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2023 FEB -7 A 10:42
ATTEST: David L. Campo
TOWN CLERK

MINUTES

PUBLIC HEALTH, RECREATION & ENVIRONMENT STANDING COMMITTEE OF THE RTM

Special Meeting

Waterford Town Hall – BOE Conference Room

January 30, 2023

Public Health, Recreation & Environment Standing Committee Chair Michael Bono called the January 30, 2023 Special Meeting to order at 5:32 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Jennifer Bracciale, Michael Bono, Mary Childs, Ryan Healy, Nick Gauthier

ABSENT: None

EX-OFFICIO MEMBERS PRESENT: RTM Member Susan Driscoll, RTM Member Michael Rocchetti

ALSO PRESENT: Town Clerk David L. Campo; Town Attorney Nicholas Kepple, Chief of Police Marc Balestracci.

PUBLIC COMMENT:

Resident Christine Wilcox, 53 Vivian St, submitted comment in regard to the subject of feral cats in writing. (See Attachment)

Attorney Mark Kepple, 804 Stonington Rd, Stonington, spoke on behalf of residents in regard to the subject of noise with an emphasis that the subject needs to be looked at again by The Planning & Zoning Commission with additional public input.

Resident Deborah Griffith, 63 North Rd, spoke in regard to noise and that the town needs to take a broader approach on how they look at noise and how members envision the town.

Resident William O'Donnel, 7 Reynolds Ln, submitted items for the record. (See Attachment)

Resident Nancy Hennegan, 7 Reynolds Ln, said Waterford needs to make a statement and set a standard in regard to noise.

ITEM 5 – August 30, 2022 Meeting Minutes.

MOTION by Gauthier, seconded by Bracciale, to approve the August 30, 2022 Meeting minutes.

MOTION PASSED: Unanimous

CALL ITEM 6A – Review of Feral Cat Management, RTC 12/05/2023

Brief discussion ensued. Committee agreed that subject would be discussed at future meeting.

RTM Member Susan Driscoll distributed information to the committee in regard to Feral Cat Laws. (See Attachment)

CALL ITEM 6B – Review of Noise Ordinance, Noise Control – Chapter 9.06, RTC 10/04/2021

Lengthy discussion ensued between all members, legal, Chief of Police, RTM Members and members of the public. Subjects discussed were the need to keep it simple; how to enforce; how many calls are the police called on; what is a reasonable expectation; how does this relate to short term rentals; the difficulty of enforcing when residential zones meet commercial zones; examples from other towns; the need for The Planning & Zoning Commission to revisit the subject of music with accessory outdoor dining.

MOTION by Gauthier, seconded by Healy, to allow the chairman to draft a letter for possible recommendation from the RTM to the Planning & Zoning Commission to review its' procedure of issuing special permits for the committee to review at a future meeting.

VOTING IN FAVOR: Unanimous

Brief discussion in regard to a next meeting, possibly in March.

MOTION by Gauthier, seconded by Healy, to adjourn at 7:31 P.M.

VOTING IN FAVOR: Unanimous

Respectfully Submitted,
Mike Bono
Chair

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Feral Cat Ordinance Proposal

2023 JAN 30 P 3:08

ATTEST:

First and foremost my goal here is to establish a program that is low in expense and effort for the town. I understand that on the list of importance this is probably at the bottom for most of you but I thank you for your time and consideration on this matter. This problem exists for two basic reasons: irresponsible pet owners and residents that are unwilling to assist in slowing the growth of the population. I would like to address the second item first as it is the easiest to rectify.

We have neighborhoods in which feral cat colonies are more prevalent than others. In most of those neighborhoods there is generally at least one resident who feeds the cats but is either unaware of the problem at hand or is unwilling to work to help slow the growth of these colonies. There are a number of cat rescues that are actively working to address this issue but when they run into residents that are unwilling to allow them to trap on their property, the cats continue to feed and reproduce. My proposal is simple: If a resident reports there is a feral cat colony in their area that is being maintained or fed by a resident to the animal control officer, the ACO would then verify the existence and feeding which could simply be done by photographic proof. The ACO would then approach the resident and notify them that if they are maintaining a feral cat colony they are required by town ordinance to allow trapping for spay/neuter and vaccination purposes. If the resident then refuses, they can be fined daily for every day of refusal. Fines would be capped in amount and time (to be determined by the RTM) and if refusal continues the resident can then be issued an arrest for animal neglect. After which, an order is issued to allow cat rescues to come in and trap on their property.

There is an extensive network of people who are willing to address this issue but when you face hostile resistance from individuals that believe they are doing the right thing the task can be extremely difficult. The goal here is to address these people so that the feral cat population is not so prolific.

The other issue is the root cause of the problem and may be a bit more complicated to address; irresponsible pet owners. As it stands cats are not registered as dogs are and there are no laws or ordinances town wide or state that allow our Animal Control Officers to do anything. My understanding is there is a movement to end dog registrations as well but I believe this creates a problem in identifying lost and found pets both canine and feline. My suggestion would be to go with town wide micro-chipping of both dogs and cats and equip the ACO with a wand to read the chips and contact the owner when their pet has been found. It can be researched to see if we can establish a town wide discount through some of the local vets or through Petco to get chipping done at a discount. This also makes the job of trapping ferals easier as trappers can notify the clinics that the animals are from this area and need to be checked for ownership before any services are rendered. It also establishes animal neglect if the owner is notified their animal has been recovered and is not retrieved. The problem with tag registration, whether it is

for a dog or a cat, is that collars fall off making that town registration irrelevant. The microchip eliminates that problem. We can establish a town wide microchip database that the town clerk and ACO have access to for pet/owner identification.

These are just some base line suggestions, a jumping off point to be honed for practicality and effective use. Please understand the last thing I want implemented is any ordinance that would establish euthanization as an answer. On my own, I have rescued 11 cats, all of which have been socialized and found homes. These animals can sometimes get a bad rap but if we can establish a network of people willing to foster them, a good portion of them can be placed. I would recommend that if these suggestions seem feasible that a town wide mailing be included with tax bills regarding town wide animal micro chipping for both dogs and cats and that we ask that any resident who is willing to foster ferals as they are trapped register with the humane society. In reality not all of them will be able to be rehabbed and those that can't, can be trapped neutered and released which will stop the growth of the population.

Please remember these animals did not cause this problem, we did and we should provide a humane resolution. I would like to be involved in any discussions regarding this matter, please and thank you.



Research Report

Feral Cat Laws in Select States

By: Janet Kaminski Leduc, Chief Attorney
November 10, 2021 | 2021-R-0202

Issue

This report summarizes state laws related to feral cats in New England and New York.

Summary

Connecticut law allows municipalities to adopt ordinances requiring feral cat keepers to register with the local animal control officer (ACO) and prohibiting cat owners or keepers from letting cats cause property damage or an unsanitary, dangerous, or unreasonably offensive condition. In these municipalities, an ACO may impound cats causing damage or unsanitary, dangerous, or unreasonably offensive conditions and try to locate the cats' owners or keepers. If a cat goes unclaimed, the ACO may have it sterilized and sold as a pet or put down humanely.

Connecticut, Massachusetts, New Hampshire, and New York each operate programs that help low-income residents sterilize their cats or dogs (e.g., animal population control programs). Connecticut's program also helps nonprofit animal rescue groups sterilize and vaccinate feral cats.

Maine, New York, and Rhode Island laws permit people to release stray or feral cats to animal shelters, who may adopt out the animals or euthanize them under certain conditions. In Vermont, a person can use an approved rabies vaccine to inoculate a feral cat without using a licensed veterinarian.



Connecticut

Municipal Feral Cat Ordinances

Connecticut law allows a municipality to adopt an ordinance requiring individuals who keep feral cats in residential or commercial areas to register with the municipality's ACO within one year of the ordinance's adoption. The ACO must give them information on the proper care and management of feral cats. The ordinance must require feral cat keepers to sterilize and vaccinate the cat against rabies. The law specifies that if a feral cat is adopted from a municipal pound, its keeper is eligible for cat sterilization financial assistance under the state's animal population control program (see below) (CGS § 22-339d(a)). (The law also allows a municipality to adopt an ordinance prohibiting anyone owning or keeping a cat from letting it (1) substantially damage property other than the owner's or keeper's property or (2) cause an unsanitary, dangerous, or unreasonably offensive condition. A violation of such an ordinance is, by law, an infraction (CGS § 22-339d(b)).)

The law defines a "feral cat" as a free-roaming cat that is not owned. A "keeper" is a person who, or organization that, harbors, regularly feeds, possesses, or forbids an ACO from impounding a feral cat.

The law does not specify the penalty for violating a feral cat ordinance adopted under CGS § 22-339d(a). But, state law allows municipalities to issue citations for violating local ordinances and regulations (CGS § 7-148(c)(10)(A)). The municipality must designate the ordinances and regulations it wants to enforce by citation and specify the officials who can issue them. Citations may be issued for fines up to \$250 unless the statutes specify otherwise.

Unclaimed Cat Impounded by an ACO

By law, an ACO for a municipality that has adopted a cat ordinance under CGS § 22-339d(b) may impound a cat (1) found to be damaging property other than property of its owner or keeper or (2) causing an unsanitary, dangerous, or unreasonably offensive condition unless the cat is under the care of an owner or keeper of feral cats. If the owner or keeper is not known, the ACO must publish a description of the cat in the local newspaper's lost and found column. If a cat is not claimed within seven days of publication, the ACO may have a veterinarian sterilize the cat and then sell the cat as a pet. An ACO must have a cat that remains unclaimed put down humanely (CGS § 22-332d).

Animal Population Control Program

The Department of Agriculture's Animal Population Control Program (1) provides sterilization and vaccination options for state residents who adopt cats and dogs from municipal pounds, (2) provides low-income state residents discounted sterilization and vaccination options for their dogs

and cats, and (3) assists registered nonprofit rescue groups with the sterilization and vaccination of feral cats. No more than 20% of the animal population control account funds may be used for the feral cat program (CGS § 22-380g as amended by PA 21-90 § 10).

Maine

Maine defines a “feral cat” as a cat with no owner identification that consistently exhibits extreme fear in the presence of people. The law allows ACOs and people to bring stray cats to an animal shelter. If the stray cat is homeless or feral, the shelter must hold it for at least 48 hours (if homeless) or 24 hours (if feral). After this period, the shelter may offer the cat for adoption, sell it, give it away, or dispose of it humanely. The shelter, an ACO, or a state humane agent may authorize the cat’s immediate euthanasia if it is severely sick or injured if, among other things, a veterinarian states in writing the cat’s recovery is unlikely or the cat presents a danger to the public (Me. Rev. Stat. Ann. tit. 7, §§ 3907, 3919 & 3919-A).

Massachusetts

Massachusetts operates a Homeless Animal Prevention and Care Fund, which the Department of Agricultural Resources uses to (1) offset the costs of vaccinating and sterilizing homeless cats and dogs, (2) help low-income residents vaccinate and sterilize their cats and dogs, and (3) help with ACO training costs. Funds come from voluntary donations, gifts, and grants (Mass. Gen. Laws Ann. ch. 10 § 35WW).

New Hampshire

The New Hampshire Department of Agriculture, Markets, and Food runs an Animal Population Control Program to reduce the population of unwanted and stray cats and dogs. The program provides financial assistance for low-income residents to spay or neuter their cat or dog (N.H. Rev. Stat. Ann. § 437-A:2).

New York

Animal Population Control Program

New York law requires the Department of Agriculture and Markets to contract with an independent nonprofit entity to administer the state Animal Population Control Program. The program is intended to reduce the population of unwanted and stray cats and dogs, thereby reducing euthanasia rates and public health threats. It provides low-cost spaying and neutering services to low-income residents (N.Y. Agric. & Mkts. Law § 117-a).

Stray and Homeless Animals

New York law allows a humane society, society for the prevention of cruelty to animals, ACO, or police officer to have a stray or homeless animal humanely euthanized if a veterinarian or two reputable citizens find that the animal is so maimed, diseased, disabled, or infirm that euthanasia is warranted. If this finding is not made, then the animal, after five days, may be placed for adoption or be humanely euthanized. But municipalities may, by ordinance, set forth a different time period (not less than three days) for unclaimed cats whose owners cannot be identified provided that such cats are made available solely for adoption (N.Y. Agric. & Mkts. Law § 374).

Rhode Island

Under Rhode Island law, resident cat owners must have their cats that are over three months old wear an identification tag at all times unless they meet certain exemptions (e.g., are kept exclusively indoors or confined in outdoor areas and kept for breeding purposes). ACOs may fine anyone in violation; fines collected are remitted to the municipality where the violation occurred (R.I. Gen. Laws §§ 4-22-3 & 4-22-7).

The law authorizes ACOs to impound feral (i.e., wild, unsocialized, or untamed) cats and dispose of them or release them to a licensed animal shelter (R.I. Gen. Laws §§ 4-22-2 & 4-22-8).

If a feral cat is released to an animal shelter or impounded in a municipal pound, the shelter or pound must hold the cat for at least five days if it is wearing identification or two days if not. After this period, if the cat is not claimed, the shelter or pound may offer it for adoption or sale or otherwise dispose of it. If the feral cat is without identification and poses a danger, the shelter or pound may euthanize the cat before the period ends. Additionally, the period does not apply to any injured or maimed cat that a veterinarian examines and confirms in writing should be destroyed for humane reasons (R.I. Gen. Laws § 4-22-5).

By law, a shelter or pound cannot release a feral cat that was impounded without identification until the owner complies with the cat identification requirements (R.I. Gen. Laws § 4-22-6).

Vermont

Under Vermont law, an owner of a domestic pet must have a licensed veterinarian inoculate the animal against rabies with an approved vaccine. However, the law allows a person to use an approved rabies vaccine to inoculate a feral cat that takes up residence in a building (other than the person's home) without using a licensed veterinarian for this purpose (Vt. Stat. Ann. tit. 20, § 3581a).

JKL:kc

Created January 25, 2023.

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2023 JAN 26 P 5:25

The documents provided at the previous committee meeting by Atty. Kepple were copies of noise ordinances related to 10 CT municipalities, which collectively, all follow the same language and definitions borrowed from past State DEEP regulations. The attached Excel summarizes this. Many have not been amended in years.

The exceptions are:

- Windham, where the fine is \$250, and the landlord is also held responsible.
- Westbrook, Winchester and Seymour where fines can go to \$400 per day.
- Town of Groton where the manager and the Landlord can also be held responsible, and the police will instead issue a "nuisance" violation instead of a "noise level" violation.

Each municipality has the same Noise Level Standards (see below), and in general, any adherence to the "55 dBA daytime" and "45 dBA evening" levels would provide a highly adequate level of noise protection, which could be easily enforced by Police (i.e. no requirements for a noise meter since this could fall more into the categories of 'nuisance' and 'disturbing the peace').

For another view of noise ordinance policy, a review of the City of Newport's Noise Abatement policies gives a more comprehensive view on best practices (copy provided).

Noise level standards.

(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.

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

Issues:

1. The question of **who** is responsible for monitoring noise has made the enforcement of this issue a major stumbling block. The Police Department has traditionally enforced nuisance issues like disturbing the peace, which is an important quality of life and safety function. Pre-pandemic noise complaints were not a consistent problem within Waterford (except Speed Bowl, which is a unfortunate blight for those who live nearby), but with the new regulations for *Outdoor Dining as an Accessory Use*, which does not limit the type of music played outdoors, a new set of noise-related and safety issues has presented themselves, which may now lead to personal injury and/or legal exposure for the Town (e.g. a parking lot that now hosts outdoor music, with no code for protective barriers to separate the patrons from the cars that park in close proximity, could lead to injury. Or, patrons all simultaneously leaving when music ends now create a potential for an accident on busy road like, for example, Boston Post Rd).
2. Today, with the possibility for more venues of "amplified outdoor music" within residential settings, the problem of noise complaints will certainly increase (EXHIBIT A). So, how does the Town manage this problem to avoid becoming a Misquamicut of Ft. Lauderdale type community?

Some ideas to consider

3. Requirement for Noise Control Panels where there are 5 scheduled outdoor events within a 12-month period (EXHIBIT B). The panels should be of high quality. The Town should hire a Sound Engineer to help establish the criteria for these panels so that establishments do not purchase the cheapest alternative that won't provide adequate noise suppression.
4. Hold the owner, *and the landlord*, responsible for any infractions, with the potential for losing their 'license' if more than 3 infractions occur within a 12 month period.

5. The police to enforce a "nuisance" violation. Today's sound measuring equipment is easier to use, so requirements for calibrating the equipment should not be needed to establish noise levels.
6. This is a quality-of-life issue. The Town should do its best to provide its residents an environment free from excessive noise pollution that degrades the quality of life.
7. Increase the level of fines after the first infraction so that the fines don't simply become "a cost of doing business".
8. Any establishment with an outdoor music venue with a capacity of 50 or more people should be required to hire an on-site manager or "bouncer" for each event, who would also be subject to fines if noise or patron limits are exceeded.
9. Hold the band responsible for keeping noise levels below minimums or face hefty fines (\$500 or more).
10. Set the standard – Waterford could become the State-wide standard. Noise pollution from many sources is becoming a problem overall. Until you live near noise that persistently interrupts the peaceful enjoyment of your home, you cannot really understand how disturbing and disruptive this phenomenon can be. I can assure you this is not something you would want occurring within your neighborhood.
11. The answer to this issue was presented by Abby Piersal and, unfortunately was rejected by P&Z. The simple solution was limiting outdoor music at a restaurant to be acoustic. The fact that live amplified bands play need to play music so loud that it can be heard 1,500 feet away – when the patrons are a mere 50 feet away, is not a workable solution, and we hope you can find a solution to this problem (EXHIBITS C,D,E,F)

Bill O'Donnell 7 Reynolds Lane

	A	B	C	D	E
	<u>Municipality</u>	<u>Emitter Zone</u>	<u>Allowable DB Level in adjoining residential Zone</u>	<u>Hours</u>	<u>Penalties</u>
1					
2	Winchester	Commercial	55dB / 45dB	Day/Evening	\$100 each day. Fine doubles for each day problem continues up to \$400 per day
3	Trumbull	Commercial	55dB / 45dB	Day/Evening	\$75 first offense. \$100 each subsequent offense and can be adjusted for breach of peace, creating a public disturbance and/or disorderly conduct
4	Bethlehem	Commercial	55dB / 45dB	Day/Evening	\$100 per violation, per day
5	Westbrook	Commercial	55dB / 45dB	Day/Evening	\$25.00. Each day thereafter fine doubles not to exceed \$400 per day
6	Norwalk	Commercial	55dB / 45dB	Day/Evening	\$99.00 and \$250 for each subsequent offense within one year of last offense
7	Seymour	Commercial	55dB / 45dB	Day/Evening	\$100. Each day it continues will double up to \$400 per day
8	East Lyme	Commercial	55dB / 45dB	Day/Evening	\$99.00 each day and possible breach of peace if continues
9	Enfield	Commercial	55dB / 45dB	Day/Evening	\$50.00 per day that such violation continues.
10	New London	Commercial	55dB / 45dB	Day/Evening	\$100.00 and \$100.00 for each day violation occurs.
11	Waterford	Commercial	55dB / 45dB	Day/Evening	\$95.00 for each day. Police officer is responsible for noise measurements
12	Windham	Commercial	55dB / 45dB	Day/Evening	\$250.00 after warning. In addition, the owner/landlord of the property and any person managing the property, will also be considered to be in charge of the party or social event jointly and severally. It shall be unlawful for any person to produce loud or offensive noise which may be heard by a person of normal hearing at a distance of 100 feet as measured from the property line from which the sound emits.
13	City of Newport RI	Commercial	65dB / 55dB	Day/Evening	Up to \$1000 per violation and possible revocation of business license.
14	City of Newport RI				No person shall operate, play or permit the operation of any drum, musical instrument or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

	A	B	C	D	E
	<u>Municipality</u>	<u>Emitter Zone</u>	<u>Allowable DB Level in adjoining residential Zone</u>	<u>Hours</u>	<u>Penalties</u>
1					No person shall operate play, or permit the operation or playing of any radio, television, phonograph or other sound amplifying equipment so as to create a noise disturbance, except as provided for in Section 8.12.180. For the purposes of determining compliance with this provision, the sound level limits in Section 8.12.080 shall be applied at or beyond the property line of the source of the sound.
15	City of Newport RI				
16	Newport				
17	Newport				
18	Newport				
19	Newport				B.
					Any person seeking a sound variance under this section shall file an application with council. The application shall contain information which demonstrates that bringing the source of sound or activity for which the sound variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons.
20	Newport				C.
21	Newport				
					All applications shall be subject to a fee of fifty dollars (\$50.00) per day if granted and, whether granted or denied, an amount sufficient to cover the cost of advertising and notification to all residents and property owners within one hundred (100) feet of the noise source. Advertisement shall be made at least once, seven days prior to the public hearing, in a newspaper of general circulation in the city. Notification shall be by regular mail at least seven days prior to the public hearing.
22	Newport				
23	Newport				D.

	A	B	C	D	E
	Municipality	Emitter Zone	Allowable DB Level in adjoining residential Zone	Hours	Penalties
1					In determining whether to grant or deny an application, or revoke a variance previously granted, council shall balance hardship to the applicant, the community and other persons if the sound variance is not allowed, against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact, if the sound variance is allowed. Applicants for sound variances and persons contesting sound variances may be required to submit any information that council may reasonably require. In granting or denying an application or in revoking a sound variance previously granted, council shall place on public file a copy of the decision and the reasons for granting, denying or revoking the sound variance.
24	Newport				
25	Newport				E. Sound variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The sound variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the sound variance was granted.
26	Newport				
27	Newport				F. Determination of modification of a granted variance shall be made in accordance with the rules and procedures set forth in the section for original applications.
28	Newport				
29	Woodstock VT				55306, Landlord culpability

A	B	C	D	E
<u>Municipality</u>	<u>Emitter Zone</u>	<u>Allowable DB Level in adjoining residential Zone</u>	<u>Hours</u>	<u>Penalties</u>
1				
30	Woodstock VT			(a) A landlord who, after notice, fails to take reasonable steps to prevent subsequent violations of this [chapter] by the tenant shall be in violation of this [chapter] and subject to enforcement as enumerated in §5307 of this [chapter].
31	Woodstock VT			(b) Prior to issuing a ticket to a landlord, the landlord must receive written notice from the Village of Woodstock or its Police Department stating that the tenant has been issued a ticket for violation of [this chapter]. The landlord then has five days to issue a written warning to the tenant requesting that the tenant discontinue the violating behavior.
32	Woodstock VT			§5307. Enforcement
33	Woodstock VT			(a) No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this [chapter] by another person on such premises.
34	Woodstock VT			(b) The first offense for any person violating the provisions of this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of W.V.O.
35	Woodstock VT			(c) A second and subsequent offense for violating this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of the W.V.O.
36	Woodstock VT			(d) Each time a police officer is called to a scene of a noise complaint shall be deemed to be a separate offense: \$50 first offense; \$100 each additional.
37	Princeton NJ			§ B1-6General Penalty; Continuing Violations; Repeat Violations; other Penalties.
38	Princeton NJ			[Ord. No. 2014-7 Exh. A]
39	Princeton NJ			(a)

	A	B	C	D	E
	<u>Municipality</u>	<u>Emitter Zone</u>	<u>Allowable DB</u> <u>Level In</u> <u>adjoining</u> <u>residential</u> <u>Zone</u>	<u>Hours</u>	<u>Penalties</u>
1					General Penalty. Whenever in this Code, or in any other ordinance or resolution or in any rule, regulation or order promulgated pursuant to this Code or other ordinance of the municipality, any act which is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or in such other ordinance, rule, regulation, resolution or order, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense (and where no specific penalty is provided therefor), the violation of any such provision of this Code or of any other ordinance, rule, regulation, resolution or order, or of any rule, regulation or order promulgated pursuant to this Code, shall be punished by one or more of the following, unless specifically exempted from these penalties as provided in the ordinances: a fine not exceeding \$2,000; imprisonment for a period not to exceed 90 days; or performance of community service for a period not exceeding 90 days.
40	Princeton NJ				(b)
41	Princeton NJ				Repeat Violations. Any person who is convicted of violating this Code or any other ordinance or resolution or any other rule, regulation or order promulgated pursuant to this Code or other ordinance within one year of the date of a previous violation of the same provision, and who was fined for that previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall be neither less than the minimum nor more than the maximum fine fixed for a violation of the provision, but shall be in addition to but calculated separately from the fine imposed for the current violation of the provision.
42	Princeton NJ				
43	Princeton NJ				(c)

		E		
A	B	C	D	
<u>Municipality</u>	<u>Emitter Zone</u>	<u>Allowable DB</u> <u>Level in</u> <u>adjoining</u> <u>residential</u> <u>Zone</u>	<u>Hours</u>	<u>Penalties</u>
1				Alternate Penalties under Certain Circumstances. Whenever any provision of the New Jersey Revised Statutes limits the authority of the municipality to punish the violation of any particular provision of this Code or other ordinance, rule, regulation, resolution or order promulgated pursuant thereto to a fine of less amount than that provided in this section, imprisonment for a shorter term than that provided in this section or community service for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other ordinance, rule, regulation, resolution or order shall be punished by the imposition of not more than the maximum fine, imprisonment and/or community service so authorized.
44				
45	Princeton NJ			(d)
46	Princeton NJ			Minimum Penalty. The council may prescribe in any particular ordinance that for violation of that ordinance a minimum penalty shall be imposed which shall consist of a fine fixed at an amount not exceeding \$100.
47	Princeton NJ			(e)
48	Princeton NJ			Continuing Violations. Each day any violation of this Code or any other ordinance, rule, regulation, resolution or order promulgated pursuant thereto shall continue or shall have continued shall constitute a separate offense, unless otherwise provided in the subject Code, ordinance, rule, regulation, resolution or order. Any person convicted of violating this Code or any ordinance or resolution or any other rule, regulation or order promulgated pursuant to this Code or other ordinance, and who is in default of the payment of any fine imposed for the violations may, in the court's discretion, be imprisoned for a term not exceeding 90 days or be required to perform community service for a period not exceeding 90 days.

Chapter 8.12. NOISE ABATEMENT

8.12.010. Statement of public policy.

Council finds and declares that:

- A. Excessive unreasonably loud, or disturbing noise is a serious hazard to the public health and welfare and the quality of life in a densely populated city and can violate the well-being, tranquility, and privacy of the home. Excessive noise can also deprive the residents of Newport of the fundamental right they have to the peaceable enjoyment of their homes.
- B. A substantial body of science and technology exists by which excessive noise can be substantially abated without serious inconvenience to the public.
- C. Certain of the noise producing equipment in this community is essential to the quality of life herein and should be allowed to continue at reasonable levels with moderate regulation.
- D. Each person has a right to an environment reasonably free from unwelcome noise which jeopardizes health or welfare, degrades the quality of life, or violates the well-being, tranquility, and privacy of the home.
- E. When enacting restrictions on expressive activities by way of laws or ordinances, the protections of the First Amendment must be paramount, and restrictions imposed by such laws and ordinances must be enacted without reference to the content of any expressive activity. However, reasonable restrictions may be made to control the time, place and manner of any such expressive activity, so long as those restrictions are content-neutral and narrowly-tailored to serve a significant governmental interest and leave open ample alternative channels of communication.
- F. The city of Newport is a destination for millions of visitors each year, including those who seasonally rent homes. A vast majority of homes in Newport are located in densely populated neighborhoods that are in close proximity to commercial districts. City officials are inundated with complaints from residents of overcrowding, disorderly behavior, and unreasonably loud and disturbing noise in such neighborhoods. A significant amount of these complaints involves unreasonably loud and disturbing noise in these neighborhoods caused by the human voice or voices late at night or in the early morning hours. There is an urgent need at this time to enact reasonable time, place, and manner restrictions narrowly tailored so as to protect persons from such activity and from unreasonably loud, disturbing or unwelcome noise in general, and to especially protect the wellbeing, tranquility, and privacy of the home.
- G. *It is the declared policy of the city to promote an environment free from excessive, unreasonably loud, or disturbing noise, otherwise properly called noise pollution, which unreasonably jeopardizes the health and welfare of the public, violates and disturbs the well-being, tranquility and privacy of the home, or otherwise degrades the quality of the lives of the residents of this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise-producing equipment which is not amenable to such controls and yet is essential to the quality of life in the community, and at the same time keeping the protections of the First Amendment paramount in enacting any provisions prohibiting noise disturbances without reference to the content of any expressive activity.*

(Ord. 2004-17 § 1 (part), 2004)

8.12.020. Purpose, title and scope.

- A. The purpose of this chapter is to establish standards for the control of noise pollution in the city by setting maximum permissible sound levels for various activities to protect the public health, safety and general welfare.
- B. This chapter may be cited as the "Noise Abatement Chapter" of the city.
- C. This chapter shall apply to the control of all noise originating within the limits of the city or originating from properties lying outside the limits of the city, owned or controlled by the city, except where either:
 - 1. A state or federal agency has adopted a different standard or rule than that prescribed in this chapter and has so preempted the regulation of noise from a particular source as to render this chapter inapplicable thereto; or
 - 2. Council has determined that, by reason of public acceptance of the activity producing a particular noise, such noise is deemed acceptable to the residents of the city.

(Ord. 2004-17 § 1 (part), 2004)

8.12.030. Implementation, administration and enforcement.

- A. This chapter shall be implemented, administered and enforced by the division of police, zoning division, or any other city department or division designated by the director of public safety.
- B. The provisions of this chapter which prohibit a person from making or continuing noise disturbances, or causing the same to be made or continued, across a real property boundary or within noise sensitive areas, shall be enforced by the police division, zoning division, or any other city department or division designated by the director of public safety.
- C. To implement and enforce this chapter, the police division, or any other duly designated city agency, shall have the power to:
 - 1. Conduct research, monitoring and other studies related to sound;
 - 2. Conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for reporting violations;
 - 3. Coordinate the noise control activities of all city departments;
 - 4. Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause sound in violation of this chapter;
 - 5. Issue sound variances pursuant to Section 8.12.180;
 - 6. Prepare recommendations for consideration by council, after publication of notice and after a public hearing, for establishing the boundaries of noise sensitive areas.
- D. Whenever a violation of this chapter occurs and two or more persons are present in or on the lot from which the sound emanates, and it is impossible to determine which of such persons is the violator, the owner of the lot, if present, shall be presumed responsible for the violation. In the absence of such owner, the tenant or tenants of such lot or any person present with the direct consent of the owner shall be held responsible for the violation.

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- E. In the case of continuing violations, the city solicitor may institute an action for injunctive relief against the owner and/or tenant of the lot.

(Ord. 2004-17 § 1 (part), 2004)

8.12.040. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following words and terms shall have the meanings given. Definitions of technical terms used in this chapter, which are not herein defined, shall be obtained from publications of acoustical terminology issued by A.N.S.I. or its successor body.

"A-scale (dBA)" means the sound level in decibels measured using the A-weighted network as specified in A.N.S.I. Standard 1.4-1983 or the latest approved revision thereof, for sound level meters. The level is designated dB(A) or dBA.

"Ambient sound level" means the noise associated with a given environment, exclusive of the sound source under investigation, being usually a composite of sounds from many sources near and far, exclusive of intruding noises from isolated identifiable sources which are intermittent and relatively intense.

"A.N.S.I." means the American National Standards Institute or its successor body.

"C-scale (dBC)" means the sound level in decibels measured using the C-weighted network as specified in A.N.S.I. Standard 1.4-1983 or the latest approved revision thereof, for sound level meters. The level is designated dB(C) or dBC.

"City" means the city of Newport, Rhode Island, or the area within the territorial limits of the city, and such territory outside of the city over which the city has jurisdiction or control by virtue of ownership or any constitutional or Charter provision or any law.

"Construction" means any and all activity necessary or incidental to the erection, assembly, alteration, installation, repair or equipment of buildings, roadways or utilities, including land clearing, grading, excavating and filling.

"Decibel (dB)" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

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

"Dwelling unit" means a building or portion thereof regularly used for residential occupancy.

"Dynamic braking device" means a device used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes. This device is often referred to as a "Jake Brake."

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from imminent exposure to danger.

"Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop-forge impacts and the discharge of firearms.

"Lot" means any area, tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting "platted lots" under the same ownership shall be considered a lot. The lot line or boundary is an

imaginary line at ground level which separates a lot and its vertical extension owned by one person from that owned by another.

"Mixed use" means a dwelling unit or school located in a commercial or industrial zone.

Motorboat. See watercraft.

"Motorcycle" means any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include motorized bicycles, motor scooters, mopeds and the like.

"Motor vehicle" means any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

"Narrow band sound" means sound characterized by normal listeners as having a predominant pitch or series of pitches; sound described by such listeners as "whine," "hiss," "hum," "toot" or "wail."

"Noise control office" means the city department having responsibility for the enforcement of this chapter.

"Noise disturbance" means any sound or sound level that exceeds the standards for such sound or sound level set forth in this chapter. Noise disturbance shall also mean sound from the human voice or voices including but not limited to yelling, laughing, hooting, hollering, screaming, or singing between the hours of twelve a.m. and seven a.m. which exceeds sound or sound level standards set forth in this chapter.

"Noise sensitive activities" means activities which should be conducted under conditions of exceptional quiet, including, but not limited to, operation of schools, libraries open to the public, churches, hospitals and nursing homes.

"Noise sensitive area" means any area posted with noise sensitive signs and subject to the noise levels set forth in Table I of this chapter.

"Nonconforming use" means a use of a structure, building or land which was established as a permitted use and which has been lawfully continued pursuant to the zoning code of the city, but which is not a permitted use in the zone in which it is now located.

"Offroad recreational vehicle" means any motor vehicle, including road vehicles, but excepting watercraft, used off public roads for recreational purposes.

"Person" means any individual, including the owner of premises or tenant, association, partnership or corporation, including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of a state, including the city.

"Physical characteristics of sound" means the steady, impulsive or narrow band property of a sound, the level of the sound and the extent to which it exceeds the background sound level.

"Plainly audible" means any sound that can be detected by a person with normal hearing using his or her unaided hearing faculties. As an example, if the sound source under investigation is a sound amplification or sound reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.

"Port facilities" means any and all public or private facilities used for the repair, loading or unloading of ships within the city, including, but not limited to, shipyards, repair yards and dry docks.

"Powered model vehicle" means any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

"Public right-of-way" means any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public governmental entity.

"Public space" means any real property, including any structure thereon, which is owned or controlled by a governmental entity.

"Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

"Receiving land use" means the use or occupancy of the property, or the actual real property, which receives the transmission of sound.

"Residential property" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

"Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

"Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in A.N.S.I. specifications for sound level meters (A.N.S.I. Standard 1.4-1983, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

"Sound level meter" means an instrument complies with A.N.S.I. Standard 1.4-1983 or the latest approved revision thereof.

"Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

"Sound pressure level" means twenty (20) times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micronewtons per square meter ($20 \times 10^{-6} \text{N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

"Steady sound" means a sound whose level remains essentially constant (± 2 dBA) during the period of the sound level meter.

"Used" and "occupied" include the words "intended, designed or arranged to be" (used or occupied).

"Watercraft" means any contrivance used, or capable of being used, as a means of transportation or recreation on water.

"Zoning districts" means those districts established in the zoning code and indicated on the official zoning map.

(Ord. 2004-17 § 1 (part), 2004)

8.12.050. Measurement of sound.

- A. If the measurements of sound are made with a sound level meter, it shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in A.N.S.I. Standard 1.4-1983, or the latest approved revision thereof. For purposes of this chapter, a sound level meter shall contain at least an A- and C-weighted scale and both fast and slow meter response capabilities.
- B. If the measurements are made with other instruments, the procedure shall be carried out in such a manner that the overall accuracy is at least that called for in A.N.S.I. Standard 1.4-1983, or the latest approved revision thereof, for Type II instruments.

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- C. When the location or distance prescribed in this chapter for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this chapter.
 - D. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city clerk.

(Ord. 2004-17 § 1 (part), 2004)

8.12.060. Exceptions.

The provisions of this chapter shall not apply to:

- A. *The emission of sound for the purpose of alerting persons to the existence of an emergency;*
- B. *The emission of sound in the performance of emergency work;*
- C. *Private or public speaking, including the unamplified human voice, private or public assembly activities conducted on any private property, public space or public right-of-way, except those activities controlled by Section 8.12.120 or prohibited by Sections 8.12.070 and 8.12.100;*
- D. *Agricultural activities, exclusive of those involving the ownership or possession of animals or birds;*
- E. *The emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty;*
- F. *The emission of sound in the discharge of weapons or in fireworks displays licensed by the city, from seven a.m. to ten p.m.;*
- G. *The emission of sound in the operation of snow removal equipment, so long as all internal combustion engines employed in this activity are fitted with a properly functioning muffler at all times; and*
- H. *The emission of sound relative to permitted construction, landscaping, maintenance, and demolition activities, including machinery and equipment used therein, provided that such activities do not occur between nine p.m. and seven a.m. and on Saturdays, Sundays and legal holidays before eight a.m.*
- I. *Work and activities conducted and performed by the city, including but not limited to beach and recreation work and activities as well as other public services.*

(Ord. 2004-17 § 1 (part), 2004)

(Ord. No. 2016-15, § 1, 7-27-2016)

8.12.070. Noise disturbances prohibited.

- A. *No person shall make, continue or cause to be made or continued, except as permitted, any noise or sound which constitutes a noise disturbance, as defined in this chapter.*
- B. *Any person, including a police officer, or a municipal zoning or building official, may be a complainant for the purposes of instituting action for any violation of this chapter. For any violation of this section, the receiving land use involved may include real property contiguous to, or bounding the real property containing the source of the sound which is the subject of the violation.*

(Ord. 2004-17 § 1 (part), 2004)

8.12.080. Maximum permissible sound levels by receiving land use.

- A. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, or unless some other standard or compliance determination location is specifically applied elsewhere in this chapter, the following are the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use:

Table I

Sound Levels by Receiving Land Use and
Penalties for Violating Levels

Location of Receiving Land Use	Time	Sound Limit dBA
Zoning District:		
Residential	7:00 a.m. to 9:59 p.m.	65 dBA
	10:00 p.m. to 6:59 a.m.	55 dBA
Limited Business	1:00 a.m. to 7:00 a.m.	55 dBA
	All other times	75 dBA
General Business	1:00 a.m. to 7:00 a.m.	55 dBA
	All other times	75 dBA
Waterfront Business	1:00 a.m. to 7:00 a.m.	55 dBA
	All other times	75 dBA
Commercial/Industrial	1:00 a.m. to 7:00 a.m.	55 dBA
	All other times	75 dBA
Other:		
Public Water	1:00 a.m. to 7:00 a.m.	55 dBA
	All other times	65 dBA
Noise Sensitive Area	7:00 a.m. to 9:59 p.m.	65 dBA
	10:00 p.m. to 6:59 a.m.	55 dBA

- B. Notwithstanding any other provision of this chapter, any business with a liquor license which is cited for a noise disturbance is subject to the penalty for a violation in the general business district as set out in this section.
- C. For any source of sound which emits narrow band sound, the maximum sound level limits set forth hereinabove shall be reduced by five dBA.
- D. Exceptions to Table I are activities covered by the following Sections: 8.12.090, 8.12.120, 8.12.130, 8.12.150 and 8.12.180.

(Ord. 2004-17 § 1 (part), 2004)

(Ord. No. 2011-020, § 1, 8-10-2011)

8.12.090. Emergency signaling devices.

- A. No person shall operate or permit the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection B of this section.
- B. Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before eight a.m. or after nine p.m. Any such testing shall use only the minimum cycle test time. In no case shall the test time exceed sixty (60) seconds.

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(Supp. No. 75, Update 2)

(Ord. 2004-17 § 1 (part), 2004)

8.12.100. Specific activities prohibited.

- A. **Sales by "Hawking" or "Barking."** No person shall create a noise disturbance by offering for sale or selling anything by shouting or outcry across a real property boundary or in a noise sensitive area.
- B. **Shouting and Loud Conversation.** Between the hours of twelve a.m. and seven a.m. no person shall vocalize at such excessive vocal amplification in a residential zone that is plainly audible at a distance of one hundred (100) feet or more from the point measurement for a duration longer than ten (10) seconds. This includes, but is not limited to: yelling, laughing, hooting, hollering, screaming, or singing. This shall apply to vocalizations that either cross a real property boundary or originate in a public space or public right-of-way.
- C. **Vehicle or Motorboat Repairs or Testing.** No person shall repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a real property boundary or within a noise sensitive area.
- D. **Powered Model Vehicles.** No person shall operate or permit the operation of a powered model vehicle in a public or private space out of doors or within a noise sensitive area between the hours of ten p.m. and seven a.m. the following day.
- E. **Disorderly House.** No person shall do either of the following:
 - 1. Keep a disorderly house or place of public resort whereby the peace, comfort, or decency of a neighbor is habitually disturbed; or
 - 2. Being the owner of, or in control of such premises, and to intentionally permit them to be so used;
 - 3. For purposes of this section, a disorderly house is defined as a residence or dwelling in which one or more noise disturbances resulting in a conviction or convictions in the municipal court have occurred within a three-year period;
 - 4. The owner of such residence or dwelling may assert as a defense reasonable efforts to take action against the perpetrators of the violation of this chapter, including the initiation of eviction proceedings pursuant to Rhode Island General Laws.

(Ord. 2006-4 § 1, 2006; Ord. 2004-17 § 1 (part), 2004)

8.12.110. Musical instruments and similar devices.

No person shall operate, play or permit the operation or playing of any drum, musical instrument or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

(Ord. 2004-17 § 1 (part), 2004)

8.12.120. Regulation of sound equipment and sound amplifying equipment.

No person shall operate play, or permit the operation or playing of any radio, television, phonograph or other sound amplifying equipment so as to create a noise disturbance, except as provided for in Section 8.12.180. For the purposes of determining compliance with this provision, the sound level limits in Section 8.12.080 shall be applied at or beyond the property line of the source of the sound.

(Ord. 2004-17 § 1 (part), 2004)

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(Supp. No. 75, Update 2)

8.12.121. Regulation of radios, cassette and compact disk players, and the like, in public spaces and public rights-of-way.

No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette or compact disk player, or other device for receiving broadcast sound or reproducing recorded sound if the device is located in a public space or a public right-of-way and if the sound generated by the device is plainly audible to a person with normal hearing at a distance greater than seventy-five (75) feet between the hours of seven a.m. and ten p.m., and at a distance greater than twenty-five (25) feet between the hours of ten p.m. and seven a.m.. This section shall not apply to any person participating in a parade or public assembly for which a permit has been obtained.

(Ord. 2004-17 § 1 (part), 2004)

8.12.130. Motorized vehicles.

- A. No person shall operate the engine providing motive power, or any auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rate of ten thousand (10,000) pounds or more for a consecutive period longer than twenty (20) minutes while such vehicle is standing and located within one hundred fifty (150) feet of property zoned and used for residential purposes, except where such vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pick-up vehicles that require the operation of the engine to unload or load their vending loads.
- B. No person shall operate, within the speed limits specified in this section, either a motor vehicle or a combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the noise limit in Table II for the category of motor vehicle, based on the legal speed limit, posted or not, of the road or way on which such vehicle or vehicles are operated. Such noise shall be measured at a distance of not more than fifty (50) feet from the centerline of travel under test procedures established by subsection C of this section. If the distance of the measuring instrument from the centerline of travel is less than fifty (50) feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.

Table II

Type of Vehicle	Noise Limit in Relation to Legal Speed Limit	
	35 mph or less	Over 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more and any combination of vehicles towed by such motor vehicle	88 dB(A)	92 dB(A)
(2) Any motorcycle	82 dB(A)	86 dB(A)
(3) Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle	76 dB(A)	82 dB(A)

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these Codified Ordinances relating to motor vehicle muffler or noise control.

- C. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by A.N.S.I. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements

recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Corrections shall be made for ambient and extraneous sounds that may interfere with the measurement of sound from the source under investigation.

- D. Every motor vehicle and motorboat shall at all times be equipped with a muffler in good working order and in constant operation to prevent noise which exceeds the dBA levels set forth in Table II of this section. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.
- E. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
- F. Motorcycles manufactured after December 31, 1982 (Federal Noise Regulations 40 CFR Part 205):
 - 1. No person shall remove or deface any noise label or mark required by federal law which is affixed to any motorcycle or motorcycle part for purposes of identifying the motorcycle or motorcycle part as a federally regulated product.
 - 2. No person shall operate any road or off-road motorcycle manufactured to federal noise law that does not bear a label or mark on the exhaust system that matches the model specific code of the motorcycle on which the system is installed. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
 - 3. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any competition motorcycle identified for "competition use only" by the noise label or mark required by federal law on any property other than a motor sports facility in a practice session or a racing event. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
 - 4. No person shall operate, nor shall any person cause, allow, permit or fail to control the operation of any motorcycle fitted with an exhaust system or exhaust system component identified for "competition motorcycles only" by the noise label or mark required by federal law on any property other than a motor sports facility in a practice session or a racing event. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated.
- G. No person shall operate a recreation vehicle or permit the operation of one or more recreational vehicles, individually or in a group or in an organized racing event, on public or private property, in such a manner as to create a noise disturbance across a real property boundary or in a noise sensitive area.

(Ord. 2004-17 § 1 (part), 2004)

8.12.140. Construction.

- A. No person shall operate or permit the operation of any tool or equipment in construction, drilling or demolition work, or in preventive maintenance work for public service utilities, which creates a noise disturbance across a residential real property boundary or within a noise sensitive area unless otherwise addressed by other provisions of this code.
- B. This section shall not apply to:

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1. Emergency work or repair work performed by and for governmental entities or public service utilities; or
 2. Work for which a variance has been obtained from council.
- C. The use of domestic power tools or equipment is subject to the noise levels set forth in Section 8.12.080.
- (Ord. 2004-17 § 1 (part), 2004)

8.12.150. Stationary nonemergency signaling devices.

- A. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place, for more than one minute in any one hour.
- B. Devices used in conjunction with on-going religious services shall be exempt from the operation of this section.
- C. Exemptions for sound sources covered by this section, but not exempted under Section 8.12.140(B), may be granted by council under the procedure set forth in Section 8.12.180.

(Ord. 2004-17 § 1 (part), 2004)

8.12.160. Animals and birds.

No person shall own, possess or harbor any animal or bird which frequently or for a continued duration emits sound that is native to the species, which sound exceeds the dBA levels set forth in Section 8.12.080. Further, no animal may make any vocalization for more than five minutes without interruption or more than fifteen (15) minutes if intermittent.

(Ord. 2004-17 § 1 (part), 2004)

8.12.170. Departmental actions.

All departments and agencies of the city shall carry out their programs in furtherance of the policies set forth in this chapter.

(Ord. 2004-17 § 1 (part), 2004)

8.12.180. Sound variances.

- A. Council shall have the authority, consistent with this section, to grant sound variances from this chapter after public hearing.
- B. Any person seeking a sound variance under this section shall file an application with council. The application shall contain information which demonstrates that bringing the source of sound or activity for which the sound variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons.
- C. All applications shall be subject to a fee of fifty dollars (\$50.00) per day if granted and, whether granted or denied, an amount sufficient to cover the cost of advertising and notification to all residents and property owners within one hundred (100) feet of the noise source. Advertisement shall be made at least once, seven days prior to the public hearing, in a newspaper of general circulation in the city. Notification shall be by regular mail at least seven days prior to the public hearing.

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- D. In determining whether to grant or deny an application, or revoke a variance previously granted, council shall balance hardship to the applicant, the community and other persons if the sound variance is not allowed, against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact, if the sound variance is allowed. Applicants for sound variances and persons contesting sound variances may be required to submit any information that council may reasonably require. In granting or denying an application or in revoking a sound variance previously granted, council shall place on public file a copy of the decision and the reasons for granting, denying or revoking the sound variance.
 - E. Sound variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The sound variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the sound variance was granted.
 - F. Determination of modification of a granted variance shall be made in accordance with the rules and procedures set forth in the section for original applications.

(Ord. 2004-17 § 1 (part), 2004)

10/12/21, 0:28 AM

LEAD SOURCE ON ALL (AC)
LAW
Patrol
Patrol
Patrol

Waterland Press (A2) Report (Rev. 30.03.2018, 1) - 30.03.2018 - Reports - Incident Report

Cheng, Kuan-yun; Duan, Shun-hsiung
Institute of Statistics, NCHU

Waterford Public CAD Report (Rev 20) 3/11/2011 11:20 AM 2011-03-11 11:20 AM - Incident Report

Date Source: Data Warehouse
 Incident Status: Closed
 Incident Number: PATHL-2020-0012883

Waterford Police CAD Report (Rev 20.03.85.1) : 20.03.85.1 - Reports - Incident Report

Date Brought Date Waived
Incident Status Closed
Incident Number PATRI-2022-007

Waterford Police CAD Report (Rev 20.303.85.1) : 20.303.85.1 - Reports - Incident Report

Data Source: Data Warehouse
Incident Status: Closed

Waterford Police CAD Report (Rev 20,303.85.1) : 20,303.85.1 - Reports - Incident Report

Data Source: Data Warehouse
Incident Status: Closed
BATH-2021-0022

Incident number: PATRL-2021-0022960
Case Number:
Incident Date: 9/17/2021 22:29:18
Report Generated: 10/12/2021 09:38:49

Alarm Level:

Waterford Police CAD Report (Rev 20.303.88.1) : 20.303.88.1 - Reports - Incident Report

Data Source: Data Warehouse
 Date: 11/11/2019

Data Source: Data Warehouse
Incident Status: Closed
Incident number: PATRL-2021-0021784

Waterford Police CAD Report (Rev 20.303.85.1) : 20.303.85.1 - Reports - Incident Report

Data Source: Data Warehouse
Incident Status: Closed

Incident number: PATRI-2021-0017303
Case Number:
Incident Date: 7/18/2021 16:53:58
Report Generated: 10/12/2021 09:01:11

Waterford Police CAD Report (Rev 20.303.85.1) : 20.303.85.1 - Reports - Incident Report

Date Source: Data Warehouse
Incident Status: Closed

Incident Status: Closed
Incident number: PATRL-2021-0017155
Case Numbers:
Incident Date: 7/18/2021 23:13:52
Report Generated: 10/12/2021 09:24:05

Waterford Police CAD Report (Rev. 20.303.85.1) : 20.303.85.1 - Reports - Incident Report

Page 2.

Waterford Police CAD Report (Rev 20.303.86.1) : 20.303.85.1 - Reports - Incident Report

Date Received: March 1960

Waterford Police CAD Report (Rev 20.303.85.1) : 20.303.85.1 - Reports - Incident Report

Data Source: Data Warehouse
Status: Closed

Data Source: Data Warehouse
Incident Status: Closed
Incident number: PATRL-2021-0008263
Case Numbers:
Incident Date: 4/10/2021 19:24:56

EXHIBIT B

Keep Your Neighbors Happy Choose an Absorptive Noise Barrier

Using the wrong type of noise barrier is a common mistake when installing soundproofing materials. You might be tempted to drive unwanted sound out of the performance space, but installing a reflective sound barrier will only cause sound waves to bounce off one another.

This creates an echo and ultimately increases the noise level in a space. Instead, opt for an absorptive sound barrier. This type of barrier absorbs unwanted noise, ensuring that concertgoers will only hear the best sound.

Installing absorptive panels can soften the sound in your festival space, creating a smoother listening experience for everyone.

Use Appropriate Sound Barrier

A sound barrier won't be effective without the proper placement and sizing, so be sure to measure and plan appropriately. As a general rule, make sure that the height of your barrier measures at least as high as the distance between the receiver and the source of the sound.

For maximum absorption, add 30 percent to this measurement to find the total height. Remember that if your outdoor soundproofing materials are too short or aren't placed properly, they won't absorb sound to the best of their ability.

EXHIBIT C

LETTERS TO THE EDITOR

**Play that funky
music, Filomena!**

I wish to say how much I have enjoyed listening to the band at Filomena's restaurant on the weekends, especially during the COVID pandemic. I only wish it were louder, but that is okay. I can still hear it.

I live on Fog Plain Road in Waterford. I get up and dance and sing along in my yard. I have dogs and I cannot bring them to Filomena's so hearing the fabulous band from my yard works.

Keep on playing that "funky music!"
I love it!

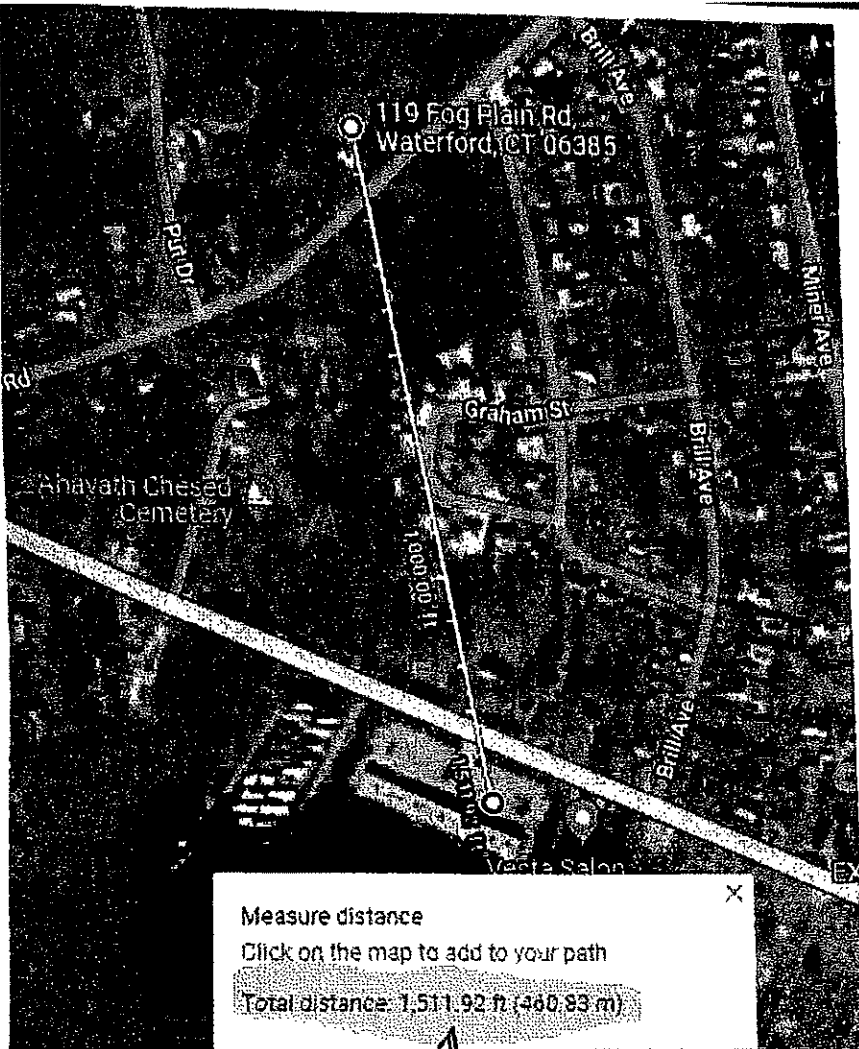
Diane Amburn
Waterford

119 Fog Plain Rd

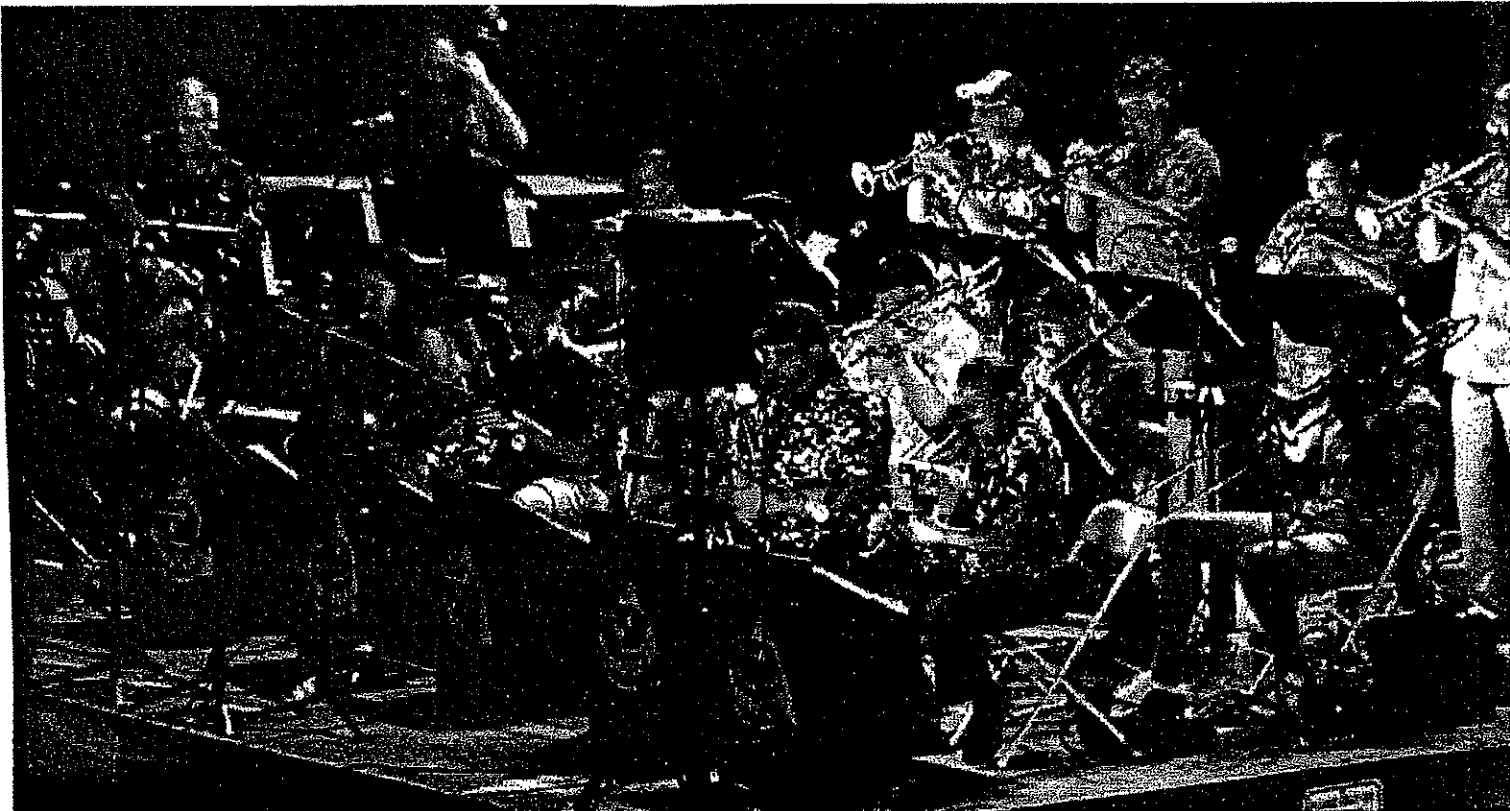
Trump can't run again

Since a fetus is now considered a person, the pregnant woman who was pulled over for using the HOV

EXHIBIT D



↑
119 FOG PLAIN RD
1511 FEET FROM
FILOMENA'S



TUE, AUG 24 AT 6:30 PM

TFJO at Filomena's

Waterford, CT

EXHIBIT E

EXHIBIT F

