

Chapter 68, NOISE

[HISTORY: Adopted City of Norwalk Common Council 7-26-1983.
Amendments noted where applicable.]

GENERAL REFERENCES

Explosives -- See Ch. 38.
Nuisances -- See Ch. 71.
Zoning -- See Ch. 118.

§ 68-1. Short title.

This ordinance 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 ordinance 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 ordinance:

AMBIENT NOISE or BACKGROUND NOISE -- Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

COMMERCIAL ZONE -- All commercial districts, business districts, as defined in the Zoning Regulations of the City of Norwalk, 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, ~~but excluding demolition~~, for or of public or private rights-of-way, structures, utilities or similar property.

CONSTRUCTION EQUIPMENT -- Any equipment or device operated by fuel PNEUMATICALLY or electric power used in construction or demolition work.

CONSTRUCTION SITE -- SITE WHERE CONSTRUCTION OR DEMOLITION TAKES PLACE

DAYTIME HOURS -- The hours between 8:00 7:00 a.m. and 8:00 p.m., Monday through Saturday FRIDAY, THE HOURS BETWEEN 8:00 A.M. AND 8:00 P.M. ON SATURDAY and the hours 9:00 a.m. through 8:00 p.m. on Sundays and federal and state holidays.

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

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

Where

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

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 -- Shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a home owner.

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

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

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

HEALTH BOARD -- As defined in Chapter 57 in the City Ordinance.

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

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

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

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

NIGHTTIME HOURS -- The hours between 8:00 p.m. and 8 7:00 a.m., Sunday evening through Saturday ~~FRIDAY~~ morning, except Saturday night shall mean the hours between 8:00 p.m. Saturday and 9:00 a.m. Sunday. 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 ORDINANCE.

*NOISE DISTURBANCE -- ANY SOUND WHICH UNREASONABLY ANNOYS, DISTURBS, INJURES OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF A PERSON, OR WHICH CAUSES INJURY OR DAMAGE TO PROPERTY OR BUSINESS.

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

NOISE SENSITIVE ZONE -- Any area designated by the Norwalk Board of Health as a "noise-sensitive zone" where noise problems are likely to occur or known to exist. As a minimum requirement, said zone must include within its boundaries a school, hospital, house of worship, day-care center, nursing home, public library, senior citizen center, residence or court.

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

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

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

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

RECREATIONAL VEHICLE -- Any internal combustion-engine powered vehicle which is being used for recreational purpose.

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

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

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

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

§ 68-4. Noise level measurement procedures.

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

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

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

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

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

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

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

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

(5) Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises

within the receptor's premises. The emitter's premises includes his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

D. MULTIPLE USES. WHERE MULTIPLE USES EXIST WITHIN A GIVEN NOISE ZONE, THE LEAST RESTRICTIVE LAND USE CATEGORY FOR THE EMITTER AND RECEPTOR SHALL APPLY REGARDING THE NOISE STANDARDS.

§ 68-5. Noise levels.

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

~~B. It shall also be unlawful for any person to make, continue or cause or permit to be made, verbally or mechanically, any unnecessary noise or noise disturbance.~~

B. Noise level standards.

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

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential
(day)			
(night)			

Residential	62 dBA's	55 dBA's	55 dBA's	45 dBA's
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(2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential
(day)			
(night)			

Commercial	62 dBA's	62 dBA's	55 dBA's	45 dBA's
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(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Receptor's Zone

Emitter's Zone	Industrial	Commercial	Residential
(day)			
(night)			

Industrial	70 dBA's	66 dBA's	61 dBA's	51 dBA's
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C. High background noise levels and impulse noise.

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

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

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

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

(1) Natural phenomena.

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

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

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

(5) Farming equipment or farming activity.

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

GENERAL PROHIBITION OF §68-6:

(1) Noise generated by any construction equipment which is operated during daytime hours [~~provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise level as specified in Subsections C and D.~~]

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

* (3) Noise from domestic power equipment, such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours PROVIDED THAT NOISE DISCHARGED FROM EXHAUSTS IS ADEQUATELY MUFFLED TO PREVENT LOUD AND/OR EXPLOSIVE NOISES THAT RESULT THEREFROM.

* (4) Noise from snow removal equipment AT ANY TIME SHALL BE EXEMPTED PROVIDED THAT SUCH EQUIPMENT SHALL BE MAINTAINED IN GOOD REPAIR SO AS TO MINIMIZE NOISE, AND NOISE DISCHARGED FROM EXHAUSTS SHALL BE ADEQUATELY MUFFLED TO PREVENT LOUD AND/OR EXPLOSIVE NOISES THEREFROM.

(5) Noise from demolition work conducted during daytime hours [~~provided that when considered emergency work, demolition shall be exempt at all times from the noise levels set in this regulation.~~]

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

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

~~(8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between the hours of 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.~~

(9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours ~~(except the daytime hours, for purposes of this subsection, shall begin at 7:00 a.m.)~~.

(10) 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. [Added 5-10-1988]

(10) NOISE CREATED BY PUBLIC SCHOOL CONSTRUCTION.

§ 68-6. Prohibited activities.

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

The following activities are prohibited:

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

*B. EMISSIONS FROM STATIONARY OR IDLING MOBILE SOURCES. Truck idling. No person shall operate an engine of any standing motor vehicle NO MOBILE SOURCE ENGINE SHALL BE ALLOWED TO OPERATE FOR MORE THAN with a weight in excess of TEN THOUSAND (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of TEN (10) minutes when such vehicle is parked on a residential premises or on a city street next to a residential premises OR IN A RESIDENTIAL ZONE. THREE (3) CONSECUTIVE MINUTES WHEN THE MOBILE SOURCE IS NOT IN MOTION EXCEPT AS FOLLOWS:

(1) WHEN A MOBILE SOURCE IS FORCED TO REMAIN MOTIONLESS BECAUSE OF TRAFFIC CONDITIONS OR MECHANICAL DIFFICULTIES OVER WHICH THE OPERATOR HAS NO CONTROL;

(2) WHEN IT IS NECESSARY TO OPERATE HEATING, COOLING OR AUXILIARY EQUIPMENT INSTALLED ON THE MOBILE SOURCE WHEN SUCH EQUIPMENT IS NECESSARY TO ACCOMPLISH THE INTENDED USE OF THE MOBILE SOURCE;

- (3) TO BRING THE MOBILE SOURCE TO THE MANUFACTURER'S RECOMMENDED OPERATING TEMPERATURE;
- (4) WHEN THE OUTDOOR TEMPERATURE IS BELOW TWENTY (20) DEGREES FAHRENHEIT;
- (5) WHEN THE MOBILE SOURCE IS BEING REPAIRED.

*C. 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 ordinance or through an apparatus providing equal noise reduction AND THAT MEET NOISE LEVEL REQUIREMENTS IDENTIFIED IN SECTION 68-5B.

D. CONSTRUCTION. NO PERSON SHALL AT ANY TIME OPERATE CONSTRUCTION EQUIPMENT ON THE CONSTRUCTION OR DEMOLITION SITE OR CARRY ON ANY CONSTRUCTION OR DEMOLITION DURING NIGHTTIME HOURS, EXCEPT IN AN EMERGENCY IN THE INTEREST OF PUBLIC SAFETY AND THEN ONLY WITH A PERMIT FROM THE DIRECTOR OF HEALTH OR HIS DESIGNEE AND SUBJECT TO ALL OTHER APPLICABLE RULES AND REGULATIONS PROVIDED BY STATE AND LOCAL LAW AND SAID PERMIT MAY NOT EXCEED A PERIOD OF THREE (3) DAYS.

E. BLASTING. NO PERSON SHALL AT ANY TIME CARRY ON BLASTING BETWEEN THE HOURS OF 5:00 P.M. AND 8:00 A.M. EXCEPT IN AN EMERGENCY IN THE INTEREST OF PUBLIC SAFETY AND THEN ONLY WITH A PERMIT FROM THE DIRECTOR OF HEALTH OR HIS DESIGNEE AND SUBJECT TO ALL OTHER APPLICABLE RULES AND REGULATIONS PROVIDED BY STATE AND LOCAL LAW AND PERMIT MAY NOT EXCEED A PERIOD OF THREE (3) DAYS.

F. LEAF BLOWERS. NO PERSON SHALL AT ANY TIME OPERATE A LEAF BLOWER DURING NIGHTTIME HOURS IN A RESIDENTIAL ZONE.

G. NIGHTTIME IN-HOUSE CONSTRUCTION. NO PERSON SHALL CARRY ON NIGHTTIME IN-HOUSE CONSTRUCTION UNLESS THAT CONSTRUCTION ACTIVITY TAKES PLACE SOLELY WITHIN THE STRUCTURE AND EMITS NO SOUND OR NOISE OUTSIDE OF THE STRUCTURE.

§ 68-7. Motor vehicles.

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

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

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

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

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

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

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

§ 68-9. Inspections.

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

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

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

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

§ 68-10. Violations and penalties.

~~{Any person in violation of any of the provisions of this ordinance shall be fined in an amount not to exceed \$75. Each day such violation continues after the time for correction of the violation has been given in any order shall constitute a continuing violation and be subject to a fine of \$75 per day for each day said violation continues}.~~

A. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ORDINANCE OR ANY RULE OR REGULATION IN FORCE PURSUANT THERETO SHALL BE SUBJECT TO A FINE OF NO MORE THAN NINETY-NINE DOLLARS (\$99.00). EACH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

B. ACTION PURSUANT TO SUBSECTION A OF THIS SECTION SHALL NOT BE A BAR TO ENFORCEMENT OF THIS ORDINANCE, RULES AND REGULATIONS IN FORCE PURSUANT THERETO AND ORDERS MADE PURSUANT TO THIS ORDINANCE, BY INJUNCTION OR OTHER APPROPRIATE REMEDY, AND THE DEPARTMENT OF HEALTH SHALL HAVE THE POWER TO INSTITUTE AND MAINTAIN IN THE NAME OF THE CITY OF NORWALK ANY AND ALL SUCH ENFORCEMENT PROCEEDINGS.

C. NOTHING IN THIS ORDINANCE 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 OR HIS DESIGNEE for a variance from one or more of the provisions of the ordinance, 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 TWO HUNDRED (200) FEET.

(5) WITHIN SIXTY-FIVE (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 THESE REGULATIONS. ANY PERSON HOLDING A VARIANCE AND NEEDING AN EXTENSION OF TIME MAY APPLY FOR A NEW VARIANCE UNDER THE PROVISIONS OF THESE REGULATIONS. 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.

~~(3) The application for variance shall be reviewed and either approved or rejected within 15 days of receipt by the Director of Health. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reasons for rejection.~~

(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 make 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 Board of 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, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this ordinance will be operated, constructed, conducted or manufactured without violating the provisions of the ordinance.

§ 68-12. SEVERABILITY.

IF ANY CLAUSE, SENTENCE, PARAGRAPH OR PART OF THIS ORDINANCE, 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 ORDINANCE 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 ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH INVALID PROVISIONS NOT BEEN INCLUDED.

§ 68-13. CONFLICT.

IN THE EVENT THAT PROVISIONS OR STANDARDS OF THIS ORDINANCE OR ADOPTED UNDER THIS ORDINANCE SHALL CONFLICT WITH REGULATIONS OR STANDARDS SET BY THE STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE MORE STRICT STANDARD SHALL APPLY.

§ 68-14. WORD USAGE.

IN CONSTRUING THIS CHAPTER, MASCULINE OR NEUTER PRONOUNS SHALL BE SUBSTITUTED FOR THOSE OF FEMININE FORM AND VICE VERSA, AND THE PLURAL OF THE SINGULAR AND THE SINGULAR OF THE PLURAL SHALL BE SUBSTITUTED IN ANY CASE WHICH THE CONTEXT MAY REQUIRE.

§ 68-15. EFFECTIVE DATE.

THIS CHAPTER SHALL BE EFFECTIVE 10 DAYS FROM ITS PASSAGE.