



REGULAR MEETING – ORDINANCE COMMITTEE AGENDA

SEPTEMBER 16, 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 HEARING**

- 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

IV. **PUBLIC HEARING DISCUSSION**

V. **PUBLIC PARTICIPATION/COMMENT**

VI. **ACCEPTANCE OF MINUTES**

A. August 19, 2025 - regular meeting of the ordinance committee

VII. **OLD BUSINESS**

A. Discuss and vote on new ordinance, Residential Parking Program

B.

- Discuss and vote on Chapter 112, Tree ordinance, Sections 112-1, 112-2, 112-3, 112-4, 112-5, 112-6, 112-7, 112-8, 112-9, 112-10, 112-11, 112-12, 112-13, 112-14 and 112-15

C. Discuss and vote on 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

VIII. **NEW BUSINESS**

A. Discuss and vote on Chapter 126, Pension Plan, Sections 126-1, 126-2, 126-3, 126-4, 126-5 and 126-6

B. Discuss and vote on Chapter 84, Retirement Benefits, Article III, Post-Employment Benefits Trust, Sections 2 and 3

IX. **DISCUSSION**

X. **ADJOURNMENT**

Legal Notice of Public Hearing

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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, ~~or its successor (hereinafter “Land Use and Building Management Committee”).~~

§ 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 sectionpart 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 of the Common Council, or its successor, 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 vote is required.

Dated at Norwalk, Connecticut this 26th day of August 2025.

ATTEST: Irene G. Dixon
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, September 5, 2025

The Norwalk Hour

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PUBLIC NOTICES

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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 is respected for 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

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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, or its successor (hereinafter "Public Works Committee").

§ 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 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 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

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Dated at Norwalk, Connecticut this ____ day of August 2025.

ATTEST: _____
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, September 5, 2025

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Dated at Norwalk, Connecticut this 20th day of August 2025.

ATTEST: *Irene Dixon*
Irene Dixon, City Clerk

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Dated at Norwalk, Connecticut this ____ day of August 2025.

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**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING MINUTES
AUGUST 19, 2025 – 7:00 PM
VIA ZOOM**

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

STAFF: Brian Candela, Assistant Corporation Counsel

OTHERS: Nicolé Eaddy; Tom Livingston, Chief of Staff; Jim Travers Director of Transportation, Mobility & Parking; Sarah Cruz, Arborist; James Walsh, Chief of Police

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.

III. PUBLIC PARTICIPATION

Mr. Candela read into the record an email submitted by Ms. Roberta Despelia of Osborne Avenue, Norwalk, advocating for the creation of a residential parking permit program due to ongoing congestion in East Norwalk.

Ms. Diane Lauricella, of Little Fox Lane, raised three topics: support for revising naming rights for city buildings and facilities to include donations, support for a residential parking permit program and the creation of an ad hoc community committee, and concerns with revisions removing detail from the noise ordinance. She asked for clarity on quiet zones and noise enforcement capacity.

Ms. Kat Rosenfield Anderson, of Cottage Street, spoke in strong support of the residential permit parking proposal, describing construction worker and commuter usage of street parking in her neighborhood, and citing precedent in other Norwalk neighborhoods.

Ms. Diane Cece, of Olmstead Place, representing the East Norwalk Neighborhood Association, echoed support for residential parking. She requested more city oversight as opposed to leaving matters mostly to the Parking Authority, supported stakeholder engagement, and raised concerns about the enforcement of noise concerns and clarity on ordinance changes.

Mr. Brad Anderson, of Cottage Street, also supported resident parking and asked whether interim solutions could be put in place, such as event-style temporary “residents only” restrictions, while a permanent ordinance was being developed.

IV. ACCEPTANCE OF MINUTES

The June 17, 2025, minutes were presented with corrections noted by Mr. Candela, including a last name correction and a typo that had the words “to to” consecutively. Mr. Candela proceeded to make the corrections.

**** MS. NIEDZIELSKI-EICHNER MOVED TO APPROVE THE MINUTES OF THE JUNE 17, 2025, REGULAR MEETING AS AMENDED.
THE MOTION PASSED UNANIMOUSLY.

The July 15, 2025, minutes were presented without changes.

****MS. NIEDZIELSKI-EICHNER MOVED TO APPROVE THE MINUTES OF THE JULY 15, 2025 REGULAR MEETING.
THE MOTION PASSED UNANIMOUSLY.

V. OLD BUSINESS

There was no old business.

VI. NEW BUSINESS

A. Discussion and Vote on Chapter 27, City Buildings and Facilities, Article I, Naming, Sections 27-1 through 27-3

B. Discussion and Vote on Chapter 95, Streets and Sidewalks, Article II, Honorary and Historic Naming of Streets, Sections 95-37 through 95-39

Mr. Livingston explained to the Committee that the purpose of these revisions was to align both ordinances and create uniformity between the rules on naming facilities (Chapter 27) and naming streets (Chapter 95). Currently, the ordinances were inconsistent in their treatment of living honorees and procedural requirements. For example, the streets ordinance permitted naming after a living person provided there was a supermajority of the Council, whereas the facilities ordinance did not contain the same provision. The proposed change would ensure both ordinances contain equivalent language, thereby providing consistency across the City Code. Mr. Livingston further stated that the revisions removed an outdated reference to “10 votes” as a definition of a supermajority. He explained that leaving the precise number of votes undefined was more appropriate since Council size may change in the future through charter adjustments.

The revisions also inserted clarifying language to ensure that when a naming concerned a City park, the matter would be referred to the Parks and Recreation Committee of the Council for a

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recommendation, so that the procedural path was transparent. He described these refinements as largely “housekeeping” designed to align and simplify the ordinances.

Ms. Niedzielski-Eichner raised two specific issues for consideration. First, she asked about the unusual standard of “two-thirds plus one” for approving honorary naming of facilities after living individuals. She observed that in her review of Council rules, majorities are normally defined as “simple” or “two-thirds,” and that “two-thirds plus one” was an unusual formulation. She recommended simplifying the language to “two-thirds” for uniformity across the ordinances. Second, she noted that the references to Council committees, such as “Recreation, Parks and Cultural Affairs Committee,” did not provide for the possibility of structural name changes that occur from time to time with committee reorganization. She recommended clarifying these references to include “or its successor” so that the ordinances would remain valid even if Council committee structures were altered in the future.

Mr. Livingston agreed with both observations and noted that while he had initially left the unusual “two-thirds plus one” language as it appeared historically, he had no objection to simplifying it to “two-thirds.” As to the committee naming, he agreed it was best practice to include “or its successor” in ordinances to guard against possible inconsistencies in later years.

At the request of Ms. Shanahan, Mr. Candela displayed the working draft language on screen and made the edits in real-time so the Committee could view the changes as they were incorporated. This included inserting “or its successor” after references to applicable committees, removing the words “plus one” after “two-thirds majority,” and clarifying that recommendations from Parks and Recreation would be advisory to the Council. Members agreed these changes improved clarity and consistency in the ordinances.

**** MS. SHANAHAN MOVED TO SEND BOTH CHAPTER 27 AND CHAPTER 95 AS AMENDED DURING DISCUSSION, FOR A PUBLIC HEARING.
THE MOTION PASSED UNANIMOUSLY.

C. Discussion of New Ordinance: Residential Parking Program

Mr. Travers outlined steps needed to enable the Parking Authority to establish a residential permit parking program. He explained this would require council authorization, followed by authority development of the program, and possibly consultant guidance. He emphasized a 30-day citywide comment process, modeled after the process used for Complete Streets.

Committee discussion included contributions from Ms. Wennerstrand encouraging stakeholder committees, Ms. Niedzielski-Eichner emphasizing cautious cost control and possible piloting without consultants, Mr. Sead and Mr. Lopez supporting return presentations to the Council, and Mr. Lopez asking about interim enforcement for residential signs.

Mr. Travers explained the risks of non-enforceable signage, preferring legally supported measures when the ordinance is in place.

No vote was taken at this session, and members agreed that draft language would be prepared for further review in September, with a public hearing likely in October.

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D. Discussion of New Ordinance to be inserted into Chapter 98, Long-Term Parking

Mr. Travers explained the need for the Authority to address abandoned or long-term vehicles occupying City streets beyond reasonable periods. He described the process of chalking tires or photographing for inactivity and issuing citations as a first step, followed by eventual towing.

Ms. Niedzielski-Eichner and Mr. Sead raised concerns about balancing enforcement with sensitivity for residents facing financial hardship or temporary travel. They suggested coordination with community resource programs and hardship considerations, citing prior experience with blight citations.

Mr. Travers responded that determinations of need should involve other City departments rather than the Parking Authority but supported strong communication and outreach if such an ordinance were adopted.

Chief Walsh explained that current enforcement is handled by a police unit dedicated to abandoned vehicles, removing approximately 50 to 60 cars citywide year-to-date, but that Parking Authority involvement could supplement these efforts. He clarified rules on commercial vs. combination plates under CT law and how those affect enforcement.

E. Discussion of Chapter 112, Tree Ordinance

Ms. Cruz presented proposals to align the ordinance with the recently adopted Tree Master Plan.

Updates would clarify definitions such as Tree Warden under state law, update the role of the advisory committee to focus on education and stewardship, and establish clearer procedures for historic or legacy tree designation and removal. No increase in staffing or cost was anticipated.

This was presented as an introductory discussion, with draft ordinance language to be prepared for the September meeting.

F. Discussion of Chapter 68, Noise Ordinance (Sections 68-1, 68-2, 68-4, 68-6 through 68-10, and 68-12 through 68-15)

Mr. Candela reviewed proposed amendments, based on comparisons with 14 jurisdictions, focusing on simplifying enforcement provisions. Changes included streamlined penalties, simplified measurement procedures, combining related sections, and clarifying that plainly audible amplification at 100 feet is a violation even without a meter reading.

Chief Walsh emphasized the difficulty of the current ordinance, which requires complex multi-point readings that are easily disrupted by ambient sound. He supported the simplified model allowing single-point measurements close to the noise source.

Ms. Niedzielski-Eichner stressed appreciation for enforceability, Ms. Dunn commended progress, and Ms. Shanahan noted the importance of outreach to affected stakeholders. Mr. Candela advised that changes regarding decibel tables should be considered carefully and later in the process, while simpler enforceability revisions could proceed sooner.

Chief Walsh recommended eliminating special exemptions, like the Washington Street Development District noise levels, and instead adopting consistent decibel standards citywide. Members agreed to defer final decisions until public outreach and expert input.

No vote was taken, and further draft revisions will be discussed at the September meeting.

VII. DISCUSSION

There were no additional discussion items.

VIII. ADJOURNMENT

**** MR. LOPEZ MOVED TO ADJOURN THE MEETING.**

****MS. SHANAHAN SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:33 p.m.

Respectfully Submitted,
Courtney Baldwin
Recording Secretary

Candela, Brian

From: Roberta DiBisceglie <roberta@columbinellc.com>
Sent: Tuesday, August 19, 2025 10:23 AM
To: Candela, Brian
Cc: East Norwalk Neighborhood Association (ENNA)
Subject: Public Comment for Tonight's Ordinance Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from roberta@columbinellc.com. [Learn why this is important](#)

CAUTION: EXTERNAL Email: Don't open links or attachments from untrusted senders

Hello,

Attached is my public comment for tonight's meeting. I am unable to attend.

My husband and I live on Osborne Avenue and have been residents of East Norwalk for over twenty years. I'm here today to advocate for the creation of a residential parking permit program for our neighborhood—something I've supported since at least 2017. In the past five years, the parking situation has become noticeably more congested.

Parking has become a serious issue on our streets. On a daily basis, residents are competing with commuters, restaurant patrons, and visitors for limited street parking. Many of us come home from work or errands only to circle the block for 20 minutes—or park multiple streets away. This is especially difficult for older residents, families with young children, and those with mobility issues. It's more than just a nuisance—it impacts our quality of life and, in some cases, our safety.

- Our streets are consistently crowded with non-resident vehicles, including business trucks with combination plates and company branding from pool and plumbing services.
- Illegal rooming houses also contribute significantly to the problem, generating far more vehicles than a legal one or two-family home would. Now, with even more development on the horizon - many buildings will not even have minimum off-street parking requirements - we are approaching a critical tipping point in our neighborhood.

As someone without a driveway—and no feasible way to create one due to the siting of my home—both my legal tenant and I rely entirely on street parking. To date, my car has been sideswiped three times while parked on the street, resulting in stress, inconvenience, and costly repairs. This is largely due to the narrow two-way stretch of Osborne Avenue between Seaview and Goodrow, where there simply isn't enough room for two vehicles to pass safely, especially with every available parking space occupied. The situation on nearby Betts and Cottage Streets is just as problematic.

- Residents struggle the most during peak hours, weekends, and events at Vet's Park and the Pastime Club.
- There are even instances where emergency vehicles and sanitation services have had difficulty navigating due to the congestion.

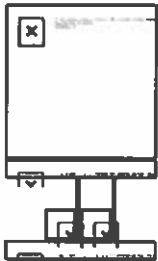
I strongly urge the City to implement a residential parking permit program that prioritizes residents on designated streets. Cities like Stamford, New Haven, and Greenwich have already established successful systems that balance the needs of residents and visitors. **I also do not believe that a petition system, which has been suggested, is a viable way to implement this.** On my block alone there are very few owner-occupied homes and many of the houses are illegal boarding houses. The owners of these homes have no investment in the quality of life in this community. **I believe it is the City's responsibility to implement this plan, not the residents.**

According to the 2020 census, Norwalk and Stamford are considered moderately dense cities. New Haven is the most densely populated of the four, and while Greenwich as a whole is less dense, its downtown core has population numbers comparable to ours. If these municipalities can manage permit parking effectively, there is no reason Norwalk cannot do the same. The precedent is already there.

I understand concerns some may have, but most permit programs allow for guest passes and visitor exceptions. Many residents, including myself and my husband, are willing to pay a reasonable fee to support a well-managed system. We are also open to phased-in or low-cost options that make the program feasible for the city.

Please continue taking steps toward a solution that supports the people who live here. I would appreciate being included in any next steps and future discussions.

Roberta DiBisceglie
2 Osborne Avenue
Norwalk
917-991-6648



Roberta DiBisceglie | Owner & Founder
Roberta@columbinellc.com
Columbine LLC
Fine Landscape Gardening & Design
203.836.8666
www.columbinellc.com

§ _____ 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.

Chapter 112: Trees

§ 112-1. Purpose; intent.

- A. The purpose of this chapter is to protect, preserve and ensure the proper maintenance of trees and shrubs along public streets and rights-of-way, parks and other properties in the City of Norwalk and to provide for new trees and shrubs to be planted for the benefit of present and future generations. Trees and shrubs provide important benefits to the City and its residents, including the beautification of City streets and neighborhoods, the reduction of urban heat islands, an improvement in air and water quality, and the enhancement of property values. Trees and shrubs provide oxygen, impede soil erosion, aid water absorption and the mitigation of stormwater, ameliorate against potential flooding, and absorb CO₂, other pollutants, and breathable particulate matter. Furthermore, trees and shrubs provide shade, screening, privacy, and aesthetic appeal, absorb and lessen impacts from winds, act as natural noise barriers, and support habitat for wildlife.
- B. The intent of this chapter is to maintain and grow Norwalk's urban forest, maintain trees and shrubs in a healthy condition, protect existing trees and shrubs, and mitigate losses and damage to the City's trees and shrubs.

§ 112-2. Definitions.

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

ALTER — To take action by removing branches or by filling, surfacing, grading, compacting, channeling or changing the drainage pattern of the soil surrounding any tree or shrub in a manner that threatens to diminish the vigor of the tree or shrub. The term "alter" does not include normal seasonal pruning of a tree or shrub necessary for normal growth or for the maintenance of sight lines.

ASSESSED VALUE — The dollar value of a tree or shrub as determined by the Tree Warden using the most current nationally recognized standards for plant appraisal. This may include, but is not limited to, the latest edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers and endorsed by the International Society of Arboriculture, or any successor standard commonly accepted in the field of arboriculture, edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture, Urbana, Illinois.

BEST INTEREST — A determination based on a review of all relevant factors, including, but not limited to, the preservation of trees and shrubs, the impact on the streetscape, the maintenance of an effective tree canopy, the importance of the particular tree or shrub, the health of the tree or shrub, and the overall impact that the loss of the tree or shrub would have on the health, safety, and welfare of the general public and on the City's urban forest.

CITY TREE — Any tree in a public place and, depending on the relevant facts, may include a streetscape tree.

CITY SHRUB — A shrub in a public place.

DAMAGE — To act in a manner to jeopardize a tree or shrub's health or cause its appearance to be defaced. Actions that constitute damage include but are not limited to: posting bills; hanging streamers and/or decorations; driving any objects into a tree or shrub; carving the bark of a tree or shrub; digging/excavating/paving and/or parking a motor vehicle within the dripline in a way that affects the root system; painting a tree or shrub; setting fire to a tree or shrub; or allowing harmful substances to come in contact with a tree or shrub.

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Commented [CS1]: Brian to make edits to capitalization as necessary.

DBH (DIAMETER AT BREAST HEIGHT) — The diameter of a tree at 54 inches above grade.

as indicated by the United States Forest Service method.

DRIP LINE — A conceptual line along the ground that conforms to the perimeter of the crown of the tree and projects vertically to the ground.

HAZARDOUS SHRUB — A shrub that is likely to create hazardous conditions on roadways or sidewalks or to cause imminent danger to the health, safety and/or welfare of the general public, public property, private property or utility wires or other infrastructure.

HAZARDOUS TREE — A tree that is likely to create hazardous conditions on roadways or sidewalks or to cause imminent danger to the health, safety and/or welfare of the general public, public property, private property or utility wires or other infrastructure.

LAND USE REGULATORY AUTHORITY — Any-body or authority responsible for the regulation of land use in the City of Norwalk, including, but not limited to, the Conservation Commission, the Planning and Zoning Commission and the Zoning Board of Appeals.

LEGACY TREE — Any tree as determined by the ~~Legacy Tree Program Tree Advisory Committee~~ to be of unique and intrinsic value to the general public because of its size, age, historic association, ecological importance or aesthetic value.

TREE MASTER PLAN: A long-range strategic plan adopted by the City that outlines policies, goals, standards, and recommended actions for managing, protecting, and enhancing the urban forest. The plan may include tree canopy goals, planting priorities, species diversity guidelines, maintenance standards, and strategies for community engagement and climate resilience. It shall be referenced by all City departments in activities that affect trees on public property or the urban tree canopy.

~~**MASTER TREE PLAN** — A document prepared by the Tree Advisory Committee pursuant to the chapter.~~

PERSON — Any individual, firm, partnership, association, company, trust, corporation, or organization of any kind.

PRUNING (TRIMMING) — To cut off or remove dead or living parts or branches of a tree or shrub performed by an arborist licensed in the State of Connecticut.

PUBLIC PLACE — Any space owned and/or controlled by the City of Norwalk, including, but not limited to, the right-of-way, property operated or controlled by the Norwalk Board of Education or the Norwalk Housing Authority and any space in a City park.

PUBLIC UTILITY (or language of similar import) — "Public service company" as defined in Connecticut General Statutes § 16-1(a)(3), as the same may be amended from time to time.

REMOVE — To cut down a tree or shrub or to take any other action that will, in the sole and absolute judgment of the Tree Warden, cause a tree or shrub to die within a five-year period.

REQUIRED TREE — Any tree required to be planted or maintained as part of an approval by any land use regulatory authority or under the terms of any deed, easement, agreement or other document relating to the sale, lease or other disposition of any property owned by the City or any municipal body or authority.

RIGHT-OF-WAY — The area between the street lines reserved for the street (paved/sidewalk area) and the adjacent property that abuts the City street and is owned and/or controlled by the City of Norwalk.

SHRUB — Woody plants, usually branched from the base, generally less than 15 feet tall when

mature.

STREETSCAPE TREE — Any tree or shrub on public and/or private property with a base that originates, in whole or in part, in the right-of-way and, in the sole and absolute judgment and/or discretion of the Tree Warden, serves as part of the tree line of a street.

Commented [CS2]: Lisa checking with J. Travers for context - is it necessary to keep "streetscape"?

~~STREETSCAPE~~-TREE INVENTORY — A recording of the size, condition, location, and species of all ~~streetscape- public~~ trees and of all planting locations without a tree that could reasonably accommodate a ~~streetscape- public or streetscape~~ tree.

TREE — Any living woody, self-supporting plant that has a ~~distinct elevated crown- and~~ defined ~~main stem or trunk, -stem(s)~~ with a DBH of at least two inches using the United States Forest Service method of determination.

TREE WARDEN — ~~The individual designated by the Chief of Operations and Public Works, vested with all powers and duties authorized under Connecticut General Statutes § 23-59 for the care, control, pruning, and removal of trees and shrubs in public places within the City of Norwalk.~~

~~DEPUTY TREE WARDEN — An individual appointed by the Tree Warden, pursuant to Connecticut General Statutes § 23-58, to assist in carrying out the responsibilities of the office. The Deputy Tree Warden shall meet qualification requirements as provided in CGS § 23-59a and may be removed at the discretion of the Tree Warden.~~

TREE STEWARDSHIP PROGRAM — ~~The City of Norwalk’s community engagement program, administered by the Urban Forestry team in coordination with the Urban Forestry Commission, to encourage volunteer participation in the care, protection, and expansion of the City’s urban forest. The program shall promote proper tree planting and maintenance practices, provide opportunities for residents to serve as volunteer stewards of public trees, and foster community partnerships that support the long-term health and sustainability of Norwalk’s urban canopy.~~

§ 112-3. Tree Warden.

- A. The Chief of Operations and Public Works shall designate a Tree Warden and may designate one or more Deputy Tree Wardens.
- B. The Tree Warden is hereby authorized to administer and enforce this chapter. The Tree Warden shall have the powers, duties and authorization prescribed in the Connecticut Public Shade Tree Statutes, particularly Connecticut General Statutes §§ 23-58, 23-59, 23-60 and 23-65, as the same may be amended from time to time, and those powers and duties as described in this chapter. The Tree Warden shall have full power and authority over all trees and shrubs located within public places and, to the extent provided herein, on private property.
- C. The Tree Warden, ~~or his, her or their designee,~~ shall prepare all permits, procedures, and documents necessary under this chapter and shall maintain accurate records of all activities conducted. Upon request, but no less frequently than annually, the Tree Warden shall provide a report on such activities to the Mayor and the Common Council.
- D. The Tree Warden shall be advised by the ~~Tree Advisory Committee~~Urban Forestry Commission established pursuant to this chapter and shall be an ex officio nonvoting member of such committee.
- E. The Tree Warden, or his, her or their designee, shall determine whether any specific plant shall be considered a tree or shrub and whether a tree or shrub is a hazardous tree or hazardous shrub, and is hereby authorized to remove or prune the same in accordance with this chapter and the Connecticut General Statutes.
- F. The Tree Warden shall determine the assessed value of any tree or shrub for purposes of this chapter.
- G. The Tree Warden shall conduct or cause to be conducted an assessment of the tree canopy of

Commented [CS3]: There is a conflict with our chapter 112-3.A and CT Statute: **CT General Statute § 23-58 states “Each town or borough tree warden may appoint such number of deputy tree wardens as said warden deems expedient...”**
112-3.A. states that the Chief of Op. and PW shall designate Deputy Tree Wardens.
Will need to discuss.

Commented [CS4]: Brian to make edits to eliminate "his, her or their"

Norwalk, which may include a description of the tree canopy and a description of the extent and condition of trees in Norwalk, including those on private property, in parks, and other public places. This assessment of the tree canopy may include a streetscape tree inventory. When completed, such assessment shall be available to the public and shall be updated at least every 10 years.

- H. The Tree Warden shall have the authority to issue citations for violations of this chapter.
- I. Removal of a City tree, City shrub or required tree shall be permitted only if authorized by the Tree Warden or his, her or their designee.
- J. The Tree Warden shall recommend a budget for expending the annually available funds in the Norwalk Tree Account pursuant to this chapter.

§ 112-4. ~~Tree Advisory Committee~~Urban Forestry Commission.

- A. The ~~Urban Forestry Commission~~ ~~Tree Advisory Committee~~ shall be composed of five members nominated by the Mayor and approved by the Common Council. The Mayor shall designate one of the five members as Chair. Each member of the ~~Urban Forestry Commission~~ ~~Tree Advisory Committee~~ shall be appointed for a term of three years, and terms shall be staggered. The terms of the initial members shall be as follows: two members with terms to expire ~~July 1, 2003~~; one member with a term to expire ~~July 1, 2004~~; and two members with terms to expire ~~July 1, 2005~~. Thereafter, the terms for all members shall be for three years commencing on ~~July 2~~. If a member shall for any reason cease to serve as such in advance of the end of his, her or their term, a replacement shall be appointed to complete such term in the manner prescribed in this section. Members shall serve without compensation. The Tree Warden ~~and the Director of Planning and Zoning, or his, her or their designee~~, shall serve as an ex officio nonvoting members of the ~~Tree Advisory Committee~~ ~~Urban Forestry Commission~~. ~~The Chief of Operations and Public Works may also assign additional city staff and stakeholders as nonvoting liaisons as needed.~~
- B. ~~The Urban Forestry Commission supports the protection, expansion, and sustainable management of Norwalk's urban forest, inclusive of trees, shrubs and green spaces throughout the city. It serves in an advisory and community engagement capacity to promote implementation of the Tree Master Plan, raise public awareness of the value of trees, and strengthen community-based tree stewardship programs. The duties of the Tree Advisory Committee shall include, but not be limited to: advising the Tree Warden, the Common Council, and the Mayor on tree and shrub-related issues in the City and promoting awareness of tree and shrub care, Norwalk's arboreal heritage, and the benefits of an urban forest.~~
- C. ~~The duties of the Urban Forestry Commission shall include:~~
- ~~• Advise City staff on the implementation of the Tree Master Plan, promote its goals, and regularly review and recommend updates to ensure continued progress toward Norwalk's urban canopy targets.~~
 - ~~• Advise on tree- and shrub-related policies, including best practices, planting and maintenance standards, and urban forestry strategies in coordination with the Tree Warden and other departments.~~
 - ~~• Lead and promote the Norwalk Tree Stewardship Program, including volunteer coordination, identifying community planting sites, and encouraging care and maintenance of public trees in neighborhoods.~~
 - ~~• Support outreach, education, and community events such as Arbor Day celebrations and community planting days that foster public participation in urban forestry.~~
- D. ~~The Commission shall support City efforts to equitably expand tree canopy by promoting tree planting and care in low-canopy neighborhoods, in alignment with goals and data referenced in the Tree Master Plan.~~
- E. ~~The Commission shall annually review progress reports and data provided by City staff regarding tree planting, canopy change, and program outcomes. The Commission may provide written feedback or recommendations for future urban forestry priorities.~~
- F. ~~The Commission may also conduct research, studies and provide recommendations for grant~~

opportunities.

G. The Chair of the Commission shall provide the Mayor and Common Council with an annual report of the Commission's accomplishments and goals, no later than December 15th of each calendar year.

B.H. In no event shall the acts or proposed acts of this Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

~~C. The Tree Advisory Committee shall develop and adopt a Master Tree Plan. The Master Tree Plan shall establish direction for the City's urban forestry program and shall include targets for tree canopy cover and tree diversity, including targets for native and hybrid species. It may also reference standards for tree and/or shrub planting and tree and/or shrub maintenance and include guidelines for specifications relating to trees and/or shrubs and tree and shrub care and for contract tree and/or shrub work. In addition, the Master Tree Plan may outline a broad program for the improvement of the urban forest and may include recommendations for urban forestry activities in specific neighborhoods, along specific streets, and in areas of the City such as historic districts. The Master Tree Plan may also include a plan for management of City-owned woodlands, such as those that exist in City parks. The Master Tree Plan may be undertaken as part of other City plans and activities. The Master Tree Plan shall incorporate any study conducted by the Tree Warden and may, at the discretion of the Tree Advisory Committee Urban Forestry Commission, include additional studies of the urban forest. The Committee shall review the Master Tree Plan at least every five years and shall amend it as needed. The Master Tree Plan shall be consulted by all City departments in the course of conducting City business.~~

~~D. The Tree Advisory Committee shall create an annual State of the Forest report on changes to the urban forest during the prior year and recommendations of policy and action for the next year. This report may also identify priority locations for planting, so that the City's tree and shrub planting will address any arboreal inequities and will give priority to filling in gaps resulting from the absence of streetscape trees. The Committee shall present this report to the Mayor and Common Council for their review.~~

§ 112-5. Legacy Tree Program.

~~A. The Tree Warden, in coordination with the Urban Forestry Commission Tree Advisory Committee shall maintain a Legacy Tree Program to recognize, preserve, and promote trees of exceptional value to the City of Norwalk based on size, history, and public significance. shall establish a Legacy Tree Program in order to catalog legacy trees in the City, which program may include and/or be based on the Norwalk Tree~~

Commented [CS5]: Brian - please adjust this wording as you see fit

~~Alliance Legacy Tree Program. The public shall be encouraged to give input to the Committee about which trees should be included in the program.~~

- ~~A. A tree may be designated as a Legacy Tree if, in the judgment of the Tree Warden, it meets or exceeds a species-appropriate DBH threshold and possesses characteristics of exceptional value, such as historical or cultural significance, outstanding size or form, community or aesthetic importance, or ecological rarity.~~
- ~~B. Any resident, property owner, City department, or organization may nominate a tree for Legacy Tree designation using a standard form provided by the City. The Tree Warden shall evaluate the nominated tree's condition and confirm that it meets the established criteria. Upon confirmation, the proposed designation shall be presented to the Urban Forestry Commission for a vote at a regular meeting. If approved, the tree shall be added to the official Legacy Tree Registry.~~
- ~~C. A tree may be removed from the Legacy Tree Registry at the discretion of the Tree Warden if the tree dies, poses a public hazard, or no longer meets the minimum criteria due to decline or loss of significance. All de-designations shall be recognized by the Urban Forestry Commission based on supporting documentation from the Tree Warden.~~
- ~~B. The City shall maintain an official Legacy Tree Registry, documenting all designated Legacy Trees along with relevant details such as species, location, DBH, and designation date. This registry shall be made publicly available in a format determined by the Tree Warden. The Tree Warden shall keep a record of all trees designated as legacy trees and their locations.~~
- ~~C. A list of legacy trees shall be available to the public at the office of the Tree Warden.~~

§ 112-6. Planting trees or shrubs in public places.

- A. To contribute to the urban forest of Norwalk, members of the public shall be encouraged to support the planting of trees or shrubs in public places and in areas which fill in gaps in the tree line in or near the right-of-way, provided that they follow the procedures outlined in this chapter.
- B. Any person wishing to plant a tree or shrub in a public place shall apply in writing for a permit to the Tree Warden ~~Free Advisory Committee~~ prior to taking such action. The application shall include a tree and/or shrub planting and maintenance plan, specifying the size, species and location of all new trees and/or shrubs, as well as a plan for the maintenance of the tree or shrub for a period of not less than two years from the date such trees or shrubs are planted and the person responsible therefor.
- C. After reviewing such application and conducting a site inspection, the Tree Warden ~~Free Advisory Committee~~ shall determine whether such action is in the best interest of the City's urban forest and shall notify the applicant of the decision in writing within 30 days of receipt of a complete application.
- D. Once such a tree or shrub is planted in a public place, the tree or shrub shall become the property of the City of Norwalk after the maintenance period specified in Subsection B of this section has expired.
- E. The ~~Free Advisory Committee shall report to the~~ Tree Warden, or his, her or their designee,

shall report to the Urban Forestry Commission on a quarterly basis the details of all applications approved in accordance with this section, including the size, species and location of all new trees and shrubs planted and the person(s) responsible for the maintenance thereof.

- F. Whenever any tree or shrub is planted in any public place in violation of this chapter or any permit issued hereunder, the Tree Warden may order the property owner or person responsible to remove such tree or shrub. If the property owner or person responsible fails to remove the tree or shrub within a period of 30 days after such order, the Tree Warden shall remove or cause the removal thereof, or may take such action deemed necessary to rectify such improper planting, and the cost thereof shall be charged to the property owner or the person responsible for the improper planting.

§ 112-7. Altering or damaging City trees, City shrubs or required trees.

- A. No person shall alter or damage a City tree, City shrub or required tree. No person shall prune a City tree, City shrub or required tree without a permit from the Tree Warden.
- B. Any person wishing to prune a City tree, City shrub or required tree shall apply in writing for

a permit to the Tree Warden prior to taking such action. Each application to prune a City tree, City shrub or required tree shall be subject to a fee established in accordance with § 90-4, Approval of rates and fees.

- C. After reviewing such application and conducting a site inspection, the Tree Warden shall determine whether such action is in the best interest of the City's urban forest and shall notify the applicant of the decision in writing within 30 days of receipt of a complete application.
- D. Any person who violates the provisions of this section shall be subject to a fine up to \$250 per City tree, City shrub or required tree, per violation. The Tree Warden or his, her or their designee shall have the authority to issue a citation for violations. Notwithstanding the foregoing, if the Tree Warden determines in his, her or their sole and absolute judgment that any person has pruned, altered or damaged a City tree, City shrub or required tree so severely that it is not likely to survive, that person shall replace such tree or shrub in accordance with § 112-10, Tree or shrub replacement, below.

§ 112-8. Removal of City tree, or City shrub or required tree.

- A. No person shall remove a City tree, City shrub or required tree without a permit from the Tree Warden, except for any removal that has been permitted pursuant to the applicable provisions of Connecticut General Statutes § 23-65. To grant permission to any other person to remove a City tree, City shrub or required tree, the Tree Warden must determine, within 30 days of receiving a complete application, that 1) the tree and/or shrub is in poor health or diseased, 2) the tree and/or shrub's removal is unavoidable because the tree and/or shrub poses a threat to human health, safety, and welfare, or 3) the negative impact on the urban canopy caused by the tree and/or shrub's removal can be mitigated.
- B. Any person wishing to remove a City tree, City shrub or required tree shall apply in writing for a permit to the Tree Warden. Such application shall contain written proof that the applicant has notified property owners of land that abuts or is directly across the street from the affected tree(s) and/or shrub(s), and the appropriate land use regulatory authority in the case of a required tree, that he, she or they has applied for a tree and/or shrub removal permit by a written notice delivered within three business days of the date of said application. Each application shall be subject to a fee established in accordance with § 90-4, Approval of rates and fees.
- C. After reviewing such application and conducting a site inspection, the Tree Warden shall determine whether removal of the City tree, City shrub and/or required tree is in the best interest of the City's urban forest and shall notify the applicant of the decision in writing within 30 days of receipt of a complete application.
- D. The permit for the removal of any City tree or required tree with a DBH of six inches or more shall be posted by the Tree Warden, or his, her or their designee, on the affected tree(s) at least 10 days prior to such removal. The ten-day period shall commence from the date of such posting. The tree removal posting shall be in the form of a brightly colored sign at least 8 1/2 inches by 11 inches in bold, clearly printed lettering able to be seen from the street which provides the name, address and phone number of the Tree Warden in the event that there is an objection to the removal of the tree(s).

- E. Any person who removes a City tree, City shrub or required tree without a permit shall replace the City tree, City shrub or required tree in accordance with § 112-10, Tree or shrub replacement, below.

§ 112-9. Protection during construction.

- A. Property owners and other persons responsible for construction and excavation projects in whole or in part within the dripline of any City tree or required tree shall adhere to all relevant provisions of the latest edition of the American National Standards Institute, Inc., Standards for Tree Care Operations—Tree, Shrub, and other Woody Plant Maintenance—Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction) for the duration of the construction or excavation project. A copy of these standards shall be available to the public in the Tree Warden's office.
- B. The Tree Warden or his, her or their designee shall have the authority to issue a citation to a property owner and other person responsible, in the amount of \$250 per day, per City tree or required tree affected, for each instance of an action inconsistent with the tree care standards referred to in this section.
- C. Any person found in violation of this section for which the Tree Warden determines there is substantial danger of damage to a City tree or required tree shall post a five-year bond in the amount of the assessed value of such tree. Such bond shall be forfeited if the Tree Warden determines that the tree is dead or moribund within the five-year period.

§ 112-10. Tree or shrub replacement.

- A. A property owner or other person responsible for the replacement of a City tree, City shrub or required tree pursuant to this chapter shall follow the provisions of this section.
- B. The acceptable methods of replacement for a City shrub are:
 - (1) Replacement of the City shrub with a comparable shrub, as determined by the Tree Warden in his, her or their sole and absolute judgment, at the location of the City shrub being replaced or at a different location identified or approved by the Tree Warden; or
 - (2) A payment to the Norwalk Tree Account, established in accordance with this chapter, in the amount of the City shrub's assessed value.
- C. The acceptable methods of replacement for a City tree other than a legacy tree are:
 - (1) Replacement of the City tree with a tree of equal or greater DBH at the location of the City tree being replaced or at a different location identified or approved by the Tree Warden;
 - (2) An inch-for-inch replacement of the City tree with a number of replacement trees with DBH of three inches or more totaling the DBH of the original City tree at a location or locations identified or approved by the Tree Warden. For example, if a City tree with a DBH of 24 inches is removed, it may be replaced with six trees with DBHs of four inches; or

- (3) A payment to the Norwalk Tree Account, established in accordance with this chapter, in the amount of the tree's assessed value.
- D. The acceptable method of replacement for a City tree that has been designated as a legacy tree is:
 - (1) Replacement of the legacy tree with a number of replacement trees with DBH of three inches or more totaling four times the DBH of the original tree at a location or locations identified or approved by the Tree Warden; or
 - (2) A payment into the Norwalk Tree Account of four times the assessed value of the legacy tree.
- E. Any replacement tree planted in accordance with this section must be maintained by the person responsible for at least a period of five years from the date of planting. The person responsible, or the property owner if there is no person responsible, shall replace any tree that dies during this time period, and such replacement tree shall be maintained by the person responsible for at least a period of five years from the date of planting of the replacement tree.

§ 112-11. Norwalk Tree Account.

- A. There is hereby established an account known as the "Norwalk Tree Account." Such account is established under authority of the Connecticut General Statutes for the exclusive purpose of funding activities that implement or promote the purpose of this chapter, including, but not limited to, tree canopy and inventory assessments, creation of master tree plans, and other reports consistent with best practices for urban forestry management.
- B. The principal of the Norwalk Tree Account shall consist of the following:
 - (1) All fines, processing fees, payments in lieu of planting, and other monies collected pursuant to this chapter, other than legal fees and costs collected pursuant to § 112-13, Enforcement, below;
 - (2) All gifts and grants from any source, public or private, made to the City and designated for trees or shrubs or improvements to the urban forest;
 - (3) Any funds from any source designated by the Common Council to be added to the account; and
 - (4) All investment income earned by the account.
- C. Expendable funds in the account may be spent for the purposes authorized by this section upon recommendation of the Mayor and with the approval of the Common Council. Expenditures may be made as follows:
 - (1) All funds received by the account under Subsection B(1) of this section shall be used only for the purchase and planting of trees or shrubs.
 - (2) Any restricted funds received by the account shall be expended in accordance with such restrictions.

- (3) At least half of the remaining unrestricted funds shall be expended for the purchase and planting of trees or shrubs.
- (4) All other unrestricted funds may be spent for any activity that is consistent with the purpose of the account.
- D. Any budget proposed by the Mayor or approved by the Common Council, and any appropriation made for the purchase and planting of trees or shrubs, must not be reduced, ratably or otherwise, in consideration of any funds in the account. Expenditures from the account shall add to and not replace budgets and appropriations which also serve the purposes of the account.
- E. Any remaining investment income shall be held in reserve for future transfer and appropriation.

§ 112-12. Public utilities.

- A. The Tree Warden shall monitor the work of all public utilities to ensure that such work does not adversely affect any tree or shrub in any public place. Each public utility company proposing to conduct tree and/or shrub alteration or removal activities in any public place shall present an annual work plan to the Tree Warden that includes the following items:
 - (1) City Map showing all area(s) designated for tree and/or shrub alteration or removal work.
 - (2) Tree removal list, identifying all trees and shrubs that are proposed for removal.
 - (3) Name and phone number of licensed arborist(s) performing such work.
 - (4) Name and phone number of utility contact person supervising such work.
 - (5) Tree and/or shrub replacement commitment; replacement determined at the discretion of the Tree Warden.
- B. Such public utility work plan shall be submitted to the Tree Warden at least 30 days prior to the start of any activity by said public utility. The Tree Warden shall review, modify and approve such plan within 30 days from date of receipt, unless extended by either party. This section shall not apply to emergency and public hazard work specifically exempted under § 112-14, Exemptions, below.

§ 112-13. Enforcement.

- A. Any person who violates any of the provisions of this chapter shall be notified by the Tree Warden of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall explain the nature of the violation and shall provide a reasonable time period within which compliance must be achieved.
- B. Upon verbal or written notice from the Tree Warden that work is being performed contrary to any provision of this chapter, such work shall be immediately stopped by the person doing the work. Within seven days of any verbal or written notice, a stop-work order shall be provided to the owner of the subject lot, or to the owner's agent, or to the person doing the

Commented [CS6]: Brian - where did we land on whether or not to reference the citations and appeals ordinance?

work, and the stop-work order shall state the conditions under which work is permitted to resume. Any person who continues work after having been served with a stop-work order, except such work as that person is directed by the Tree Warden or other City officials to perform to remove a violation or unsafe condition, shall be liable for a daily fine established in accordance with § 90-4, Approval of rates and fees, per violation, per tree or per shrub affected.

- C. Notwithstanding any other provision of this chapter, if the Tree Warden determines that any violation of this chapter was willful, the person responsible shall be liable for a civil penalty of up to three times the assessed value of each affected tree or shrub.
- D. Whenever there is reasonable cause to believe that a person is violating any provision of this chapter, the City may institute a civil action in a court of competent jurisdiction for a mandatory or prohibiting injunction ordering the defendant to either correct or cease the unlawful use of the property.
- E. In addition to any fines hereunder, any person who is found to have violated any provision of this chapter shall be responsible to the City for any legal fees and costs that may be incurred by the City in the enforcement of this chapter.
- F. Each failure to replace a tree or shrub or make a payment into the Norwalk Tree Account or to post and maintain a bond in accordance with this chapter, or to follow any of the provisions of this chapter, shall constitute a separate violation of this chapter for which there shall be a fine established in accordance with § 90-4, Approval of rates and fees. Each day such violation continues shall constitute a separate offense.
- G. The Chief of Operations and Public Works or his, her or their designee, the Tree Warden, and employees of the Department of Public Works are hereby authorized to enforce the provisions of this chapter.

§ 112-14. Exemptions.

This chapter shall not apply to any alteration or damage to a tree or shrub that has been: 1) ordered or authorized by the Tree Warden or other officials of the City of Norwalk on an emergency basis because the tree or shrub is a hazardous tree or hazardous shrub that represents so immediate a hazard to public safety or structure integrity that alteration or damage cannot be deferred and that such hazardous tree or hazardous shrub cannot be protected, secured, or stabilized by reasonable temporary measures; or 2) otherwise properly permitted and/or authorized in accordance with applicable state law or regulation.

§ 112-15. Appeals of Tree Warden decisions.

Any person objecting to any decision of the Tree Warden under this chapter may file a written appeal to the Tree Warden who shall schedule a public hearing and shall post a public hearing notice, including the scheduled time, date and location of such hearing, on the affected tree(s) or shrub(s), if appropriate. Within three business days of such hearing, the Tree Warden shall render a decision granting or denying such appeal. Any person aggrieved by the Tree Warden's decision may appeal such decision within 10 days to the Superior Court for the Stamford/Norwalk Judicial District.

§ 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.

EXTRANEOUS 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 | 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.~~

~~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 curblin (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.~~ 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.~~ 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.~~ 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.~~ 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

Chapterchapter.**§ 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.~~

Chapter 126
PENSION PLAN

§ 1. Authority.

Pursuant to the authority granted to said Common Council of the City of Norwalk, Connecticut, in § 1891 of the Norwalk City Charter, there shall be created and established for such city a pension plan for city employees as stated herein.

§ 2. Pension Board.

~~There shall be appointed by the Mayor of the City of Norwalk, immediately upon the enactment of this ordinance and confirmed by a majority of the Norwalk Common Council, a Board composed of 12 members consisting of five,~~ who shall constitute the Board of Trustees ~~for of~~ the Norwalk City Employees' Pension Fund, ~~hereinafter referred to as~~ (the "Pension Board."). The composition of the Pension Board shall be as follows:-

- A. Six members appointed by the Mayor and confirmed by the Common Council (the "Public Members");
- B. Five members designated by a coalition of unions representing employees participating in the Norwalk City Employees' Pension Plan; and
- C. The Chief Financial Officer or their designee.

~~Each of the Public Members shall be an elector of the City of Norwalk. The Mayor shall designate one Public Member as Chair. Each Public Member shall be appointed for a term of [fivefour] years, commencing on September 1 of each year, and until their successors are appointed and qualified. The members of said Pension Board shall receive no compensation for serving as a Trustee.~~

~~A. The City Comptroller shall serve as an ex officio member of the Board. The other five members shall be appointed to serve terms of one year, two years, three years, four years and five years, respectively, and thereafter their successors shall be appointed for a term of five years on September 1 of each year. Any vacancy of a Public Member shall be filled by the Mayor and confirmed by the Common Council for the remainder of the term of the Public Member whose place has become vacant.~~

~~The members of the Pension Board shall receive no compensation for serving as such.~~

~~A majority of the Public Members shall constitute a quorum for the purpose of transacting business.~~

§ 3. Duties of the Pension Board.

The Pension Board shall perform the duties of the Trustees of the Norwalk City Employees' Pension Fund, relating to the management of such funds, except that the ~~City Comptroller~~ Chief Financial Officer or their designee shall have the care and custody of all such funds and shall

have the power, with approval of the Board, to invest such funds in securities legal for investment for trust funds.

§ 4. Retirement allowances.

The Pension Board shall put into effect and provide a system or systems of retirement allowances for the city's regular, full-time paid employees, as more fully defined by the Board, except elected officials (other than each Registrar of Voters and the Town Clerk), policemen and firemen who are provided with pensions under provisions of the Norwalk City Charter ~~§§ 1-319 through 1-332 and §§ 1-338 through 1-352, respectively~~, and professional employees of the Board of Education who are members of the State Teachers' Retirement System, and provide for contributions by such employees and the city to a fund or funds from which allowances shall be paid.

§ 5. Contracts.

The Pension Board shall be empowered to contract with any insurance company, bank or trust company, or any other company with which it is legal to invest pension funds, for the purpose of insuring the whole or any part of its retirement plans, subject to the provisions of the City Charter and General Statutes of the State of Connecticut as made and provided.

§ 6. Pension plan; provisions.

The pension plan to be administered by the Pension Board shall contain the following minimum provisions:

- A. The plan shall be a flexible split-funded retirement plan and shall be actuarially sound.
- B. The plan shall include all permanent full-time city employees from the first date of their employment regardless of age except those stated in § 4.
- C. All presently enrolled employees who commenced employment on or after September 1, 1965, and who have completed more than three years' continuous service for which they have not contributed to said pension plan may elect to be enrolled for an additional period not to exceed three years, provided that said employee agrees to contribute to said plan for the three additional years or any portion thereof, and provided that said election is submitted in writing to the Pension Board within six months from the effective date of this amendment.
- D. Retirement age.
 - (1) The pension plan shall include a voluntary retirement age of 62 for all city employees. In no event will an employee continue in the service of the city after the month in which ~~he~~they attains age 70.
 - (2) The pension plan shall provide, at the option of the employee, for early retirement at age 55, with 15 years of service, in an actuarially reduced amount.
- E. Retirement benefits.

(1) For all employees with at least 10 years of service, the pension plan shall provide, at the normal retirement age of 62, an annual retirement benefit equal to 2% of the final average salary [which is the average of the highest three years' salary during the final five years of employment] times the number of years of service up to a maximum of 30 years.

- (a) For employees with between 25 and 30 years of service, the annual benefit amount so determined shall be converted to a monthly amount. This amount shall then be reduced by either \$135 or the actual monthly amount of the social security benefit, whichever is less.
- (b) For employees with between 10 and 25 years of service, the annual benefit amount so determined shall be converted to a monthly amount. This amount shall then be reduced by the proportion of \$135, or the actual monthly amount of the social security benefit, whichever is less, which the employee's actual years of service bear to 25.

(2) In no event shall a retirement benefit at the normal retirement date be less than the benefit computed as follows:

- (a) There shall first be determined the total benefit the employee would receive if ~~they~~he had 25 years of credited service.
- (b) From the amount determined in Subsection E(2)(a) shall be deducted the social security benefit, not to exceed \$135 per month, to which the employee is entitled.

[1] In the case of employees of the City of Norwalk who are covered by an agreement between the city and the City of Norwalk Municipal Employees, Local 2405, AFSCME-AFL-CIO, dated July 1, 1976, and who are members of the pension plan, there shall be deducted from the amount determined in Subsection E(2)(a) the social security benefit, not to exceed \$100 per month, to which the employee is entitled. The funds to provide for the added payments to employees covered by this Subsection E(2)(b)[1] shall be provided by the city from an account designated "Pension B Account" and not from any fund or funds provided for all other payments contemplated under the pension plan.

[2] In the case of employees of the City of Norwalk who are covered by the agreement between the city and the Norwalk Municipal Employees Association and who are members of the pension plan, there shall be deducted from the amount determined in Subsection E(2)(a) the social security benefit, not to exceed \$100 per month, to which the employee is entitled. The funds to provide for the added payments to employees covered by this Subsection E(2)(b)[2] shall be provided by the city from an account designated "Pension C Account" and not from any fund or funds provided for all other payments contemplated under the pension plan.

[3] In the case of employees of the City of Norwalk who are covered by an agreement between the city and the Norwalk Public Health Nurses Unit, Connecticut Nurses Association, and who are members of the pension plan, said employees shall receive pension benefits equivalent to those provided for in Subsection E(2)(b)[2] above.

(c) If the employee has 25 or more years of service, ~~they~~he shall receive the retirement benefit computed in Subsection E(2)(b) above.

(d) If the employee has less than 25 years of service, ~~they~~he shall receive that portion of the amount computed in Subsection E(2)(b) above as his years of service relate to 25 years.

F. Death benefits.

(1) The pension plan shall provide a death benefit of at least 12 months' salary if death occurs prior to retirement.

(2) The pension plan shall provide total retirement income for 60 months in the event that death should occur after retirement.

G. The pension plan shall include, at termination of employment other than death or normal retirement:

(1) Full vesting as to each employee after 10 years' participation. Fully vested benefits begin at age 62.

(2) A benefit payable at age 62, as computed in Subsection E above.

(3) The employee, however, at ~~their~~his option, may elect, in lieu thereof, to receive contributions as made by ~~them~~him.

H. Disability benefits.

(1) The pension plan shall include disability benefits to include the full-vesting rights for the employee in the event of total and permanent disability, which benefits shall be payable at the age of 62.

(2) An employee who has 15 years of service and who becomes totally and permanently disabled shall be eligible to receive ~~their~~his benefits within six months of such total and permanent disability, in an actuarially reduced amount.

I. Commencing September 1, 1967, employee contributions to the plan shall be a maximum of 1 1/2% of the base salary which is subject to social security tax and 5% on the salary covered by the pension plan but not subject to social security tax.

J. The city shall contribute from time to time such sums as are necessary to put said plan into effect and to maintain same on a sound actuarial basis.

K. (Reserved)

L. Participation in said plan shall be voluntary for city employees eligible for enrollment at the time and date of adoption of the plan by the Pension Board. Thereafter, participation by all new employees shall be mandatory except for such employees as are now employed by the city and have not heretofore been included in said plan. No new city employee who is receiving periodic retirement or disability benefits from any City of Norwalk pension plan will be allowed to contribute to or join any City of Norwalk pension plan.

M. Open enrollment period.

- (1) Any person who was employed on September 1, 1965, but did not enroll in said pension plan may enroll with full credit for past service, provided that an election for enrollment is made in writing to the Pension Board within one month from the effective date of this amendment and provided that said employee contributes all sums that would have been paid if said employee enrolled in the pension plan on September 1, 1965.
- (2) Any person who was employed on September 1, 1965, but who was not eligible to enroll in said pension plan because of either age or length of service and who subsequently enrolled in said pension plan may elect to be enrolled for an additional period not to exceed three years, provided that said employee agrees to contribute to said plan for the three additional years, or any portion thereof, and provided that said election is submitted in writing to the Pension Board within six months from the effective date of this amendment.
- (3) Any person presently employed by the city but who was not eligible to enroll in said pension plan because of either age or length of service may enroll with full credit for past service, provided that said employee contributes all sums that would have been paid if said employee enrolled in the pension plan on the date of his employment or on September 1, 1965, whichever shall be the later date.
- (4) Each Registrar of Voters and the Town Clerk previously not eligible to enroll in said pension plan may enroll with full credit for past service, provided that said official contributes all sums that would have been paid if said official enrolled in the pension plan on the date of ~~his or her~~their employment or on September 1, 1965, whichever shall be the later date. Only the Registrar of Voters or Town Clerk who are in office at the effective date of this ordinance, or thereafter, shall be entitled to inclusion in the pension plan.

Chapter 84

RETIREMENT BENEFITS

ARTICLE I

Post-Employment Benefits Trust

§ 84-2. Other Post-Employment Benefits Board.

Immediately upon the enactment of this article, the Norwalk City Employees' Pension Board shall constitute the Other Post-Employment Benefits Board of Trustees for the OPEB Trust, hereinafter referred to as the "OPEB Board." The members of said OPEB Board shall receive no compensation for serving as trustees. ~~The City Comptroller shall serve as an ex-officio member of the OPEB Board. The other five members and~~ shall serve terms coextensive with their respective terms as members of the Norwalk City Employees' Pension Board.

§ 84-3. Duties of OPEB Board.

The OPEB Board shall perform the duties set forth in the OPEB Trust Agreement, as amended from time to time, relating to the management of the assets held in the OPEB Trust. The ~~City Comptroller~~ Chief Financial Officer or their designee shall have the care and custody of all such funds and shall have the power, with the approval of the OPEB Board, to invest such funds in securities legal for investment for trust funds.