

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

April 16, 2019

7:00 p.m. – Room A300

Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. **ROLL CALL**
2. **PUBLIC HEARING (possible action on):**
 - Discuss and vote on Chapter 68 - Noise Ordinance
3. **PUBLIC HEARING DISCUSSION:**
4. **PUBLIC COMMENT**
5. **ACCEPTANCE OF MINUTES:**
 - March 19, 2019 - ordinance committee meeting
6. **OLD BUSINESS:**
 - Discuss Code of Ethics Section 32-12(E)(1)(a) - Review of complaint; vexatious filer
 - Discuss Code of Ethics Section 32-12(E)(1)(b) – Appointment of Investigating Panel
 - Discuss Code of Ethics Section 32-12(E)(2)(c) - Investigation of Probable Cause; Confidentiality of Initial Proceedings
7. **NEW BUSINESS:**
8. **DISCUSSION ITEM:**
9. **ADJOURNMENT**

Noise
Norwalk City Code
Chapter 68

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 68 Noise

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

GENERAL REFERENCES

Alarm systems — See Ch. 11A.

Explosives — See Ch. 38.

Fire-alarm systems: institutions — See Ch. 40.

Nuisances — See Ch. 71.

Excavating and filling of land — See Ch. 97.

Zoning — See Ch. 118.

§ 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:

AFFECTED PERSON

Any person who has lodged a Noise complaint with an authorized enforcement agency that he or she is the receptor of Noise on property within the City, and said Affected Person has an interest in the property as an owner, tenant, or employee

AMBIENT NOISE SOUND ~~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.~~ The sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of the source or sources under investigation for violation of this code and excluding the contribution of extraneous sound sources. Ambient sounds are differentiated from extraneous sounds by the fact that ambient sounds are being emitted the majority of the time although they may not be continuous. Examples of ambient sounds may include steady traffic of properly muffled vehicles, summer insects in the distance, pedestrians talking, and adjacent commercial/industrial operations or mechanical equipment.

COMMERCIAL ZONE

All commercial districts, business districts, as defined in the Zoning Regulations of the City of Norwalk, [1] 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.

CONTINUOUS SOUND

Sound with a duration of one second or longer measured by the slow response of a sound level meter. Impulsive sounds that are rapidly repetitive and have a cumulative duration of one second or longer shall be measured as continuous sound.

CORRECTED SOURCE SOUND LEVEL

The sound level attributable to the source or sources under investigation, which is calculated by subtracting the measured ambient sound level from the measured total sound level.

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:

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

Where

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

The practical unit of measurement for sound pressure level (SPL); the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of a reference sound (20 micropascals) abbreviated "dB".

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, at the site of an emergency, to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

EXTRANEIOUS SOUND

Any sound that is intense and intermittent, and is neither ambient sound nor sound attributable to a source or sources under investigation for a violation of this code. Such sound includes but is not limited to sirens of emergency vehicles, unusually loud motor vehicle exhaust or braking, people shouting or talking next to the meter, animal vocalizations, aircraft or trains passing, car door slams, etc. When conducting compliance measurements, such extraneous sound sources may be noted but their sound levels are excluded.

HEALTH BOARD

As defined in Chapter 57 in the City Code.

IMPULSE NOISE SOUND

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Impulse sound may be measured with the sound level meter response set to Fast, Impulse or Peak.

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.

MULTI-DWELLING UNIT BUILDING

Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

MULTI-USE PROPERTY

Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

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, or is otherwise not in conformance with the provisions herein.

NOISE CONTROL ADMINISTRATOR

The Mayor, Chief of Police, and Director of the Board of Health or person(s) designated to oversee enforcement of this Chapter, to review and act upon applications for variances, and perform other duties specified herein.

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.

PLAINLY AUDIBLE

Any sound that can be detected by an investigator using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The investigator need not determine the title, specific words, or the artist performing the song.

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

~~E~~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: either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the

residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

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 USE

Any property used for human habitation, unless the habitation is a condition of employment, including, but not limited to:

1. Private property used for human habitation;
2. Commercial living accommodations and commercial property used for human habitation;
3. Recreational and entertainment property used for human habitation [(e.g. camp ground)];

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

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."

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 Specifications for Sound Level Meters" S1.4-1971 (Type S2A)-1984 (or subsequent revisions).

SOUND LEVEL METER CALIBRATOR

An instrument used to conduct field calibration checks of a sound level meter, and which should conform, as a minimum, to the American National Standards Institute "Specifications and Verification Procedures for Sound Calibrator" S1.40-2006 (or subsequent revisions).

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).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound, including, but not limited to any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

TOTAL SOUND LEVEL

The measured level which represents the sum of sound from the source or sources under investigation for violation of this code and the ambient sound sources, excluding any extraneous sound, when measured on the property of an affected person or at another specified location.

§ 68-4 Noise-Sound level measurement procedures and calculation of corrected source sound level.

For the purpose of determining noise-sound 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. Sound level meters and calibrators used to conduct measurements shall ~~instruments used to determine sound-level measurements shall conform to the sound level meters as definitions ofed by this chapter.~~
- C. The sound level meter and calibrator shall be recertified annually by the manufacturer or at a laboratory accredited for such calibrations by either the American Association for Laboratory Accreditation or the National Institute of Standards and Technology..
- DC. The general steps listed below shall be followed when ~~preparing to take~~ conducting sound level measurements:
 - ~~(1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.~~
 - (12) A field calibration check of ~~the~~ sound level meter shall be ~~calibrated~~ conducted before and after each set of measurements. If the meter drifts by more than 0.5 dB between calibrations, all measurements taken since the last valid calibration shall be voided.
 - (32) 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. Wind speed measurements shall be taken at the sound measurement location, and sound measurements shall not be conducted when the wind speed exceeds 12 MPH. Measurements may be taken in a location where the microphone is shielded from excess wind speeds.
 - (43) 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.
 - (54) Unless otherwise specified in this chapter, sound level ~~M~~measurements or observations shall be conducted~~taken~~ at or within the property line of an Affected Person, at any location or elevation on their property or within their premises that reasonably represents a location at which they may be exposed to the noise. This may include but is not limited to conducting measurements at an elevated balcony or bedroom window.~~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.~~
 - (5) The investigator shall survey the immediate vicinity of the source under investigation, in order to confirm the identity of the source, and to select suitable locations for the measurement of the Total Sound Level and the Ambient Sound Level.
 - (6) Total Sound Level measurements shall be conducted at or within the property lines of the affected person, unless otherwise specified in this chapter. The location of outdoor measurements, at the discretion of the

investigator, must represent a location on that property which would see regular use by the complainant during the day, or be within 25 feet of the residential structure at night. The sound level meter reading shall be noted during the period of observation, excluding extraneous sounds.

- (7) When conducting indoor sound level measurements, the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The configuration of the windows and doors shall be the same when measuring Total and Ambient Sound Levels, and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.
 - (8) Ambient Sound Level measurements shall be conducted in such a manner as to quantify the contribution of the ambient sound sources to the location at which the Total Sound Measurements were conducted. If sound from the source under investigation can reasonably be discontinued, these measurements shall be conducted at the same location at which the Total Sound Level measurements were conducted, while the source under investigation is not operating. If sound from the source under investigation can not reasonably be discontinued (per § 68-9B) then for purposes of enforcement of this code, the ambient sound level of a given location may be determined based upon measurements taken at a comparable site (which includes but is not limited to comparable physical locations and time of day) in the nearby area. The choice of an alternate location or time for these measurements must take into consideration the primary source(s) of ambient sound (e.g., a major roadway), and remain the same relative distance from that ambient sound source at the new measurement location when compared to the distance between the ambient source and the location at which the Total Sound Level measurements were conducted, with traffic patterns relatively the same. The sound level meter reading shall be noted during the periods of observation, excluding extraneous sounds.
- D. The Corrected Source Sound Level shall be calculated by subtracting the Ambient Sound Level from the Total Sound Level, as per Table 1, below.

TABLE 1
CORRECTION FOR
AMBIENT SOUND LEVELS
dB

Difference between Total Sound Level and Ambient Sound Level (TSL – ASL) in dB	Correction Factor to be Subtracted from Total Sound Level to Calculate Corrected Source Sound Level
0-3	Source Level $\leq$ Ambient Sound Level
4,5	2
6-9	1
10 or more	0

Procedure for Using Table 1

Step 1: Subtract the Ambient Sound Level from the Total Sound Level.

Step 2: Refer to Table 1 to determine the correction factor for the difference calculated in Step 1.

Step 3: Subtract the correction factor from the Total Sound Level. The resultant number is the Corrected Source Sound Level.

- E. Compliance determination shall be based upon the Corrected Source Sound Level.

- (1) No violation shall be based upon any exceedance that is the result of numerical rounding.

- (2) A violation shall only be confirmed if the Corrected Source Sound Level exceeds both the permissible sound level limits (Tables 2 and 3) and the measured Ambient Sound Levels.
- ~~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-Sound level limitss.

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

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

Residential ¹ Day Time	Residential Night Time	Commercial 24 hours	Industrial 24 hours
OUTDOORS			
55	45	65	70
INDOORS ³			
45	35	55	60

1. If the residential receptor is within a commercial or industrial zone, or within 200 feet of such a zone, the permissible sound level limits in Table 2 are increased by 5 dB(A), and the day time limits apply until 10:00 p.m.
2. Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-dwelling unit building or a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building). In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, floor or ceiling

- (2) Impulsive Sound:

No person shall make, cause, allow or permit the operation of any impulsive source of sound which has a maximum sound pressure level in excess of eighty (80) dBA, when measured at or within the real property line of a residential receiver. At nighttime, if an impulsive sound is the result of the normal operation of an industrial or commercial facility and occurs more frequently than four (4) times in any hour the levels set forth in Table_2 shall apply.

If measurements of impulsive sound are conducted indoors pursuant to § 68-5A(1)2, the permissible limit is sixty (60) dBA. At nighttime, if an impulsive sound is the result of the normal operation of an industrial or commercial facility and occurs more frequently than four (4) times in any hour the levels set forth in Table_2 shall apply.

(3) Commercial establishments serving alcohol or food, or presenting live or recorded musical performances

A. Notwithstanding any other provisions of this chapter, commercial establishments such as bars, restaurants, cabarets, or performance venues shall conform to the following standards:

(1) There shall be no sound production device on the exterior of the establishment or inside the establishment at a distance of less than ten feet to an open door or window towards which it is oriented, without a permit.

(2) Sound production devices in commercial establishments shall not exceed any of the permissible sound level limits set forth in Table 3, below:

**TABLE 3
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS
COMMERCIAL ESTABLISHMENT SOUND PRODUCTION DEVICES**

Facility Location	Time of Day	Sound Level Limit dB(A)		
		At a Distance of 10 Feet from the Facility ¹	Property Line of Affected Person	Inside Residence of Affected Person
Washington Street Development District (WSDD)	Day ²	75	65	45 50
	Night	65	55	35 within WSDD
				Plainly Audible in Any Other Zone
Any Other Commercial District	Day	70	60	40
	Night	60	50	Plainly Audible

1 – Exterior of the building or the property line, whichever is further from the source. On Washington Street, this is at the approximate curb line (where there is on-street parallel parking).

2 - For the purposes of applying Table 3, with regard to WSDD only, daytime hours are extended up to 10:00 p.m. Sunday through Wednesday~~Thursday~~. Daytime hours are extended up to 11:00 p.m. on Thursday. On Friday, Saturday and the night before federal and state holiday the day time limits are extended up to 1:00 a.m.

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:~~

Receptor's Zone

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

(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	Residential			
	Industrial	Commercial	(day)	(night)
Commercial	62 dBAs	62 dBAs	55 dBAs	45 dBAs

(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	Residential			
	Industrial	Commercial	(day)	(night)
Industrial	70 dBAs	66 dBAs	61 dBAs	51 dBAs

BC. ~~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. This exclusion includes back-up alarms so long as they are self-adjusting to ambient sound levels.
- (5) Noise created as a result of, or relating to, an emergency.

(56) ———Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.
~~Farming equipment or farming activity.~~

EC. ~~Exemptions~~Restricted Uses and Activities. 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.~~
- (31) Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I. At all other times the limits set forth in Table 2 does not apply to non-commercial or non-industrial power tools used for landscaping maintenance. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. ~~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.~~
- (3) Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- (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.
- (11) Notwithstanding the sound level limits found in Table 2, the permissible sound level limit for residential HVAC equipment between the hours of 10:00 PM and 7:00 AM shall be 50 dBA when measured as specified in § 68-4D(6).
- (12) All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Table 2 does not apply.

§ 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. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
 - C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.
- ~~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.~~
- DE. 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. Factors to be considered in determining whether a noise disturbance exists in a given situation include but are not limited to any or all of the following:
 - (1) The intensity of the noise under investigation, to be assessed at the location at which a disturbance is alleged to occur.
 - (2) Whether the noise has a characteristic nature that is unduly harsh, intrusive, or unnatural (e.g., squealing

tonality or thumping bass), especially if accompanied by vibration perceptible to a human either in their limbs or torso, or in any structural component of their residence (e.g., rattling windows).

- (2) The intensity of the ambient noise.
- (3) The proximity of the noise source to a residence or the intrusion of noise into the residence, especially the sleeping quarters.
- (4) The time of day or night the noise occurs.
- (5) The existence of complaints concerning the noise from persons living or working in separate properties or dwellings who are affected by the noise.
- (6) The nature of the zoning district in which the noise source is located, as well as that within 500 feet of the noise source.

§ 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.
- B. No person shall refuse to allow the Chief of Police or his designated representative to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing except that upon showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.
- A-C. 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.
- BD. 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.
- CE. 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.
- DF. 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. This section governs the initiation of enforcement actions, the issuance of citations or summons for violations of this Chapter, and the imposition of penalties for violations of this Chapter.
- B. If a person violates any provision of this Chapter, or an order issued pursuant thereto, the enforcement agency may issue a citation or summons, institute an action in a court of competent jurisdiction for injunctive relief, or any or all of them, to prohibit and prevent such violation or violations, in which event the matter shall proceed as a summary matter in a court of competent jurisdiction.
- C. Any person violating any provision of this article may be punished as follows:

1. *First Offense:* By a fine of one hundred dollars (\$100.00).
 2. *Second Offense and subsequent offenses:* By a fine of two hundred and fifty dollars (\$250.00).
 3. ~~*Third offense or two or more violations occurring within any six months period:* Misdemeanor of the second degree punishable by a fine of no more than \$1000.00 or a sentence of not more than sixty (60) days in jail, or both.~~
 34. Any Motor Vehicle found to be in violation of Sections § 68-7B or § 68-7C of this article may be subject to towing and impoundment. If the vehicle is redeemed from the auto pound within 24 hours, the redemption fee shall be seventy-five dollars (\$75.00), which is not inclusive of the fine.
 45. Each day that a violation exists shall constitute a separate violation of this Chapter.
- D. The enforcement agency shall classify a violation as a "major" or "minor" violation for the purposes of issuing an enforcement document and compliance grace period. If compliance is achieved during the grace period, then no fine shall be levied. A violation shall be classified as a major violation if it is not deemed a minor violation. A violation, regardless of how intense, is deemed to be minor if:
1. The violation is not the result of willful, reckless or grossly negligent conduct of the violator; and
 2. The activity or condition constituting the violation has not been the subject of an enforcement action against the violator in the immediately preceding 12 months; and
 3. The violation is not the result of the operation of a Sound Production Device of any kind, with the exception of safety warning devices.
- E. If the violation is deemed to be minor, the enforcement agency shall notify the violator that the activity or condition must be corrected and compliance achieved within 30 days or less, at the discretion of the enforcement agency, or any other reasonable period of time, not to exceed 180 days, to be determined based upon the nature, extent and impact of the violation and a reasonable estimate of the time needed to correct the violation. The violator may request, from the enforcement agency, an extension of the compliance deadline and the enforcement agency may approve any reasonable request for an extension if the violator can demonstrate that a good faith effort has been made to achieve compliance. The Noise Control Administrator shall offer special consideration, during the six-month period immediately following final enactment of this chapter, for pre-existing sound sources which will require physical plant modifications to come into compliance.
- F. If the violation is deemed to be minor, the enforcement agency shall notify the violator that if s/he achieves compliance within the period of time specified in the enforcement document, the enforcement agency shall not seek to collect a civil penalty from the violator for that violation.
- G. If, during the grace period, the sound emissions for which the violation has been assessed increase in duration or intensity, the Noise Control Administrator may revoke the grace period. In determining whether to revoke the grace period, the Noise Control Administrator may consider the following factors including but not limited to: the relative increase in intensity; whether the change of sound emissions is directly related to ongoing sound abatement measures, and; the anticipated duration of the increased sound levels.
- H. If the violator does not correct a minor violation within the period of time specified in the enforcement document, the violation is reclassified as major, and the enforcement agency may seek injunctive relief and/or a penalty for a violation of this article. If the enforcement agency has reason to believe that the violator is not acting in good faith during the grace period, they may conduct further investigations during that period, and if the violator has not achieved compliance within the period of time specified in the enforcement document, the enforcement agency may prosecute any violations documented during the grace period.
- I. If the violation is not deemed to be minor, it shall be classified as a major violation and the enforcement agency shall notify the violator that s/he will not be allowed a period of time to correct the violation before a penalty is sought, and that s/he may be liable to a civil penalties ~~and imprisonment~~ for that violation, and that the enforcement agency may seek summary injunctive relief. The Noise Control Administrator shall offer special consideration, during the six-month period immediately following final enactment of this chapter, for pre-existing sound sources which will require physical plant modifications to come into compliance.
- J. Any claims for a civil penalty may be compromised and settled based upon the following factors:

1. Mitigating or other extenuating circumstances;
 2. The timely implementation by the violator of measures which lead to compliance;
 3. The conduct of the violator; and
 4. The compliance history of the violator.
- K. The owner of the property, or any person lawfully entitled to possess the property or manage a business premises from which the offending sound is emitted at the time the offending sound is emitted shall be jointly and severally liable for compliance with this article even if not present upon or in the property and each shall be punished for its violation as shall the person or persons actually causing such sound. It shall not be a lawful defense to assert that some other person caused the sound. The lawful possessor, manager or operator in or on the property shall be responsible for operating or maintaining the property in compliance with this article, and arrest and penalties shall be applied to such person or persons as well as to the person or persons actually causing the sound.
- L. Any owner, lessee, agent, supervisor, or other person in charge of operating, ordering, directing or allowing the operation or maintenance of any device or machine creating a nuisance Noise as prohibited in this article, shall be deemed guilty of violating this article.
- ~~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, and \$250 for each subsequent offense within one year of the last offense. Each violation shall constitute a separate offense. [Amended 3-28-2017]~~
- ~~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.~~
- MC. 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.

**Draft Meeting Minutes from
the 3/19/2019 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
MARCH 19, 2019**

ATTENDANCE: Eloisa Melendez, Chair; Beth Siegelbaum, Michael Corsello (7:05 p.m), Thomas Livingston, Colin Hosten, Doug Hempstead, Chris Yerinides

OTHERS: Rich Bontefant, Tim Sheehan, Executive Director, Norwalk Redevelopment Agency, Jessica Casey, Chief of Economic and Community Development, Ray Burney, Norwalk Director of Personnel and Labor Relations, Leonard Braman, Diane Lauricella, Marjorie Madden, Issac Patrick Camoro, John Chu

STAFF: Brain Candella, Corporation Counsel

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:03 p.m. A quorum was present.

2. PUBLIC HEARING (possible action on)

- Discuss and vote on Community Services Department

Mr. Rich Bontefont said he just read the ordinance and it does not say anything. He said he has no idea what the Department does.

Ms. Melendez closed the Public Hearing at 7:05 p.m.

Mr. Ray Burney said the description is on line. He said this basically mirrors other ordinances.

Mr. Corsello asked if this was a Cabinet level position. Mr. Burney said it was. Mr. Corsello said the hope was for the position to be cost neutral. Mr. Burney said it will cost around \$100,000 but with other positions not being filled it will be cost neutral. The new positions are Human Services Director and they will report to the Chief of Community Services.

Mr. Corsello said it is an important function but he is not sure if an entire separate department is needed. He asked who is doing the function of the Human Services Director right now. Mr. Burney said a lot of it is not being done or being done ad hoc or being done on the fly. He said there is nobody dealing with the issue of homelessness. Mr. Burney said there is no one who can act as a source for either services or referrals. He said this is seen as a 40-hour a week job.

Mr. Burney asked the Committee to approve the Ordinance.

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Mr. Burney said he met with the Fair Housing Officer and Reverend Ingram of the Fair Housing Advisory Commission. He said functionally there was little or no overlap with the Fair Housing or Fair Rent Commission. Mr. Burney said Fair Housing and Fair Rent will remain status quo.

Mr. Yernides asked what happens if this is not approved. Mr. Burney said he will come back next month and say let's talk about this again and ask for another Public Hearing. He said from the Reorganization Plan this is the final chapter in the structural reorganization and there is no plan for the City to give up on it. Mr. Burney said things won't stop if this does not get approved. It just will not get better.

Mr. Hosten said this is creating a resource that does not exist. He said there is nobody at City Hall tapping into State or Federal Grants.

Mr. Corsello said this seems to be a pattern that when a new Commission is created the Committee is told the City can get Grant money. He said he would be curious to find out if any money was ever received and said he is not aware of any.

Mr. Livingston said as an aside we should ask the Mayor's Office for a list of grants that have been received.

**** MR. LIVINGSTON MOVED TO FORWARD THE ORDINANCE TO THE COMMON COUNCIL**

**** THE MOTION PASSED 5-2 (MR. CORSELLO AND MR. HEMPSTEAD OPPOSED).**

Ms. Marjorie Madden of Silvermine Avenue asked Ms. Melendez if she could speak on the Community Services position. Ms. Melendez granted her the chance to make her remarks. Ms. Madden referred to an article that appeared in the Norwalk Hour citing homelessness and immigration as two issues the new position would deal with. She concluded another additional \$100,000 for this position is craziness.

Mr. Burney said if there is someone in the city who has an immigration issue there is not a person who is paid by the city right now that provides that service. He said this is not representing the person, not taking them up as their attorney. It is just giving them some direction that can be addressed by this department.

Ms. Melendez said it's connecting people with resources and Mr. Burney confirmed.

Mr. Bonefont spoke about the Noise Ordinance. He thanked the Committee for having someone come to his home and taking care of a noise issue on Westport Avenue.

Mr. Leonard Braman, who is representing Our House, said the businesses are asking you to not make it more difficult for them to run a business. He said 45 decibels during the day is too low
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35 is too low for the night time. He commented that Mr. Zwerling said daylight hours are not up to him they are up to you. He said on weekends stopping music one hour before last call is workable. He said 10 p.m. on a weeknight which is 3 hours before last call is not workable. He said you can't have the music shut off so much earlier than the time alcohol is still sold.

Ms. Diane Lauricella requested that Ms. Melendez allow her to make a brief comment on the Community Services position. She said hiring an individual with a Bachelor's Degree and 5 years experience is woefully too low for that salary level.

Regarding the noise ordinance, Ms. Lauricella represented South Norwalk Citizens for Justice. She said this is a health issue, an economic development issue and needs to be resolved. Ms. Lauricella requested a dual role or shared role between the Health Department (by day) and the Police Department (by night and sometimes by day). She said the Police have to refrain from telling people on Washington Street you should have known you were going to be living above a bar or restaurant. Ms. Lauricella said the problem could be handled by zoning and retrofits.

Mr. John Chu of 131 Washington Street was the next speaker. Mr. Chu said the noise does not stop until 2 a.m. He said he lives right across the street from the Saltwater and has called the police at least 6 times since January. The Police told him it does not sound that loud. Mr. Chu said the common sense solution would be to eliminate the problem at the source not tell people to shut their windows and basically build a cave to live in.

Mr. Isaac Patrick Camoro, Owner of Our House, spoke next. He said he is willing to work with zoning, and ordinance, but said we need to work with the Owners of the Condos too. He said we come to build the community so values will increase. He said the money making occurs after 10 o'clock and added liquor is where you make your money and that's how we pay our rent and our taxes. Mr. Camoro said it has to be a community effort otherwise it will never get solved.

5. ACCEPTANCE OF MINUTES

**** MR. HOSTEN MOVED TO ACCEPT THE MINUTES OF THE FEBRUARY 10, 2019 MEETING.**

**** THE MOTION PASSED 6-0 (MS. SIEGELBAUM ABSTAINED).**

6. OLD BUSINESS

- Discuss and possibly vote on Real Estate Tax Agreement Ordinance for Wall Street-West Avenue Neighborhood Plan Area (formerly known as the Innovation District)

Mr. Livingston proposed doing something that will help small businesses. He said a tremendous amount of work has been done, but it does not address how to help small businesses.

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Mr. Corsello suggested doing another more comprehensive ordinance to address small businesses.

Mr. Livingston said it may more complicated to come up with a new ordinance than to rework what has already been done. Mr. Livingston asked should lessees be eligible to participate in this Ordinance.

Mr. Hempstead said it should not be only for the big players, it should be for people who invested years ago in our community. He said maybe you should be eligible if doing upgrades or façade improvements.

Mr. Corsello said he looks at this as one tool in our tool chest to encourage development and business. He said maybe helping lessees and small businesses should be a whole another set of tools.

Mr. Hempstead otherwise you have to start from scratch and public hearing all over again. He said some people were locked out and that was one of the concerns that was brought out at the public hearing.

Mr. Livingston said it's frustrating, but we have to do it right. He added it's easier in a sense to fix this then come up with a whole new ordinance which would take another 18 months.

Ms. Jessica Casey said there is an economic development tool kit and each tool is meant to do something different. There are tool kits that speak to property investment, there are tool kits that speak to capital investment, there are tools that speak to employment increases and tools that speak to neighborhood elements. She added all of those tools create Norwalk's economic development tool kit and community development tool kit and if the ordinance is passed we can test that for a year and see what changes need to be made. The ordinance speaks to investment of 100 percent and we need to consider small businesses that don't own the real estate and come up with something to address this.

**** MR. LIVINGSTON MOVED TO TABLE THE VOTE ON REAL ESTATE TAX
ORDINANCE FOR WALL STREET-WEST AVENUE NEIGHBORHOOD PLAN.**

**** THE MOTION PASSED 6-0 (MR. CORSELLO ABSTAINED).**

- Discuss and possibly vote on Chapter 68 – Noise Ordinance

Mr. Hosten said the decibel level should be reasonable and enforceable. He added we have a sound expert saying that 50 during the day is reasonable he is happy with that. Mr. Corsello said he is in favor of making the ordinance as least restrictive as possible.

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Mr. Hempstead said he would be willing to incorporate the levels of expert, Eric Zwerling of Rutgers University, from 45 to 50 into the table.

Mr. Hosten said nobody is saying to cut off the music inside. Mr. Yernides said 35 decibels is fair. Mr. Hosten said if we are going to cut off music an hour before last call on weekends they should be consistent and do the same on weeknights.

The Committee debated having a cut off time of 10 p.m. on Sunday to Wednesday, 11 p.m. on Thursday and 1 a.m. on Friday and Saturday.

**** MR. HOSTEN MOVED TO AMEND FOOTNOTE 2 TO CHANGE THE TIME TO 11 P.M. ON THURSDAYS FOR THE WASHINGTON STREET DEVELOPMENT DISTRICT.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Livingston suggested an amendment to the Ordinance.

**** MR. LIVINGSTON MOVED THE FOLLOWING AMENDMENT REMOVE 68-10 SUBSECTION C3 AND ADD THE WORDS "SUBSEQUENT AND SECOND OFFENSE A \$250 FINE", DELETE CLAUSE 3 AND RENUMBER 4 AND 5. IN SUBSECTION I, DELETE "AN IMPRISONMENT" FROM THE THIRD LINE.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. HEMPSTEAD MOVED TO SEND THE NOISE ORDINANCE TO A PUBLIC HEARING AT THE APRIL 16TH MEETING.**

**** THE MOTION PASSED 6-1 (MR. CORSELLO OPPOSED).**

Mr. Corsetto said this is going to be expensive, cumbersome and confusing to enforce. He said it has to be done through the building codes and zoning.

Mr. Hempstead said you need to offer some protection to the people. He said if you are going to rent to somebody that's going to offer entertainment you need to soundproof that area.

- Discuss the scheduling of a special meeting to discuss Code of Ethics and Citizen's Guide to the Code of Ethics

Ms. Melendez said the Committee should hold a special meeting to discuss some bigger changes that need to get done sooner rather than later.

7. NEW BUSINESS

There was no new business.

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8. DISCUSSION ITEM

There was no discussion item.

9. ADJOURNMENT

**** MR. HEMPSTEAD MOVED TO ADJOURN.**

**** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Greg Venuto

Telesco Secretarial Services

Code of Ethics

B.

- B. No aAgency shall employ any iIndividual who has served as an officerOfficer of the aAgency during the preceding 18 months or any immediate familyImmediate Family member of an iIndividual who has served as an officerOfficer of the aAgency during the preceding 18 months. No officerOfficer of an aAgency or any immediate familyImmediate Family member of an officerOfficer of an aAgency shall apply for or accept employment by that aAgency during the time that said officerOfficer is serving for the aAgency and for a period of 18 months after said officerOfficer ceases to serve in the aAgency.

§ 32-12. Board of Ethics.

A.

- A. Appointment of members. The Board of Ethics shall be comprised of five full members and two alternate members, each of whom shall be electors of the City of Norwalk. No more than two of the members of the Board and one of the alternates shall be registered members of the same political party, and no member of the Board of Ethics shall be an employeeEmployee or officerOfficer of the City. Except for the original appointments, replacement members shall be appointed each year after the effective date of the enactment of this chapter to serve for terms of three years. At the origination of the Board of Ethics after the first effective date of this amendment to Chapter 32, the Common Council shall appoint: two members and one alternate for three-year terms, two members for two-year terms and one member and one alternate for one-year terms. All council appointments to the Board of Ethics shall require the affirmative vote of 11 members of the Common Council.^[KM14]

B.

- B. Organization. The Board of Ethics shall elect a Chairperson. The Board shall keep minutes of its meetings, which shall be filed in the office of the City Clerk, and the Board shall hold meetings at the call of one member of the Board and at such times as a majority of the Board may determine. Four members present, including sitting alternates, shall constitute a quorum in order for the Board of Ethics to conduct official business. An alternate serving in place of an absent member of the Board shall have all of the powers and responsibilities as a full member during the meeting at which such alternate member shall sit.

C.

- C. Powers and duties. The powers and duties of the Board of Ethics shall include rendering advisory opinions, investigation of complaints, hearings on complaints, notification of to the Mayor, City Clerk, Corporation Counsel and any other public Officer as it deems appropriate of its memorandum of decision on any complaint, annual reports to the Mayor, Common Council, and Corporation Counsel on its activities and recommendations, and annual educational programs on the Code of Ethics for municipal Officers, Employees, and agencies on the Code of Ethics.^[KM15] Further, the Board of Ethics shall promote a public culture and operating environment of high ethical standards throughout the City of Norwalk, by education, and informing and encouraging City officials, Employees, residents and vendors of the City of Norwalk to become aware of the Code of Ethics, and to ensure that their public actions and activities are in compliance with the Norwalk Code of Ethics. and high ethical standards.^[KM16]

~~Further, the Board of Ethics shall promote a public culture and operating environment of high ethical standards throughout the City of Norwalk, by education, and informing and encouraging City officials, Employees, residents and vendors of the City of Norwalk to become aware of the Code of Ethics, and to ensure that their public actions and activities are in compliance with the Norwalk Code of Ethics, and high ethical standards.~~ [KM17]

~~D. (1)~~ [KM18]

D. Advisory opinions. The Board, when requested to do so in writing by any officer~~Officer~~, employee~~Employee~~, a~~Agency~~, or member of the public, or upon its own motion, may render advisory opinions concerning officer~~Officers~~ and employee~~Employees~~ and other issues with respect to this Code of Ethics. Such advisory opinion shall be binding on the Board, until amended or revoked, and reliance on a controlling advisory opinion in good faith is an absolute defense in any action or proceedings brought under the provisions of this Code of Ethics. Within 120 days of valid receipt of the request, the Board shall render its advisory opinion, or act not to consider such request, and shall file such opinion or action ~~The Board shall file said advisory opinion with the office of the City Clerk, and such advisory opinions shall be available to the public. The advisory opinion so filed may contain such deletions as may be necessary to prevent disclosure of the identity of the officer~~Officer or employee~~Employee~~ involved, if agreed to by both the individual involved and the Board.

~~E. (2)~~ [KM19]

E. Probable cause hearings and subsequent procedures.

~~(1) (a)~~ [KM20]

(1) Filing of the complaint; notification and amendment.

~~(a) (1)~~ [KM21]

—Any pPerson, including a member of the Board of Ethics, may submit a written complaint, in a form prescribed by the Board of Ethics and signed under penalty of false statement, alleging a violation of this Code of Ethics by an officer~~Officer~~ or employee~~Employee~~ or an individual who was an officer~~Officer~~ or employee~~Employee~~ within the preceding year. The complaint shall contain the specific act or acts which allegedly constitute the violation.

(a) Review of complaint; vexatious filer

Upon receipt of a complaint, the Board of Ethics shall review the complaint and determine whether it warrants acceptance. If the Board of Ethics determines that acceptance is not warranted by a majority of the members present at the meeting, then it shall notify the complainant that it has refused to accept the complaint without establishing an Investigating Panel. If the Board of Ethics refuses to accept a complaint, it shall issue a written explanation of the reasons for such rejection.

The Board of Ethics may refuse to accept a complaint filed by vexatious filer. The conduct which the Board of Ethics relies on to make such a decision shall include, but not be limited to: (a) the number of complaints filed and the total number of pending complaints; (b) the scope of the complaint; (c) the nature, content, language or subject matter of the complaint; (d) the nature, content, language or subject matter of other oral and written communications to the Board of Ethics from the complainant; and (e) a

pattern of conduct that amounts to an abuse of the ethics complaint process or an interference with the operation of the Board of Ethics.

Upon the rejection of a complaint, the Board of Ethics may provide appropriate relief commensurate with the vexatious conduct, including but not limited to, an order that the Board of Ethics need not accept future complaints from the vexatious filer for a specified period of time.

(b) Appointment of Investigating Panel

~~— [2] (b) [KM22]~~

~~—~~ Upon receipt of said complaint by the Board of Ethics members and subject to 32-12(e)(1)(a), an Investigating Panel ~~investigating panel~~ will be appointed, within 21 days, after the next regularly scheduled Board of Ethics meeting. ~~consisting of three individuals who are electors of the City of Norwalk.~~ The members of the Investigating Panel ~~investigating panel~~ shall not be officer ~~Officers~~ or employee ~~Employees~~ from the ~~a~~ Agency at which the ~~i~~ individual(s) alleged to be involved in the facts of the complaint currently serves or formally served within one year as officer ~~Officers~~ or employee ~~Employees~~. The Investigating Panel ~~investigating panel~~ members may delete, defer or reject any part of a complaint that does not conform to the requirements specified by the Board of Ethics. If any member of the Board of Ethics initiates or is involved in a complaint, he or she will recuse himself or herself from the Board of Ethics for the purposes of that complaint, including the appointment of the Investigating Panel ~~investigating panel~~ and any ~~hearing board~~ Hearing Board, and an alternate of the Board shall serve in his or her place as to all further proceedings on that complaint.

(c)

~~[3] (2) [KM24]~~ Investigation of Complaint, Notification of Parties, Investigating Panel

(2)

(a) ~~(a)~~ Notification of Parties. The Board of Ethics shall notify, by registered or certified mail, or by personal service by a ~~State~~ State Marshal sheriff, constable or indifferent ~~p~~ Person, any Respondent(s) ~~respondent~~ against whom a complaint is filed not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed. A copy of such complaint, the name of the Complainant(s) ~~complainant(s)~~ and any subsequent changes to the complaint shall accompany such notice. The Board shall also notify the complainant in writing of its receipt of such complaint not later than 10 business days after the Investigating Panel ~~investigating panel~~ is formed.

~~— [4] [KM25]~~

(b) ~~(b)~~ Supplementation Expansion of Complaint by Investigating Panel. Subsequent to the filing of the original complaint, the Investigating Panel ~~investigating panel~~ or the Board of Ethics may, at its discretion, ~~supplement~~ expand any complaint filed with the Board of Ethics to include other violations which it reasonably suspects to have occurred, based on allegations in the original complaint. Any such ~~supplementation~~ expansion shall be in writing, and a copy shall be sent by registered or certified mail, or by personal service by a ~~State~~ Marshal sheriff, constable or indifferent ~~p~~ Person to the ~~respondent~~ Respondent(s) and Complainant(s) ~~complainant~~ within seven days of such amendment.

~~— (b) (c) [KM26]~~

(c) Investigation of pProbable eCause; Confidentiality of Initial Proceedings. The Investigating Panel ~~investigating panel~~members shall investigate the complaint and any expansion supplement thereto. For this purpose, hearings and meetings may be held to determine whether or not there is pProbable eCause to believe that the respondent has violated the Code of Ethics. Any investigation and pProbable eCause hearing, if held, shall be confidential and shall not be open to the public unless the Respondent ~~respondent~~requests that such investigation and hearing be open. Request by the Respondent for a public hearing shall waive the confidentiality requirement of the investigation and hearing. Pending the outcome of the pProbable eCause hearing, no member of the Board of Ethics or Investigating Panel ~~investigating panel~~shall disclose his or her knowledge of the pProbable eCause investigation to a third party. By filing a complaint with the Board of Ethics, the Complainant shall be bound by the requirement of confidentiality. A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the complaint and may be grounds to permanently ban the Complainant from filing complaints in the future. The Respondent ~~respondent~~shall have the right to appear and be heard and to offer any information by way of answer or denial of the allegations. The Respondent ~~respondent~~may be represented by counsel of his or her choice in the pProbable eCause hearings before the ~~Investigating the Investigating Panelinvestigating panel~~. The Investigating Panel ~~investigating panel~~may, in its discretion, hear testimony or take written statements from the Complainant ~~complainant~~ and any other witnesses it deems necessary to its investigation. The Investigating Panel ~~investigating panel~~may retain counsel or investigators to assist it in the pProbable eCause hearing process.

Finding of Probable Cause, Written Report, Hearing Before

(d)

~~(i) Finding of Probable Cause. (e) [KM27]~~

~~Finding of probable cause and hearings before an ethics hearing board.~~

~~(d)[1] Finding of Probable Cause, Written Report, Hearing Before~~

(i)

~~(i) Finding of Probable Cause.~~ A decision regarding pProbable eCause shall be made by the Investigating Panel ~~investigating panel~~within 60 days after the date that the Board of Ethics served notice of the formation of the Investigating Panel ~~investigating panel~~to the Respondent ~~respondent~~and ~~Complainant-complainant~~. A finding that pProbable eCause to believe that the Respondent ~~respondent~~has violated the Code of Ethics exists shall require two concurring votes from the members of the Investigating Panel ~~investigating panel~~.

(ii)

(iii) ~~(ii) Written Report of Investigating Panel; Public Hearing Before Hearing Board.~~ If the ~~Investigating Panel~~ determines that there is pProbable eCause that the Respondent ~~respondent~~has violated the Code of Ethics, it shall submit a written report to the Board of Ethics stating the basis for the finding of pProbable eCause. Upon receipt of the report of the Investigating Panel ~~finding probable cause~~, the Board of Ethics shall appoint a Hearing Board, which shall initiate a public hearing process within 30 days, to determine whether the Respondent(s) ~~respondent(s)~~ committed a violation of the Code of Ethics. In any public hearing held to determine a violation of the Code of Ethics, the Investigating Panel members shall have the responsibility of gathering and presenting evidence to the Hearing Board. ~~[KM28]~~