



Legislation Text

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ORDINANCE AMENDMENT AMENDING ARTICLE II. - NOISE CONTROL ORDINANCE TO REQUIRE THE OWNER OR OPERATOR OF ANY REFUSE COLLECTION MOBILE NOISE SOURCE TO PROVIDE ANY GLOBAL POSITIONING SYSTEM (GPS) DATA IN HIS/HER POSSESSION THAT IS RELEVANT TO A CREDIBLE ALLEGATION OF A VIOLATION OF ARTICLE XVI, SECTION 17-129(C) UPON REQUEST BY THE CITY'S CHIEF OF POLICE OR DESIGNEE.

ARTICLE II. - NOISE CONTROL

- Sec. 18-71. - Title.
- This article shall be known as the "Noise Control Ordinances."

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

- Sec. 18-72. - Purpose.
- It is recognized that people throughout the entire City of New Haven have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, welfare, or quality of life. This article is enacted to protect, preserve and promote these values for all the citizens of New Haven through the reduction, control and prevention of unlawfully excessive noise.

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

- Sec. 18-73. - Definitions.
- The following definitions shall apply in the interpretation and enforcement of this article:

(a)

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

(b)

Collection means the act of picking up refuse at its point of generation or storage, placing it in a vehicle, and completing the process at each location.

(c)

Commercial zone means all commercial districts and business districts, including BA, BB, BC, BD, BD-1 and BE as defined in the zoning regulations of the City of New Haven, and all uses associated

therewith permitted either as a right or as a special use.

(d)

Compression release type braking system means any device equipped on certain commercial vehicles, including but not limited to, tractors, semi-trucks, motor carriers and buses that utilize engine compression release or engine retardants as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes. These devices are also known as Jake brakes.

(e)

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property. This term does not encompass demolitions.

(f)

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

(g)

Daytime hours means the hours between 7:00 a.m. and 10:00 p.m. Mondays through Saturdays, and the hours of 9:00 a.m. through 9:00 p.m. Sundays and federal and state holidays. Unless otherwise provided, all other hours shall be construed as nighttime hours.

(h)

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

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

Where $P_o = 0.0002$ microbars

(i)

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

(j)

Domestic power equipment means power saws, drills, grinders, lawn and garden tools and other similar devices.

(k)

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

(l)

Emergency vehicle means any motor vehicle authorized by Conn. General Statutes section 14-283 as amended from time to time and the City of New Haven to have sound-warning devices such as

sirens and bells which can lawfully be used when responding to an emergency.

(m)

Emergency work means work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

(n)

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

(o)

Industrial zone means all industrial districts as defined by the zoning regulations of the City of New Haven, including but not limited to IL, IM and IH Districts.

(p)

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

(q)

Motor vehicle is defined as per section 14-1(51) of the Conn. General Statutes as amended from time to time.

(r)

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

(s)

Noise means any sound, the intensity of which exceeds the standards set forth in this article as it is amended from time to time.

(t)

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

(u)

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

(v)

Premises means any building, structure, land or portion thereof, including all appurtenances, yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person. The emitter's "premises" includes contiguous publicly dedicated street and highway

rights-of-way, all road rights-of-way and waters of the state.

(w)

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

(x)

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

(y)

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

(z)

Refuse means municipal solid waste, bulky waste and yard waste, garbage, household rubbish, ashes and any organic wastes normally produced from the handling and use of foods, except dishwater and wastewater.

(aa)

Residential zone means all city-owned property used for recreational or educational purposes, all residential districts (RS-1, RS-2, RM-1, RM-2, RH-1, RH-2 and RO), any commercial district when used for residential purposes, as defined in the zoning regulations of the City of New Haven as they are amended from time to time, and all uses permitted therewith either as a right or as a special use.

(bb)

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

(cc)

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

(dd)

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

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

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

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

(1)

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

(2)

Instruments used to determine sound-level measurements shall conform to the performance standards as defined in the section captioned "Noise levels" as amended from time to time;

(3)

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

(i)

The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;

(ii)

The sound-level meter shall be calibrated before and after each set of measurements;

(iii)

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

(iv)

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

(v)

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

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

- Sec. 18-75. - Noise levels.
- (a)

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

(b)

Noise level standards.

(1)

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

Emitter's zone: Residential

Receptor's zone: Maximum level:

Industrial 62 dBA

Commercial 55 dBA

Residential/Day 55 dBA

Residential/Night 45 dBA

(2)

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

Emitter's zone: Commercial

Receptor's zone: Maximum level:

Industrial 62 dBA

Commercial 62 dBA

Residential/Day 55 dBA

Residential/Night 45 dBA

(3)

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

Emitter's zone: Industrial

Receptor's Zone: Maximum level:

Industrial 70 dBA

Commercial 66 dBA

Residential/Day 61 dBA

Residential/Night 51 dBA

(4)

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

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

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

- (a)

If background noise levels caused by sources not subject to these regulations exceed the standards contained herein as amended from time to time, a source shall be considered to cause excessive noise if its emission exceeds the background noise levels by five (5) decibels, provided that no source subject to this article shall emit noise in excess of eighty (80) decibels at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter as amended from time to time.

- (b)

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

- (c)

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

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

- Sec. 18-77. - Exclusions.

- The above restrictions of sound levels shall not apply to noise emitted by or related to:

- (1)

- Natural phenomena;

- (2)

- Any bell or chime from any building clock, school or church;

- (3)

- Any siren, whistle or bell lawfully used by emergency vehicles, or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded. However, the owner of an alarm mechanism will not be held liable if it is activated without his/her fault or negligence;

- (4)

- Warning devices required by Occupational Safety and Health Administration or other state or federal

safety regulations; and

(5)

Farming equipment or farming activity.

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

- Sec. 18-78. - Exemptions and special conditions.
- The following shall be exempt from these regulations, subject to special conditions as provided herein:

(1)

Noise generated by any construction equipment which is operated between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays. The building official or the director of the department of public works must approve the operation of the same during hours other than those allowed by this section. The person requesting such approval must apply for it at least seven (7) days before the date for which approval is sought. Approval may be granted if the requesting person makes an advanced payment for the actual cost of such inspection services as may be required under applicable rules and regulations as amended from time to time;

(2)

Noise created as a result of or relating to an emergency;

(3)

Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that noise discharged from exhaust is reasonably muffled;

(4)

Noise from snow removal equipment, provided it is maintained in good repair and exhaust is reasonably muffled;

(5)

Noise from demolition work conducted between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that demolition shall be exempted at all times from the noise levels set in this regulation when it is considered emergency work;

(6)

Noise created by any aircraft flight operations, which the Federal Aviation Administration specifically preempts;

(7)

Noise created by any lawful recreational activities, and for which the city has granted a license or permit, including but not limited to parades, sporting events, outdoor concerts, firework displays and non-amplified religious activities;

(8)

Noise involving blasting other than that conducted in connection with construction or demolition activities, provided that the blasting is conducted between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;

(9)

Noise created by products undergoing tests, where one (1) of the primary purposes of the test is to evaluate product noise characteristics, and where practical noise control measures have been taken;

(10)

Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical power, telephone, cable television or other similar services, and located on property which is not owned by the public utility, and which may or may not be within utility easements.

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

- Sec. 18-79. - Motor vehicle noise.
- (a)

All motor vehicles operated within the limits of the City of New Haven shall be subject to the noise standards and decibel levels set forth in the regulations authorized in federal, state and local laws and regulations, including but not limited to Conn. regulation sections 14-80a-1a through 14-80a-10a as amended from time to time.

(b)

No motor or recreational vehicles shall emit noise from a loud amplification device or similar equipment which exceeds noise level standards for residential zoned areas.

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

- Sec. 18-80. - Refuse collection noise.
- All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

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

- Sec. 18-81. - Inspections.

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

(1)

The city's health director or his/her designee is hereby authorized to make inspections of stationary or fixed noise sources, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.

(2)

The city's Chief of police or his/her designee and the chief administrative officer or his/her designee is hereby authorized to make inspections of mobile noise source including refuse collection, demolition, construction, and vehicular activities, and to take measurements and make tests whenever necessary to determine the quantity and character of noise. This includes requiring. This includes requiring Refuse Collectors to provide Global Positioning System (GPS) data about a specific location and time period when requested based on a credible allegation of a violation of Article XVI section 17-129(c) that occurs in any Commercial or Residential Zone as defined by this section.

(3)

In the event that any person refuses or restricts local authorized officials from entry and free access to any part of a premises, or refuses to allow such officials to inspect, test or measure noise generated from any activity, device, facility or process, or to provide GPS data, said officials may seek an administrative warrant from an appropriate court to obtain such access for the aforesaid purposes. In the case of GPS data, the warrant shall be issued to the company owning the refuse collection vehicle, not the individual driver.

(4)

It shall be unlawful for any person to refuse to allow or permit local authorized officials free access to any premises when they are acting in compliance with a warrant for inspection that is issued by the appropriate court.

(5)

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

(6)

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

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

- Sec. 18-82. - Violations and penalties.
- Any person violating this article shall be fined up to the maximum amount authorized by state

statutes or this Code per occurrence. Each day such violation continues shall constitute a separate violation. In the case of refuse collection noise violations, the fines shall be issued to the company owning the refuse collection vehicle, not the individual driver.

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

- Sec. 18-83. - Variances.

- (a)

Any person residing or doing business in New Haven, who is negatively affected by the application of this article's provision(s), may seek a variance to engage in the prohibited activity. An applicant for a variance must supply the following information:

(1)

Location and nature of activity;

(2)

The time period and hours of operation of said activity;

(3)

The nature and intensity of the noise that will be generated; and

(4)

Any other information required by the appropriate city authority.

(b)

No variance from these regulations shall be issued unless it has been demonstrated that:

(1)

The proposed activity will not violate any Connecticut Department of Environmental Protection regulation(s) as amended from time to time;

(2)

The noise levels generated by the proposed activity will not constitute a danger to public health, safety, welfare or quality of life; and

(3)

Compliance with the regulations constitutes an unreasonable hardship on the applicant.

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

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

- (a)

A noise variance review committee is hereby established to consider variance requests.

(b)

This committee shall consist of the city's health director, chief of police, public works director and building official or their respective designees. Additionally, the committee shall include an alderman who is appointed by the president of the board of aldermen.

(c)

The committee shall review each variance application, and either approve or reject it within fifteen (15) days of its receipt. The approval or rejection shall be in writing, and shall state the condition(s) of approval, if any, or the reasons for rejection.

(d)

Failure to rule on the application within the designated time shall constitute approval of the variance.

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

- Sec. 18-85. - Administration.

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

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

- Sec. 18-86. - Contracts.

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

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

- Sec. 18-87. - Mediation.

- (a)

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

(1)

He/she is satisfied that the complainant is aggrieved by the alleged violation;

(2)

There are reasonable grounds to believe that there is a violation of this article; and

(3)

He/she determines that the particular facts and circumstances suggest that such mediation may result in a satisfactory resolution of the complaint.

(b)

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

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

- Sec. 18-88. - Effect on other regulations.
- All of the city's zoning regulations which are more stringent than those set forth herein shall remain in full force and effect. If any word, clause, paragraph or section of this article is held to make the same unconstitutional, this article shall not thereby be invalidated, and the remainder of it shall continue in effect. Any provision herein which conflicts with the Connecticut General Statutes or the state's Public Health Code as each is amended from time to time is hereby repealed, inasmuch as said statutes and code shall take precedence over this article.

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

- Sec. 18-89. - Enforcement.

- (a)

Notwithstanding anything contained herein to the contrary, the city's health director or his/her designee is hereby authorized to enforce this article regarding stationary or fixed noise sources.

(b)

Notwithstanding anything contained herein to the contrary, the city's chief of police or his/her designee is hereby authorized to enforce this article regarding mobile noise sources, including refuse collection, demolition, construction and vehicular activities.

(c)

Notwithstanding anything contained herein to the contrary, all local authorized officials, including but not limited to zoning enforcement officers, shall have the authority to enforce this article.

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

- Sec. 18-90. - Appeals.

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

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

- ARTICLE XVI. - COMMERCIAL WASTE COLLECTORS

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- Sec. 17-121. - Incorporation by reference.

- This article shall incorporate by reference all relevant provisions of Article I of this chapter, captioned "Licenses and Permits in General."

(Ord. No. 1557, 4-16-07)

- Sec. 17-122. - Definitions.

- For the purposes of this article, the following terms shall have the following meanings:

Collection means the act of picking up refuse at its point of generation or storage and placing it in a vehicle.

Commercial waste collector means a person, firm, corporation or other entity that collects, recycles and/or hauls, for a fee, the solid waste, including recyclable solid waste, generated by other persons, firms, corporations, residential, business, commercial or other establishments or other entities in New Haven, and includes private haulers, and collectors as defined in the waste disposal chapter of this Code.

Licensee means the owner(s) of the commercial waste collection business herein being regulated.

Noise means any sound, the intensity of which exceeds the standards set forth in this Code.

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

Solid waste means refuse, litter, municipal solid waste, bulky waste and yard waste, garbage, household rubbish, ashes and any organic wastes normally produced from the handling and use of foods, except dishwater and wastewater.

Solid waste disposal site means the location where any final treatment, utilization, processing or developing of solid waste occurs, but shall not include incineration. This term shall include, but not be limited to the city's transfer station.

(Ord. No. 1557, 4-16-07)

- Sec. 17-123. - Commercial waste collectors, license required.

- No commercial waste collector shall engage in the collection, haulage, transportation, recycling and disposal of solid waste or refuse generated by other persons, firms, corporations, residential, business, commercial or other establishments or other entities in New Haven, and collect a fee for such service, without obtaining a license and permit(s) from the city's license and permit issuer.

(Ord. No. 1557, 4-16-07)

- Sec. 17-124. - Application.

- (a)

In order to obtain a license under this article, an interested person must file an application with the city's license and permit issuer, and provide the following and all other information that he/she requires:

(1)

Applicant's name;

(2)

Address of the applicant's place of business;

(3)

If the applicant is a corporation, the names and addresses of each of its directors and officers;

(4)

Name, address, and telephone number of the primary contact acting as representative for the applicant;

(5)

A description of each vehicle to be used in the business operations licensed by this article, including the make, model, manufacturer, license plate number, tare weight capacity, and number of axels of all such vehicles; and

(5)

A list of the routes located in New Haven, including the specific addresses from which waste is collected, and the name of each other municipality in which the collector hauls solid waste.

(b)

A licensee shall notify the license and permit issuer of any change of information supplied in its application for a license within five (5) business days of said change.

(Ord. No. 1557, 4-16-07)

- Sec. 17-125. - Conditions.

- Before the license and permit(s) may be issued, the following conditions must be satisfactorily met:

(1)

The applicant shall provide proof of general liability insurance with limits of liability of two hundred and fifty thousand dollars (\$250,000.00) for property damage per occurrence, or five hundred thousand dollars (\$500,000.00) combined single limit.

(2)

The applicant shall secure automobile liability coverage in the amounts of five hundred thousand dollars (\$500,000.00) for property damage, two hundred and fifty thousand dollars (\$250,000.00) for bodily injury per person and fifty thousand dollars (\$50,000.00) for bodily injury per accident, or five hundred thousand dollars (\$500,000.00) combined single limit for each vehicle used in the business operation licensed by this article that does not require a commercial drivers license (CDL).

(3)

The applicant shall secure automobile liability coverage in the amounts of one million dollars (\$1,000,000.00) for property damage, five hundred thousand dollars (\$500,000.00) for bodily injury per person and one million dollars (\$1,000,000.00) for bodily injury per accident, or one million dollars (\$1,000,000.00) combined single limit, for each vehicle used in the business operations licensed by this article that does require a commercial drivers license (CDL).

(4)

The applicant, his/her successors and assigns shall maintain each such insurance policy in full force as long as he/she conducts business in the city.

(5)

The applicant shall be and remain current concerning the payment of any arrearage for taxes, fees, or any other obligation to the city.

(6) The applicant shall confirm that every vehicle operating in New Haven is equipped with a Global Positioning System (GPS) that maintains a historical record, for at least one week, of time and location where and when the vehicle operated. The applicant shall also agree to make it a requirement that each driver activate the GPS when operating in New Haven.

(Ord. No. 1557, 4-16-07)

- Sec. 17-127. - Commercial waste collectors; license fee.
- The license fee shall be three hundred and forty dollars (\$340.00) per year. Such fee shall not be prorated.

(Ord. No. 1557, 4-16-07)

- Sec. 17-128. - License term.
- Unless otherwise cancelled, revoked or suspended, the license shall be valid for a one-year period. The license may be renewed, provided the licensee is in compliance with all federal, state and local laws and regulations, including but not limited to, this Code's waste disposal chapter.

(Ord. No. 1557, 4-16-07)

- Sec. 17-129. - Commercial waste vehicles; permit required.
- (a)

A licensee shall obtain a permit issued by the license and permit issuer for each vehicle that he/she/it

uses in the business operations licensed by this article.

(b)

Vehicle permits shall be issued hereunder in the form of a sticker. Said sticker may not be transferred to any other vehicle, and must only be affixed to the vehicle for which it is issued. Stickers shall be firmly affixed in a prominent location on the left front (driver's side) of the vehicle so that it can be readily visible at all times.

(c)

If a vehicle is put into service during the license year, the licensee shall submit the required information for this vehicle to the license and permit issuer, and shall not use the vehicle to collect, transport or dispose of waste in the city until a decal has been issued and affixed to the new vehicle.

(Ord. No. 1557, 4-16-07)

- Sec. 17-129. - Regulations.

- (a)

The licensee of a permitted disposal vehicle shall keep it clean and as free as possible of offensive odors.

(b)

No permitted vehicle shall be parked in any place other than its place of business for longer than is reasonably necessary to make a collection.

(b)

A person shall not transport solid waste in any vehicle unless it is secured so as to be spill-proof and leak-proof.

(c)

A vehicle body designed to use a tailgate shall have the tailgate properly in place. A load of solid waste shall not overhang the sides or the rear of the permitted vehicle's body.

(d)

Commercial waste collectors shall cooperate with the city to ameliorate noise through such methods, including but not limited to, padding dumpsters, adding plastic lids, altering pickup times, relocating dumpsters and/or any other method in which to reduce noise.

(e)

All licensees engaged in the business operations licensed by this article shall fully comply with all federal, state and local laws and regulations as each is amended from time to time, including but not limited to, this code's waste disposal chapter.

(b)

Each licensee shall display his/her/its name and address or his/her/its name and telephone number

on all permitted vehicles used in the business operations licensed by this article.

(c)

No commercial waste collectors may engage in the business operations licensed by this article except between the hours of 5:00 a.m. through 10:00 p.m. Mondays through Saturdays in the following areas:

(1)

Downtown area bounded by North Frontage Street, State Street, south of Trumbull Street, Prospect Street, Grove Street, Tower Parkway and Howe Street.

(2)

Yale New Haven Hospital area bounded by South Frontage Street, Congress Avenue, and Howard Avenue.

(3)

Hospital of Saint Raphael area bounded by Sherman Avenue, Chapel Street, Orchard Street and George Street.

(d)

In all other areas of the city no commercial waste collector shall engage in the business operations licensed by this article except between the hours of 6:00 a.m. through 10:00 p.m. <

Sec. 17-130. - License renewal.

• (a)

The license may be renewed each year, provided the licensee has complied with all federal, state and local laws and regulations, including but not limited to this Code's waste disposal chapter as it is amended from time to time, during the licensed term.

(b)

The license and permit issuer shall collect and maintain information from each license applicant when licenses and permit(s) are initially issued. In subsequent years it shall not be necessary for the licensee to provide detailed information unless there are any changes to the documentation submitted with the original license and permit request. If there are no changes, the licensee shall submit a written license renewal request, an updated insurance certificate, the required license fee, and any other relevant information requested by the issuer.

(Ord. No. 1557, 4-16-07)

• Sec. 17-131. - Suspension, cancellation or revocation by issuer.

• Commercial waste collector licenses shall be subject to the provisions of section 17-1.15 of this Code as it is amended from time to time regarding suspension, cancellation or revocation of permits,

for cause.

(Ord. No. 1557, 4-16-07)

- Sec. 17-132. - Penalties.

- (a)

Each violation of any provision of this article shall be considered an infraction, and be punished up to the maximum fine as set forth in state statute or this Code as each is amended from time to time. Any fine shall be issued against the licensee, not an individual operator of the vehicle.

(b)

A notice of infraction shall be issued to the individual operator of a vehicle and he/she shall present it to the owner of the vehicle. The operator, if the operator is not the owner of the motor vehicle, shall be presumed to be the agent and servant of the owner of the motor vehicle, and operating it in the course of his/her employment. The owner shall have the burden of rebutting the presumption.

(c)

In addition to the fine set forth in subsection (a) above, upon the licensee's second violation, the director of public works shall have the authority to suspend the commercial waste collector's license to dispose of solid waste at any waste disposal facility, or other disposal site, of the city for thirty (30) days.

(d)

In addition to the fine as set forth in subsection (a) above, upon the licensee's third violation, the licensee's license shall be suspended for thirty (30) days, thereby prohibiting him/her/it from carrying on such business in the city for thirty (30) days.

(e)

Failure to comply with the requirements of this article may result in revocation of the license issued hereunder and/or in court action.

(Ord. No. 1557, 4-16-07)

- Sec. 17-133. - Appeals.

- Any person aggrieved by a decision rendered by the issuer may appeal said decision in accordance with section 17-1.16 of this chapter as it is amended from time to time.

(Ord. No. 1557, 4-16-07)

- Sec. 17-134. - Severability.

- If any court of competent jurisdiction shall rule that any provision of this article is invalid, other provisions not specifically included in said judgment shall not be affected.

(Ord. No. 1557, 4-16-07)

- Sec. 17-135. - Ordinance review.
- Six (6) months after enactment of these amendments, the board of alders shall review the impact of this ordinance on commercial waste collectors, and on the business and residential residents of the city.

(Ord. No. 1557, 4-16-07)

- Secs. 17-136-17-140. - Reserved.