



REGULAR MEETING – ORDINANCE COMMITTEE AGENDA

AUGUST 19, 2025, 7:00 PM
BY ZOOM VIRTUAL MEETING

To allow public access, anyone may access a meeting by telephone and/or Zoom, or a recording in the City of Norwalk YouTube channel. Specific instructions and links can be found at norwalkct.gov/meetings.



Members of the public may call in to participate. Callers will not be able to see the meeting participants. All participants will be muted upon entering the meeting. To speak, dial *9 on the phone and you will be called on by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. Please find the information using the link above.



Members of the public who wish to provide "live comments" may also use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. Please find the information using the link above.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be included into the record, they must be submitted by 12:00 p.m. the day of the meeting. Please email Brian Candela at bcandela@norwalkct.gov with the subject line "Public Comment" to provide written public comment prior to the meeting.

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PUBLIC PARTICIPATION**
- IV. **ACCEPTANCE OF MINUTES**
 - A. **Regular Meeting: DATE**
 - B. **June 17, 2025 – regular meeting of the ordinance committee**
 - C. **July 15, 2025 – regular meeting of the ordinance committee**
- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**

- A. Discuss and vote Chapter 27, City Buildings and Facilities, Article I, Naming, Sections 27-1, 27-2 and 27-3**
- B. Discuss and vote Chapter 95, Streets and Sidewalks, Article II, Honorary and Historic Naming of Streets, Sections 95-37, 95-38 and 95-39**
- C. Discuss new ordinance, Residential Parking Program**
- D. Discuss new ordinance to be inserted into Chapter 98, Long-Term Parking**
- E. Discuss Chapter 112, Tree ordinance**
- F. Discuss Chapter 68 Noise, Sections 68-1, 68-2, 68-4, 68-6, 68-7, 68-8, 68-9, 68-10, 68-12, 68-13, 68-14 and 68-15**

VII. DISCUSSION

VIII. ADJOURNMENT

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 17, 2025
VIA ZOOM TELECONFERENCE**

ATTENDANCE: Margaret (Lisa) Shanahan; Chair, Josh Goldstein, Anne Wennerstrand, Johan Lopez, Heather Dunn, Nora Niedzielski-Eichner, Jalin Sead

STAFF: Brian Candela

OTHER: Thomas Livingston, Nicole Eaddy

I. CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:02 p.m.

II. ROLL CALL

Ms. Shanahan called the roll as reflected above. A quorum was present.

III. PUBLIC HEARING

A. Discuss and vote on Code of Ethics, Section 32-11, Subsequent Employment

The committee opened with a discussion and a vote on the proposed amendment to the Code of Ethics, Section 32-11. Mr. Candela provided a summary: the proposed amendment to 32-11B would allow individuals who served as officers of an agency during the preceding 12 months to request a no-conflict opinion from the Board of Ethics. This opinion would be a matter of public record. The Board of Ethics, elected by a supermajority of the Common Council, would issue an advisory opinion on whether a conflict exists. The measure is designed to increase flexibility while maintaining transparency.

Mr. Candela promoted Nicole Eaddy to the panel.

Diane Cece

Ms. Cece expressed appreciation for the summary provided before the hearing and raised two key points. First, she noted that the unchanged Section A includes the language “personally and substantially” and questioned how “substantially” is defined, as it appears subjective. She asked who determines whether someone’s involvement was substantial and cited concerns about recent positions like Jessica Fishek’s transition from a city role to employment with the Manresa Association.

Second, Ms. Cece addressed the proposed amendment. While she understood the specific needs of the Health Department, she asked whether the change applies broadly to all city agencies and boards. She cited the potential for a chairman of the Planning and Zoning Commission to seek employment within the P&Z Department, questioning the amendment's scope. She also asked for clarification on whether the Board of Ethics review process would be conducted publicly or in executive session.

In response, Ms. Shanahan clarified that “agency” is defined in Code Section 32-3 and includes boards, commissions, departments, and entities such as the Common Council and Board of Education, which makes the definition broad. “Officer” is also defined and includes individuals elected or appointed to these agencies, including advisory or ad hoc committees.

Regarding transparency, Ms. Shanahan explained that any exemption request would appear on a publicly posted Board of Ethics agenda, open to public comment and discussion. She stated the Board would deliberate and issue a written advisory opinion that would be publicly posted.

Brian Candela clarified that Section A, including the phrase “personally and substantially,” is not currently on the agenda. He confirmed that those terms are not defined within the ordinance, and this lack of definition reflects the nature of the Code of Ethics as a general guiding document rather than an exhaustive rulebook. He noted interpretation is necessary and expected.

Mr. Candela emphasized that previous iterations of the committee were advised that not every potential situation can be preemptively legislated in the ordinance. He noted the aim is to provide reasonable guidance while relying on interpretation by appropriate bodies.

Ms. Shanahan confirmed there were no other members of the public present to speak on the proposed amendment to Section 32-11 of the Code of Ethics. The public hearing was closed, and the committee discussion opened.

**** MR. SEAD MOVED TO TO SEND THE PROPOSED CHANGE TO THE COMMON COUNCIL.**

**** THE MOTION PASSED UNANIMOUSLY.**

**B. Discuss and vote on Vape Shop ordinance, Sections 4, 6, 7, 13 and the
CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 17, 2025**

Effective Date.

The public hearing on the vape shop ordinance, specifically sections 4, 6, 7, and 13, was then opened. Ms. Shanahan explained that the changes primarily addressed licensing procedures during the short application period before January 1. She noted applicants can apply during this period without fees, which will begin on January 1, 2026. Additionally, responsibility for penalties will shift from the Director of Health to the City Clerk, who will manage licensing.

Mr. Candela confirmed the effective date of the ordinance will be July 1. The stub year changes address the period from September 1 to December 31, during which fees will not be collected. He stated the City Clerk’s office requested a uniform application cycle from January through December.

Diane Cece
37 Olmstead Place

Ms. Cece was recognized again for public comment. She asked whether the ordinance includes any provisions more restrictive than existing state statutes. She also questioned how the city's inspection and fine processes would interact with those already under the Department of Consumer Protection, and whether they were redundant.

**** MS. WENNERSTRAND MOVED TO HAVE THE ORDINANCE PUT BEFORE THE COMMON COUNCIL**

Discussion opened among committee members. Ms. Shanahan clarified that the state does not currently regulate in this area, leaving a gap that the city seeks to address. She stated this ordinance provides police with tools to inspect and identify unlicensed sellers. Mr. Candela added that the ordinance does not restrict businesses from opening—that authority lies with Planning and Zoning. However, this ordinance was designed in tandem with P&Z changes to limit the rapid proliferation of vape shops. He stated the goal is to require sellers to obtain licenses so police can focus enforcement on unlicensed activity. Chief Walsh had requested this support, citing the growing problem of unregulated vape sales. The model is similar to one used successfully with the Fire Marshal’s office.

**** THE MOTION PASSED UNANIMOUSLY.**

IV. PUBLIC PARTICIPATION

The only member of the public present had no comment

V. ACCEPTANCE OF MINUTES

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 17, 2025**

A. May 20, 2025 – regular meeting of the ordinance committee

- ** MR. GOLDSTEIN MOVED TO APPROVE THE MINUTES**
- ** THE MOTION PASSED UNANIMOUSLY.**

VI. OLD BUSINESS

There was no old business discussed.

VII. NEW BUSINESS

A. Discuss and vote on Chapter 9 Administration, Article IV, Registrars of Voters, Section 9-10.

Next on the agenda was a discussion and a vote regarding Chapter 9, Administration, Article IV, Registers of Voters, Section 9-10. Mr. Candela explained that the changes are minor, updating language about office hours for the Registrar of Voters. He stated the proposal ensures the ordinance reflects actual office operations and will also allow posting of current hours on the city website. Discussions were held with the Registrars who support the changes.

Mr. Candela noted that many municipalities do not have such an ordinance and that this revision improves clarity and public access. He explained the change requires that either the Registrar or their designee be physically present during official office hours.

Mr. Livingston added that the current ordinance restricted the Registrars from opening earlier hours to better serve the public. He noted this revision increases flexibility, allowing more responsiveness, especially during election seasons. The language removes rigid time constraints, permitting updates in coordination with the Mayor’s office and timely posting to the city website.

- ** MS. DUNN MOVED TO SEND THE ITEM OFF FOR A PUBLIC HEARINMG IN JULY.**
- ** THE MOTION PASSED UNANIMOUSLY.**

B. Discuss and vote on Chapter 63 – Law Department, Sections 63-1 through 63-6

The Committee moved on to the final item of business: discussion and vote on Chapter 63, Law Department, Sections 63-1 through 63-6. Ms.turned the discussion over to Mr. Livingston, who

collaborated with Corporation Counsel Brian Candela on the proposed revisions.

Mr. Livingston outlined the origin of the proposed changes, which began in response to challenges in recruiting Assistant Corporation Counsel. He explained two main issues were identified. First, the ordinance previously imposed a four-year term limit on Assistant Corporation Counsels, which is not consistent with the rest of the city's employees and created a deterrent to hiring. Second, a four-year term raised concerns about the potential chilling effect on attorneys' ability to provide candid legal advice as their term approached renewal.

The committee reviewed the ordinance, and additional opportunities to streamline and align the language with current practice were identified. Mr. Livingston reviewed each section in order. Section 63-2 was clarified to indicate that the Law Department not only supervises but also prepares ordinances and documents.

In Section 63-3 A and B, Mr. Livingston indicated a sentence from subsection C was moved for clarity regarding compensation being set by the Common Council. In subsection C, language was proposed to allow for full- or part-time Assistant Corporation Counsels to be appointed by the Common Council and removed only for cause. He noted this provision mirrors the protections already granted under union contracts, and its inclusion was optional.

Mr. Livingston stated additional language was added to clarify that attorneys outside of the Law Department may be employed for special cases or other matters. He noted a proviso was included to ensure this would not become grounds for reducing the number of internal Assistant Corporation Counsel positions. Mr. Livingston suggested revising this language to avoid mirroring union contract terminology and offered to assist with alternate phrasing.

Mr. Livingston pointed out that Section 63-4 had references to specific charter subsections removed for clarity and longevity. It also introduced minimum experience requirements for the Corporation Counsel (seven years, admitted to the Connecticut Bar) and the Deputy Corporation Counsel (five years of experience). Section 63-5 was revised to reflect actual practice by clarifying that while the mayor appoints outside counsel for special cases, in general, outside counsel is selected by the Corporation Counsel. He said the same proviso language about maintaining internal staffing levels appeared again and was noted for revision.

Mr. Livingston stated that Section 63-6 codified the five-year experience requirement for the Deputy Corporation Counsel. The discussion turned to whether years of experience requirements unnecessarily restricted the city's flexibility in hiring. Mr. Livingston noted the standards only applied to Corporation and Deputy Corporation Counsel positions, not assistants. Committee members agreed the proposed requirements were fair and appropriate for leadership roles.

Mr. Goldstein recommended adding the phrase "in good standing" to the requirement of being admitted to the Connecticut Bar. Mr. Livingston agreed with the suggestion. Mr. Goldstein also questioned the clarity of the distinction between "special cases" and routine workload-based outside counsel hiring. Mr. Livingston acknowledged the concern, noting the language aimed to

codify existing practice while maintaining flexibility. He clarified that the city continues to seek Council approval for major matters, such as class action litigation.

Mr. Goldstein reiterated the value of maintaining flexibility in retaining outside counsel when needed due to workload or specialized expertise. Mr. Livingston responded that the proposed changes should help clarify the process without creating new burdens.

Committee members discussed language for the proviso on outside counsel. Mr. Livingston suggested the revised phrasing: “provided that such employment shall not be the basis for reducing the number of Assistant Corporation Counsel positions.” He noted the term “unit” should be removed for clarity. Mr. Candela adjusted the displayed language accordingly. Mr. Goldstein also confirmed that parallel edits would be made in Section 63-5. Ms. Shanahan asked whether any other members had questions or concerns. No further comments were raised.

- ** MS. DUNN MOVED TO TAKE THE MOTION TO A PUBLIC HEARING.**
- ** THE MOTION PASSED WITH SIX VOTES IN FAVOR. MS. NIEDZIELSKI-EICHNER WAS UNABLE TO VOTE.**

VIII. DISCUSSION

There was no further discussion.

IX. ADJOURNMENT

- ** MR. SEAD MOVED TO ADJOURN THE MEETING.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting ended at 7:38 p.m.

Respectfully submitted.
China Mayhew
Telesco Secretarial Services

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 17, 2025**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
JULY 15, 2025
VIA ZOOM TELECONFERENCE**

ATTENDANCE: Margaret (Lisa) Shanahan; Chair, Josh Goldstein, Anne Wennerstrand, Johan Lopez, Nora Niedzielski-Eichner, Jalin Sead

STAFF: Brian Candela, Assistant Corporation Counsel

OTHERS: Thomas Livingston; Chief of Staff, Nicolé Eaddy; Common Council Member

I. CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:03 p.m.

Ms. Eaddy joined the meeting at 7:03 p.m. and was promoted to panelist.

II. ROLL CALL

Ms. Shanahan called the roll as reflected above. A quorum was present.

III. PUBLIC HEARING

- A. Discuss and vote on Chapter 9 Administration, Article IV, Registrars of Voters, Section 9-10

Mr. Candela explained that the amendment allows the Mayor to adjust the office hours of the Registrar of Voters. It requires a Registrar or designated representative to be present during all operating hours.

No public comments were submitted or presented. The public hearing closed at 7:05 p.m.

- B. Discuss and vote on Chapter 63 - Law Department, Sections 63-1 through 63-6

Mr. Candela explained that the proposed changes were mainly updates to language. The key revisions include: increasing the required experience for the Deputy Corporation Counsel from 3 to

5 years; specifying that the Corporation Counsel must have 7 years of experience, and stating that hiring outside counsel cannot be used as a reason to reduce the number of Assistant Corporation Counsels.

IV. PUBLIC HEARING DISCUSSION

There was no further discussion at this time.

V. PUBLIC PARTICIPATION AND COMMENT

There was no public participation at this time.

- ** MS. WENNERSTRAND MOVED TO SEND ITEMS TO COUNCIL.**
- ** THE MOTION PASSED UNANIMOUSLY.**

VI. ACCEPTANCE OF MINUTES

A. Regular Meeting: June 17, 2025

- ** MR. GOLDSTEIN MOVED TO APPROVE THE MINUTES**
- ** THE MOTION PASSED UNANIMOUSLY.**

VII. ACKNOWLEDGMENT

A moment of silence was held for Cheryl Telesco.

VIII. OLD BUSINESS

There was no old business discussed.

IX. NEW BUSINESS

There was no new business discussed.

X. DISCUSSION

There was no further discussion.

XI. ADJOURNMENT

- ** MR. GOLDSTEIN MOVED TO ADJOURN THE MEETING.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Respectfully submitted,

Courtney Baldwin

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING JULY
15, 2025**

ARTICLE I

Naming

[Adopted 9-27-2011]

§ 27-1. Purpose.

The purpose of this article is to establish guidelines and formalize procedures when considering the naming or renaming of a City-owned or -controlled building ~~and-or~~ facility, or sections thereof, administered under the responsibility charged to the Land Use and Building Management Committee of the Common Council.

§ 27-2. Policy and considerations.

A. The primary consideration when naming a building or facility, or section thereof, should be to clearly identify the location and function for ease of access and to avoid confusion. A geographical description is preferred in the name. A public facility or part of a facility may be identified by naming in honor of an individual or group through use of a memorial plaque or similar commemorative inscription.

B. If a building or facility, or section thereof, is to be named in honor of an individual, it is generally required that such individual has made a significant contribution to the community through public service and deeds and ~~was-is~~ respected for ~~his-or-her~~their accomplishments and good conduct. Consideration shall be given to individuals who have made recent accomplishments and contributions, as well as individuals with historic ties to the City. An individual shall be deceased at least one year prior to the naming, unless the Common Council determines by a two-thirds majority plus one vote that a living individual or a person who has been deceased less than one year deserves the honor. Groups should not be in a position to influence the process by funding of past or future operations of the building or facility, and it is ultimately important for the City to avoid any perception of improper manipulation, special favor, vested interest, or endorsement of businesses, products or services.

§ 27-3. Procedure.

Naming of City buildings ~~or -and~~ facilities, or sections thereof, shall proceed as follows.

A. The proposed naming ~~of a facility~~ shall be placed on a Land Use and Building Management Committee regular meeting agenda for discussion and review. In the event that the building or facility, or section~~part~~ thereof, to be named is located at a City ~~p~~Park, the proposed naming shall also be placed on the Recreation, Parks and Cultural Affairs Committee agenda for discussion and review, following which such committee shall report its recommendation to the Land Use and Building Management Committee.

B. A public hearing is required prior to forwarding the naming request to the full Common Council for approval. The hearing shall be held at a regular meeting of the Land Use and

Building Management Committee, and the scheduling of said hearing shall have been approved at a previous regular meeting by a majority vote of the Committee.

C. A two-thirds majority (~~10 votes~~) of the Common Council is required for the approval of the naming or renaming of a building or facility, or section thereof, which falls under the responsibility of the Land Use and Building Management Committee of the Common Council except in the case where a living individual or a person who has been deceased less than one year is the honoree, in which case a two-thirds majority plus one ~~vote~~ is required.

ARTICLE II

Honorary and Historic Naming of Streets

[Adopted 10-28-2014; amended in its entirety 1-14-2025]

§ 95-37. Purpose.

The purpose of this article is to establish guidelines and formalize procedures when considering the honorary or historic naming or renaming of a City street or roadway, administered under the responsibility charged to the Public Works Committee of the Common Council.

§ 95-38. Policy and considerations.

If a City street or roadway is to be named in honor of an individual, it is generally required that such individual has made a significant contribution to the community through public service and deeds and is respected for ~~his or her~~their accomplishments and good conduct. Consideration shall be given to individuals who have made recent accomplishments and contributions as well as individuals with historic ties to the City. An individual shall be deceased at least one year prior to the naming unless the Common Council determines by a two-thirds-majority plus one ~~vote~~ ~~(11 votes)~~ that a living individual or a person who has been deceased less than one year deserves the honor. Groups should not be in a position to influence the process by funding of past or future operations of the street or roadway, and it is ultimately important for the City to avoid any perception of improper manipulation, special favor, vested interest, or endorsement of businesses, products or services.

§ 95-39. Procedure.

Naming of City streets or roadways shall proceed as follows:

A. The proposed naming of a City street or roadway shall be placed on a Public Works [Committee](#) regular meeting agenda for discussion and review. In the event that the street or roadway to be named is located within a City park, the proposed naming shall also be placed on the Recreation, Parks and Cultural Affairs [Committee](#) agenda for discussion and review, following which such committee shall report its recommendation to the Public Works Committee.

B. A public hearing is required prior to forwarding the naming request to the full Common Council for approval. The hearing shall be held at a regular meeting of the Public Works Committee, and the scheduling of said hearing shall have been approved at a previous regular meeting by a majority vote of the Committee.

C. A two-thirds-majority ~~(10 votes)~~ of the Common Council is required for the approval of all honorary or historic street or roadway names, except in the case where a living individual or a person who has been deceased less than one year is the honoree, in which case a two-thirds-majority plus one ~~vote~~ ~~(11 votes)~~ is required.

§ _____ Residential Parking Permit Program’s Purpose

This article is enacted in response to the adverse effects caused to certain areas and neighborhoods of the City by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. For the reasons set forth in this article, a system of preferential resident parking is hereby enacted for the City of Norwalk.

§ _____ Residential Parking Permit Program Guidelines

In accordance with the provisions of this Chapter and the Parking Authority guidelines and standards, as amended from time to time, the Parking Authority shall establish a residential parking permit program. The Parking Authority shall prepare guidelines and standards establishing the process, procedures, criteria, goals, rules, and requirements for the residential parking permit program. Prior to its initial approval, these guidelines and standards shall be subject to a thirty-day public comment period and a public hearing in front of the Parking Authority. A copy of the Parking Authority guidelines and standards shall be made available on the City of Norwalk website, the Parking Authority’s office, and in the Department of Transportation, Mobility and Parking’s office.

§ 68-1. Short title.

This ~~Chapter~~ ~~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~~ ~~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~~~~chapter~~:

AFFECTED PERSON — Any person who has lodged a noise complaint with the Noise Control Administrator that he/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 SOUND — 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.

1. Editor's Note: See Ch. 118, Zoning.

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 — 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 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" or "impulse."

INDUSTRIAL ZONE — All industrial districts as defined by the Zoning Regulations of the City of Norwalk.²

MOTOR VEHICLE — Per Section 14-1(59) 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

2. Editor's Note: See Ch. 118, Zoning.

of activity. Examples include, but are not limited to:

- A. 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
- B. 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~~[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~~[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 comport, repose, health, peace or safety of a person, or which causes injury or damage to property or business.

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 — 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:

- A. Private property used for human habitation;
- B. Commercial living accommodations and commercial property used for human habitation;
- C. Recreational and entertainment property used for human habitation.

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,³ and all uses permitted therewith either as a right or as a special use.

SITE WORK — Any activities involving the use of heavy equipment, including but not limited to hydraulic point breaking of rock, pavement breaking (jack hammering), pile driving, excavation, activities related to the processing of earth and rock, such as screening, splitting and crushing, removal of materials and filling.

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 American National Standards Institute Specifications for Sound Level Meters, S1.4-1984 (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

3. Editor's Note: See Ch. 118, Zoning.

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. Sound level measurement procedures; calculation of corrected source sound level.

For the purpose of determining sound level as set forth in this ~~Chapter~~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 conform to the definitions of this ~~Chapter~~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.~~

~~D.C.~~ The general steps listed below shall be followed when conducting sound level measurements:

- ~~(1) The sound level meter manufacturer's specific instructions for the preparation and use of the instrument shall be followed when taking noise and decibel level measurements.~~
- ~~(2) The sound level meter shall be calibrated before and after each set of measurements.~~
- ~~(3) When measurements are taken out of doors, a windscreen shall be placed over the microphone of the sound level meter, as per the manufacturer's instructions.~~
- ~~(4) Sound level measurements shall be taken at a point that is located at least 1 foot within the property line of the affected person.~~
- ~~(+)(5) When conducting indoor sound level measurements, the measurements shall be taken at least 3 feet from any wall, floor, door, window or ceiling.~~
- ~~D. Sound level meter measurements are not necessary when noise generated by a loud amplification device, will be in violation of this Chapter, if it is plainly audible when it can be heard at a distance of 100 feet from its source.~~
- ~~(2) A field calibration check of the sound level meter shall be 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.~~
- ~~(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. Wind speed measurements shall be taken at the sound measurement location, and sound~~

~~measurements shall not be conducted when the wind speed exceeds 12 miles per hour. Measurements may be taken in a location where the microphone is shielded from excess wind speeds.~~

- ~~(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) Unless otherwise specified in this chapter, sound level measurements or observations shall be conducted 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.~~
- ~~(6) 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.~~
- ~~(7) 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.~~
- ~~(8) 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.~~
- ~~(9) 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 cannot 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.~~

~~E.—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	4
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.~~

~~F.—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 1 and 3) and the measured ambient sound levels.~~

§ 68-5. Sound level limits.

A. No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table 2, when measured at or within the property line of the receiving property.

(1) Continuous sound. The limit in Table 2 may not be exceeded by incidents representing the normal, usual operation of the sound source, during any three or more sampling intervals, the duration of which shall be no less than 1/2 minute, within any one-hour period. If the total duration of the sound under investigation is less than 1 1/2 minutes, the requirement for a minimum of three measurements shall be waived.

Table 2			
Maximum Permissible Sound Level Limits by Receiving Land Use [dB(A)]			
Residential¹ Daytime	Residential Nighttime	Commercial 24 hours	Industrial 24 hours
Outdoors			
55	45	63	70
Indoors²			
45	35	55	60

NOTES:

- 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 5dB(A), and the daytime 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.

- (a) No person shall make, cause, allow or permit the operation of any impulsive source of sound which has a maximum sound level in excess of 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 times in any hour, the levels set forth in Table 2 shall apply.
- (b) If measurements of impulsive sound are conducted indoors pursuant to § 68-5A(1)(2), the permissible limit is 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 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~~^{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 10 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 Facility¹	Property Line of Affected Person	Inside Residence of Affected Person
Washington Street Development District (WSDD)	Day ²	75	65	50
	Night	65	55	35 with WSDD Plainly audible in Any Other Zone
Any other commercial district	Day	70	60	40
	Night	60	50	Plainly audible

NOTES:

- ¹ Exterior of the building or the property line, whichever is further from the source. On Washington Street, this is at the approximate curblineline (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:
 - (a) 10:00 p.m. on Sunday through Wednesday;
 - (b) 11:00 p.m. on Thursday; and
 - (c) 1:00 a.m. on Friday, Saturday and the night before federal and state holidays.

B. 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 backup alarms so long as they are self-adjusting to ambient sound

levels.

- (5) Noise created as a result of or relating to an emergency.
 - (6) Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.
- C. Restricted uses and activities. The following shall be exempt from this ~~Chapter~~chapter, and these regulations are subject to special conditions as spelled out and to the general prohibition of § 68-6:
- (1) 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 Table 2. At all other times, the limits set forth in Table 2 do not apply to noncommercial or nonindustrial power tools used for landscaping maintenance. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device.
 - (2) Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g., commercial operators) shall not be operated on residential, commercial or industrial property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekend or state or federal holidays, unless such activities can meet the limits set forth in Tables 2 and 3. At all other times, Tables 2 and 3 do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device.
 - (3) Self-contained, portable, nonvehicular 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 created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
 - (6) 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.
 - (7) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

- (8) 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.
- (9) Noise created by public school construction.
- (10) Notwithstanding the sound level limits found in Table 2, the permissible sound level limit for residential HVAC equipment between the hours of 10:00 p.m. and 7:00 a.m. shall be 50 dBA when measured as specified in § 68-4D(6).
- (11) 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 minutes for continuous airborne sound and 15 minutes for intermittent sound after it has been activated. At all other times the limits set forth in Table 2 do not apply.
- (12) The operation of a standby or portable generator is exempt from the limits in this ~~Chapter~~ ~~chapter~~ when there is a power outage affecting the subject property. The regular testing/exercising of a generator must be conducted on weekdays (Monday through Friday) during daytime hours and for the minimum duration suggested by the manufacturer. During such testing the sound level limit shall be 70 dBA at the property line of any affected person. The permissible limits in § 68-5A apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage affecting the subject property. No person shall at any time operate a generator during nighttime hours in a residential zone unless there is a power outage affecting the subject property. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person. This does not apply to a power outage from loss of power resulting from nonpayment to the applicable utility.

§ 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~~ ~~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/her 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/her 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) Site work or construction or demolition activities.
- (a) After the appropriate permits have been obtained, site work or construction and demolition activities utilizing construction equipment on a construction or demolition site in a residential zone or noise-sensitive zone shall be limited to the weekdays, Monday through Friday, other than state or federal holidays, from 8:00 a.m. to 5:00 p.m. During the permitted hours, such activities are exempt from the limits in § 68-5A.
 - (b) After the appropriate permits have been obtained, site work or construction and demolition activities utilizing construction equipment on a construction or demolition site in a commercial zone or industrial zone shall be limited to weekdays, Monday through Friday, other than state or federal holidays, from 8:00 a.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 3:00 p.m. During the permitted hours, such activities are exempt from the limits in § 68-5A.
 - (c) All motorized equipment used in construction and demolition activity shall be operated with a properly functioning muffler. The exemptions in this provision shall not apply to sound-production devices (e.g., radios) used at a construction site.
- (7) Leaf blowers. No person shall at any time operate a leaf blower during nighttime hours in a residential zone.

- (8) 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.
- (9) Fireworks? See Fairfield.
- (10) Refuse? See Greenwich and New Haven.

§ 68-7. Motor vehicles and recreational vehicles.

- A. All motor vehicles and recreational 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, as amended from time to time.
- B. No sound amplifying devices or equipment on or within a motor vehicle, or a recreational vehicle, shall emit noise in excess of the decibel levels as specified in this Chapter.
- ~~C. 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.~~
- ~~D. 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.~~
- E.C. This section dealing with motor vehicle noise shall be enforced by the Noise Control Administrator.

§ 68-8. ~~Recreational vehicles; Loudspeakers~~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.~~
- A. Operating, playing or permitting the operation or playing of any loudspeaker, sound-reproduction system, radio, television, phonograph or similar device which reproduces or amplifies sounds in such a manner as to create a noise disturbance is prohibited. No noise shall be emitted in excess of the decibel levels as specified in this Chapter.
- 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.
- ~~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).~~
- ~~(3)C. The intensity of the ambient noise.~~
 - ~~(4) The proximity of the noise source to a residence or the intrusion of noise into the residence, especially the sleeping quarters.~~
 - ~~(5) The time of day or night the noise occurs.~~
 - ~~(6) The existence of complaints concerning the noise from persons living or working in separate properties or dwellings who are affected by the noise.~~
 - ~~(7) 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~~chapter, the Noise Control Administrator 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 Noise Control Administrator to perform reasonable sound testing on any device or devices when such inspection/investigation is based on probable cause. Reasonable sound testing on any device or devices includes but is 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.~~
- ~~C.B.~~ C.B. 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 Noise Control Administrator 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.
- ~~D.C.~~ D.C. It shall be unlawful for any person to refuse to allow or permit the Noise Control Administrator free access to any premises when the Noise Control Administrator is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- ~~E.D.~~ E.D. 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.
- ~~F.E.~~ F.E. 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~~chapter~~.**§ 68-10. Penalties for offenses.**

Any person in violation of any of the provisions of this Chapter shall be fined in the amount of \$50 for their first violation; \$100 for a second violation occurring within 30 days of their first violation; and \$250 for each violation thereafter. Each day such violation continues shall constitute a separate offense. The Noise Control Administrator are authorized to issue violations of this Chapter.

~~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 Noise Control Administrator 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.—Fines:~~

~~(1) Any person violating any provision of this article may be punished as follows:~~

~~(a) First offense: Upon the initial violation, written warning notice that a violation has occurred shall be issued. No fine shall be imposed for the initial violation.~~

~~(b) Second offense: by a fine of \$100.~~

~~(c) Third offense and subsequent offenses: by a fine of \$250.~~

~~(2) Each day that a violation exists shall constitute a separate violation of this chapter. No more than one fine shall be imposed in one twenty-four hour period.~~

~~D.—The Noise Control Administrator 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; or~~

~~(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; or~~

~~(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 Noise Control Administrator 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 Noise Control Administrator, 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 Noise Control Administrator, an extension of the compliance deadline, and the Noise Control Administrator 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 preexisting sound sources which will require physical plant modifications to come into compliance.~~

~~F.— If the violation is deemed to be minor, the Noise Control Administrator shall notify the violator that if he/she achieves compliance within the period of time specified in the enforcement document, the Noise Control Administrator shall not seek to collect a fine from the violator for that violation.~~

~~G.—~~

~~H.— 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.~~

~~I.— 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 Noise Control Administrator may seek injunctive relief and/or a fine for a violation of this chapter. If the Noise Control Administrator 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 Noise Control Administrator may prosecute any violations documented during the grace period.~~

~~J.— If the violation is not deemed to be minor, it shall be classified as a major violation and the Noise Control Administrator shall notify the violator that he/she will not be allowed a period of time to correct the violation before a penalty is sought, and that he/she may be liable for a fine for that violation, and that the Noise Control Administrator 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 preexisting sound sources which will require physical plant modifications to come into compliance.~~

~~K.— Any claims for a fine 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.~~

~~L.— 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 chapter 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 chapter, and penalties shall be applied to such person or persons as well as to the person or persons actually causing the sound.~~

~~M. 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 chapter, shall be deemed guilty of violating this article.~~

~~N. 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~~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~~chapter. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this ~~Chapter~~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 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~~chapter will be operated, constructed, conducted or manufactured without violating the provisions of the ~~Chapter~~chapter.

§ 68-12. Severability.

If any clause, sentence, paragraph or part of this ~~Chapter~~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 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 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 chapter~~ or adopted under this ~~Chapter chapter~~ shall conflict with regulations or standards set by the State of Connecticut Department of Environmental Protection, the ~~more strict~~stricter standard shall apply.

All provisions of the zoning regulations of the City which are more stringent than those as set forth in this Chapter shall remain in full force and effect and shall prevail over inconsistent provisions in this Chapter.

§ 68-14. Word usage.

In construing this ~~Chapter chapter~~, masculine or neutral 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.

Any section of this ~~This Chapter chapter~~ shall ~~be take effect effective~~ 10 days following approval of any amendment by the City's Common Council.~~by the Connecticut Department of Energy and Environmental Protection.~~⁴

4. ~~Editor's Note: This chapter became effective 2-17-2020.~~