple uses

Currentness

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 specified in Section 3 of these Regulations.

Credits

(Added effective June 15, 1978.)

Current with material published in Conn.L.J. through 3/21/2017.

§ 22a-69-2.2, CT ADC § 22a-69-2.2

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Regulations of Connecticut State Agencies Title 22a. Environmental Protection Department of Energy and Environmental Protection (1) Control of Noise

Regs. Conn. State Agencies § 22a-69-2.3

Sec. 22a-69-2.3. Class A noise zone

Currentness

Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land.

Class A Land Use Category. The land uses in this category shall include, but not be limited to, single and multiple family homes, hotels, prisons, hospitals, religious facilities, cultural activities, forest preserves, and land intended for residential or special uses requiring such protection.

The specific SLUCONN categories in Class A shall include:

1. Residential

11 Household Units*

12 Group Quarters

13 Mobile Home Parks and Courts

19 Other Residential

5. Trade

583 Residential Hotels

584 Hotels, Tourist Courts and Motels

585 Transient Lodgings

6. Services

651 Medical and Other Health Services; Hospitals

674 Correctional Institutions

691 Religious Activities

7. Cultural, Entertainment and Recreational

711 Cultural Activities

712 Nature Exhibitions

713 Historic and Monument Sites

* Mobile homes are included if on foundations

9. Undeveloped, Unused and Reserved Lands and Water Areas

92 Reserved Lands

941 Vacant Floor Area--Residential

Credits

(Added effective June 15, 1978.)

Current with material published in Conn.L.J. through 3/21/2017.

§ 22a-69-2.3, CT ADC § 22a-69-2.3

Regulations of Connecticut State Agencies Title 22a. Environmental Protection Department of Energy and Environmental Protection (1) Control of Noise

Regs. Conn. State Agencies § 22a-69-2.4

Sec. 22a-69-2.4. Class B noise zone

Currentness

Lands designated Class B shall generally be commercial in nature, areas where human beings converse and such conversation is essential to the intended use of the land.

Class B Land Use Category. The land uses in this category shall include, but not be limited to, retail trade, personal, business and legal services, educational institutions, government services, amusements, agricultural activities, and lands intended for such commercial or institutional uses.

The specific SLUCONN categories in Class B shall include:

4. Transportation, Communication and Utilities

46 Automobile Parking

47 Communication

5. Trade

51 Wholesale Trade

52 Retail Trade - Building Materials

53 Retail Trade - General Merchandise

54 Retail Trade - Food

55 Retail Trade - Automotive Dealers and Gasoline Service Stations

56 Retail Trade - Apparel and Accessories

57 Retail Trade - Furniture, Home Furnishings and Equipment

58 Retail Trade - Eating, Drinking and Lodging - Except 583, 584, and 585

59 Retail Trade - N.E.C. *

6. Services

61 Finance, Insurance and Real Estate Services

62 Personal Services

63 Business Services--Except 637

64 Repair Services

65 Professional Services--Except 651

67 Government Services--Except 672, 674, and 675

68 Educational Services

69 Miscellaneous Services--Except 691

7. Cultural, Entertainment and Recreational

71 Cultural Activities and Nature Exhibitions -- Except 711, 712, and 713

72 Public Assembly

73 Amusements

74 Recreational Activities

75 Resorts and Group Camps

76 Parks

79 Other, N.E.C. *

* Not Elsewhere Classified

8. Agriculture

81 Agriculture

82 Agricultural Related Activities

9. Undeveloped, Unused, and Reserved Lands and Water Area

91 Undeveloped and Unused Land Area

93 Water Areas

94 Vacant Floor Area--Except 941

99 Other Undeveloped Land and Water Areas, N.E.C. *

* Not Elsewhere Classified

Credits

(Added effective June 15, 1978.)

Current with material published in Conn.L.J. through 3/21/2017.

§ 22a-69-2.4, CT ADC § 22a-69-2.4

Regulations of Connecticut State Agencies Title 22a. Environmental Protection Department of Energy and Environmental Protection (1) Control of Noise

Regs. Conn. State Agencies § 22a-69-2.5

Sec. 22a-69-2.5. Class C noise zone

Currentness

Lands designated Class C shall generally be industrial where protection against damage to hearing is essential, and the necessity for conversation is limited.

Class C Land Use Category. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, military bases, mining, and other lands intended for such uses.

The specific SLUCONN categories in Class C shall include:

2. Manufacturing -- Secondary Raw Materials

3. Manufacturing -- Primary Raw Materials

4. Transportation, Communications and Utilities -- Except 46 and 47

6. Services

637 Warehousing and Storage Services

66 Contract Construction Services

672 Protective Functions and Related Activities

675 Military Bases and Reservations

8. Agriculture

83 Forestry Activities and Related Services

84 Commercial Fishing Activities and Related Services

85 Mining Activities and Related Services

89 Other Resource Production and Extraction, N.E.C. *

* Not Elsewhere Classified

Credits

(Added effective June 15, 1978.)

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§ 22a-69-2.5, CT ADC § 22a-69-2.5

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Regulations of Connecticut State Agencies
Title 22a. Environmental Protection
Department of Energy and Environmental Protection (1)
Control of Noise

Regs. Conn. State Agencies § 22a-69-3.5

Sec. 22a-69-3.5. Noise zone standards

Currentness

(a) No person in a Class C Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

	<i>Receptor</i>			
	<i>C</i>	<i>B</i>	<i>A/Day</i>	<i>A/Night</i>
<i>Class C Emitter to</i>	70 dBA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(b) No person in a Class B Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

	<i>Receptor</i>			
	<i>C</i>	<i>B</i>	<i>A/Day</i>	<i>A/Night</i>
<i>Class B Emitter to</i>	62 dBA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

(c) No person in a Class A Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

	<i>Receptor</i>			
	<i>C</i>	<i>B</i>	<i>A/Day</i>	<i>A/Night</i>
<i>Class A Emitter to</i>	62 dBA	55 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

Sec. 22a-69-3.5. Noise zone standards, CT ADC § 22a-69-3.5

Credits

(Added effective June 15, 1978.)

Current with material published in Conn.L.J. through 3/21/2017.

§ 22a-69-3.5, CT ADC § 22a-69-3.5

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**TOWN OF HAMDEN
LEGISLATIVE COUNCIL**

**AN ORDINANCE PROVIDING FOR THE REDUCTION OR ELIMINATION OF
EXCESSIVE NOISE AND THE ADMINISTRATION THEREOF**

WHEREAS, excessive sound and vibration are a serious hazard to the health, safety, welfare and the quality of life of the residents of the Town of Hamden; and

WHEREAS, individuals have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, or welfare, or degrade the quality of life; and

WHEREAS, the Town seeks to protect, preserve and promote the health, safety, welfare and quality of life of its residents; and

WHEREAS, there exists a substantial body of science and technology by which excessive sound and vibration may be substantially abated; and

WHEREAS, Town seeks to protect, preserve and promote the health, safety, welfare and quality of life of its residents by the reduction, control and prevention of noise.

NOW, THEREFORE, BE IT SO ORDAINED

SECTION 1: DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated in the interpretation and enforcement of this ordinance. Where terms are not defined under the provisions of this chapter and are defined in the noise regulations of the Connecticut Department of Environmental Protection, they shall have the same meanings ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings or such meaning as the context herein may imply.

ANSI – The American National Standards Institute or its successor body. Any ANSI standard referred to in this ordinance shall be deemed to incorporate further revisions by reference.

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

DAYTIME HOURS: The hours between 7:00 am and 9:00 p.m., weekdays and Saturday, and the hours between 8:00 am and 9:00 p.m. on Sunday.

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

EMERGENCY SOUND SIGNAL: An audible electronic or mechanical siren or signal device attached to an authorized emergency vehicle or within or attached to a building pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management.

EMITTER: An individual or entity who is the owner or occupant of the premises from which noise commences.

EXCESSIVE NOISE: Emitter noise zone levels from noise sources exceeding the standards set forth in Section 3 of this ordinance beyond the boundary of the emitter's noise zones.

IMPULSE NOISE: Means noise of short duration (generally less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.

MAINTENANCE EQUIPMENT: All engine or motor-powered garden or maintenance tools intended for repetitive use, including, but not limited to lawnmowers, riding tractors, blowers, and including equipment intended for infrequent service work including, but not limited to, chain saws, log chippers or paving rollers.

MOBILE SOURCES OF NOISE: Mobile sources of noise shall include, but are not limited to such sources as automobiles, trucks and other vehicles used to transport individuals or items along public rights-of-way.

NIGHTTIME HOURS: The hours between 9:00 p.m. and 7:00 a.m. weekdays and Saturday, and the hours after 9:00 p.m. and before 8:00 a.m. on Sunday.

NOISE ZONE: Means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise Emitters, includes contiguous publicly-dedicated streets and highway rights-of-way, railroad rights-of-way, water bodies and waters of the State.

RECEPTOR: An individual or entity who is the owner or occupant of premises affected by or receiving noise.

SITE: Means the area bounded by a property line on or in which a source of noise exists.

SOUND LEVEL METER: Means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1984 (1997).

SECTION 2: CLASSIFICATION OF NOISE ZONES AND NOISE DISTRICTS

A. Noise zone classifications shall be based on the designated use of any parcel or tract, based on the zoning district in which a parcel is located as described on the Zoning Map and in the Zoning Regulations of the Town of Hamden, as amended from time to time; provided that any parcel whose use is lawfully nonconforming to its district at the time this ordinance is enacted shall be classified for noise emission purposes according to the district appropriate for the nonconforming use. The current designation shall be the determining factor and any change in the zoning map or zoning regulations will also represent a change in the Noise District.

B. Noise Districts

1. Residential Noise District – Lands or Noise Zones contained within residential districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Residential Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this ordinance.
2. Business Noise District – Lands contained within business districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Business Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this ordinance.
3. Manufacturing Noise District – Lands contained within manufacturing districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Manufacturing Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this ordinance.
4. Mixed Use Noise District (referred to as Controlled Development Districts or CDD) – Lands contained within mixed used districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Business Noise Districts for purposes of this ordinance and shall be subject to the noise standards prescribed therefor or defined by this ordinance.

C. Within a noise district, the Emitter's noise zone is defined as his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by the public land records. The emitter's noise zone also includes contiguous street and highway rights-of-way, railroad rights-of-way and water.

SECTION 3: NOISE STANDARDS

a. No person shall cause or allow the emission of excessive noise as defined herein beyond the boundaries of his/her Noise District or Noise Zone as measured at any point on a Receptor's tract or parcel of land, so as to exceed the levels stated herein. The source of noise measured shall be the responsibility of the Emitter.

b. Impulse Noise

1. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime.

2. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any Noise District or Noise Zone.

c. Noise District and Noise Zone Standards

1. No person in a Manufacturing Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	Manufacturing	Business	Residential	
			Day	Night
Manufacturing Emitter to	70 dbA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

2. No person in a Business Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	Manufacturing	Business	Residential	
			Day	Night
Business Emitter to	62 dbA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

3. No person in a Mixed Use District ("CDD") shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	Manufacturing	Business	Residential Day	Night
Mixed Use Emitter to	62 dbA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

4. No person in a Residential Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	Manufacturing	Business	Residential Day	Night
Residential Emitter to	62 dbA	55 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

d. Motor Vehicle Noise

All motor vehicles operated within the limits of the Town of Hamden shall be subject to the noise standards and decibel levels as set forth in the Regulations of the State of Connecticut, Department of Motor Vehicles, Title 14, Sec. 14-80a-1 through 14-8-a-18; as amended from time to time.

No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 3 of this Ordinance.

SECTION 4: EXCLUSIONS

The provisions of this chapter shall not apply to noise or sound emitted by or related to:

- Natural phenomena;
- The unamplified sound of the human voice;
- The unamplified sound made by any wild or domestic animal;
- Bells, carillons, or chimes associated with specific religious observances and/or organizations;
- A public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management;

- f. Snow removal equipment provided the equipment is maintained in good repair so as to minimize noise and that noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom;
- g. Farming equipment or farming activity; and
- h. Refuse, solid waste or recyclable materials collection.

SECTION 5: EXEMPTIONS

The following shall be exempt from this chapter, subject to the special conditions as specified:

- 1. Noise created by any construction activity which is conducted during daytime hours;
- 2. Noise created by recreational activities that are authorized by the Town, including, but not limited to, parades, sporting events, concerts and fireworks displays;
- 3. Noise created by the operation of public facility maintenance equipment or private property maintenance equipment during daytime hours; and
- 4. Noise created by blasting, other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., at specified hours previously announced to the public, and provided that a permit for such blasting has been obtained from local authorities.

SECTION 6: EQUIPMENT AND MEASUREMENT

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

- a. A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- b. Instruments used to determine noise levels shall be of standard design, maintained in calibration, and good working order, and instrument manufacturer's instructions for use of the instruments shall be followed.
- c. Measurements taken to determine compliance with this Ordinance, in particular Section 3, shall be taken at any elevation and at any point beyond the boundary of the Emitter's Noise District or Noise Zone and within the Receptor's Noise District or Noise Zone.

SECTION 7: ENFORCEMENT AND PENALTIES

The Hamden Police Department shall be responsible for enforcement of the provisions of this chapter. Any person in violation of any section of any provision of this chapter may be fined in an amount not to exceed one hundred dollars (\$100) per violation. Each day a violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed four hundred (\$400) dollars per day.

All notices and fines required or permitted by this ordinance shall emanate from the Hamden Police Department. Fines shall be paid to the Hamden Department of Police Services.

SECTION 8: APPEAL

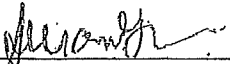
- A. Whenever a fine is imposed under this ordinance, the person fined may, within 10 days from the date of the noise ticket, appeal by filing a written notice of appeal to the Town's Hearing Officer. The filing of an appeal shall stay any fine imposed until such time as a decision is rendered on the appeal.
- B. The provisions of this ordinance may be enforced by citation and hearing as permitted by Conn. Gen. Stat. 7-152(c).

SECTION 9: EFFECTIVE DATE

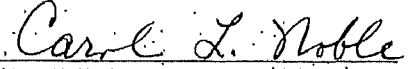
Pursuant to Connecticut General Statutes § 22a-73, this ordinance shall not be effective until it has been approved by the Commissioner of the State Department of Environmental Protection.

Adopted by the Legislative Council at its meeting held on December 4, 2000.

APPROVED AS TO FORM:

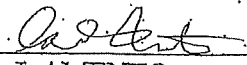


SUSAN GRUEN
Town Attorney

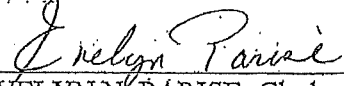


CAROL L. NOBLE, President
Legislative Council

APPROVED:



CARL J. AMENTO
Mayor



EVELYN N. PARISE, Clerk
Legislative Council

Ordinance No.: 428
Published: 12/7/00
Newspaper: New Haven Register
Effective: 12/28/00

~~DRAFT: 8-11-89~~

PROPOSED ORDINANCE

AN ORDINANCE PROVIDING FOR THE REDUCTION AND ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE TOWN OF BRANFORD, CONNECTICUT.

Section 1. Short Title: "The Town of Branford Noise Control Ordinance."

Section 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 Ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Branford through reduction, control, and prevention of noise.

Section 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 3.1 AMBIENT NOISE OR BACKGROUND NOISE: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
- 3.2 BOARD OF SELECTMEN: Shall mean the Board of Selectmen of the Town of Branford or a duly authorized officer subject to their orders.
- 3.3 COMMERCIAL ZONE: Shall mean Center Business BC District, Restricted Business BR District, Local Business BL District and Commerce Park CP District as defined in Chapter II of the zoning regulations of the Town of Branford and all uses associated therewith either permitted as a right or as a special use.
- 3.4 CONSTRUCTION: Shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.
- 3.5 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 3.6 DAY-TIME HOURS: Shall mean the hours between 7:00 a.m. and

10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

- 3.7 DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.
- 3.8 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- 3.9 DOMESTIC POWER EQUIPMENT: Shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- 3.10 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 3.11 EMERGENCY VEHICLE: Shall mean any motor vehicle authorized by the Town of Branford to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- 3.12 EMERGENCY WORK: Shall mean 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.
- 3.13 IMPULSE NOISE: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
- 3.14 INDUSTRIAL ZONE: Shall mean General Industrial District #1 and General Industrial District #2 as defined and set forth in Chapter II of the zoning regulations of the Town of Branford, and all uses associated therewith either permitted as a right or as a special use.
- 3.15 MOTOR VEHICLE: Shall be defined as per Section 14-1 (26) of the Connecticut General Statutes.
- 3.16 MUFFLER: Shall mean a device for abating sounds such as escaping gases.
- 3.17 NIGHT-TIME HOURS: Shall mean the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

- 3.18 NOISE: Shall mean any sound, the intensity of which exceeds the standards set forth in Section 5.2 of this Ordinance.
- 3.19 NOISE LEVEL: Shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- 3.20 PERSON: Shall mean 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.
- 3.21 PREMISES: Shall mean any building, 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 publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.
- 3.22 PROPERTY LINE: Shall mean that real or imaginary line along the ground surface and its vertical extension which a) separates real property owned or controlled by any person for contiguous real property owned or controlled by another person, and b) separates real property from the public right-of-way.
- 3.23 PUBLIC RIGHT-OF-WAY: Shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
- 3.24 ^{NON-Registered} ~~NON~~-RECREATIONAL VEHICLE: Shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.
- 3.25 RESIDENTIAL ZONE: Shall mean those residential districts set forth in Chapter II of the zoning regulations of the Town of Branford and all uses associated therewith either permitted as a right or as a special use.
- 3.26 SOUND: Shall mean 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.
- 3.27 SOUND LEVEL METER: Shall mean 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 SI. 4--1971 (Type S2A).

- 3.28 SOUND PRESSURE LEVEL: Shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty micronewtons per square meter (20×10^{-6} Newtons/meter), and is expressed in decibels (dB).

SECTION 4. NOISE LEVEL MEASUREMENT PROCEDURES: For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable.

- 4.1 All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- 4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.
- 4.3 The general steps listed below shall be followed when preparing to take sound level measurements.
- a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - b) The sound level meter shall be calibrated before and after each set of measurements.
 - c) 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.
 - d) 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 (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
 - e) Measurements shall be taken at the 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 group of contiguous parcels under the same ownership as indicated by public land records.

Section 5. Noise Levels.

- 5.1 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 these regulations.

5.2 NOISE LEVEL STANDARDS

- a) 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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

- b) 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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

- c) 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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

5.3 HIGH BACKGROUND NOISE LEVELS AND IMPULSE NOISE

- a) In those individual cases where the background noise levels caused by sources not subject to these Regulations 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 5 dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of 80 dBA at anytime, and provided that this Section does not decrease the permissible levels of other Sections of this Ordinance.
- b) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Residential Noise Zone.

- c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any Zone.

5.4 EXCLUSIONS

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

- a) Natural phenomena.
- b) Any bell or chime from any building clock, school, or church.
- c) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.
- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity.

5.5 EXEMPTIONS

The following shall be exempt from these regulations subject to special conditions as spelled out;

- a) Noise generated by any construction equipment which is operated during Day-Time Hours, provided that the operation of construction equipment during Night-Time Hours shall not exceed the maximum noise levels as specified in Section 5.2.
- b) Noise created as a result of, or relating to an emergency.
- c) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during Day-Time Hours.
- d) Noise from snow removal equipment.
- e) Noise from demolition work conducted during Day-Time Hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- f) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

- g) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts, and firework displays.
- h) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- i) Noise created by refuse and solid waste collection, provided that the activity is conducted during Day-Time Hours.

Section 6. Prohibited Noise Activities. The following activities are prohibited:

- 6.1 VEHICLE HORNS: No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- 6.2 TRUCK IDLING: No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a Town road next to a residential premises.
- 6.3 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 be through a muffler as defined by Section 3.16 of this Ordinance or through an apparatus providing equal noise reduction.

Section 7. Motor Vehicle Noise.

- 7.1 All motor vehicles operated within the limits of the Town of Branford shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.
- 7.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 5.2.

Section 8. Recreational Vehicle Noise.

- 8.1 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 Ordinance when the noise so generated exceeds the noise level standards set forth in Section 5.2.

Section 9. Inspections.

- 9.1 For the purpose of determining compliance with the provisions of this Ordinance, the Board of Selectmen or their designated representative are hereby authorized to make inspections of all noise sources and to take measurements and make 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 Board of Selectmen or their designated representative 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.
- 9.2 It shall be unlawful for any person to refuse to allow or permit the Board of Selectmen or their designated representative free access to any premises when the Board of Selectmen or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- 9.3 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.
- 9.4 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 Ordinance.

Section 10. Penalties.

- 10.1 Any person in violation of any of the provisions of this Ordinance shall be deemed guilty of an infraction and upon conviction thereof shall be fined in an amount not to exceed fifty (\$50) dollars. Each thirty (30) minutes such violation reoccurs after the initial violation or any subsequent violation shall constitute a new violation.

Section 11. Variance and Contracts.

- 11.1 Variances.

Any person living or doing business in Branford may apply to the Board of Selectmen for a variance from one or more of the provisions of the Ordinance, which are more stringent than the Connecticut Department of Environmental regulations for the control of noise, provided that the applicant supplies all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.

- 1) The location and nature of activity.
 - 2) The time period and hours of operation of said activity.
 - 3) The nature and intensity of the noise that will be generated, and,
 - 4) Any other information required by the Board of Selectmen.
- b) No variance from these regulations shall be used unless it has been demonstrated that:
- 1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
 - 2) The noise levels generated by the proposed activity will not constitute a danger to the public health, and
 - 3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.
- c) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
- d) Failure to rule on the application in the designated time shall constitute approval of the variance.

11.2 Contracts. Any written agreement, purchase order or contract whereby the Town of Branford 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 Ordinance will be operated, constructed, conducted or manufactured without violating the provisions of this Ordinance.

Section 12. Severability. All provisions of the zoning regulations of the Town of Branford which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph, or section of this Ordinance shall be held to make the same unconstitutional, this ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut are hereby repealed, it being understood that said Statutes and Code shall take precedence over this Ordinance.

Section 13. Effective Date. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in Branford.

CHAPTER 6B. - NOISE.

Sec. 6B-1. - Declaration of policy.

Inadequately controlled noise presents a growing danger to the public health and welfare of persons within the Town of Greenwich. The policy of the Board of Health is to promote an environment free from noise that jeopardizes the health and welfare of persons within the Town of Greenwich.

(Bd. of Health, 2/8/1984.)

Sec. 6B-2. - Definitions.

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

- (a) *Board of Health* is that Board authorized by Section 25 of Number 444 of the Special Acts of 1939, as amended.
- (b) *Business Zone* shall include BEX-50, WB, LB, LBR, CGB, CGBR, GR, GBO and P Zones as so designated in the current Zoning Regulations and Zoning Map of the Town of Greenwich.
- (c) *Construction* is any and all physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines or other property, and shall include but not be limited to land clearing, grading, excavating, filling and paving.
- (d) *Daytime* is 7:00 a.m. to 10:00 p.m. local time.
- (e) *Director* is the Director of Health as defined in the Special Acts of the Town of Greenwich or his/her authorized representative.
- (f) *Emergency* is any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.
- (g) *Fire Horn* is a sound-producing device activated by compressed air or electronics, located at a fire station, to alert fire-fighting personnel.
- (g.1) *Gasoline-powered leaf blower* is defined as a home or commercial tool, powered by a gasoline engine, that is used primarily for, but not limited to, accumulating leaves, grass clippings, cleaning gutters, and other related tasks.
- (h) *Legal holiday* shall include all legal holidays designated by the Town of Greenwich.
- (i) *Motorboat* is defined as any vessel not more than sixty-five (65) feet in length and propelled by machinery, whether or no such machinery is the principal source of propulsion.
- (j) *Motorcycle* is defined as per Section 14-1(25) of the Connecticut General Statutes.
- (k) *Motor vehicle* is defined as per Section 14-1(26) of the Connecticut General Statutes.
- (l) *Muffler* is a device for abating sounds such as escaping gasses.
- (m) *Nighttime* is 10:01 p.m. to 6:59 a.m. local time.
- (n) *Person* is 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.

- (o) *Premises* is any building, 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.
- (p) *Property line* is that real or imaginary line along the ground surface and its vertical extension which:
 - (1) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and
 - (2) Separates real property from the public right-of-way.
- (q) *Public right-of-way* is any street, avenue, boulevard, highway, alley, sidewalk, park, waterway, railroad or similar place which is owned, maintained or controlled by a government entity over which the public in general has a right of passage.
- (r) *Residential Zone* shall include RA-4, RA-2, RA-1, R-20, R-12, R-7, R-6, R-MF, RC, PHD-E, PHD-N, RPHD-TH, RPHD-SU and R-PR Zones as so designated in the current Zoning Regulations and Zoning Map of the Town of Greenwich.
- (s) *Weekday* is any day Monday through Friday which is not a legal holiday.
(Bd. of Health, 2/8/1984; 3/28/1994.)

Sec. 6B-3. - Acoustic terminology and definitions.

All acoustical terminology used in these Regulations shall be in conformance with the American National Standards Institute (ANSI) Acoustical Terminology, contained in publication S1.1, as it now exists and as it may be hereafter modified. The definitions below shall apply if the particular term is not defined in the aforesaid ANSI publication.

- (a) *Ambient or background noise* is noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
- (b) *Decibel (dB)* is a unit of measurement of the sound level.
- (c) *Excessive noise* is any sound, the intensity of which exceeds the standards set forth in Section 6B-5 of this chapter.
- (d) *Impulse noise* is noise of short duration (generally less than one (1) second), especially of high intensity, abrupt onset and rapid decay and often rapidly changing spectral composition.
- (e) *Peak sound pressure level* is the absolute maximum value of the instantaneous sound pressure level occurring in a specified period of time.
- (f) *Sound* is 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.
- (g)

Sound level meter is an instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks for the measurement of sound levels. The "sound level meter" shall conform to ANSI Specifications for Sound Level Meters, S1.4-1971.

- (h) *Sound pressure level (SPL)* is twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure in question to the standard reference pressure of 0.00002 N/M². It is expressed in decibel units.
(Bd. of Health, 2/8/1984.)

Sec. 6B-4. - Measurements and instruments.

- (a) For the purpose of determining noise levels as set forth in this chapter, the following shall be applicable:
- (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
 - (2) Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this chapter.
- (b) 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.
 - (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 (4) 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 (1) foot beyond the property line of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
 - (6) While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources shall be made to ensure that the measurements are due to the sound being investigated. The sound levels of extraneous sound sources shall be recorded.
 - (7) The intentional moving or rendering inaccurate or inoperative of any sound-monitoring instrument or device positioned or used by or for the Director, provided that such device or the immediate area is clearly labeled to warn of the potential illegality, shall be a violation of this chapter.

(Bd. of Health, 2/8/1984.)

Sec. 6B-5. - Allowable noise levels.

- (a) General prohibition. No person shall, except as provided in Section 6B-6, cause, allow or permit the creation, continuance or maintenance of any noise beyond the property lines of his/her premises in excess of the noise levels established in these regulations.

(b) Impulse noise. No person shall, except as provided in Section 6B-6, cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during the nighttime to any residential noise zone. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure at any time to any business or residential zone.

(c) Noise level standards.

(1) No person in a residential zone shall emit noise, except impulses, beyond the property lines of his/her premises exceeding the levels stated herein:

Emitter's Zone		Receptor's Zone	
		Residential/Day	Residential/Night
Residential	55 dBA	55 dBA	<u>45</u> dBA

(2) No person in a business zone shall emit noise, except impulses, beyond the property lines of his/her premises exceeding the levels stated herein:

Emitter's Zone		Receptor's Zone	
		Residential/Day	Residential/Night
Business	<u>62</u> dBA	55 dBA	<u>45</u> dBA

(3) Nonconforming uses shall comply with the limits applicable to the district within which the nonconforming use is located.

- (d) High background noise levels. In those individual cases where the background noise levels caused by sources not subject to these regulations 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 (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible noise levels of other sections of this chapter.
- (e) Motor vehicle noise. All motor vehicles operated within the limits of the Town of Greenwich shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 6B-5.
- (f) Recreational motorized vehicles operating off public rights-of-way.

- (1) Except as permitted under Section 6B-8(a)(2), no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Section 6B-5(c).
- (2) This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

(Bd. of Health, 2/8/1984.)

Sec. 6B-6. - Prohibited noise activities.

In addition to the foregoing, the following acts and the causing thereof are declared to be in violation of this chapter:

(a) Construction.

- (1) No person shall operate or permit the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays and before 9:00 a.m. and after 5:00 p.m. on Saturdays or at any time on Sundays or holidays such that the sound therefrom exceeds the limits set forth in Section 6B-5.
- (2) Section 6B-6(a) does not apply to the use of domestic power tools subject to Section 6B-6(e).

(b) Refuse. No person shall operate a refuse-collection vehicle between the hours of 9:00 p.m. and 5:00 a.m. unless otherwise approved by the Director of Health.

(c) Motorboats. All motorboats operated on any waterway within the jurisdiction of the Town of Greenwich shall be subject to the noise level standards set forth in Section 15-129 of the Connecticut General Statutes.

(d) 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 Section 6B-2(j) of this chapter or through an apparatus providing equal noise reduction.

(e) Domestic power tools/equipment.

- (1) No person shall operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or other tool between the hours of 9:00 p.m. and 8:00 a.m. the following day such that the sound therefrom exceeds the limits set forth in Section 6B-5.
- (2) Section 6B-6(e) does not apply to the use of snow-removal equipment.
- (3) No person shall operate or permit the operation of any gasoline-powered leaf blower between 6:00 p.m. and 8:00 a.m. Monday through Friday and between 3:00 p.m. and 9:00 a.m. Saturday, Sunday and Holidays.
- (4) Commercial and/or residential property parcels of one-quarter (1/4) acre or less may only be serviced by one (1) gasoline-powered leaf blower at any given time.
- (5) Premises located in the Town of Greenwich may only be serviced by one (1) gasoline-powered leaf blower, at any given time, from Memorial Day through Labor Day, inclusive.

- (f) Equipment for emergency activity use. No person shall operate necessary emergency equipment for maintenance purposes during non-emergencies between the hours of 5:00 p.m. and 9:00 a.m. on weekdays (M—F) and at no time on Saturday or Sunday.

(Bd. of Health, 2/8/1984; 3/28/1994; 5/15/1996; 1/26/2012.)

Sec. 6B-7. - Exclusions.

These regulations shall not apply to:

- (a) Sound generated by natural phenomena, including but not limited to wind, storms, insects, amphibious creatures, birds and water flowing in its natural course.
- (b) The unamplified sounding of the human voice.
- (c) The unamplified sound made by any wild or domestic animal.
- (d) Sound created by bells, carillons or chimes associated with specific religious observances.
- (e) Sound created by safety and protective devices.
- (f) Farming equipment or farming activity.
- (g) Backup alarms required by the Occupational Safety and Health Administration or other state or federal safety regulations.

(Bd. of Health, 2/8/1984.)

Sec. 6B-8. - Special exemption.

The following shall be exempt from the provisions of this chapter:

- (a) Sounds created by emergency activities, as authorized by the proper authorities, or emergency vehicles, sounds giving warning of emergencies or sounds customarily signaling particular times of the day. Noise generated by necessary equipment in emergency activities that is used during an emergency includes the reasonable testing of such equipment during non-emergencies. All noise generated by necessary emergency equipment during non-emergency testing to ensure proper operation during an emergency, must be tested between the hours of 9:00 a.m. and 5:00 p.m. weekdays (M—F) only. Sounds created by the utilization of fire horns shall not come within this exemption unless a variance has first been obtained pursuant to Section 6B-9 of this chapter.
- (b) Sound created by parades, carnivals and other special public social events or celebrations after having attained a valid permit from the town.
- (c) Noise generated by construction activities between the hours of 7:00 a.m. and 6:00 p.m. weekdays and between 9:00 a.m. and 5:00 p.m. Saturdays.
- (d) Noise created by domestic power tools between the hours of 8:00 a.m. and 9:00 p.m. except for gasoline-powered leaf blowers between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and between 9:00 a.m. and 3:00 p.m. Saturday, Sunday and Holidays.
- (e) Noise generated by snow-removal equipment or by gasoline-powered leaf blowers for storm condition clean-up operations. All other applications for exemptions must be approved in writing by the Director.

(Bd. of Health, 2/8/1984; 3/28/1994; 1/26/2012.)

Sec. 6B-9. - Variance.

The Board of Health may, on written application and after review, grant a variance from any provision or provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, where such variance is justified by overriding interests affecting the public safety, health and welfare. The variance may be granted subject to appropriate conditions, which may include a time schedule for compliance. The Board of Health shall hold a public hearing on all variance applications submitted to it. Said hearing shall be held within thirty (30) days from the receipt of the variance application by the Board of Health. Notice of the time and place of such hearing shall be given by mail to the applicant at least ten (10) business days before the date of the hearing. Notice of the time, place and application or applications to be discussed shall also be posted in the office of the Town Clerk at least ten (10) business days before the date of the hearing. The Board of Health shall render a written decision setting forth the reasons for the grant or denial of the variance with ten (10) business days after said hearing. Where the decision is to grant a variance, the Board of Health shall set forth those conditions or circumstances which it finds justify the grant of the variance.

(Bd. of Health, 2/8/1984.)

Sec. 6B-10. - Penalties.

- (a) Unless otherwise provided, the penalties for violating any provision of this chapter shall be as follows:
 - (1) First offense: Warning and education concerning the provisions of this chapter;
 - (2) Second offense: One hundred dollars (\$100.00);
 - (3) Each subsequent offense: Two hundred forty-nine dollars (\$249.00).
- (b) It shall be the responsibility of the offender to abate the violation as ordered by the Director. Each day's violation shall be deemed a separate offense.

(Bd. of Health, 2/8/1984; RTM, 4/30/2012.)

ARTICLE V, - NOISE^[5]

Footnotes:

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Editor's note— An ordinance adopted in January, 1996, repealed former Art. V, §§ 16-101—16-107, relative to noise, and enacted a new Art. V to read as herein set out. The provisions of former Art. V derived from an ordinance adopted in June, 1985, and § 3 of an ordinance adopted in May, 1986.

Cross reference— Creating disturbing noise on street prohibited, §§ 21-20, 21-21.

Sec. 16-101. - 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, safety or welfare or degrade the quality of their lives. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the city of New Britain through the reduction, control and prevention of noise.

(Ord. of 1-96)

Sec. 16-102. - Definitions.

When used in this article, the terms below shall have the following meaning:

Audible: Sound having sufficient energy as to be heard by a natural person.

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

Business zone: Those areas so designated under business zone of the zoning ordinances of the City of New Britain.

Chief of police: The chief of police of the City of New Britain or a duly authorized officer subject to his/her order.

Construction: The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

Construction equipment: Any equipment or device operated by fuel or electric power used in construction or demolition.

Daytime hours: The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel: A unit of measurement of the sound level, the symbol for which is "db."

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

Emergency vehicle: Any motor vehicle authorized by any local authority 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 changes.

Excessive noise: Any sound, the intensity of which exceeds the standard set forth in section 16-105.

His/her premises: Premises owned, controlled or otherwise occupied or used by the person in question.

Impulse noise: Sound of short duration, usually less than one second, with an abrupt onset and rapid delay.

Industrial zone: Those areas so designated under the industrial zone of the zoning ordinances of the City of New Britain.

Intrusion alarm: A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle: A vehicle as defined in subdivisions (30) and (31) of section 14-1 of the Connecticut General Statutes, revision of 1958, as amended.

Nighttime hours: The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level: The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated "db(A)" or "db(a)."

- (b) Instruments used to determine sound-level measurement shall be sound-level meters as defined by this article.
- (c) The following steps should be taken 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.
 - (2) Measurements to determine compliance with section 16-105 shall be taken at a point that is located more or less one foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.

(Ord. of 1-96)

Sec. 16-104. - Classification of noise zones.

Noise zones within the City of New Britain shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the zoning ordinances and zoning map of the City of New Britain.

Zone	Actual or Intended Use	Current Zoning**
A	Residential	S-1, S-2, S-3, T, A-1, A-2, A-3, RO
B	Commercial	OP, B-1, B-2, B-3, B-4, TP
C	Industrial	I-1, I-2, I-3

**Note: Based on the zoning ordinances and zoning map of the City of New Britain.

(Ord. of 1-96)

Sec. 16-105. - Noise standards.

- (a) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the

property lines of his/her premises in excess of the following noise levels:

<i>Emitter Noise Zone</i>	<i>Receptor Noise Zone Class</i>			
	<i>C</i>	<i>B</i>	<i>A-Day</i>	<i>A-Night</i>
Class C	70 dBA	66 dBA	61 dBA	51 dBA
Class B	62 dBA	62 dBA	55 dBA	45 dBA
Class A	62 dBA	55 dBA	55 dBA	45 dBA

- (b) Notwithstanding subsection (a) of this section, it shall be unlawful for any person to emit or cause to be emitted from a residence any noise that is audible more than three hundred (300) feet beyond the property lines of his/her premises during daytime hours or more than one hundred (100) feet beyond the property lines of his/her premises during nighttime hours.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-106. - Exceptions.

- (a) This article 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 system in an emergency situation.
 - (4) A public emergency sound system.
 - (5) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
 - (6) Farming equipment or farming activity.
 - (7) An emergency.
 - (8) Snow removal equipment and sanding and sweeping of streets, sidewalks and parking

lots.

- (b) The following shall be exempt from this article, subject to special conditions as specified:
- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 16-105 of this article.
 - (2) Noise from domestic power equipment during daytime hours.
 - (3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this article.
 - (4) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
 - (5) 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 fireworks displays.
 - (6) Noise created by blasting, other than that conducted in connection with construction activities, shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public and provided that a permit for such blasting has been obtained from local authorities.
 - (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.
 - (8) Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.
 - (9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
 - (10) Public-address systems used in election campaign activities during daytime hours only.
- (Ord. of 1-96; Ord. of 10-00)

Sec. 16-107. - Vehicle noise restrictions.

The following activities are prohibited:

- (a) *Motor vehicle noise.* All motor vehicles operated within the limits of the City of New Britain shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the Connecticut General Statutes.
 - (b) *Motor vehicle sound-amplifying devices.* No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection (a) of section 16-105.
 - (c) *Unregistered recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of an unregistered recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this article when the noise so generated exceeds the noise level standards set forth in subsection (a) of section 16-105 or is audible more than one hundred (100) feet from said vehicle.
 - (d) Notwithstanding subsections (a), (b) and (c) of this section, it shall be unlawful for any person to emit or cause to be emitted from a motor vehicle any noise other than the noise from the vehicle's engine that is audible more than three hundred (300) feet from said vehicle during daytime hours or more than one hundred (100) feet from said vehicle during nighttime hours.
- (Ord. of 1-96; Ord. of 10-00)

Sec. 16-108. - Penalties for offenses.

- (a) Any person in violation of any of the sections of this article shall be fined in an amount not to exceed fifty dollars (\$50.00). Each day that such violation continues after the time for correction of the violation given in an order shall constitute a continuing violation, and the amount of the fine for each day after the first shall be ninety-nine dollars (\$99.00).
 - (b) Notwithstanding subsection (a) of this section, any person in violation of section 16-107 of these ordinances shall be fined ninety-nine dollars (\$99.00) per instance of violation.
- (Ord. of 1-96; Ord. of 10-00)

Sec. 16-109. - Variances.

- (a) Any person living or doing business in the City of New Britain may apply to the board of police commissioners for a variance of one or more of the provisions of this article which are more stringent than the Connecticut Department of Environmental Protection regulations for

the control of noise, provided that the applicant supplies all of the following information to the chief of police at least twenty (20) days prior to the start of the activity for which the variance is sought:

- (1) The location and nature of the activity;
 - (2) The time period and hours of operation of said activity; and
 - (3) The nature and intensity of the noise that will be generated.
- (b) No variance from this article shall be granted unless it has been demonstrated that:
- (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - (3) Compliance with this article constitutes an unreasonable hardship on the applicant.
- (c) The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- (d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-109.1. - More stringent provisions to apply.

All provisions of the zoning ordinances of the City of New Britain which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional or be superseded by any state law or regulation, this ordinance shall not thereby be invalidated, and the remainder of this article shall continue in effect.

(Ord. of 1-96)

Editor's note— At the discretion of the editor, provisions enacted by an ordinance adopted in January, 1996, as § 16-110, have been redesignated as § 16-109.1 to avoid duplicative section numbering.

Chapter 23 - NOISE⁽¹⁾*Footnotes:**— (1) —**Editor's note— Ord. No. 04-09, adopted Feb. 9, 2009, amended ch. 23, §§ 23-1—23-8 in its entirety to read as herein set out. Former ch. 23, §§ 23-1—23-8, pertained to noise. See the Code Comparative Table for complete derivation.**Cross reference— Amusements, Ch. 5; animals and fowl, Ch. 6; assemblies and parades, Ch. 7; auctions and auctioneers, Ch. 8; civic center and coliseum authority, Ch. 10; health and sanitation, Ch. 17; motor vehicles and traffic, Ch. 22; nuisances generally, Ch. 24; offenses and miscellaneous provisions, Ch. 25; parks and recreation, Ch. 26; peddlers, itinerant vendors and street vendors, Ch. 27; police, Ch. 29; streets and sidewalks, Ch. 31; vehicles for hire, Ch. 33; zoning regulations, Ch. 35.**State Law reference— Authority to prevent disturbing noises, G.S. § 7-148(c)(7)(H)(viii).*

Sec. 23-1. - Definitions.

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

Ambient noise or *background noise* shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded ninety (90) percent of the time (L90) in which the measurement is taken.

Chief of police shall mean the chief of police of the City of Hartford or a duly authorized officer subject to his orders.

Commercial zone shall mean all commercial and business zones (C-1, B-1, B-2, B-3, B-4), as defined in the zoning regulations of the City of Hartford. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

Construction equipment shall mean any equipment or device operated by fuel or electric power, used in construction or demolition work.

Day shall mean the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

Demolition shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Domestic power equipment shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

Emergency vehicle shall mean any motor vehicle authorized by the City of Hartford to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency work shall mean 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.

Impulse noise shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone shall mean all industrial (I-1 and I-2) zones, as defined in the zoning regulations of the City of Hartford. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

Loud amplification device or similar equipment shall include, but not be limited to, a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such manner that it creates noise.

Motor vehicle shall be defined as per G.S. § 14-1(47).

Muffler shall mean a device for abating sounds such as escaping gases.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 23-3 of this chapter or that is plainly audible at a distance of one hundred (100) feet from its source.

Night shall mean the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except, that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise level shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Person shall mean 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 shall mean any building, 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 shall mean that real or imaginary line along the ground surface and its vertical extension which:

- (1) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and
- (2) Separates real property from the public right-of-way.

Public right-of-way shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

Recreational vehicle shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

Residential zone shall mean all residential (RO-1, RO-2, RO-3, R-1 through R-8), P (public property and cemetery), as defined in the zoning regulations of the City of Hartford. Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

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

(Ord. No. 04-09, 2-9-09)

Sec. 23-2. - Noise level measurement procedures.

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

- (1) Where and when a sound level meter is used:
 - a. All personnel conducting sound measurements shall be trained, including but not limited to training 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;
 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 (4) 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 (1) 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 group of contiguous parcels under the same ownership as indicated by public land records.

(2)

In the absence of a sound level meter, noise will be plainly audible when noise can be heard at a distance of one hundred (100) feet from its source, by a person of normal hearing.

(Ord. No. 04-09, 2-9-09)

Sec. 23-3. - 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 these regulations.

(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:

Residential

Receptor's zone—Maximum level:

Industrial 62 dBA

Commercial 55 dBA

Residential/day 55 dBA

Residential/night 45 dBA

(2) No person in a commercial 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:

Commercial

Receptor's zone—Maximum level:

Industrial 62 dBA

Commercial 62 dBA

Residential/day 55 dBA

Residential/night 45 dBA

- (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:

Industrial

Receptor's zone—Maximum level:

Industrial 70 dBA

Commercial 66 dBA

Residential/day 61 dBA

Residential/night 51 dBA

- (4) Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.
- (c) In the absence of a sound level meter, any noise plainly audible pursuant to subsection 23-2 (b) constitutes prima facie evidence of a violation of this section.
- (d) High background noise levels and impulse noise:
- (1) In those individual cases where the background noise levels caused by sources not subject to these regulations 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 (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA 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 eighty (80) dB 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 one hundred (100) dB peak sound pressure level at any time to any zone.
- (e) 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; provided, however, that burglar alarms on motor vehicles not terminating within ten (10) minutes or on buildings not terminating within thirty (30) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded;
 - (4) Warning devices required by OSHA or other state or federal safety regulations;
 - (5) Farming equipment or farming activity.
- (f) Exemptions: The following shall be exempt from these regulations, subject to special conditions as spelled out:
- (1) Noise generated by any construction equipment which is operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, provided the operation of the same on Saturday has been approved by the director of licenses and inspections or the director of public works, which approval shall be applied for at least seven (7) days prior to the date for which approval is sought, and which approval shall be granted upon payment by the person in advance for the actual cost of such inspection services as may be required during such hours in accordance with rules and regulations adopted by the director of licenses and inspections or the director of public works in accordance with the provisions of sections 2-1 and 2-2; provided that the director of licenses and inspections or the director of public works or their respective designees, may, for good cause and upon reasonable condition(s) shown, upon application, made no less than seven (7) days prior to the proposed construction activity, and upon payment for all the actual costs of application and inspection services, allow construction work operations within the city without limitation as to days or hours of operation.
 - (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 between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, and between the hours of 9:00 a.m. and 8:00 p.m. on Sundays, provided that noise discharge from exhaust is adequately muffled;
 - (4) Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled;
 - (5)

Noise from demolition work conducted between the hours of 7:00 a.m. and 6:00 p.m., provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation;

- (6) Noise created by any aircraft flight operations that are specifically preempted by the Federal Aviation Administration;
- (7) Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the city, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays;
- (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
- (9) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions;
- (10) Noise created by products undergoing tests, where one (1) of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken;
- (11) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical power, telephone, cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.

(Ord. No. 04-09, 2-9-09)

Sec. 23-4. - Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle, unless it is necessary as a warning to prevent or avoid a traffic accident;
- (2) *Advertising.* No person shall at anytime use any drum, bell or other instrument or device for the purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise.

(Ord. No. 04-09, 2-9-09)

Sec. 23-5. - Motor and recreational vehicle noise.

(a) All motor and recreational vehicles operated within the limits of the City of Hartford shall be subject to the noise standards and decibel levels as found in G.S. Title 14, § 14-80a, which states in pertinent part that:

- (1) No person shall operate a vehicle or combination of vehicles, nor shall the owner of any vehicle allow the vehicle to be operated, at any time or under any condition of grade, surface, speed, load, acceleration, deceleration or weather condition in such a manner as to exceed the decibel levels established under subsection (c) of this section. This subsection applies to the total noise generated by a vehicle and shall not be construed as limiting or precluding the enforcement of any other motor vehicle noise provisions of this title.
 - (2) No person shall sell or offer for sale a new vehicle which produces a maximum decibel level which exceeds the decibel levels established under subsection (c) of this section.
 - (3) The commissioner of motor vehicles shall, with the advice of the commissioner of environmental protection, adopt regulations in accordance with the provisions of chapter 54 establishing the maximum decibel levels permissible for motor vehicles, which shall not exceed the maximum decibel levels established for motor vehicles by federal law or regulation. The commissioner of motor vehicles shall establish the procedure for checking maximum decibel levels. The decibel level shall be measured fifty (50) feet from the centerline of the vehicle. The commissioner of motor vehicles may provide for measuring at distances closer than fifty (50) feet from the centerline of the vehicle. In such a case, the measuring devices shall be calibrated to provide for measurements equivalent to the noise limit established by this section measured at fifty (50) feet.
 - (4) Violation of the provisions of this section shall be an infraction.
- (b) No motor or recreational vehicles shall emit noise from a loud amplification device or similar equipment plainly audible at a distance of one hundred (100) feet from such vehicles by a person of normal hearing, except that loud speakers or public address systems are allowed provided prior to use thereof a permit has been obtained from the Hartford Police Department.

(Ord. No. 04-09, 2-9-09)

Sec. 23-6. - Inspections.

- (a) For the purpose of determining compliance with the provisions of this chapter, the chief of police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make 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 or his designated representative 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 or his designated representative free access to any premises, when the chief of police or his designated representative is acting in compliance with a warrant for inspection and 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.

(Ord. No. 04-09, 2-9-09)

Sec. 23-7. - Enforcement.

- (a) Any person aggrieved by any act constituting a violation of this chapter may complain to the police department who shall enforce this chapter.
 - (b) The police are also authorized to enforce this chapter without any such complaint.
- (Ord. No. 04-09, 2-9-09)

Sec. 23-8. - Penalties.

A person who violates any provision of this chapter shall be summoned or brought to community court pursuant to G.S. § 51-181c. A person who is summoned or brought before the community court cannot invoke any of the appeal rights provided by section 1-5 of the Hartford

Municipal Code. The superior court judge assigned to the community court may impose a penalty of community service, a fine up to ninety dollars (\$90.00) or a jail sentence up to twenty-five (25) days to any person who is convicted of violating any provision of this chapter.

(Ord. No. 04-09, 2-9-09)

CHAPTER 164. - NOISE^[1]

GENERAL REFERENCES

Alarm systems—See Ch. 70.

Amusements—See Ch. 74.

Boats—See Ch. 84.

Dogs and other animals—See Ch. 111.

Footnotes:

--- (1) ---

History— Adopted by the Board of Representatives of the City of Stamford 4-1-85 as Ord. No. 548. Amendments noted where applicable. Approved by State Deputy Commissioner John W. Anderson pursuant to Section 22a-73(c) of the Connecticut General Statutes 2/5/88.

Sec. 164-1. - Title.

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

Sec. 164-2. - 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 Stamford through the reduction, control and prevention of noise.

Sec. 164-3. - Definitions. ^[1.1]

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. In statistical terms, it is the level which is exceeded ninety percent (90%) of the time (L90) in which the measurement is taken.

Board of Representatives. The Board of Representatives of the City of Stamford.

Commercial zone. All commercial districts and business districts, including CCS, CN, CL, CD, CG, CI and CNN, as defined in the zoning regulations of the City of Stamford, and all uses associated therewith permitted either as a right or as a special use. "Commercial" shall also include BD and BC design zones.

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

Construction equipment. Any equipment or device operated by fuel or electric power or air or hydraulic pressure, used in construction or demolition work.

Daytime hours. The hours between 8:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours of 10:00 a.m. through 5:00 p.m., 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:

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

Where $P_o = 0.0002$ microbars

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

Director of health. The Director of Health of the City of Stamford.

Domestic power equipment. 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 Stamford 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 commission. The Health Commission of the City of Stamford.

Impulse noise. Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone. All Industrial districts as defined by the zoning regulations of the City of Stamford, including but not limited to ML, MD, MG and IPD Districts.

Motor vehicle. Defined as per Section 14-1 (26) of the Connecticut General Statutes.

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

Nighttime hours. Nighttime hours begin at 8:01 p.m. on Monday through Saturday, and begin at 5:01 p.m. on Sunday and Federal holidays. Nighttime hours end at 7:59 a.m. on Monday through Saturday and end at 9:59 a.m. on Sundays and Federal holidays.

Noise. Any sound, the intensity of which exceeds the standards set forth in § 164-5B of this chapter.

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 designated dB(A) or dBA.

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 building, structure, land or portion thereof, including all appurtenances, and includes 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 (RA2, RA1, R20, R10, R7½, R5, R2, RMF) and any commercial district when used for residential purposes, as defined in the zoning regulations of the City of Stamford, 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 (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} newtons/meter²) and which is expressed in decibels (dB).

Footnotes:

-- (1.1) --

Amended 11-10-03 by Ord. No. 1015; 9-7-10 by Ord. No. 1118.

Sec. 164-4. - Noise level measurement procedures.

For the purpose of determining noise levels 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.
 - (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 (4) 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 (1) 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. The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form #101."

Sec. 164-5. - Noise levels,^[1.1a]

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 these regulations.

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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	<u>55</u> dBA	<u>55</u> dBA	45 dBA

(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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residen- tial/Day	Residen- tial/Night
Commercial	62 dBA	62 dBA	<u>55</u> dBA	45 dBA

- (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:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residen- tial/Day	Residen- tial/Night
Industrial	<u>70</u> dBA	66 dBA	61 dBA	51 dBA

C. High background noise levels and impulse noise.

- (1) In those individual cases where the background noise levels caused by sources not subject to these regulations 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 (5) decibels, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) decibels 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 eighty (80) decibels 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 one hundred (100) decibels peak sound-pressure level at any time in 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; provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.
 - (4) Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations.
 - (5) Farming equipment or farming activity.
- E. Exemptions and special conditions. The following shall be exempt from these regulations, subject to special conditions as may be spelled out:
- (1) Noise generated by construction activities during daytime hours, it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m. on Monday through Friday, 8:00 a.m. Saturday and 10:00 a.m. Sunday.
 - (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.
 - (4) Noise from snow removal equipment.
 - (5) Noise from demolition activities conducted during daytime hours, it being the express intention of this provision to prohibit the use of equipment and machinery used in demolition work before the hour of 7:00 a.m. on Monday through Friday, 8:00 a.m. Saturday and 10:00 a.m. Sunday; provided that when considered emergency work, demolition shall be exempt at all times from the noise levels set in this regulation.
 - (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 blasting other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
 - (9) Noise created by refuse and solid waste collection, provided that the activity is conducted between 4:00 a.m. and 8:00 p.m.

- (10) Sound created by any mobile source of noise. Mobile sources of noise shall include but are not limited to such sources as aircraft, automobiles, trucks and boats. However, notwithstanding this subsection, motor vehicles shall be subject to the standards set forth in section 164-7 hereof.

Footnotes:

-- (1.1a) --

Editor's note-- Amended 12-5-2016 by Ord. No. 1215.

Sec. 164-6. - Prohibited noise activities.^[1,2]

The following activities are prohibited:

- A. Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- B. Emissions from stationary or idling mobile sources. No mobile source engine shall be allowed to operate for more than three (3) consecutive minutes when the mobile source is not in motion except as follows:
- (1) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
 - (2) 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;
 - (3) To bring the mobile source to the manufacturer's recommended operating temperature;
 - (4) When the outdoor temperature is below 20°F;
 - (5) When the mobile source is being repaired.
- C. Exhaust discharge. No person shall discharge into the ambient air the blowdown of any steam vent or the exhaust of any stationary internal-combustion engine or air compressor equipment unless such discharge is through a muffler as defined by § 164-3 of this chapter or through an apparatus providing equal noise reduction.

Footnotes:

-- (1.2) --

Editor's note-- Amended 6-1-2015 by Ord. No. 1193.

Sec. 164-7. - Motor vehicle noise.

- A. All motor vehicles operated within the limits of the City of Stamford 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 § 164-5B.
- C. This section dealing with motor vehicle noise shall be enforced by the Chief of Police and/or his designated subordinates.

Sec. 164-8. - Recreational vehicle noise.

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 § 164-5B.

Sec. 164-9. - Inspections.

- A. For the purpose of determining compliance with the provisions of this chapter, the Director of Health or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make 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 premise or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Director of Health and/or designated representative 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. Should any inspection or measurement be required to be taken during hours of the day or night which cause the Health Department to incur expenses for overtime hours paid to any employee and such measurement or inspection indicates a violation of this chapter, the violator shall pay the City of Stamford for such expenses for overtime hours for said employee or employees in addition to any penalty provided for herein.
- B. It shall be unlawful for any person to refuse to allow or permit the Director of Health or his designated representative free access to any premises when the Director of Health or his designated representative is acting in compliance with a warrant for inspection and 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.

Sec. 164-10. - Violations and penalties.^[2]

Any person in violation of any of the provisions of this chapter shall be fined in an amount not to exceed ninety dollars (\$90.). Each day such violation continues shall constitute a separate violation.

Footnotes:

--- (2) ---

Amended 2-2-2004 by Ord. No. 1022.

Sec. 164-11. - Variances; appeals; administration.

A. Variances.

- (1) Any person living or doing business in Stamford may apply to the Director of Health for a variance from one (1) or more of the provisions of this chapter, which are more stringent than the Connecticut Department of 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 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)

The application for variance shall be reviewed and either approved or rejected within fifteen (15) days of receipt by the Director of Health. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reasons for rejection.

- (4) Failure to rule on the application within the designated time shall constitute approval of the variance.
 - (5) Any person aggrieved by the decision of the Director of Health with respect to any variance may appeal in accordance with the Charter to the Health Commission within a period of ten (10) days of the reception of the Health Director's decision.
- B. The Director of Health is herewith authorized to make 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 Board of Representatives, become effective therewith.
- C. Contracts. Any written agreement, purchase order or contract whereby the City of Stamford 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 this chapter.
- D. Mediation. In the event that the Director of Health receives a complaint alleging a violation of this chapter by noise emanating from a construction or demolition activity, he is expressly authorized to seek to mediate such dispute within forty-eight (48) hours, provided that he is satisfied that the complainant is aggrieved by the alleged violation, that there is reasonable grounds to believe that there is a violation of this chapter, and he determines, in view of the particular factual circumstances, that such mediation may result in a satisfactory resolution of the complaint. Nothing herein is intended to affect or in any way limit any other procedures established elsewhere in this chapter, limit any other powers granted to the Director of Health or require the Director of Health to invoke the mediation powers herein established.

Sec. 164-12. - Effect on other regulations.

All provisions of the zoning regulations of the City of Stamford which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional, this chapter shall not thereby be invalidated and the remainder of this chapter shall continue in effect. Any provision

herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut is hereby repealed, it being understood that said statutes and code shall take precedence over this chapter.

Sec. 164-13. - Enforcement.

Notwithstanding anything contained herein to the contrary, § 164-5E(1) and (5) shall be enforced by the Chief of Police and/or his designated subordinates and/or the Director of Health and/or his designated subordinates.

ARTICLE II. - NOISE CONTROL

Sec. 18-71. - Title.

This article shall be known as the "Noise Control Ordinances."

(Ord. No. 1422, 7-6-06)

Sec. 18-72. - 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, safety, welfare, or quality of life. This article is enacted to protect, preserve and promote these values for the citizens of New Haven through the reduction, control and prevention of unlawfully excessive noise.

(Ord. No. 1422, 7-6-06)

Sec. 18-73. - Definitions.

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

- (a) *Ambient noise* or *background noise* means a noise of a measurable intensity which exists at a point as a result of a combination of many distant individually indistinguishable sources. In statistical terms, it is the level which is exceeded ninety (90) percent of the time (L90) in which the measurement is taken.
- (b) *Collection* means the act of picking up refuse at its point of generation or storage, placing it in a vehicle, and completing the process at each location.
- (c) *Commercial zone* means all commercial districts and business districts, including BA, BB, BC, BD, BD-1 and BE as defined in the zoning regulations of the City of New Haven, and all uses associated therewith permitted either as a right or as a special use.
- (d) *Compression release type braking system* means any device equipped on certain commercial vehicles, including but not limited to, tractors, semi-trucks, motor carriers and buses that utilize engine compression release or engine retardants as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes. These devices are also known as Jake brakes.
- (e)

Construction means 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. This term does not encompass demolitions.

- (f) *Construction equipment* means any equipment or device operated by fuel, electric power, air or hydraulic pressure used in construction or demolition work.
- (g) *Daytime hours* means the hours between 7:00 a.m. and 10:00 p.m. Mondays through Saturdays, and the hours of 9:00 a.m. through 9:00 p.m. Sundays and federal and state holidays. Unless otherwise provided, all other hours shall be construed as nighttime hours.
- (h) *Decibel* means a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (sound-pressure level) is defined as:

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

Where $P_o = 0.0002$ microbars

- (i) *Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- (j) *Domestic power equipment* means power saws, drills, grinders, lawn and garden tools and other similar devices.
- (k) *Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (l) *Emergency vehicle* means any motor vehicle authorized by Conn. General Statutes section 14-283 as amended from time to time and the City of New Haven to have sound-warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- (m) *Emergency work* means 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.
- (n) *Impulse noise* means a sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.
- (o) *Industrial zone* means all industrial districts as defined by the zoning regulations of the City of New Haven, including but not limited to IL, IM and IH Districts.
- (p) *Loud amplification device or similar equipment* shall include, but not be limited to, a radio, television, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such manner that it creates noise.
- (q) *Motor vehicle* is defined as per section 14-1(51) of the Conn. General Statutes as amended

from time to time.

- (r) *Muffler* means a device for abating sounds such as those produced by escaping gases.
- (s) *Noise* means any sound, the intensity of which exceeds the standards set forth in this article as it is amended from time to time.
- (t) *Noise level* means the sound-pressure level in decibels as measured with a sound-level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- (u) *Person* means 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.
- (v) *Premises* means any building, structure, land or portion thereof, including all appurtenances, 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.
- (w) *Property line* means 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.
- (x) *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
- (y) *Recreational vehicle* means any internal-combustion-engine-powered vehicle which is being used for recreational purposes.
- (z) *Refuse* means municipal solid waste, bulky waste and yard waste, garbage, household rubbish, ashes and any organic wastes normally produced from the handling and use of foods, except dishwater and wastewater.
- (aa) *Residential zone* means all city-owned property used for recreational or educational purposes, all residential districts (RS-1, RS-2, RM-1, RM-2, RH-1, RH-2 and RO), any commercial district when used for residential purposes, as defined in the zoning regulations of the City of New Haven as they are amended from time to time, and all uses permitted therewith either as a right or as a special use.
- (bb) *Sound* means 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.

(cc) *Sound-level meter* means an instrument used to take sound-level measurements and which should conform, at a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters, S1.4—1971 (Type S2A) as amended from time to time.

(dd) *Sound-pressure level* means twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} newtons/meter²) and which is expressed in decibels (dB).

(Ord. No. 1422, 7-6-06)

Sec. 18-74. - Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this article, the following guidelines shall apply:

- (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation;
- (2) Instruments used to determine sound-level measurements shall conform to the performance standards as defined in the section captioned "Noise levels" as amended from time to time;
- (3) The general steps listed below shall be followed when preparing to take sound-level measurements:
 - (i) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
 - (ii) The sound-level meter shall be calibrated before and after each set of measurements;
 - (iii) 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;
 - (iv) The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions, and be at least four (4) feet above the ground. The meter shall be placed as to not be interfered with by individuals conducting the measurements; and
 - (v) Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises and within the receptor's premises. The emitter's premises include his/her individual unit of land, or ground of contiguous parcels under the same ownership as indicated by public land records.

(Ord. No. 1422, 7-6-06)

Sec. 18-75. - 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 these regulations as amended from time to time.

(b) Noise level standards.

(1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises that exceeds the levels stated herein, and applies to adjacent residential, commercial or industrial zones.

Emitter's zone: Residential

Receptor's zone: Maximum level:

Industrial62 dBA

Commercial55 dBA

Residential/Day55 dBA

Residential/Night45 dBA

(2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises that exceeds the levels stated herein, and applies to adjacent residential, commercial or industrial zones:

Emitter's zone: Commercial

Receptor's zone: Maximum level:

Industrial62 dBA

Commercial62 dBA

Residential/Day55 dBA

Residential/Night45 dBA

(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises that exceeds the levels stated herein, and applies to adjacent residential, commercial or industrial zones:

Emitter's zone: Industrial

Receptor's Zone: Maximum level:

Industrial70 dBA

Commercial66 dBA

Residential/Day61 dBA

Residential/Night51 dBA

- (4) Any non-conforming use shall be deemed to be in the zone which corresponds to the actual use.

(Ord. No. 1422, 7-6-06)

Sec. 18-76. - High background noise levels and impulse noise.

- (a) If background noise levels caused by sources not subject to these regulations exceed the standards contained herein as amended from time to time, a source shall be considered to cause excessive noise if its emission exceeds the background noise levels by five (5) decibels, provided that no source subject to this article shall emit noise in excess of eighty (80) decibels at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter as amended from time to time.
- (b) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.
- (c) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any zone.

(Ord. No. 1422, 7-6-06)

Sec. 18-77. - Exclusions.

The above restrictions of sound 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; provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.

Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded. However, the owner of an alarm mechanism will not be held liable if it is activated without his/her fault or negligence;

- (4) Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations; and
- (5) Farming equipment or farming activity.

(Ord. No. 1422, 7-6-06)

Sec. 18-78. - Exemptions and special conditions.

The following shall be exempt from these regulations, subject to special conditions as provided herein:

- (1) Noise generated by any construction equipment which is operated between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays. The building official or the director of the department of public works must approve the operation of the same during hours other than those allowed by this section. The person requesting such approval must apply for it at least seven (7) days before the date for which approval is sought. Approval may be granted if the requesting person makes an advanced payment for the actual cost of such inspection services as may be required under applicable rules and regulations as amended from time to time;
- (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 between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that noise discharged from exhaust is reasonably muffled;
- (4) Noise from snow removal equipment, provided it is maintained in good repair and exhaust is reasonably muffled;
- (5) Noise from demolition work conducted between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that demolition shall be exempted at all times from the noise levels set in this regulation when it is considered emergency work;
- (6) Noise created by any aircraft flight operations, which the Federal Aviation Administration

specifically preempts;

- (7) Noise created by any lawful recreational activities, and for which the city has granted a license or permit, including but not limited to parades, sporting events, outdoor concerts, firework displays and non-amplified religious activities;
- (8) Noise involving blasting other than that conducted in connection with construction or demolition activities, provided that the blasting is conducted between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
- (9) Noise created by products undergoing tests, where one (1) of the primary purposes of the test is to evaluate product noise characteristics, and where practical noise control measures have been taken;
- (10) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical power, telephone, cable television or other similar services, and located on property which is not owned by the public utility, and which may or may not be within utility easements.

(Ord. No. 1422, 7-6-06)

Sec. 18-79. - Motor vehicle noise.

- (a) All motor vehicles operated within the limits of the City of New Haven shall be subject to the noise standards and decibel levels set forth in the regulations authorized in federal, state and local laws and regulations, including but not limited to Conn. regulation sections 14-80a-1a through 14-80a-10a as amended from time to time.
- (b) No motor or recreational vehicles shall emit noise from a loud amplification device or similar equipment which exceeds noise level standards for residential zoned areas.

(Ord. No. 1422, 7-6-06)

Sec. 18-80. - Refuse collection noise.

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

(Ord. No. 1422, 7-6-06)

Sec. 18-81. - Inspections.

For the purpose of determining compliance with the provisions of this article, the following provisions shall apply:

- (1) The city's health director or his/her designee is hereby authorized to make inspections of stationary or fixed noise sources, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.
- (2) The city's chief of police or his/her designee is hereby authorized to make inspections of mobile noise sources including refuse collection, demolition, construction and vehicular activities, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.
- (3) In the event that any person refuses or restricts local authorized officials from entry and free access to any part of a premises, or refuses to allow such officials to inspect, test or measure noise generated from any activity, device, facility or process, said officials may seek an administrative warrant from an appropriate court to obtain such access for the aforesaid purposes.
- (4) It shall be unlawful for any person to refuse to allow or permit local authorized officials free access to any premises when they are acting in compliance with a warrant for inspection that is issued by the appropriate court.
- (5) 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.
- (6) 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 article as amended from time to time.

(Ord. No. 1422, 7-6-06)

Sec. 18-82. - Violations and penalties.

Any person violating this article shall be fined up to the maximum amount authorized by state statutes or this Code per occurrence. Each day such violation continues shall constitute a separate violation.

(Ord. No. 1422, 7-6-06)

Sec. 18-83. - Variances.

- (a) Any person residing or doing business in New Haven, who is negatively affected by the application of this article's provision(s), may seek a variance to engage in the prohibited activity. An applicant for a variance must supply the following information:
 - (1) Location and nature of activity;
 - (2) The time period and hours of operation of said activity;
 - (3) The nature and intensity of the noise that will be generated; and
 - (4) Any other information required by the appropriate city authority.
- (b) No variance from these regulations shall be issued unless it has been demonstrated that:
 - (1) The proposed activity will not violate any Connecticut Department of Environmental Protection regulation(s) as amended from time to time;
 - (2) The noise levels generated by the proposed activity will not constitute a danger to public health, safety, welfare or quality of life; and
 - (3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.

(Ord. No. 1422, 7-6-06)

Sec. 18-84. - Noise variance review committee.

- (a) A noise variance review committee is hereby established to consider variance requests.
- (b) This committee shall consist of the city's health director, chief of police, public works director and building official or their respective designees. Additionally, the committee shall include an alderman who is appointed by the president of the board of aldermen.
- (c) The committee shall review each variance application, and either approve or reject it within fifteen (15) days of its receipt. The approval or rejection shall be in writing, and shall state the condition(s) of approval, if any, or the reasons for rejection.
- (d) Failure to rule on the application within the designated time shall constitute approval of the variance.

(Ord. No. 1422, 7-6-06)

Sec. 18-85. - Administration.

The city's health director and chief of police are hereby authorized to make regulations from time to time that are consistent with the State Public Health Code, and the regulations of the State Department of Environmental Protection regarding noise as each is amended from time to time. Such regulations shall become effective upon the board of aldermen's approval.

(Ord. No. 1422, 7-6-06)

Sec. 18-86. - Contracts.

Any written agreement, purchase order or contract whereby the City of New Haven is committed to expending funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such document contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactured without violating this article as it is amended from time to time.

(Ord. No. 1422, 7-6-06)

Sec. 18-87. - Mediation.

(a) If the city's chief of police receives a complaint alleging a violation of this article by noise emanating from a construction, demolition, refuse collection or vehicular activity, he/she is expressly authorized to mediate such dispute within forty-eight (48) hours, provided that the following conditions apply:

- (1) He/she is satisfied that the complainant is aggrieved by the alleged violation;
- (2) There are reasonable grounds to believe that there is a violation of this article; and
- (3) He/she determines that the particular facts and circumstances suggest that such mediation may result in a satisfactory resolution of the complaint.

(b) Nothing herein is intended to affect or in any way limit any other procedures established elsewhere in this article, limit any other powers granted to the local authorized officials, or require the city's chief of police to invoke the mediation powers herein established.

(Ord. No. 1422, 7-6-06)

Sec. 18-88. - Effect on other regulations.

All of the city's zoning regulations which are more stringent than those set forth herein shall remain in full force and effect. If any word, clause, paragraph or section of this article is held to make the same unconstitutional, this article shall not thereby be invalidated, and the remainder of it shall continue in effect. Any provision herein which conflicts with the Connecticut General Statutes or the state's Public Health Code as each is amended from time to time is hereby repealed, inasmuch as said statutes and code shall take precedence over this article.

(Ord. No. 1422, 7-6-06)

Sec. 18-89. - Enforcement.

- (a) Notwithstanding anything contained herein to the contrary, the city's health director or his/her designee is hereby authorized to enforce this article regarding stationary or fixed noise sources.
- (b) Notwithstanding anything contained herein to the contrary, the city's chief of police or his/her designee is hereby authorized to enforce this article regarding mobile noise sources, including refuse collection, demolition, construction and vehicular activities.
- (c) Notwithstanding anything contained herein to the contrary, all local authorized officials, including but not limited to zoning enforcement officers, shall have the authority to enforce this article.

(Ord. No. 1422, 7-6-06)

Sec. 18-90. - Appeals.

Any person aggrieved by a decision rendered by the issuer may appeal said decision in accordance with the procedure set forth in the Licenses and Permits chapter of this Code as it is amended from time to time.

(Ord. No. 1422, 7-6-06)

Secs. 18-91—18-110. - Reserved.

Chapter 8.80 - NOISE CONTROL REGULATIONS

Sections:

8.80.010 - 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 Bridgeport through the reasonable reduction, control and prevention of noise.

(Ord. dated 6/19/06 (part); Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-35)

8.80.020 - Definitions.

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

"Ambient noise or background" means noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

"Best practical noise control measures" means noise control devices, technology and procedures which are determined by the city's director of public facilities and/or his or her designee to be the best practical, taking into consideration the age of the equipment and facilities involved, the process employed, capital expenditures, maintenance cost, technical feasibility, and the engineering aspects of the applicable noise control techniques in relation to the control achieved and the nonnoise controlled environmental impact.

"City council" means the city council of the city.

"Commercial zone" means any business zone including business zones nos. 1, 2, 3 and 4 as defined in the zoning regulations of the city.

"Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

"Construction equipment" means any equipment or device operated by fuel or electric power used in construction or demolition work.

"Day-time hours" means the hours between seven a.m. and six p.m. Monday through Friday, and the hours between nine a.m. through six p.m. on Saturday and Sunday.

"Decibel" means a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is DB.

"Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surface or similar property.

"Domestic power equipment" means, but is not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency vehicle" means any motor vehicle authorized to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

"Emergency work" means 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.

"Exterior liquor service noise" means any sounds that are either caused by exterior dining, exterior entertainment or by amplification speakers, or by leaving open exterior doors, windows or walls after eight p.m. on Sunday through Thursday and ten p.m. on Friday and Saturday, which cause exterior noise to exceed state class B noise zone levels.

"Impulse noise" means sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

"Industrial zone" means any industrial zone including light industrial and heavy industrial as defined in the zoning regulations of the city.

"Legal holiday" means those days designated as legal holidays by Connecticut General Statutes Section 1-4 or its successor (amended July 21, 1999).

"Motor vehicle" shall be defined as per Section 14-1(26) of the Connecticut General Statutes (revision of 1958 as amended).

"Muffler" means a device for abating sounds, such as escaping gases.

"Night-time hours" means the hours between six p.m. and seven a.m. Monday through Friday and six p.m. to nine a.m. Saturday and Sunday.

"Noise" means any sound, the intensity of which exceeds the standards set forth in Section 8.80.040 of this chapter.

"Noise level" means the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated DB(A) or dBA.

"Person" means 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" means any building, 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" means that real or imaginary line along the ground surface and its vertical extension which: (1) separates real property owned or controlled by another person, and (2) separates real property from the public right-of-way.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

"Recreational vehicle" means any nonregistered internal combustion engine powered vehicle which is being used for recreational purposes.

"Residential zone" means any residence zone including residence zones AA, A, B, BB, C, garden apartment zone or residence apartment zone, and any commercial zone when used for residential purposes, as defined in the zoning regulations of the city and all uses permitted therewith either as a right or as a special use.

"Sound" means 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 the air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

"Sound level meter" means 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 (SPL)" means twenty (20) times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} Newton/meter²), and is expressed in decibels (dB).

"Vibration" means an oscillatory motion of sound bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

(Ord. dated 6/19/06 (part); Ord. dated 10/2/00; Ord. dated 5/1/00; Ord. dated 6/21/99; Ord. dated 12/21/92 § 67; prior code § 21-36)

(Ord. dated 10/5/15)

8.80.030 - Noise level measurement procedures.

For the purpose of determining noise levels 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.
 2. The sound level meter shall be calibrated before and after each set of measurements.
 - 3.

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.

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

(Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-37)

8.80.040 - Noise levels.

- A. It is unlawful for any person to emit, allow or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.
- B. Noise Level Standards:

Receptor's Zone

Emitter' s Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA
Commercial	62 dBA	62 dBA	55 dBA	45 dBA
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

- C. High Background Noise Levels and Impulse Noise.

1. In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained in this chapter, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the

provisions of this chapter shall emit noise in excess of eighty (80) dBA 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 eighty (80) dB 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 one hundred (100) dB 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, schools or church;
3. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar or intrusion alarms attached to a motor vehicle not terminating within thirty (30) minutes after being activated shall be unlawful; and provided that the repetition of activation of the audible signal of a burglar or intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall not be excluded and shall be unlawful;
4. Warning devices required by OSHA or other state or federal safety regulations;
5. Farming equipment or farming activity operated within an area used for strictly farming.

E. Exemptions. The following shall be exempt from these regulations subject to special conditions as spelled out:

1. Noise created as a result of, or relating to an emergency;
2. 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 therefrom;
3. Noise from snow removal equipment, provided, that such equipment shall be maintained in good repair so as to minimize noise and noise discharged from exhausts which shall be adequately muffled to prevent loud and/or explosive noises therefrom;
4. Noise created by an aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
5. 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;

6. Noise created by vehicles owned by or being utilized under a contract with a governmental entity providing that best practical noise control measures have been implemented;
7. Noise generated by any construction equipment which is operated during daytime hours, provided that operation of construction equipment during night-time hours shall not exceed the maximum noise levels as specified in this section, except that those building operations prohibited by Section 8.80.050(C)(7) of this chapter are prohibited regardless of whether or not they exceed the maximum noise levels;
8. Notwithstanding the provisions of this chapter, noise generated from construction or demolition activities for the state-wide project for the installation of electric three hundred forty-five (345) kV lines and construction of the singer substation in accordance with the directive from the state of Connecticut Siting Council, by employees or authorized agents of Northeast Utilities and United Illuminating, are exempt from this chapter. Specific limitations on work hours for this project shall be established by the director of public facilities as a condition for obtaining street excavation permits, and by the municipal building official for the construction of the singer substation;
9. Notwithstanding the provisions of this chapter, noise generated from the operation of the Bridgeport Harbor Station electric-generating facility, including the installation and the operation of the Mercury Emissions Reduction Project, which project has been approved by the state of Connecticut Siting Council, are exempt from this chapter provided, that the overall noise generated by the operation of the electric generating facility shall not exceed the maximum noise levels as specified in subsection B of this section by more than the ten dBA, as currently allowed under Sections 22a-69-1 through 22a-69-7.4 of the Regulations of Connecticut State Agencies.

(Ord. dated 5/7/07; Ord. dated 6/19/06 (part); Ord. dated 11/3/03; Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-38)

8.80.050 - Prohibited noise activities.

- A. General Prohibition. It is unlawful for any person to make, continue or cause to be made or continued any noise in violation of this chapter which reasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- B. Officers of the police department shall issue a notice of violation for the following violations of this section of the noise ordinance without use of a sound level meter.
- C. Enumeration of Prohibited Acts. Each of the following acts, among others, is declared

unlawful and is prohibited; but this enumeration shall not be deemed to be exclusive:

1. Blowing Horns, etc. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended and unless it is unnecessary as a warning to prevent or avoid a traffic or pedestrian accident;
2. Radios, Phonographs, etc. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to reasonably annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity;
3. Shouting, Singing, etc. Yelling, shouting, hooting, whistling or singing on the public street at any time or place so as to reasonably annoy or disturb the quiet, comfort or repose of any persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity;
4. Animals. The keeping of any animal or bird which by causing frequent or long-continued barking, calling or other noise so as to reasonably annoy or disturb the quiet, comfort or repose of any person in any office, or in any dwelling, hotel or other type of residence or of any person in the vicinity;
5. Steam Whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities;
6. Exhaust Discharge. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
7. Building Operations. The erection (including excavating), demolition, alteration or repair of any residential building, or the excavation of streets and highways, except as set forth in Section 8.80.040(D)(8) of this chapter, between the evening hours of six p.m. and seven a.m. Monday through Friday and the evening hours of six p.m. and nine a.m. on Saturday and Sunday and nonlegal holiday weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the board of building commissioners or any other board or commission in charge, which permit may be

granted for a period not to exceed three days while the emergency continues. At all other times the owner, tenant, or their agent, shall have the right to erect and repair their property (amended June 21, 1999);

8. Engine Idling: No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of three consecutive minutes when such vehicle is parked on a residential premises or on a city road immediately adjacent to a residential premises, except when a motor vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control, or when necessary to operate heating, cooling or auxiliary equipment installed on the motor vehicle to accomplish the intended use thereof, or to bring the engine or motor vehicle to the manufacturer's recommended operating temperature, or when the temperature is below twenty (20) degrees Fahrenheit;
9. The creation of any excessive noise on any street that is adjacent to any school of learning, church or court while the same is in session, or is adjacent to any hospital, or medical facility for treatment which interferes with the working or sessions thereof or the persons therein.

10. Exterior liquor service noise which exceeds state class B maximum noise levels.

(Ord. dated 6/19/06 (part); Ord. dated 11/3/03; Ord. dated 10/2/00; Ord. dated 5/1/00; Ord. dated 6/21/99; prior code § 21-38)

(Ord. dated 10/5/15)

8.80.060 - Motor vehicle noise.

- A. All motor vehicles operated within the limits of the city shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 22a-73 of the Connecticut General Statutes and Sections 22a-69-1 through 22a-69-7.4 of the Regulations of Connecticut State Agencies, as may be amended from time to time.
- B. No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in Section 8.80.040 of this chapter.
- C. This section dealing with motor vehicle noise shall be enforced by the chief of police and/or his designated subordinates.

(Ord. dated 6/19/06 (part); Ord. dated 11/3/03; Ord. dated 10/2/00; Ord. dated 5/1/00; Ord. dated 12/21/92 § 75(a); prior code § 21-40)

8.80.070 - Recreational vehicle noise.

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 standard set forth in Section 8.80.040.

(Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-41)

8.80.080 - Inspections.

- A. For the purpose of determining compliance with the provisions of this chapter, the director of health or his designated representative, as well as officers of the police department, are authorized to make inspections of all noise sources and to take measurements and make 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 director of health or his designated representative 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 is unlawful for any person to refuse to allow or permit the director of health or his designated representative free access to any premises when the director of health or his designated representative is acting in compliance with a warrant for the inspection and order issued by the appropriate court.
- C. It is 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.

(Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-42)

8.80.090 - Variance and contracts.

A. Variances.

1.

Any person living or doing business in Bridgeport may apply to the department of health for a variance from one or more of the provisions of this chapter, which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all the following information to the director of health;

- a. The location and nature of the activity;
 - b. The time period and hours of operation of said activity;
 - c. The nature and intensity of the noise that will be generated; and
 - 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 Environmental Protection regulations;
 - b. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - c. Compliance with the regulations constitutes an unreasonable hardship on the applicant.
 3. The application for variance shall be reviewed and either approved or rejected within fifteen (15) days of receipt by the director of health. The approval or rejection shall be in writing and shall state the condition(s) of approval of the variance.
 4. Failure to rule on the application in the designated time shall constitute approval of the variance.
- B. Recourse. Any person aggrieved by the decision of the director of health with respect to any variances may appeal in accordance with the Charter to the environmental review board within a period of fourteen (14) days of receipt of the health director's decision.
- C. Contracts. Any written agreement, purchase order or contract whereby the city 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 provision of this chapter.

(Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-44)

8.80.100 - Violation—Penalties.

Any person in violation of any of the provisions of this chapter shall be fined in an amount of one hundred dollars (\$100.00) made payable to the city of Bridgeport. 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. The imposition of any punishment under this chapter shall not prevent the enforced abatement of any unlawful conditions by the city.

(Ord. dated 6/19/06 (part); Ord. dated 11/3/03; Ord. dated 10/2/00; Ord. dated 5/1/00; prior code § 21-43; amended June 21, 1999)

8.80.110 - Noise violation appeals.

A. Administrative Appeal.

1. Any person, operator or owner of a vehicle which has been cited under this chapter may submit a written request for an administrative appeal to the chief of police or his designee of the issuance of such citation within a designated appeal period of not more than fourteen (14) days from the date of the citation.
2. The chief of police or his designee shall establish and publish notices indicating the procedures to request administrative appeal under subsection (A)(1) of this section and shall cause notice of appeal rights to be printed on each violation notice issued.
3. Payment of the penalty/fines shall be stayed pending the administrative appeal. Payment of the penalty/fine shall be made within fourteen (14) days of mailing of finding of the administrative appeal unless a finding was made in favor of the appellant or the appellant has elected to proceed under subsection B of this section.
4. Any person who has requested administrative appeal shall be notified in writing within forty-five (45) days of the issuance of the citation, of the findings relative to the appeal. If dissatisfied with such finding, a formal hearing may be requested by submitting a written request to the chief of police or his designee within fourteen (14) days of such finding of the administrative appeal in accordance with subsection B of this section.

B. Formal Hearing Procedure: Noise Ordinance Violations Hearing Officer.

1. Pursuant to Connecticut General Statute Section 7-148, as amended, the mayor shall appoint, with the approval of the city council, one or more noise ordinance violations hearing officer(s) (the "officer").

Officer(s) shall not be employed by the police department. Officer(s) shall serve for a term of two years or part thereof, which term shall commence from date of approval by the city council and shall end on December 31st of every even year. Officer(s) may be compensated by the city with the funds appropriated for this purpose as recommended by the mayor and approved by the city council.

2. Officer(s) shall be empowered to hear appeals from the issuance of noise violation citations or as otherwise herein provided.
3. Any person, owner or operator of a vehicle cited pursuant to this chapter may request a formal hearing before officer(s) within fourteen (14) days of any of the following events:
 - a. Issuance of noise violation citation;
 - b. Issuance of adverse findings in the administrative appeal;
 - c. First issuance of notice of delinquency of noise violation citation.
4. Hearing Procedure Shall Comply with Connecticut General Statute Section 7-148.
 - a. In scheduling formal appeal hearings, the appellant shall be notified by mail of the place and time of hearing. Such notice shall be provided at least fifteen (15) days but not more than thirty (30) days prior to the scheduled hearing date.
 - b. The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
 - c. In considering an appeal, the hearing office may consider all relevant facts and circumstances and may require personal appearance of the appellant and issuing officer.
 - d. Should the officer find in favor of the appellant, he shall so certify to the police department and the record of the citation shall be removed from the files of the city.
 - e. Should the officer find the issuance of the citation proper, he shall so certify to the police department and no further appeal under this section shall be considered, either administrative or formal.
 - f. If such penalty is not paid on the date of its entry, the city may proceed to enforce the penalty pursuant to Connecticut General Statutes section 7-148 (10)(A) as amended.

(Ord. dated 6/19/06 (part); Ord. dated 11/3/03; Ord. dated 10/2/00)

8.80.120 - Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this chapter which can be given effect without the invalid provisions or application; and to this end, the provisions of this chapter and the various applications thereof are declared to be severable. All provisions of the zoning regulations of the city which are more stringent than those set forth herein shall remain in full force and effect.

(Ord. dated 6/19/06 (part); Ord. dated 11/3/03)

8.80.130 - Enforcement.

This chapter shall be enforced by the chief of police and/or the city's director of health and/or their respective designated subordinates in accordance with its terms and provisions.

(Ord. dated 11/3/03)

Ord. No., 247, §§ 1—3, adopted Aug. 16, 1979 did not expressly amend this Code; hence, codification as amendatory of § 12-13, which pertained also to loitering and unlawful assemblies, is at the discretion of the editor.

Sec. 12-14. - Regulation of noise.

- (a) *Statement of purpose.* The purpose of this section is to carry out and effectuate the public policy of the State of Connecticut, the federal government and the city concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the city limits of the City of Danbury. A second purpose is to protect the safety, health and general welfare of all its citizens as the people have a right to and should be ensured an environment free from excessive noise which may jeopardize their general welfare and quality of life.
- (b) *Enforcement.* In recognition of the rights of free peoples to perform their daily activities without undue governmental interference, enforcement of this section shall be in accordance with specified guidelines indicated and delineated in subsection (e) herein.
- (c) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:
 - (1) *Residential zone.* Single-family residence zones and multifamily residence zones, as defined by the zoning regulations of the city, and all uses associated therewith, either permitted as of right or as specially excepted uses.
 - (2) *Commercial zone.* General commercial zones, light commercial zones, neighborhood commercial zones, all as defined in the zoning regulations of the city, and all uses associated therewith, either permitted as of right or as specially excepted uses.
 - (3) *Industrial zone.* Industrial district, as defined by the zoning regulations of the city.
 - (4) *Impulse noise.* Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
 - (5) *Daytime hours.* Hours between 8:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours 10:00 a.m. through 8:00 p.m. on Sundays and holidays.
 - (6) *Nighttime hours.* The hours between 8:00 p.m. and 8:00 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 8:00 p.m. Saturday and 10:00 a.m. on Sunday and 8:00 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.
 - (7) *Decibel.* A logarithmic unit of measurement used in measuring magnitudes of sound.

The symbol is dB.

- (8) *Motor vehicle*. Defined as per section 14-1(47) of the Connecticut General Statutes.
- (9) *Noise*. Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in subsection (e) of this section.
- (10) *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 designated dB(A) or dBA.
- (11) *Person*. Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency or administrative subdivision of the state or other legal entity of any kind.
- (12) *Premises*. Any building, 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.
- (13) *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.
- (14) *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.
- (15) *Sound level meter*. An instrument 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.
- (16) *Domestic power equipment*. Equipment including, but not limited to, power saws, snow removal equipment, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- (17) *Construction*. Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of private rights-of-way, structures, utilities or similar property.
- (18) *Emergency work*. Any 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.
- (19) *Muffler*. A device for abating sounds such as escaping gases.

- (d) *General prohibition.* It shall be unlawful for any person within the city to make, continue or cause to be made or continued any loud, unnecessary, unusual or excessive noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city as provided in subsection (e) herein.

The following are acts specifically prohibited under this subsection (d):

- (1) Commercial construction, demolition, excavation and building operations before 7:00 a.m. Monday through Friday, before 8:00 a.m. Saturday, before 10:00 a.m. Sunday, and after 8:00 p.m. any day.
 - (2) Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle exceeding the standards set forth in subsection (e) hereof, unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (3) The creation within the city of any excessive noise, exceeding the standards set forth in subsection (e) hereof, in the vicinity of any school, institution of learning, church, court, hospital or nursing home while the same is in use which impacts the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed at or near such building indicating that the same is a school, institution of learning, church, court, hospital or nursing home.
- (e) *Noise zone standards.* This subsection is intended to conform to the regulations of the State of Connecticut applicable to the control of noise, as set forth in Connecticut State Regulations section 22a-69-3.5 as amended. It shall be unlawful for any person to emit any noise that is in excess of the standards as follows:
- (1) No person in a Class C noise zone shall emit noise exceeding the levels stated herein and applicable to adjacent noise zones.

	Receptor			
	C	B	A/day	A/night
Class C (Industrial) Emitter to	70 dBA	66dBA	61dBA	51dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

- (2) No person in Class B noise zone shall emit noise exceeding the levels state herein and applicable to adjacent noise zones:

	Receptor			
	C	B	A/day	A/night
Class B (Commercial) Emitter to	62 dBA	62dBA	55dBA	45dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

- (3) No person in Class A noise zone shall emit noise exceeding the levels state herein and applicable to adjacent noise zones:

	Receptor			
	C	B	A/day	A/night
Class A (Residential) Emitter to	62 dBA	55dBA	55dBA	45dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during the nighttime to any residential noise zone. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time in any zone.

Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises include his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

(f) *Motor vehicle noise.*

- (1) All motor vehicles operated within the city limits of the city shall be subject to the noise standards and decibels levels set forth in the regulations authorized in sections 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.
- (2) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection (e) hereof.

(g) *Exclusions.* Maximum noise levels established pursuant to subsection (e) hereof shall not apply to any noise emitted by or related to:

- (1) Natural phenomenon.
- (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 system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful and shall not be excluded hereunder.
- (4) Warning devices required by OSHA or other state or federal safety regulations.
- (5) Noise created as a result of an emergency.
- (6) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (7) Recreational or celebratory activities specifically licensed or under permit from the City of Danbury, including, but not limited to, parades, sporting events, concerts, patriotic or public celebrations and fireworks displays.
- (8) Noises created by snow removal equipment provided that such equipment is maintained in good repair so as to minimize noise and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noise therefrom.
- (9) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.
- (10) Governmental activities which may be exempted by law or regulation of the City of Danbury and State of Connecticut.

Indemnification
Norwalk City Code Sections
67A-1 – 67A-5

MEMORANDUM TO FILE

Date: March 30, 2017

From: Brian Candela

RE: Indemnification Ordinance requests for the April 18, 2017 committee meeting

Attached as Exhibit A are the proposed revisions to the indemnification ordinance. These proposed revisions track Connecticut General Statutes section 7-101a(a) and 7-101a(b). Also attached as Exhibit A is Connecticut General Statutes section 7-101a.

1) Can you provide a definition of municipal officer and municipal employee?

Answer: Municipal officer and municipal employee are not defined in any section of the Norwalk Ordinance. Connecticut General Statutes section 7-101a(a) provides guidance as to what constitutes a municipal officer by stating that it can be an elected or appointed position, of any board, committee, agency or commission of the municipality (City of Norwalk). Connecticut General Statutes section 7-101a(a) also provides guidance as to what constitutes a municipal employee by stating that it is any employee of the municipality (City of Norwalk). Connecticut General Statutes section 9-185 enumerates a list of municipal officers and is also attached as part of Exhibit A.

Connecticut case law uses these terms regularly in governmental immunity cases. Despite the abovementioned statutes, these cases use these terms (municipal official, officer, employee and agent) interchangeably. *Giard v. Town of Putnam*, 2008 WL 5481273-S (Dec. 3, 2008) (Booth, J.) (a municipality is immune from its acts or the acts of its employees that are discretionary); *Ziolkowski v. Town of Waterford*, 2015 WL 7709327-S (Oct. 20, 2015) (Zemetis, J.) (municipal officials are immunized from liability for negligence arising out of their discretionary acts); *Haynes v. City of Middletown*, 319 Conn. 303, 318 (2014) (the public officials duty to act is so clear and unequivocal that the policy rationale underlying discretionary act immunity – to encourage municipal officers to exercise judgment – has no force).

I also reviewed Black's Law Dictionary. According to Black's Law Dictionary, a municipal officer is defined as "a person who occupies a municipal office – usually mandated by statute or charter – and who may be required to take an oath and exercise sovereign authority in carrying out public duties, with compensation incident to the office irrespective of the actual services rendered." According to Black's Law Dictionary, an employee is defined as "a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance." Definitions from Black's Law Dictionary are attached as Exhibit B.

Exhibit A

[Revisions updated after Ordinance Committee meeting on 03/21/17].

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, a director, commissioner or representative appointed or confirmed by the City of Norwalk of the Maritime Center Authority, the Transit District, the Housing Authority, the Redevelopment Agency, the Norwalk Harbor Management Commission, the Norwalk-Wilton Convention and Visitors Commission and District, the Southwestern Regional Planning Agency, the Interlocal for the Connecticut Resource Recovery Authority, the Housing Sites Development Agency, the Norwalk Parking Authority, the Norwalk Water Pollution Control Authority or any other such agency which is not normally insured by the City of Norwalk and which the Mayor designates to be insured by the City of Norwalk for damages awarded for infringement of any person's civil rights or physical damage to person or property or breach of contractual obligations or claim arising out of the performance of the person's duties in an action brought against said director, commissioner or representative for acts or omissions occurring in the performance of governmental functions or while, acting within the scope of the person's duties. The City shall be liable for the acts or omissions occurring in the performance of governmental functions or duties of a director, Commissioner or representative so long as the person acts in good faith in the exercise of honest judgment and not maliciously, wantonly or in abuse of discretion.

(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 the any municipal officer or municipal employee~~director, commissioner or representative. It shall not be liable for any judgment, settlement or for fees of attorneys or other costs if a municipal officer or municipal employee ~~director, commissioner or representative~~ 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~~City of Norwalk was required to represent the interests of such person and has failed to provide counsel for such person.

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§ 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 ~~the any municipal officer or municipal employee~~ director, commissioner or representative of the within-named authorities or agencies 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~~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 ~~the any director, commissioner or representative of the within-named authorities or agencies~~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~~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~~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 ~~a any director, commissioner or representative municipal officer or municipal employee is are~~ covered by an insurance policy in effect at the effective date of this chapter, this chapter shall not take effect as to the ~~director, commissioner or representative~~municipal officer or municipal employee until the City Clerk has been advised, in writing, by the board, committee, council, agency or commission ~~authority or agency~~ that the current insurance has terminated by reason of expiration or nonrenewal by the insurer.

Connecticut General Statutes Annotated
Title 7. Municipalities
Chapter 97. Municipalities: General Provisions

C.G.S.A. § 7-101a

§ 7-101a. Protection of municipal officers and municipal employees from damage suits. Reimbursement of defense expenses. Liability insurance. Time limit for filing notice and commencement of action

Currentness

(a) Each municipality shall protect and save harmless any municipal officer, whether elected or appointed, of any board, committee, council, agency or commission, including any member of a local emergency planning committee appointed from such municipality pursuant to section 22a-601, or any municipal employee, of such municipality 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 duties.

(b) In addition to the protection provided under subsection (a) of this section, each municipality 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 wilful act or ultra vires act, on the part of such officer or employee while acting in the discharge of his duties. In the event such officer or employee has a judgment entered against him for a malicious, wanton or wilful act in a court of law, such municipality 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.

(c) Each such municipality may insure against the liability imposed by this section in any insurance company organized in this state or in any insurance company of another state authorized to write such insurance in this state or may elect to act as self-insurer of such liability.

(d) No action shall be maintained under this section against such municipality or employee unless such action is commenced within two years after the cause of action therefor arose nor unless written notice of the intention to commence such action and of the time when and the place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after such cause of action has accrued.

(e) For the purposes of this section "municipality" means any town, city, borough, consolidated town and city, consolidated town and borough, district, district department of health, or authority established by the general statutes, a special act or local law, ordinance or charter or any public agency.

Credits

(1971, P.A. 726; 1975, P.A. 75-408, § 1; 1977, P.A. 77-399; 1980, P.A. 80-403, § 9, eff. May 23, 1980; 1989, P.A. 89-212, § 11; 1989, P.A. 89-378.)

Notes of Decisions (22)

C. G. S. A. § 7-101a, CT ST § 7-101a

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

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Connecticut General Statutes Annotated
Title 9. Elections (Refs & Annos)
Chapter 146. Elections (Refs & Annos)
Part II. Particular Officers

C.G.S.A. § 9-185

§ 9-185. Municipal officers

Effective: July 1, 2012

Currentness

Unless otherwise provided by special act or charter, (1) members of boards of assessment appeals, (2) selectmen, (3) town clerks, (4) town treasurers, (5) collectors of taxes, (6) constables, (7) registrars of voters, (8) subject to the provisions of subsection (i) of section 10-223e, members of boards of education, and (9) library directors shall be elected, provided any town may, by ordinance, provide for the appointment, by its chief executive authority, of (A) a constable or constables in lieu of constables to be elected under section 9-200, or (B) a town clerk, town treasurer or collector of taxes in lieu of the election of such officers as provided in section 9-189. Unless otherwise provided by special act or charter, all other town officers shall be appointed as provided by law and, if no other provision for their appointment is made by law, then (i) by the chief executive officer of such municipality, (ii) where the legislative body is a town meeting, by the board of selectmen, or (iii) by such other appointing authority as a town may by ordinance provide, and except that, if a board of finance is established under the provisions of section 7-340, the members thereof shall be elected as provided in section 9-202. Any town may, by a vote of its legislative body, determine the number of its officers and prescribe the mode by which they shall be voted for at subsequent elections.

Credits

(1949 Rev., § 513; 1951, Supp. § 105b; 1953, Supp. § 512c; 1955, Supp. § 667d; 1973, P.A. 73-655, § 1; 1976, P.A. 76-173, § 2; 1977, P.A. 77-578, § 1, eff. Oct. 1, 1977; 1982, P.A. 82-239, § 4, eff. May 24, 1982; 1989, P.A. 89-184, § 1, eff. July 1, 1989; 1995, P.A. 95-283, § 27, eff. July 6, 1995; 2010, P.A. 10-111, § 7, eff. July 1, 2010; 2010, June Sp.Sess., P.A. 10-1, § 57, eff. July 1, 2010; 2010, P.A. 10-84, § 3; 2012, P.A. 12-116, § 24, eff. July 1, 2012.)

Notes of Decisions (2)

C. G. S. A. § 9-185, CT ST § 9-185

The statutes and Constitution are current with enactments of the 2016 Regular and May Special Session effective on or before July 1, 2016.

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Exhibit B

multiple admissibility. See ADMISSIBILITY.

multiple counts. See COUNT.

multiple damages. See DAMAGES.

multiple dependent claim. See CLAIM.

multiple evidence. See EVIDENCE.

multiple hearsay. See *double hearsay*.
HEARSAY.

multiple job-holding. See MOONLIGHTING.

multiple listing. See LISTING (1).

multiple offense. See OFFENSE (1).

multiple-party account. See ACCOUNT.

multiple sentences. See SENTENCE.

multiplicity (mal-ta-plis-i-tee), n. *Criminal procedure.* The improper charging of offense in several counts of the indictment. • Multiplicity violation. Amendment protection against double jeopardy. — **multiplicitous** (mal-ta-plis-i-tee) *adj.* —

multiplicity of actions. The existence of more lawsuits litigating the same or against the same defendant. — *multiplicity of suits; multiplicity of actions.* See PIECEMEAL LITIGATION.

multiplied damages. See *multiplier damages*.

Multistate Bar Examination. See NATIONAL.

multistate corporation. See CORPORATION.

multital (mal-ti-tal), adj. 1. Of many legal relations that exist among people, esp. a multitude of people.

"Tort and breach of contract are all but in the case of tort the pre-existing."

secondary right and duty are 'unitary'." William R. Principles of the Law of Contract 11 (Arthur L. ed., 3d Am. ed. 1919).

See IN REM.

munisci. See MULTA.

munus (mu-nus), n. [Old English "hand"] right to protection or guardianship; a duty. Cf. MANUS (1).

and we see prerogative rights growing, while the *munus* (tal) into the background; and in the case of the *munus* we see a guardianship, a *munus*, which is not to the guardian, and this at present is a novel thing." 1 Frederick Pollock & Frederick Maitland, *The History of English Law Before the Norman Conquest* 1481 (2d ed. 1898).

munus (mu-nus), n. [Law Latin "graces"] services at will; tenancies made at the pleasure.

munus (mu-nus), n. See *municipal bond* under BOND.

munus (mu-nus), n. [Latin *munus* "offering" "to take"] Roman law. 1. A duty. 2. A municipality (*municipium*). 2. A duty of the council of a *municipium*.

munus (mu-nus), n. 1. Of or relating to a city, town, or government unit. 2. Of or relating to a municipal government of a state or nation (as distinguished from international).

munus (mu-nus), n. See *municipal bond* under BOND.

munus (mu-nus), n. Any authorized exercise of power by a municipal officer, agent, or other municipal body.

munus (mu-nus), n. The matters relating to the government of a municipality.

munus (mu-nus), n. Financial or other assistance given by a municipality to a private business to encourage it to relocate to the municipality.

munus (mu-nus), n. See CITY ATTORNEY.

duties of the corporation.

municipal corporation. A city, town, or other local political entity formed by charter from the state and having the autonomous authority to administer the state's local affairs. — Also termed *municipality*. Cf. *quasi-corporation* under CORPORATION.

municipal corporation de facto. A corporation recognized to exist, although it has not fully complied with statutory requirements, when there is (1) a valid law authorizing its incorporation, (2) a colorable and bona fide attempt to organize under that law, and (3) an assumption of powers conferred under that law.

municipal court. See COURT.

municipal domicile. See DOMICILE.

municipal election. See ELECTION.

municipal function. The duties and responsibilities that a municipality owes its members.

municipal government. See *local government* under GOVERNMENT.

municipality. 1. MUNICIPAL CORPORATION. 2. The governing body of a municipal corporation.

municipal judge. See JUDGE.

municipal law. 1. The ordinances and other laws applicable within a city, town, or other local governmental entity. 2. The internal law of a nation, as opposed to international law.

municipal lien. See LIEN.

municipal officer. A person who occupies a municipal office — usu. mandated by statute or charter — and who may be required to take an oath and exercise sovereign authority in carrying out public duties, with compensation incident to the office irrespective of the actual services rendered.

municipal ordinance. See ORDINANCE.

empireurs (em-pair-ueerz), *n. pl.* [French] *Hist.* Persons who undertook lawsuits on behalf of others.

emperor. 1. The title of the sovereign ruler of an empire. 2. The chief of a confederation of states of which kings are members. • The rulers of the Roman world adopted the designation *emperor* after the fall of the republic. The title was later assumed by those — including Napoleon — who claimed to be their successors in the Holy Roman Empire. The sovereigns of Japan and Morocco are often called *emperors*, as were, in Western speech, the former sovereigns of Turkey and China. The title denotes a power and dignity superior to that of a king. It appears to be the appropriate style of the executive head of a federal government constructed on the monarchical principle and comprising several distinct kingdoms or other quasi-sovereign states, as with the German empire from 1871 to 1918.

emphasis added. A citation signal indicating that the writer quoting another's words has selected or otherwise emphasized some of them. — Also termed *emphasis supplied*.

emphiteusis (em-fi-ty[oo]-sis), *n.* [Greek "imphiteus"] *Roman & civil law.* A hereditary land; a nonowner's right to use land in perpetuity, subject to forfeiture for nonpayment of a fixed rent or for certain other conditions.

emphyteuta (em-fi-ty[oo]-te), *n.* [Latin] *Roman law.* The person to whom an *emphyteutic* is granted; the lessee or tenant under a right of *emphiteusis*. See *FREE FARM*.

emphyteutic (em-fi-ty[oo]-tik), *adj.* [Latin] *Civil law.* Founded on, growing out of, or having the character of an *emphyteusis*; held under an *emphyteutic*.

The dominion or jurisdiction of an emperor over which an emperor's dominion extends.

emphiteutic (em-fi-ty[oo]-tik), *adj.* Of, relating to, or having the character of, *emphyteutic*; or observed in accordance with the theory not supported by the theory was not supported by the theory.

— Also termed *emphiteutic*.

emphyteutic (om-plwah), *n.* [French] *French law.* A right of usufruct. • When property covered by the *régime dotal* is sold, the purchaser must ensure that the sale proceeds are reinvested for the wife's benefit. See *régime dotal* under *REGIME*.

employ, vb. 1. To make use of. 2. To hire. 3. To use as an agent or substitute in transacting business. 4. To commission and entrust with the performance of certain acts or functions or with the management of one's affairs.

employee. A person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance. — Also spelled *em-pley*. Cf. *AGENT*; *INDEPENDENT CONTRACTOR*.

borrowed employee. An employee whose services are, with the employee's consent, lent to another employer who temporarily assumes control over the employee's work. • Under the doctrine of respondeat superior, the borrowing employer is vicariously liable for the employee's acts. But the employer may also be entitled to assert immunity under workers'-compensation laws. — Also termed *borrowed servant*; *loaned employee*; *loaned servant*; *employee pro hac vice*; *special employee*. See *RESPONDEAT SUPERIOR*.

statutory employee. Workers' compensation. An employee who is covered, or required to be covered, by the employer's workers'-compensation insurance and who therefore has no independent tort claim against the employer for unintentional injuries suffered on the job. See *statutory employer* under *EMPLOYER*.

employee benefit plan. A written stock-purchase, savings, option, bonus, stock-appreciation, profit-sharing, thrift, incentive, pension, or similar plan solely for employees, officers, and advisers of a company. • The term includes an employee-welfare benefit plan, an employee-pension benefit plan, or a combination of those two. But the term excludes any plan, fund, or program (other than an apprenticeship or training program) in which no employees are plan participants. — Often shortened to *plan*. Cf. *PENSION PLAN*.

retirement. • Retirement benefits under a defined-benefit plan are measured by and based on various factors such as years of service rendered and compensation earned. The amount of benefits and the employer's contributions do not depend on the employer's profits. The employer has the entire investment risk, and must cover any funding shortfall. Any plan that is not a defined-contribution plan is a defined-benefit plan. 29 USCA § 1002(35). Cf. *defined-contribution plan*.

defined-contribution plan. Under ERISA, an employee retirement plan in which each employee has a separate account — funded by the employee's contributions and the employer's contributions (usu. in a preset amount), the employee being entitled to receive the benefit generated by the individual account. 29 USCA § 1002(34). — Also termed *individual account plan*. Cf. *defined-benefit plan*.

disability retirement plan. 1. A plan that is invoked when a covered person is disabled from working to normal retirement age. 2. A plan that provides increased benefits if a person retires because of a disability.

employee-stock-ownership plan. A profit-sharing plan designed primarily to give an employee retirement benefits and a stake in the company, but also used to allow employees to purchase their employer company if it is closing. IRC (26 USCA) § 4975(e)(7)(A). — Abbr. *ESOP*.

excess benefit plan. An employee benefit plan maintained by an employer solely for the purpose of providing benefits for certain employees in excess of the statutory limitations on contributions and benefits.

401(k) plan. A retirement and savings plan that allows an employee to invest pretax contributions from a certain portion of gross wages. • Many employers match the employee's contributions. The contributions and their earnings are accumulated tax-free until they are withdrawn. The contributions are invested, usu. in investments that the employees choose from a list of options. The employer's contributions and the growth on those contributions are usu. not fully vested in the employee unless the employee has achieved a certain duration of service with the employer. IRC (26 USCA) § 401(k).

Bike-Walk Advisory Committee

MEMORANDUM TO FILE

Date: March 31, 2017

From: Brian Candela

RE: **Bike Walk Ordinance requests for the April 18, 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.

- 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 involve 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 C 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 C are ordinances from municipalities in other states (Troy, Corvallis, Eau Claire, Oakland, Urbana and Wichita).

Exhibit A

From: ALAN BIRMINGHAM
To: "selectman@ridgefieldct.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



Exhibit C

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

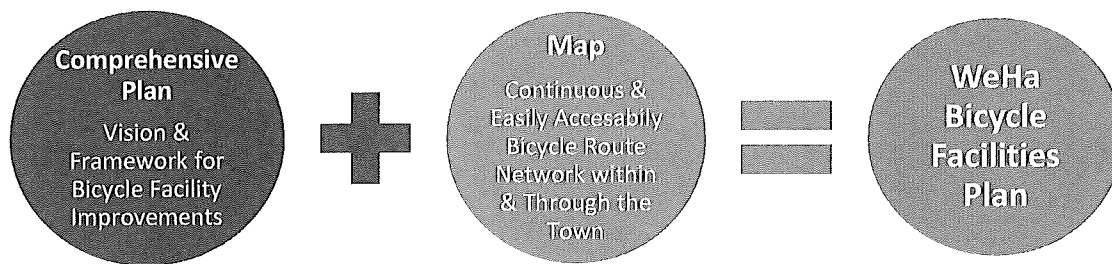
7. REPORTING TO TOWN COUNCIL

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

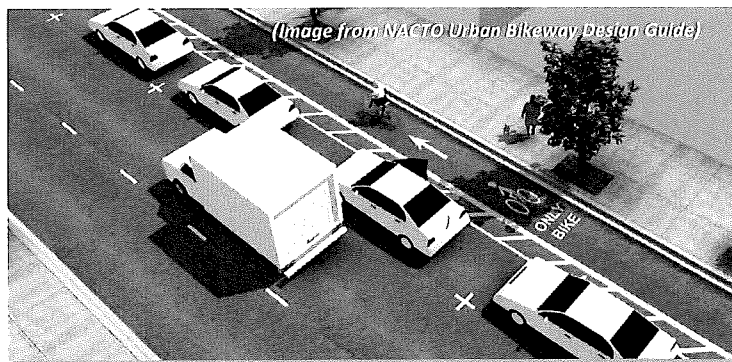
For purposes of this Plan, Separated Routes are the highest level of facility type. They include physical or visual separation and may be at sidewalk or street level, the benefits of which include clear separation between user groups (bicyclists, pedestrians and motorists). Where properly designed and 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/>)

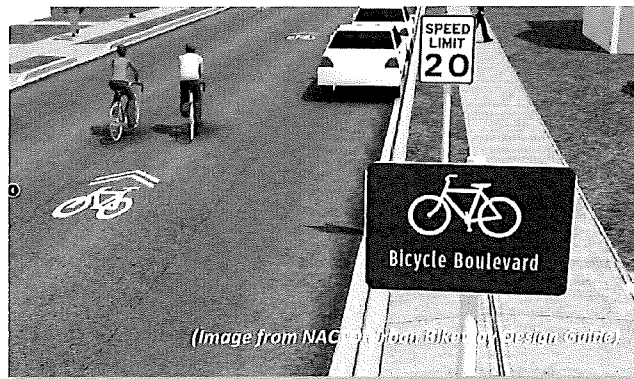
Shared Routes

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.



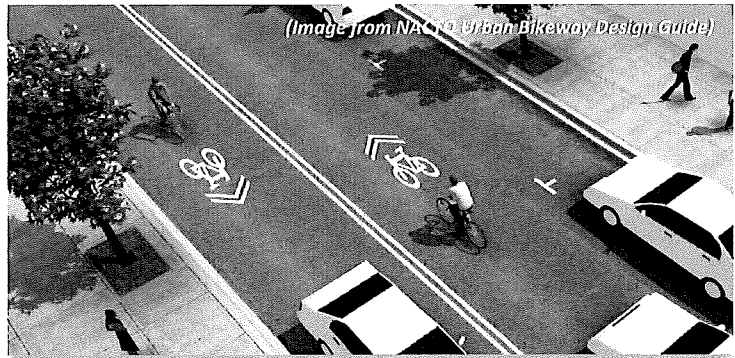
Design considerations

- 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:

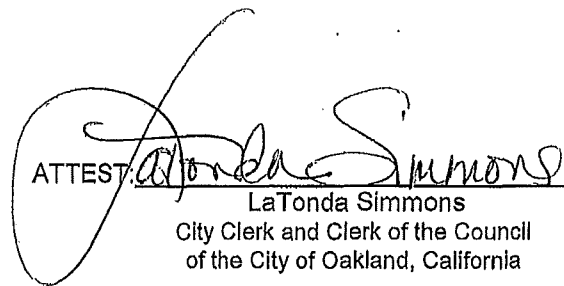
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

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;

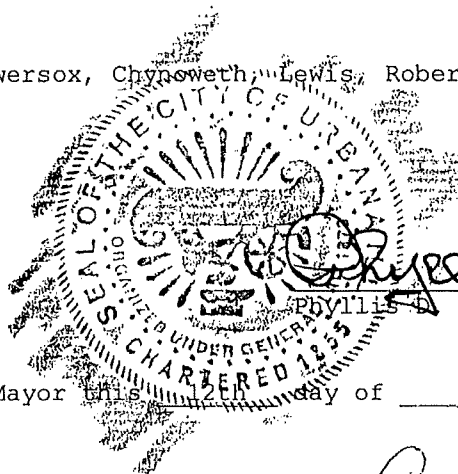
(c) for good cause as determined by the Mayor.

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

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

NAYS:

ABSTAINS:



Phyllis A. Clark
Phyllis A. Clark, City Clerk

APPROVED by the Mayor this 12th 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 PRETAINING 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