

ARTICLE II. NOISE**Sec. 11-41. Purpose.**

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 4-3-00, § 1)

Sec. 11-42. Definitions.

When used in this chapter, the terms below shall have the following meaning:

ANSI. The American National Standards Institute or its successor body. Any ANSI standard referred to in this ordinance shall be deemed to incorporate further revisions by reference.

Background noise. Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone. Those areas so designated for commercial use under the zoning regulations of the town.

Chief of police. The first selectman of the town or his or her designee, provided that, should the town establish a town police force, the first selectman shall designate the chief of the town's police force to enforce and administer the provisions of this ordinance.

Construction. The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

Construction equipment. Any equipment or device operated by fuel or electric power used in construction or demolition.

Continuous noise. Ongoing noise, the intensity of which remains at a measurable level (which may vary) without interruption over an indefinite period or a specified period of time.

Daytime hours. The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel. A unit of measurement of the sound level, the symbol for which is dB.

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

Emergency. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

Emergency vehicle. Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Excessive noise. Any sound, the intensity of which exceeds the standards set forth in section 11-45.

Impulse noise. Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, the level of which is measured with a sound-level meter, which shall conform with ANSI S2.7-1986 (R1993).

Industrial zone. Those areas designated for industrial use under the zoning regulations of the town.

Intrusion alarm. A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle. A vehicle as defined in Subdivision (47) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

Nighttime hours. The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level. The sound-pressure level as measured with a sound-level meter.

Noise level, A-weighted . The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated dBA.

Octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

One-third octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred one-third octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

Peak sound-pressure level (SPL) . The absolute maximum value of the instantaneous sound pressure level occurring in a specified time period.

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

Premises. Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise receptor's "premises" shall include all publicly dedicated street and highway rights-of-way, road rights-of-way and waters of the state lying between the property lines of the noise receptor and a noise emitter whose property line would abut the noise receptor's but for such street, right-of-way, or waters of the state.

Prominent discrete, tone. The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound-pressure level greater than that of either adjacent one-third octave, and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than that shown below, for the one-third octave band containing the concentration of acoustic energy.

TABLE INSET:

1/3 Octave Band Center Frequency (Hz)	average exceedence (dB)
100	16
125	14
160	12
200	11
250	9
315	8
400	7
500	6

630	6
800	5
1000	4
1250	4
1600	4
2000	3
2500	3
3150	3
4000	3
5000	4
6300	4
8000	5
10000	6

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

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

Residential zone. Those areas designated for residential use in the zoning regulations of the town.

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

Sound analyzer. A device, generally used in conjunction with a sound level meter, for measuring the sound-pressure level of a noise as a function of frequency, expressed in hertz (Hz), in octave bands, one-third octave bands or other standard ranges. The sound analyzer shall conform, as a minimum, to Type E, Class II, as specified in ANSI S1.11-1986 (R 1993).

Sound-level meter. An instrument used to measure sound levels. A sound-level meter shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1983 (R 1994).

Sound-pressure level, A-weighted. The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

Sound-pressure level (SPL) . Equals twenty (20) times the logarithm to the base ten of the ratio of the sound pressure in question to the standard reference pressure of twenty (20) micro-Pascals, expressed in decibel (dB) units.

Sec. 11-43. Noise measurement procedures.

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

- (1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
 - (2) Instruments used to determine sound-level measurement shall be sound-level meters and analyzers as defined by this chapter.
 - (3) The following steps should be taken when preparing to take sound-level measurements.
 - (a) The instrument manufacturers specific instructions for the preparation and use of the instrument shall be followed.
 - (b) Measurements to determine compliance with section 11-45 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitters premises and within the noise receptors premises.
- (Ord. of 4-3-00, § 3)

Sec. 11-44. Classification of noise zones.

Noise zones within the town shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received; provided that any parcel whose use is lawfully nonconforming to its zone at the time this section is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use.

TABLE INSET:

Zone	Use	Current Zoning*
A	Residential	MR, FR
B	Commercial	C-1, C-2
C	Industrial	HI, LI, DDD

Note: *Based on the zoning regulations and zoning map of the Town of Durham.
(Ord. of 4-3-00, § 4)

Sec. 11-45. Noise zone standards.

- (a) A-weighted noise level standards.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Zone Class of Noise Receptor			
	A-Day (dBA)	A-Night (dBA)	B (dBA)	C (dBA)
Class A	55	45	55	62
Class B	55	45	62	62
Class C	61	51	66	70

- (b) Octave band noise standards.

- (1) Class A receptor, daytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during daytime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

(2) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40
1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25

(3) Class B or Class C Receptor, at anytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class B or Class C receptor noise zone at anytime, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class B or Class C Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	80	79	72
63	79	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39
4000	48	41	34
8000	45	39	32

(c) Impulsive noise standards.

(1) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of 80 dB peak sound pressure level.

(2) Any receptor, at any time.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to any receptor noise zone at any time, in excess of 100 dB peak sound pressure level.

(d) Prominent discrete tone noise standards.

It shall be unlawful for any person to emit or cause to be emitted any continuous noise beyond the property lines of his/her premises, which possesses one or more audible prominent discrete tones, in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Receptor C (dBA)	Noise B (dBA)	Zone Class A-Day (dBA)	A-Night (dBA)
Class A	57	50	50	40
Class B	57	57	50	40
Class C	65	61	56	46

(Ord. of 4-3-00, § 5)

Sec. 11-46. Delivery trucks.

In addition to the noise prohibitions in Section 11-45, no person shall unload or cause to be unloaded delivery trucks within two hundred (200) feet of a residential district between one (1) hour after sundown and 7:00 a.m.

(Ord. of 4-3-00, § 6)

Sec. 11-47. Exceptions.

(a) This chapter 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 system in an emergency situation.
- (4) A public emergency sound system.
- (5) Warning devices required by the occupational safety and health administration or other state or federal safety regulations.
- (6) Farming equipment or farming activity.

(7) Emergency work or sounds from emergency vehicles responding to an emergency.

(b) The following shall be exempt from this chapter, subject to special conditions as specified.

(1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in Section 11-5 of this chapter.

(2) Noise from domestic power equipment during daytime hours.

(3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.

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

(5) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, concerts and fireworks displays, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

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

(7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(8) Noise created by a fire or intrusion alarm, from the time of activation of the audible signal for a period of time not exceeding ten (10) minutes, when such alarm is attached to a vehicle, or thirty (30) minutes when attached to any building or structure.

(9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.

(10) Public-address systems used in assemblies on public space or for election campaign activities, during daytime hours only.

(11) Snow removal equipment provided the equipment is maintained in good repair so as to minimize noise and that noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(Ord. of 4-3-00, § 7)

Sec. 11-48. Vehicle noise restrictions.

The following activities are prohibited:

(1) *Motor vehicle noise.* All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in C.G.S. § 14-80a.

(2) *Motor vehicle sound-amplifying devices.* No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 11-45.

(3) *Unregistered recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operations of an unregistered recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in section 11-45.

(Ord. of 4-3-00, § 8)

Sec. 11-49. Violations and penalties.

Any person in violation of any of the sections of this chapter shall be fined in an amount not to exceed one hundred (\$100.00) dollars. Each day that such violation continues after the time for correction of the violation given in an order shall constitute a separate violation subject to a fine not to exceed one hundred (\$100.00) per day.

(Ord. of 4-3-00, § 9)

Sec. 11-50. Variances.

(a) Any person living or doing business in the town may apply to the chief of police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the state department of environmental protection regulations for the control of noise, provided that the applicant supplies all of the following information to the chief of police at least thirty (30) days prior to the start of the time period for which the variance is sought:

(1) The location and nature of the activity for which the variance is sought.

(2) The time period and hours of operation of said activity.

(3) The nature and intensity of the noise that will be generated.

(4) The reasons for which the variance is requested, including the economic and technical justifications.

(5) A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

(b) No variance from this chapter shall be granted unless it has been demonstrated that:

(1) The proposed activity will not violate any provisions of the state department of environmental protection noise regulations;

(2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and

(3) Compliance with this ordinance constitutes an unreasonable hardship on the applicant.

(c) The application for a variance shall be reviewed and approved or rejected at least seven (7) days prior to the start of the period for which the variance is sought. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection. The chief of police may attach reasonable conditions to any variance granted including, without limitation, the requirement that noise control measures be taken by the applicant to minimize noise during the period of the variance, and that the applicant submit reports relating to noise and to compliance with any other conditions under which the variance was granted.

(d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 4-3-00, § 10)

Sec. 11-51. Conflict with other provisions of law.

All provisions of the zoning regulations of the town which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional or be superseded by any state or federal law or regulation, this chapter shall not thereby be invalidated, and the remainder of this chapter shall continue in effect.

(Ord. of 4-3-00, § 11)

Sec. 11-52. Administration.

(a) Unless otherwise stated, all notices and fines required or permitted by this ordinance shall emanate from the chief of police. Fines shall be paid to the chief of police.

(b) Interest shall accrue at the rate of one and one-half (1.5) percent per month on all fines outstanding for periods in excess of thirty (30) days.

(c) Fines and interest payable under this section shall be deposited into the town's general fund.

(Ord. of 4-3-00, § 12)

Sec. 11-53. Appeal.

(a) The board of selectmen shall serve as an appeals board for fines imposed under this section.

(b) Whenever a fine is imposed under this section, the person fined, may, within ten (10) days from the date of the noise emission appearing on the notice of the fine, appeal by filing a written notice of appeal with the first selectmen. The board of selectmen shall begin hearing the appeal no later than thirty (30) days from its receipt by the first selectman. The board of selectmen shall render a written decision on the appeal within seven (7) days of conclusion of the hearing. The filing of an appeal shall stay collection of any fine imposed until such time as a decision is rendered on the appeal.

(c) The board of selectmen may designate a panel of three (3) persons to serve as an appeal board for any fine or fines appealed from under this section 11-53. Any such panel shall follow the schedule in subsection (b) for hearing and deciding appeals.

(Ord. of 4-3-00, § 13)

Sec. 11-54. Enforcement.

(a) The board of selectmen may choose to enforce the provisions of this ordinance by citation and hearing as permitted by C.G.S. 7-152(c). The citation hearing procedure will then serve as the appeals procedure in lieu of that set forth in section 11-53.

(b) The first selectman is authorized to institute civil or criminal proceedings as necessary to enforce the provisions of this section.

(Ord. of 4-3-00, § 14)

ARTICLE III. NOISE*

***State law references:** Municipal authority to enforce noise control ordinances, G.S. § 22a-73.

Sec. 13-46. Short title.

This article may be cited as the "Town Noise Control Ordinance".
(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-47. Purpose.

Pursuant to the general authority of G.S. § 7-148, and the specific authority of G.S. § 22a-73(c), it is hereby resolved that, to preserve and promote the health, safety and general welfare of the citizens of the Town of Trumbull (the "Town"), it is in the common interest to enact reasonable regulations pertaining to the reduction, control and or prevention of noise so as to promote a general environment free from excessive noise and vibration.
(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-48. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

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

Chief of Police shall mean the Chief of Police of the Town of Trumbull or a duly authorized officer subject to his orders.

Commercial zone shall mean all commercial zones and business zones, (B-C) as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

Day shall mean the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 9:00 p.m. on Sundays.

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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

Domestic power equipment shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle shall mean any motor vehicle authorized by the Town to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency work shall mean 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.

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

Industrial zone shall mean all industrial zones (I-L, I-L2, I-L3), as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

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

Motor vehicle shall be defined as per G.S. § 14-1(47).

Muffler shall mean a device for abating sounds such as escaping gases.

Night shall mean the hours between 9:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 13-50 of this chapter.

Noise level shall mean the sound pressure level as measured with a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

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

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

Property line shall mean that real or imaginary line along the ground surface and its vertical extension which:

- (a) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and
- (b) Separates real property from the public right-of-way.

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

Recreational vehicle shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

Residential zone shall mean all residential zones, (AAA, AA, A, PRCZ, PAHZ), as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone, which corresponds to the actual use.

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

Sound level meter shall mean an instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 (Type S2A), or latest revision.

Sound pressure level shall mean 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 is expressed in decibels (dB).
(Res. No. TC11-57, 8-4-86; Res. No. TC17-3, 1-5-98; Res. No. TC20-157, 11-9-04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-49. Noise level measurement procedures.

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

- (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 sound level meters, as defined in this article.
- (3) The general steps listed below shall be followed when preparing to take sound level measurements:
 - a. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
 - b. The sound level meter shall be calibrated before and after each set of measurements;
 - c. When measurements are taken out-of-doors, a windscreen shall be placed over the microphone of the sound level meter, as per the manufacturer's instructions;
 - d. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements;
 - e. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-50. Noise levels.

(a) *[Unlawful.]* It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

(b) *Noise level standards.*

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

Emitter's zone: Residential

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	55dBA
Residential/day	55dBA
Residential/night	45dBA

(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: Commercial

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	62dBA
Residential/day	55dBA
Residential/night	45dBA

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

Emitter's zone: Industrial

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	70dBA
Commercial	66dBA
Residential/day	55dBA
Residential/night	45dBA

(4) Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

(c) *High background noise levels and impulse noise.*

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this article shall emit noise in excess of eighty (80) dBA at any time, and provided that this section, does not decrease the permissible levels of other sections of this article.

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

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

(d) *Exclusions.* These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) The unamplified human voice.

(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 on motor vehicles not terminating within ten (10) minutes or on buildings not terminating within thirty (30) 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.

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

- (5) Farming equipment or farming activities.
 - (6) Home and commercial generators during periods of lost power.
 - (7) Nighttime public road maintenance and line painting.
 - (8) Sound created by bells, carillons or chimes associated with specific religious observances.
 - (e) *Exemptions.* The following shall be exempt from these regulations, subject to special conditions as spelled out:
 - (1) Noise generated by any construction equipment, which is operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays.
 - (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 9:00 p.m., Monday through Saturday, and between the hours of 9:00 a.m. and 8:00 p.m. on Sundays, provided that noise discharge from exhaust is adequately muffled.
 - (4) Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled.
 - (5) Noise from demolition work conducted between the hours of 7:00 a.m. and 6:00 p.m., provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
 - (6) Noise created by any aircraft flight operations that are specifically preempted by the Federal Aviation Administration.
 - (7) Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the Town, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays.
 - (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specific 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 solid waste and recycling collection between the hours of 7:00 a.m. and 6:00 p.m.
- (Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-51. Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle, unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) *Advertising.* No person shall at anytime use any drum, bell or other instrument or device for purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise.
- (Res. No. TC11-57, 8-4-86; Res. No. TC19-28, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-52. Motor and recreational vehicle noise.

- (a) All motor and recreational vehicles within the limits of the Town shall be subject to the noise standards and decibel levels as found in G.S. Title 14, § 14-80a.
 - (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection 13-50(b).
- (Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Motor vehicles and traffic, Ch. 12.

Sec. 13-53. Inspections.

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

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

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

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

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Motor vehicles and traffic, Ch. 12.

Sec. 13-54. Enforcement.

(a) Any person aggrieved by any act constituting a violation of this article may complain to the Police Department who shall enforce this article.

(b) The police are also authorized to enforce this article without any such complaint.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-55. Penalties.

(a) Violators may be served with an infraction notice, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offence cited. Fines shall be in the amount of seventy-five dollars (\$75.00) for the first offence, and one hundred dollars (\$100.00) for each subsequent offence.

(b) Said fine amounts as may be levied may be adjusted without further municipal action so as to be in conformity with the State of Connecticut, Superior Court, Mail in Violations and Infractions Schedule, as it may be amended from time to time. Nothing in this article shall prevent the Police Department, because of the perceived nature of the offence, from proceeding not under the terms of this article, but under the provisions of G.S. §§ 53a-181, 53a-181a, 53a-182, and 53l-181, as they may be amended from time to time, which sections relate, generally to breach of peace, creating a public disturbance, and disorderly conduct, etc.

(Res. No. TC11-57, 8-4-86; Res. No. TC13-100, 10-7-91; Res. No. TC19-26, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-56. Variances and contracts.

(a) *Variances.*

(1) Any person living or doing business in the Town may apply to the Trumbull Monroe Regional Health District for a variance from one (1) or more of the provisions of this article, which are more stringent than the State Department of Environmental Protection regulations for

the control of noise, provided that the applicant supplies all of the following information to the Director of Health:

- a. The location and nature of the activity;
- b. The time period and the hours of operation of the activity;
- c. The nature and intensity of the noise that will be generated; and
- d. Any other information required by the Director of Health.

(2) No variance from this article shall be issued unless it has been demonstrated that:

- a. The proposed activity will not violate any provisions for the State Department of Environmental Protection regulations;
- b. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- c. Compliance with this article constitutes an unreasonable hardship on the applicant.

(3) The application for the variance shall be reviewed and either approved or rejected within fifteen (15) days of the receipt by the Director of Health. The approval or rejection shall be in writing and shall state the conditions of approval of the variance.

(4) Failure to rule on the application in the designated time shall constitute approval of the variance.

(b) *Recourse.* Any person aggrieved by the decision of the Director of Health with the respect to any variance may appeal same to the Zoning Board of Appeals within a period of ten (10) days of receipt of the Health Director's decision.

(c) *Contracts.* Any written agreement, purchase order or contract whereby the Town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactured without violating the provisions of this article.

(Res. No. TC11-57, 8-4-86; Res. No. TC19-28, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-57. Conflicting provisions.

All provisions of the zoning regulations of the Town which are more stringent than those set forth in this article shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional, this article shall hereby be invalidated and the remainder of this article shall continue in effect. Any provision herein which is in conflict with the state statutes or the public health code of this state are hereby repealed, it being understood that such statutes and code shall take precedence over this article.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Chapter 12 NOISE*

***State law references:** Authority to prevent disturbing noises, G.S. § 7-148(c)(7)(H)(viii).

Sec. 12-1. Short title.

This chapter shall be known as the town noise control ordinance.
(Ord. of 6-22-81(5), § 1)

Sec. 12-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Commercial zone means commercial district, commercial boating, turnpike interchange commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

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

Daytime hours means the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours of 9:00 a.m. through 10:00 p.m. on Sundays.

Decibel means logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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

Domestic power equipment means, but is not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle means any motor vehicle authorized by the town to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

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.

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

Industrial zone means industrial district as defined by the zoning regulations of the town.

Motor vehicle means that term as defined in section 14-1(26) of the General Statutes.

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

Nighttime hours means the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise means any sound, the intensity of which exceeds the standards set forth in section 12-5(b).

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

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

Property line 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.

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.

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

Residential zone means all residential districts, R.R., L.R., M.L.R., M.H.R., H.R. and commercial where used for residential purposes, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use.

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.

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

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 is expressed in decibels (dB).
(Ord. of 6-22-81(5), § 3)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 12-3. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 6-22-81(5), § 2)

Sec. 12-4. Noise level measurement procedures.

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

- (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 sound level meters as defined by this chapter.
 - (3) The general steps listed below shall be followed when preparing to take sound level measurements:
 - a. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - b. The sound level meter shall be calibrated before and after each set of measurements.
 - c. 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.
 - d. The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.
 - e. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
 - (4) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled Connecticut Noise Survey Data Form No. 101.
- (Ord. of 6-22-81(5), § 4)

Sec. 12-5. Noise levels.

(a) *Generally.* It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this section.

(b) *Noise level standards.*

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

TABLE INSET:

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

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

TABLE INSET:

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

(3) No person in an industrial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

(c) *High background noise levels and impulse noise.*

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.

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

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

(d) *Exclusions.* These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena;

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

(3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful;

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

(5) Farming equipment or farming activity.

(e) *Exemptions.* The following shall be exempt from these regulations subject to special conditions as spelled out:

(1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in subsection (b) of this section;

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

(3) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours;

(4) Noise from snow removal equipment;

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

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

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

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

(9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(Ord. of 6-22-81(5), § 5)

Sec. 12-6. Prohibited noise activities.

The following activities are prohibited:

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

(2) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises.

(3) *Exhaust discharge.* No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge is through a muffler as defined by section 12-2 or through an apparatus providing equal noise reduction.

(Ord. of 6-22-81(5), § 6)

Sec. 12-7. Motor vehicle noise.

(a) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the General Statutes.

(b) No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 12-5(b).

(Ord. of 6-22-81(5), § 7)

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 12-8. Recreational vehicle noise.

No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in section 12-5(b).

(Ord. of 6-22-81(5), § 8)

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 12-9. Inspections.

(a) For the purpose of determining compliance with the provisions of this chapter, the board of selectmen is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. If any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the board of selectmen may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the board of selectmen free access to any premises when the board of selectmen is acting in compliance with a warrant for inspection and order issued by the appropriate court.

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

(d) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his duties under this section.
(Ord. of 6-22-81(5), § 9)

Sec. 12-10. Penalties.

Any person in violation of any of the provisions of this chapter shall be deemed guilty of a violation and upon conviction thereof shall be fined in an amount not to exceed twenty-five dollars (\$25.00). Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a continuing violation and the amount of the fine shall be doubled for each day the violation continues, such fine not to exceed four hundred dollars (\$400.00) per day.
(Ord. of 6-22-81(5), § 10)

Sec. 12-11. Variance and contracts.

(a) *Variances.*

(1) Any person living or doing business in the town may apply to the board of selectmen for a variance from one (1) or more of the provisions of this chapter, which are more stringent than the state department of environmental protection regulation for the control of noise, provided that the applicant supplies all of the following information to the board of selectmen at least twenty (20) days prior to the start of the activity:

- a. The location and nature of the activity;
- b. The time period and hours of operation of the activity;
- c. The nature and intensity of the noise that will be generated;
- d. Any other information required by the board of selectmen.

(2) No variance from this chapter shall be issued unless it has been demonstrated that:

- a. The proposed activity will not violate any provisions of the state department of environmental protection regulations.
- b. The noise levels generated by the proposed activity will not constitute a danger to the public health.
- c. Compliance with the regulations constitutes an unreasonable hardship on the applicant.

(3) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

(4) Failure to rule on the application in the designated time shall constitute approval of the variance.

(b) *Contracts.* Any written agreement, purchase order or contract whereby the town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed, conducted or manufactured without violating the provisions of this chapter.

(Ord. of 6-22-81(5), § 11)

Sec. 12-12. Effect of zoning regulations.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this chapter shall remain in force.

(Ord. of 6-22-81(5), § 12)

ARTICLE III. NOISE**Sec. 8-46. Short title.**

The title of this article shall be "The Town of Seymour Noise Control Ordinance."
(Ord. of 6-27-83, § 1)

Sec. 8-47. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 6-27-83, § 2)

Sec. 8-48. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Ambient noise or *background noise* shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Commercial zone shall mean commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use. Central commercial: CBD-1 central business district; general commercial C-2; recreational commercial RC-3.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition of public or private rights-of-way, structures, utilities, or similar property.

Construction equipment shall mean any equipment or device operated by fuel or electric power used in construction or demolition.

Daytime hours shall mean the hours between 7:00 a.m. and 9:00 p.m. Monday through Sunday, and the hours between 7:00 a.m. through 9:00 p.m. on holidays which fall into these parameters.

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound which symbol is dB.

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

Domestic power equipment shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle shall mean any motor vehicle authorized by the state to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

Emergency work shall mean 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.

Impulse noise shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Industrial zone shall mean industrial district as defined by the zoning regulations of the town, limited and general: Limited industrial LI-1; general industrial GI-2.

Motor vehicle shall be defined as per section 14-1(26) of the general statutes.

Muffler shall mean a device for abating sounds such as escaping gases.

Nighttime hours shall mean the hours between 9:00 p.m. and 7:00 a.m. Monday through Sunday, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 8-52.

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

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

Property line shall mean 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 from the public right-of-way.

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

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

Residential zone shall mean residential district as defined in zoning regulations of the town. Residence R-40 residential, 40,000 square feet; residence R-15 residential 15,000 square feet; residence TH-townhouses; residence GA-garden apartment. The boundaries are established in the zoning regulations of the town as shown on the zoning map.

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

Sound level meter shall mean an instrument used to take sound level measurements and which should conform, as a minimum to the operational specifications of the American National Standards Institute for sound level meters St. 4-1971 (Type S2A).

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

(Ord. of 6-27-83, §§ 3.1--3.27)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 8-49. Noise level measurement procedures.

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

(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 sound level meters as defined by this article.

(Ord. of 6-27-83, § 4.2)

Sec. 8-50. Sound level measurements.

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

- (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
- (2) The sound level meter shall be calibrated before and after each set of measurements and shall be approved by the department of environmental protection;
- (3) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions;
- (4) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements;
- (5) Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's premises within the receptor's noise zone. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(Ord. of 6-27-83, § 4.3)

Sec. 8-51. Noise levels--Generally.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this article.

Sec. 8-52. Same--Standards.

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

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Indus-trial	Commer-cial	Resi-dential/Day	Resi-dential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

- (b) No person and/or property owner in a commercial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zone:

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Indus-trial	Commer-cial	Resi-dential/Day	Resi- dential/Night
Commercial				
62 dBA	62 dBA	55 dBA	45 dBA	

(c) No person and/or property owner in an industrial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones.

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Industrial				
70 dBA	66 dBA	61 dBA	51 dBA	

(Ord. of 6-27-83, § 5.2)

Sec. 8-53. High background noise levels and impulse noise.

(a) In those individual cases where the background noise levels caused by sources not subject to this article, exceed the standards contained in section 8-52, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the provisions of this article shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this article.

(b) No person shall cause or allow the emission of impulse noise in excess of 80 dB 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 100 dB peak sound pressure level at any time to any zone.

(Ord. of 6-27-83, § 5.3)

Sec. 8-54. Exclusions.

The levels enumerated in sections 8-52 and 8-53 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 situations, provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful;
- (4) Warning devices required by OSHA or other state or federal safety regulations;
- (5) Farming equipment or farming activity.

(Ord. of 6-27-83, § 5.4)

Sec. 8-55. Exemptions.

The following shall be exempt from the provisions of this article, subject to special conditions as spelled out:

- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 8-52;
- (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, grinder, lawn and garden tools or similar devices operated during daytime hours with proper muffler equipment;
 - (4) Noise from snow-removal equipment with proper muffler equipment;
 - (5) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this article;
 - (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
 - (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including, but not limited to parades, sporting events, concerts, and firework displays; limiting time to be included on permit;
 - (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
 - (9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (Ord. of 6-27-83, § 5.5)

Sec. 8-56. Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall, at any time, sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten minutes when such vehicle is parked on a residential premise or on a town road next to a residential premise.
 - (3) *Exhaust discharge.* No person shall discharge into the ambient air the blowdown of any steam vent of the exhaust of any stationary internal-combustion engine or air compressor equipment unless such discharge be through a muffler, as defined by section 8-48 or through an apparatus providing equal noise reduction.
- (Ord. of 6-27-83, § 6.3)

Sec. 8-57. Motor vehicle noise.

- (a) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the general statutes.
 - (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 8-52.
- (Ord. of 6-27-83, § 7.2)

Cross references: Traffic and motor vehicles, Ch. 16.

Sec. 8-58. Recreational vehicle noise.

No person shall create or cause to create any unreasonable loud or disturbing noise due to the operation of the recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this article when the noise so generated exceeds the noise level standards set forth in section 8-52.

(Ord. of 6-27-83, § 8.1)

Sec. 8-59. Inspections.

(a) For the purposes of determining compliance with the provisions of this article, the Chief of Police or his authorized agent, is hereby authorized to make inspections of all noise sources and take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses of [or] restricts entry and free access to any part of a premises or refuses inspection, testing, or noise measurements of any activity, or process where inspection is sought, the Chief of Police or his authorized agent, through the town, may seek from the appropriate court a warrant or other appropriate order for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his authorized agent, free access to any premises when the Chief of Police or his authorized agent, is acting in compliance with a warrant or other order for inspection.

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

(d) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his duties under this article.

(Ord. of 6-27-83, §§ 9.1--9.5; Ord. approved 1-20-09(2), eff. 1-27-09)

Sec. 8-60. Contracts.

Any written agreement, purchase order or contract whereby the town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactures without violating the provisions of this article.

(Ord. of 6-27-83, § 11.1)

Sec. 8-61. Penalties.

(a) The Chief of Police or his authorized agent, whenever he finds, after investigation, that any person is causing, engaging in or maintaining any condition or activity which, in his judgement, constitutes a violation of these regulations may, without hearing, issue a written warning to such person to discontinue, abate or alleviate such condition or activity. Such person or persons issued a written warning may appeal within ten days. The appeal shall be made in compliance with the town ordinance of March 2, 2004, which establishes a hearing procedure. Any subsequent fine or penalty imposed by this ordinance may be appealed in a manner provided by said appeal ordinance. If such person or persons continue after receiving a written warning, section (b) of this penalty section will be implemented.

(b) Any person in violation of any of the provisions of this article shall be fined in the amount of \$100.00. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day the violation continues, such fine shall not exceed \$400.00 per day.

(Ord. of 6-27-83, §§ 10.1, 10.2; Ord. approved 1-20-09(2), eff. 1-27-09)

ARTICLE IV. NOISE**Sec. 38-101. Declaration of policy**

Excessive noise must be controlled by the town to protect, preserve and promote the public health, safety and welfare. The town council recognizes the fact that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare.

(Ord. No. 01-5, § 6A-1, 5-7-2001)

Sec. 38-102. Definitions.

As used in this article, the following words and terms shall have the meanings hereinafter set forth:

Background noise means noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90 percent of the time (L 90) in which the measurement is taken.

Business zone means those areas so designated under the zoning regulations of the town.

Chief of police means the duly appointed chief of police of the town or his designee.

Construction means the assembly, erection, substantial repair, alteration, demolition, or site-preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

Day-time hours means the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel means a unit of measurement of the sound level, the symbol for which is dB.

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

Excessive noise means any sound, the intensity of which exceeds the standards set forth in section 38-106.

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

Industrial zone means those areas so designated under the zoning regulations of the town in appendix B.

Intrusion alarm means a device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

L 90 means the A-weighted sound pressure level exceeded 90 percent of the time period during which measurement was made.

Motor vehicle means a vehicle as defined in G.S. § 14-1(47).

Nighttime hours means the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level means a frequency weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

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.

Premises means any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

Property maintenance equipment means all engine or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers.

Public emergency sound signal means a device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

Public facility maintenance means all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

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

Residential zone means those areas so designated under the zoning regulations of the town.

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.

Sound level meter means an instrument used to measure sound pressure levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for sound level meters ANSI S1.4-1983 (R 1997) (Type 1).

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of 20 micropascals, expressed in decibels (dB) units.

Town manager means the duly appointed town manager of the town or his designee.
(Ord. No. 01-5, § 6A-2, 5-7-2001)

Sec. 38-103. Exclusions.

This article shall not apply to noise emitted by or related to:

- (1) Natural phenomena.
- (2) The unamplified sound made by any wild animal.
- (3) A bell or chime from any building clock, school or church.
- (4) A public emergency sound signal.
- (5) Warning devices required by OSHA or other state or federal safety regulations.
- (6) Farming equipment or farming activity.
- (7) An emergency.
- (8) Snow removal.

(Ord. No. 01-5, § 6A-3, 5-7-2001)

Sec. 38-104. Exemptions.

The following shall be exempt from this article subject to the special conditions noted:

- (1) Noise created by the operation of properly maintained and properly functioning property maintenance equipment during day-time hours.
- (2) Noise generated by any construction equipment operated during day-time hours.
- (3) Noise created by any recreational activities which are sanctioned by the town, including, but not limited to, parades, sporting events, concerts and firework displays. Any equipment related to such recreational activities shall be properly maintained and properly functioning.
- (4) Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from state or local authorities.
- (5) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.

(6) Noise created by a properly maintained and properly functioning fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten minutes when such alarm is attached to a vehicle or 30 minutes when attached to any building or structure.

(7) Noise created by public facility maintenance during day-time hours.

(Ord. No. 01-5, § 6A-4, 5-7-2001)

Sec. 38-105. Noise level measurement procedures

For the purpose of determining noise levels as set forth in this article, and as set forth in Connecticut Regulations G.S. § 22a-69-4, the following procedures shall be applicable:

(1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.

(2) Instruments used to determine sound level measurements shall be sound level meters as defined in this article.

(3) The following steps shall be taken when preparing to take sound level measurements:

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

b. Measurements to determine compliance with section 38-106, in those cases where a receptor is an abutter to the emitter, shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and at a point within the receptor's premise. In those cases where the receptor is not an abutter to the emitter, measurements to determine compliance with section 38-106 shall be taken at a point that is located more or less one foot within the boundary of the receptor's premises.

c. The person conducting the testing shall prepare a written report to include, but not necessarily be limited to, such information as date, time, location, observation of conditions of the environment such as identification of noise source, weather, traffic and other pertinent data.

(4) The zoning enforcement officer is charged with assisting in training efforts and with assisting emitters in their efforts to comply with the standards set forth herein.

(5) The director of planning and community development and the zoning enforcement officer are charged with the review of development proposals during the administrative review process to determine the potential for violation of this article and to assist potential emitters in their efforts to comply with the standards set forth herein.

(Ord. No. 01-5, § 6A-5, 5-7-2001)

Sec. 38-106. Noise levels.

(a) *Noise levels.* It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this article.

(b) *Noise level standards.* No person shall emit noise exceeding the levels stated herein.

TABLE INSET:

	Zone in Which Receptor is Located>			
Zone in Which Emitter is Located	Industrial (dBA)	Business (dBA)	Residential Day-time Hours (dBA)	Residential Night-time Hours (dBA)
Industrial	70	66	61	51
Business	62	62	55	45

Residential	62	55	55	45
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(c) *Background noise and impulse noise.*

(1) In those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to this article shall emit noise in excess of 80 dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this article.

(2) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during night-time hours.

(3) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time.

(d) *Short term noise.* In measuring compliance with the noise level standards, the following short term noise level excursions over the noise level standards established by this article shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith:

TABLE INSET:

Allowable Levels Above Standards (dBA)	Time Period of Such Levels (Minutes/Hour)
3	15
6	7
8	5

(e) *Existing noise sources.* Existing noise sources constructed between January 1, 1960, and June 15, 1978, shall be provided a permanent five dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source. Existing noise sources constructed prior to 1960 shall be provided a permanent ten dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source.

(f) *Motor vehicle noise.*

(1) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, Section 14-80a-4a entitled "Maximum Permissible Noise Levels For Vehicles."

(2) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in this article.

(g) *Recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this article when the noise so generated exceeds the noise level standards in this article.

(h) *Existing state law.* Nothing in this article shall be construed to limit the powers of the police to enforce applicable state laws, including, but not limited to, breach of the peace, motor vehicle noise, or recreational vehicle noise.

(Ord. No. 01-5, § 6A-6, 5-7-2001)

Sec. 38-107. Enforcement.

Violations of this article shall be enforced by the chief of police. The chief of police may develop procedures consistent with this article, including, but not limited to: Metering, training, and issuance of violation notices.

(Ord. No. 01-5, § 6A-7, 5-7-2001)

Sec. 38-108. Violations and penalties.

(a) Any person found to be in violation of any sections of this article for the first time, who is willing to correct the violation, shall be given a two-week grace period in which to correct the violation. The chief of police shall refer the person found to be in violation to the director of planning and community development and the zoning enforcement officer to receive direction for corrective action. Provided all necessary applications related to the corrective action are filed with the relevant land use agency within the two-week grace period, the town manager may extend the grace period pending the review of the applications.

(b) Any person found to be in violation of any sections of this article: After the grace period referred to in subsection (a); or, who is unwilling to correct the violation; or, for the second or successive times, shall be fined in an amount not to exceed \$50.00 per day that such violation continues. The chief of police shall continue to meter the violation.

(c) In the event that the violation is not corrected and/or the fine is not paid, the chief of police may request that the town attorney determine appropriate legal or equitable action or proceeding before the superior court against the person or persons responsible for the violation. The remedies sought may include, but are not limited to, judicial enforcement of the fines and/or injunctive relief.

(Ord. No. 01-5, § 6A-8, 5-7-2001)

Sec. 38-109. Variance.

(a) Any person residing or doing business in the town may apply to the town manager for a variance from one or more of the provisions of this article which are more stringent than the state department of environmental protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the town manager at least 20 days prior to the start of said activity:

- (1) The 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.
- (4) Any other information required by the town manager.

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

(1) The proposed activity will not violate any provisions of the state department of environmental protection regulations.

(2) The noise levels generated by the proposed activity will not constitute a danger to the public health.

(3) Compliance with this article constitutes an unreasonable hardship on the applicant.

(c) The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

(Ord. No. 01-5, § 6A-9, 5-7-2001)

Sec. 38-110. Zoning regulations.

All provisions of the zoning regulations (in appendix B) which are more stringent than those set forth herein, shall remain in force.

(Ord. No. 01-5, § 6A-10, 5-7-2001)

Secs. 38-111--38-140. Reserved.

ARTICLE III. NOISE CONTROL**Sec. 50-61. Purpose of article.**

The policy of the state under C.G.S. § 22a-67 is to promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state. To that end, the purpose of this article is to establish a means for effective enforcement of a noise pollution standard. Further, the state legislature has found, and the town council finds and declares that:

- (1) Excessive noise is a serious hazard to the health, welfare and quality of life of the citizens of the state and the town.
 - (2) Exposure to certain levels of noise can result in physiological, psychological and economic damage.
 - (3) A substantial body of science and technology exists by which excessive noise may be substantially abated.
 - (4) The primary responsibility for control of noise rests with the state and towns.
 - (5) Each person has a right to an environment free from excessive noise that may jeopardize his health, safety or welfare.
- (Ord. No. 145, § 1, 12-15-97)

Sec. 50-62. Penalty for violation of article.

Any person or business violating any of the provisions of this article shall be deemed guilty of a municipal violation and punished as provided in section 1-12.

(Ord. No. 145, § 7, 12-15-97)

Sec. 50-63. Effect of more stringent zoning regulations.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this article, shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional or superceded by any state law or regulation, this article shall not thereby be invalidated, and the remainder of the article shall continue in effect.

(Ord. No. 145, § 8, 12-15-97)

Sec. 50-64. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Background noise means noise which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Daytime hours means the hours between 7:00 a.m. and 8:00 p.m. on every day but Sunday and the hours of 9:00 a.m. through 8:00 p.m. on Sundays.

Decibel means a unit of measurement of the sound level.

Impulse noise means a sound of short duration, usually less than one second, with an abrupt onset and rapid decay, where such sound is not repetitive.

Nighttime hours means the hours between 8:00 p.m. and 7:00 a.m. each day from Sunday evening through Saturday morning except that night shall mean the hours between 8:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise control officer means the individual so designated by the town manager as the person responsible to enforce this article and report to the town manager regarding violations and/or noncompliance with this article.

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

(Ord. No. 145, § 2, 12-15-97)

Cross references: Definitions generally, § 1-2.

Sec. 50-65. Performance standards.

It shall be the responsibility of the designated noise control officer to enforce all aspects of this article, including the following:

(1) No noise shall be emitted beyond the boundaries of a lot or parcel in excess of the noise levels established in this article;

(2) Noise emitted from commercial and industrial zones beyond the boundary of the lot or parcel shall not exceed the levels stated in the following table to the respective adjacent residential, commercial or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/ Day	Residential/ Night
Commercial:	62dBA	62dBA	55dBA	45dBA
Industrial:	70dBA	66dBA	61dBA	51dBA

The above levels represent the current levels adopted by the state. If the state changes its levels in the future, the levels of this article will automatically be changed to correspond with the new state levels. Measurements shall be taken at several different points located beyond the boundary of the emitter's lot or parcel in various locations throughout the receptor parcel or parcels in an attempt to locate the loudest noise level emitted;

(3) High background noise levels and impulse noises are those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained in this section. A source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5dBA, provided that no source subject to the provisions of this article shall emit noise in excess of 80dBA at any time; and provided that this section does not decrease the permissible levels of other sections of this article. Further, no impulse noise shall be caused or allowed in excess of 80dBA peak sound pressure level during the nighttime hours to any residential zone or use and the emission of impulse noise shall not be caused or allowed in excess of 100dBA peak sound pressure level at any time to any zone or use; and

(4) Exclusions and exceptions shall be in accordance with regulations of the state department of environmental protection, C.G.S. §§ 22a-69-1.7, 22a-69-1.8.

(Ord. No. 145, § 3, 12-15-97)

Sec. 50-66. Specific prohibitions.

The operation of lawnmowers, leaf blowers, snow blowers, tractors, chain saws or other machinery powered by an internal combustion engine is prohibited between the hours of 8:00 p.m. and 8:00 a.m., except during the 24-hour period immediately following a snowfall or other weather-related emergency.

(Ord. No. 145, § 4(a), 12-15-97)

Sec. 50-67. Exempted activities and uses.

The following activities and uses shall be exempt from this article:

- (1) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency; and
 - (2) Noises emanating from municipal vehicles, such as snow plows, garbage trucks, emergency road trucks and other emergency vehicles.
- (Ord. No. 145, § 4(b), 12-15-97)

Sec. 50-68. Determination of offense.

The standards which shall be considered by the noise control officer in determining whether a violation of this article exists shall include, but shall not be limited to, the following:

- (1) The level of noise;
 - (2) Whether the origin of the noise is natural or unnatural;
 - (3) The background noise level, if any;
 - (4) The zoning of the area from which the noise is emitted and the zoning of the area within which the noise is received;
 - (5) The time of day or night the noise occurs;
 - (6) The duration of the noise; and
 - (7) The day of the week, or holiday, on which the noise occurs.
- (Ord. No. 145, § 5, 12-15-97)

Sec. 50-69. Temporary variance from article provisions.

(a) *Application; contents.* Any person residing or doing business in the town may apply to the town manager for a temporary variance from one or more of the provisions of this article if they are more stringent than the state department of environmental protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the town manager at least 20 days prior to the date of the activity:

- (1) The location and nature of activity;
- (2) The time period and hours of operation of the activity;
- (3) The nature and intensity of the noise that will be generated;
- (4) A plan to be implemented which will correct the noise problem requiring the temporary variance; and
- (5) Any other information required by the town manager.

(b) *Conditions for issuance.* No variance from this article shall be issued unless it has been demonstrated that:

- (1) The proposed activity will not violate any provisions of the state department of environmental protection regulations;
- (2) The noise levels generated by the proposed activity will not constitute danger to the public health; and
- (3) Compliance with this article constitutes an unreasonable hardship on the applicant.

(c) *Review; approval or rejection.* The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

(d) *Failure to rule.* Failure to rule on the application in the designated time shall constitute approval of the temporary variance.

(Ord. No. 145, § 6, 12-15-97)

Sec. 50-70. Reserved.

ARTICLE II. NOISE*

***State law references:** Municipal noise regulation programs, G.S. § 22a-73.

Sec. 12-31. Purpose of article.

It is recognized that people have a right to and should be ensured an environment free from excessive sound, vibration and other activities that may jeopardize their health, safety or welfare or degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the residents of the town.

(Ord. No. 09-20-93-186, § 1, 9-20-1993)

Sec. 12-32. Construction activities.

(a) No person shall engage in the erection, including excavation, demolition, alteration or repair of any building, or the excavation of streets and highways, nor in the operation of trucks, tractors, bulldozers, payloaders, compressors, or other heavy equipment other than between the hours of 6:00 a.m. and 8:00 p.m., Monday through Saturday, and other than between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and legal holidays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the director of public works, which permit may be granted for a period of not to exceed three days while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues.

(b) The director of public works, in deciding whether to issue or renew any such permit shall consider the following criteria:

- (1) The reasons for the requested permit as they relate to the public health and safety;
- (2) The requested hours for construction activities;
- (3) The type of construction activities to take place and the type of construction equipment to be utilized;
- (4) The noise reasonably likely to be generated from the construction activities and equipment;
- (5) The area where the construction activities are to be performed, with consideration to residential versus commercial uses, density of population, and the number of people to be affected by the activities and noise;
- (6) The number of days for which the permit or renewal is requested.

(Ord. No. 09-20-93-186, § 2, 9-20-1993)

Cross references: Buildings and building regulations, ch. 6.

Sec. 12-33. Refuse hauling.

No person shall collect, remove or transport refuse or recyclables in any residential district except between the hours of 6:00 a.m. and 8:00 p.m. Monday through Saturday, or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or any legal holiday. The term "refuse" is defined as unwanted and discarded solid materials, excluding semisolid, liquid materials collected and treated in a municipal sewer system. The term "recyclables" is defined as mandated recyclables as set forth in section 24-82.

(Ord. No. 09-20-93-186, § 3, 9-20-1993)

Sec. 12-34. Mobile loudspeakers.

No person shall use, play or operate, for any purpose whatever, any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached to or on any vehicle moving or standing on any highway or public place in the town, or in any place where the sound therefrom is cast directly upon any of the highways or public places in the town, or in any place where the sound therefrom is cast directly upon any of the highways or public places, without first obtaining a permit from the chief of police or his designee; provided, however, that:

- (1) Permits shall not be granted for advertising or commercial use;
- (2) Such device shall only be operated from 9:00 a.m. to 6:00 p.m. on weekdays and from 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and legal holidays;
- (3) Such device shall not be operated in the vicinity of hospitals, convalescent or nursing homes or schools while in session, or churches while services are being conducted.

Nothing in this article shall prohibit the use of such devices on vehicles of the town while engaged in necessary public business, or on emergency vehicles.

(Ord. No. 09-20-93-186, § 4, 9-20-1993)

Sec. 12-35. Fixed loudspeakers.

No person shall use, play or operate any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached from any stand, platform or any other structure or part of any structure which abuts or is adjacent to a public place or street, or to use, play or operate a loud speaker or sound amplifying device which is attached to the outside of any building or premises abutting or adjacent to a public place or street, without first obtaining a permit from the chief of police or his designee and paying an annual permit fee of \$50.00, except for public functions or emergency use. The permit obtained shall list specific days and hours of operation as determined by the chief of police or his designee considering the needs of the applicant and the comfort of the public.

(Ord. No. 09-20-93-186, § 5, 9-20-1993)

Sec. 12-36. Residential activities.

No person shall engage in the operation of lawn mowers, chain saws, lawn tractors or similar devices except between the hours of 6:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. on Sunday or any legal holiday. No person shall use, play or operate any radio, phonograph, tape player, musical instruments, compact disc player, loudspeaker or other sound amplifying device at a volume which shall disturb the occupants of adjacent residences or units at any time.

(Ord. No. 09-20-93-186, § 6, 9-20-1993)

Sec. 12-37. Enforcement.

The chief of police or his designee shall enforce the provisions of this article. The police department or its members may inspect private premises and shall make all reasonable efforts to prevent violations of this article.

(Ord. No. 09-20-93-186, § 7, 9-20-1993)

Sec. 12-38. Civil remedies.

This article may be enforced by injunction, action for abatement, or other appropriate civil remedy.

(Ord. No. 09-20-93-186, § 8, 9-20-1993)

Sec. 12-39. Criminal penalties.

Every person who violates any provision of this article shall be fined not more than the maximum dollar amount permitted by the provisions of the General Statutes. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

(Ord. No. 09-20-93-186, § 9, 9-20-1993)

Sec. 12-40. Exemptions.

The following are exempt from the provisions of this article:

- (1) Sanding and snow removal operations by state, municipal or private contractors;
- (2) Noises made by alarm systems;
- (3) Grounds maintenance activities at Crestbrook Park and Watertown Golf Club golf courses.

(Ord. No. 09-20-93-186, § 10, 9-20-1993)

Chapter 9.06 NOISE CONTROL

Sections:

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9.06.010 Purpose.

The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this chapter, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the town. The purpose of this chapter is to protect, preserve and promote the public health, safety and welfare insofar as they are affected by the creation and maintenance of excessive or unnecessary noise as defined by this chapter. This chapter prescribes a minimum and uniform standard governing the creation and maintenance of noise levels in the community.

(R.T.M. 8-2-93 (part))

9.06.020 Legislative references.

This chapter is adopted pursuant to the provisions of Section 22a-73 of the Connecticut General Statutes. This chapter is intended to conform to Section 22a-69 of the Connecticut General Statutes, except that this chapter may prescribe a more stringent noise standard as permitted in Section 22a-73(c) of the Connecticut General Statutes.

(R.T.M. 8-2-93 (part))

9.06.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Where terms are not defined under the provisions of this chapter and are defined in the noise regulations of the Connecticut Department of Environmental Protection (Sections 22a-69-1.1 and 22a-69-1.2), they shall have the same meanings ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

"Construction" means any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

"Daytime hours" means the hours between seven a.m. and nine p.m., Monday through Saturday, and the hours between nine a.m. and nine p.m. on Sunday (local time).

"Excessive noise" means emitter noise zone levels from noise sources exceeding the standards set forth in Section 9.06.050 of this chapter beyond the boundary of the emitters noise zones.

"Mobile sources of noise" shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

"Nighttime hours" means the hours between nine p.m. and seven a.m., Sunday through Friday, and the hours between nine a.m. Saturday and nine a.m. Sunday (local time).

"Noise zone" means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, water bodies, and waters of the state.

"Site" means the area bounded by the property line on or in which, a source of noise exists.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971.

(R.T.M. 8-2-93 (part))

9.06.040 Classification of noise zones by land use.

A. General.

1. Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as detailed herein and described on the zoning map and in the zoning regulations of the town.

2. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards specified in subsection A of Section 9.06.050 of these regulations.

B. Class A Noise Zone/Uses. Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves and vacant land zoned for residential or related uses requiring such protection. Residential zoning districts R-20, R-40, RU-120, VR, OS, R-MF, C-MF, CT MF, I-MF.

C. Class B Noise Zone/Uses. Lands designated Class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, personal, business and legal services, educational institutions, government services, amusements, agricultural activities, and vacant lands zoned for such commercial or institutional uses. Commercial zoning districts NB, NBPO, CT, CG, WD, CR.

D. Class C Noise Zone/Uses. Lands designated Class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses. Industrial zoning districts zoned IP1, IP3, IG, IC.

(R.T.M. 8-2-93 (part))

9.06.050 Noise zone standards.

A. No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

TABLE INSET:

Receptor Noise Zone Class				
	C	B	A-Day	A-Night

Class C emitter to	70 dBA	66 dBA	61 dBA	51 dBA
Class B emitter to	62 dBA	62 dBA	55 dBA	45 dBA
Class A emitter to	62 dBA	55 dBA	55 dBA	45 dBA

Sound levels determined by the police department to be in excess of these values shall constitute proof of violation of this chapter.

B. Intrusion Alarms.

1. No person shall cause, suffer, allow, or permit the operation of any intrusion alarm which, from time of activation of audible signal, emits noise for a period of time exceeding ten minutes when attached to any vehicle or thirty minutes when attached to any building or structure.

2. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

C. High Background Noise Areas. In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by five dBA, provided that no source subject to the provisions of subsection A of this section shall emit noise in excess of eighty dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this regulation.

D. Impulse Noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty dB peak sound pressure level during nighttime hours.

2. No person shall cause or allow the emission of impulse noise in excess of one hundred dB noise sound pressure level at anytime.

E. Noise Excursions. In measuring compliance with noise zone standards of subsection A of this section, the following short-term noise level excursions over the noise level standards established by this chapter shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith.

TABLE INSET:

Allowable levels above standards (dBA)	Time period of such levels (minutes per hour)
3	15
6	7.5
8	5

F. Existing Noise Sources. All existing noise sources shall be provided twenty-four months in order to achieve compliance with these regulations if a notice of violation has been, or may be, issued to the source. This time period begins with the effective date of the ordinance codified in this chapter, not with the date of the notice of violation.

G. Prohibited Noise Activities. The following are prohibited noise activities:

Truck Idling: No person shall operate any standing motor vehicle with a weight in excess of ten thousand pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises. This prohibition shall not apply to vehicles operated by utility companies and the town while maintaining, repairing, or installing utilities, or road work including pumps

and generators needed to support the work. Vehicles involved in building operations shall be governed by the provisions of subsection C of Section 9.06.070.

(R.T.M. 8-2-93 (part))

9.06.060 Exclusions.

These regulations shall not apply to:

- A. Sound generated by natural phenomena;
- B. The unamplified sounding of the human voice;
- C. The unamplified sound made by any wild or domestic animal;
- D. Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations;
- E. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management;
- F. Sound created by safety and protective devices;
- G. Farming equipment or farming activity;
- H. Back-up alarms required by OSHA or other state or federal safety regulations;
- I. Sound created by mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle. Nor shall it apply to the operation of equipment or vehicles used in the processing, including destruction of bottles, boxes, crates and containers, junk or other waste material, excepting waste collection. Mobile sources shall include noise from motor vehicles participating in speed or endurance events sanctioned for such use by the town and state Department of Motor Vehicles;
- J. Sound created by construction activities on or uses of state or federal facilities, lands or rights of ways.

(R.T.M. 8-2-93 (part))

9.06.070 Exemptions.

Exempted from this chapter are:

- A. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of eight a.m. and nine p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom;
- B. Noises created by snow removal equipment at any time shall be exempted, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled, to prevent loud and/or explosive noises therefrom;
- C. Building Operations. The erection including excavating, demolition, alteration or repair of any building, or the excavation of streets and highways, between the hours of seven a.m. to nine p.m. on weekdays, and eight a.m. to nine p.m. on weekends; provided, that the building operations or operation of construction equipment after the hours listed herein shall not exceed the maximum noise levels as specified in subsection A of Section 9.06.050. Except in case of urgent necessity in the interest of public safety, or hardships and then only with a permit from the first selectman, which permit may be granted and renewed for a period not to exceed five days, which allows these hours to be extended;
- D. Patriotic or public celebrations, such as parades, carnivals and fireworks displays, not extending beyond eleven p.m. are exempted, provided that a permit has been obtained in advance from the planning and zoning commission, or board of selectmen as applicable;

E. Noise created by blasting when the blasting is conducted between eight a.m. to five p.m., and provided that a permit for such blasting has been obtained from the Waterford fire marshal, except in case of urgent necessity in the interest of public safety, or hardships and then only with a permit from the first selectman, which permit may be granted and renewed for a period not to exceed five days which allows these hours to be extended;

F. Noises created by emergency generators at any time when they are being used because of power outages, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(R.T.M. 8-2-93 (part))

9.06.080 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guide-lines shall be applicable:

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

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

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

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

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

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

4. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises as measured by triangulation and/or public land records. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(R.T.M. 8-2-93 (part))

9.06.090 Enforcement--Violation--Penalty.

A. Enforcement.

1. A police officer shall be responsible for making noise level measurements to determine that a violation of Section 9.06.050 has in fact occurred. Whenever the police officer determines that any of these regulations have been violated or there has been a failure to comply therewith, the officer shall make and serve upon the person(s) responsible for the violation a written order specifying the nature of the violation or failure, and affording a reasonable time for its correction or remedy. Prior to the issuance of such order, such officer shall make a reasonable effort in light of the circumstances to correct a violation or achieve compliance by means of conference, conciliation and persuasion. Unless the person(s) against whom an order has been served files a written answer thereto within thirty days after the date of service of the order and requests a hearing thereon, such order shall become final and effective.

2. The Waterford police department shall be responsible for the enforcement of any prohibited activity listed in subsection G of Section 9.06.050, and conducting any activity listed in Section 9.06.070 outside of the hours during which these activities may be conducted. When it has been determined that a violation has occurred it shall constitute an infraction of a local ordinance and shall be prosecuted as such.

B. Penalty for Violation. Any person in violation of any of the provisions of this chapter shall be fined in an amount not to exceed ninety five dollars. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed or after thirty days from the date of service of the order, whichever is later, shall be considered a separate violation of these regulations.

(R.T.M. 8-2-93 (part))

9.06.100 Variance.

A. Any person living or doing business in the town may apply to the planning and zoning commission for a variance from one or more of the provisions of this chapter which are more stringent than the state Department of Environmental Protection regulations for the control of noise provided that the applicant supplies all the following information to the planning and zoning commission:

1. The location and nature of the activity;
2. The time period and hours of operation of the activity;
3. The nature and intensity of the noise that will be generated;
4. Any other information required by the planning and zoning commission.

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

1. The proposed activity will not violate any provisions of the state Department of Environmental Protection regulations;
2. The noise levels generated by the proposed activity will not constitute a danger to the public health;
3. Compliance with the regulations constitutes an unreasonable hardship on the applicant.

C. The application for variance shall be reviewed and either approved or rejected within sixty-five days of receipt by the planning and zoning commission. The approval or rejection shall be in writing and shall state the reasons for the action taken on the variance. The planning and zoning commission may establish conditions of approval of a variance including a schedule for compliance. The planning and zoning commission shall cause to have published in a newspaper of local circulation a notice of action on the variance request indicating the nature of the variance, action taken, location, owner, and applicant making the variance application.

D. In the case of variance applications involving requests to vary the standards in these regulations that are equivalent to the State Noise Regulations, the application must be made to the State Commissioner of the Department of Environmental Protection. Any variances issued by the Commissioner shall not be required to be submitted to the planning and zoning commission. Any variance issued by the Commissioner of the Department of Environmental Protection shall be considered a variance from compliance with the applicable provisions of these regulations.

(R.T.M. 8-2-93 (part))

Sec. 17-11. Noise--Loud, disturbing, and excessive noise prohibited.

The creation of any loud, disturbing, and excessive noise in the City of Ansonia is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or such noise as disturbs the quiet and peace of residents of the city. Such loud, disturbing, or excessive noise shall be defined to be such noise levels which are in excess of the noise levels as set forth in section 17-14.

(Ord. of 3-13-2001)

Editor's note: An ordinance adopted March 13, 2001, repealed §§ 17-11, 17-12 of the Code, renumbered §§ 17-13--17-18.1, 17-19--17-26 of the Code as 17-22--17-36, and added new provisions to the Code as §§ 17-11, 17-11.1, 17-12--17-21. Former §§ 17-11, 17-12 pertained to loud and boisterous noises, etc., prohibited hand organs, etc., playing on the streets, etc., respectively and derived from §§ 14, 16 of an ordinance adopted April 26, 1994.

Sec. 17-11.1. Same--Definitions.

For the purpose of sections 17-11 through 17-21 the following terms, words, and phrases shall have the following meaning unless the context clearly indicates otherwise.

(a) *Commercial zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as NR, RR, C, and SC.

(b) *Emergency* shall mean any occurrence or act or circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

(c) *Emitter* shall mean the person who creates, causes to be created, or allows the noise.

(d) *Industrial zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as LI, HI, CP.

(e) *Loud, disturbing, or excessive noise* shall be defined as noise in excess of the noise levels as set forth in section 17-14.

(f) *Muffler* shall mean a device designed and properly maintained in good working order to prevent loud, disturbing, or excessive exhaust noise by an engine or a motor. Mufflers shall include interior baffle plates or other effective muffling devices.

(g) *Receptor* shall mean the person who receives the noise impact.

(h) *Day* and *daytime* and *the hours of day* shall be defined as the hours between 7:00 a.m. and 9:00 p.m. local time.

(i) *Night* and *night-time* and *the hours of night* shall be defined as the hours between 9:01 p.m. and 6:59 a.m. local time.

(j) *Sound level meter* shall mean an instrument, including a microphone, an amplifier an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1 4-1971,

(k) *Recreational vehicle* shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

(l) *Residential zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as AA, A, B, GA, BB, and MM, as may be amended from time to time.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-12. Same--Enumeration of acts declared loud and disturbing.

The following acts among others are declared to be loud, disturbing, or excessive noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

(a) *Blowing horns.* The sounding or blowing of any horn or signal device on an automobile, motorcycle, motorbus, or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable length of time.

(b) *Radios, phonographs, etc.* The playing of any radio, television set, phonograph, tape, compact disc, or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling or other residence.

(c) *Animals.* The keeping of any animal or bird which, by making frequent or long-continued noise, shall disturb the comfort, or repose of persons in the vicinity.

(d) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger.

(e) *Muffler.* Each motor vehicle operated by an internal combustion engine shall be provided with a muffler designed to prevent loud, disturbing, or excessive exhaust noise, which muffler shall be maintained by the owner in good working order and in constant operation consistent with applicable state law.

(f) *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(g) *Building operations.* The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district, other than between the hours of 7:00 a.m. and 9:00 p.m., except in cases of necessity, or in the interest of public safety, and then only with permission from the proper city officials.

(h) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, hospital, or in any such place or institution; provided that signs shall be displayed in such street indicating that there is a school, church, hospital, library, etc. thereon.

(i) *Loading and unloading operations.* The creation of loud and excessive noises in connection with the loading and/or unloading of any vehicle, or the opening or disposition of bales, boxes, crates, and containers.

(j) *Hawking, peddling, or soliciting.* Shouting, loud talking, crying, or soliciting by peddlers, hawkers, and other venders which disturbs the quiet and peace of the neighborhood or persons therein.

(k) *Advertising.* The use of any drum, or loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or to the display or advertisement of merchandise, by the creation of noise.

(l) *Business establishments.* The operation of any business establishment between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to create loud and disturbing noises, of such frequency or volume as to annoy or disturb the quiet and comfort of any neighborhood or of persons therein, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, repose or peace of persons in any dwelling, boardinghouse, or other type of residence. Disturbing noises shall be defined as those which are in excess of the noise levels as set forth in section 17-14.

(m) The acts set forth in section 17-12(b), (c), (e), (g), (h), (i), (j), (k), (l), (m) and (n) shall be deemed loud, disturbing, and excessive if they shall be at a noise level exceeding the noise levels as set forth in section 17-14.

(n) The acts set forth in section 17-12(a) shall be subject to standards as set forth in section 17-16(A) and the acts set forth in section 17-12(d) and (f) shall be subject to standards set forth in section 17-14.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-13. Same--Noise level measurement procedures.

For the purpose of determining noise levels as set forth in sections 17-11 through 17-21, the following guidelines shall be applicable:

- (a) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
- (b) Instruments used to determine sound-level measurements shall conform to the sound level meters as defined by sections 17-11 through 17-21.
- (c) The general steps listed below shall be followed when preparing to take sound level measurements.
 - (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - (2) The sound level meter shall be calibrated before and after each set of measurements.
 - (3) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound-level meter as per the manufacturer's instructions.
 - (4) The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground.
 - (5) Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/hers individual unit of land or ground of contiguous parcels under the same ownership, as indicated by public land records.
- (d) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form #101".
(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-14. Same--Noise levels.

- (a) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.
- (b) Noise level standards.
 - (1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Residential	Industrial	Commercial	Residential/day
	62dBa	55dBa	55dBa (day)
			45dBa (night)

- (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 residential zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Commercial	Industrial	Commercial	Residential

	62dBa	62dBa	55dBa (day)
			45dBa (night)

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

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Industrial	Industrial	Commercial	Residential
	70dBa	66dBa	61dBa (day)
			51dBa (night)

(c) High background noise levels and impulse noise.

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excess noise if the noise emitted by such source exceeds the background noise levels by five (5) decibels, provided that no source subject to the provisions of sections 17-11 through 17-21 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 provisions of sections 17-11 through 17-21.

(2) 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.

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

(d) Exclusions. These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

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

(3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that intrusion alarms not terminating after being activated within ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure shall be unlawful. Repetition of activation of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

(4) Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations.

(5) Farming equipment or farming activity.

(e) Exemptions and special conditions. The following shall be exempt from these regulations subject to special conditions as may be spelled out:

(1) Noise generated by construction activities during daytime hours (7:00 a.m. to 9:00 p.m.), it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m. or after 9:00 p.m. on Monday through Sunday.

(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 9:00 p.m. provided the noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

(4) Noise from snow removal equipment provided the equipment is maintained in good repair so as to minimize noise, and noise discharged from exhaust shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(5) Noise from demolition activities conducted during daytime hours, it being the express intention of this provision to prohibit the use of equipment and machinery used in demolition work before the hour of 7:00 a.m. or after 9:00 p.m.; provided that when considered emergency work demolition shall be exempt from the noise levels set in this regulation.

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

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

(8) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(9) Sound created by any motor vehicle shall be subject to Connecticut General Statute § 14-80(a).

(10) Conditions caused by natural phenomena, strike, riot, catastrophe, or other condition over which the apparent violator has no control.

(11) Noise created by the use of property for purposes of conducting speed or endurance events involving motor vehicles shall be exempted but such exemption is effective only during the specific period(s) of time within which such use is authorized by the political subdivision or governmental entity having lawful jurisdiction to sanction such use.

(12) Construction noise during daytime hours.

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

(14) Noise created by on-site recreational or sporting activity which is sanctioned by the state or local government provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom

(15) Patriotic or public celebrations not extending longer than one (1) calendar day.

(16) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.

(17) Noise created by products undergoing test, where one (1) of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken.

(18) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, 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. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-15. Same--Prohibited noise activities.

The following activities are prohibited:

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

(b) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds, manufacturer's gross weight (GVW), for a period in excess of three minutes when such vehicle is parked on a residential premise or on a city street next to a residential premise.

(c) *Exhaust discharge.* No person shall discharge into the ambient air the blowdown of any steam vent, or the exhaust of any stationary internal-combustion engine or air compressor

equipment, unless such discharge is through a muffler as previously defined or through an apparatus providing equal noise reduction.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-16. Same--Motor vehicle noise.

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

(b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 17-14(b).

(c) This section with motor vehicle noise shall be enforced by the chief of police.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-17. Same--Recreational vehicle noise.

No person shall create or cause to be created any unreasonable loud or disturbing noise due to the operation of a recreational vehicle not participating in a speed or endurance event, involving a motor vehicle, authorized by the City of Ansonia. Recreational vehicle noise shall be deemed to be loud, disturbing, or excessive and a violation of sections 17-11 through 17-21 when the noise so generated exceeds the noise levels standards set forth in Connecticut General Statutes § 14-80(a) and in any circumstances where C.G.S. § 14-80(a) does not apply then exceeds to the noise level standards set forth in section 17-14(b) hereof.

(a) For the purpose of determining compliance with the provisions of sections 17-11 through 17-21, the chief of police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise as it experienced at receptor's property. Should any inspection or measurement be required to be taken during the hours of the day or night which cause the police department to incur expenses for overtime hours paid to any employee and such measurements or inspections indicate a violation of sections 17-11 through 17-21, the violator shall pay the City of Ansonia for such expenses for overtime hours for said employee or employees in addition to any penalty provided herein.

(b) 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 sections 17-11 through 17-21.

(c) The police department under the direction of the chief of police shall be responsible for investigating complaints of excessive noise; determining whether violations may have occurred; and making acoustic measurements when necessary to determine that a violation has in fact occurred under the provisions of sections 17-11 through 17-21.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-18. Same--Violations and penalties.

(a) Any person in violation of any of the provisions of sections 17-11 through 17-21 shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed fifty dollars (\$50.00) .

(b) In lieu of arrest and issuance of a summons, a police officer may serve upon a violator an infraction notice which shall be known as a noise ticket. Payment of the fine prescribed by such noise ticket within the limit specified thereon shall constitute a plea of nolo contendere and shall

save the violator harmless from prosecution for the offense cited. Fines shall be levied in the following amounts:

- (1) *Initial violation:* Twenty-five dollar (\$25.00) fine.
 - (2) *Second violation:* Fifty dollar (\$50.00) fine.
 - (3) *Third violation:* One hundred dollar (\$100.00) fine.
 - (c) Each day on which a violation occurs or continues to occur shall be considered a separate violation of sections 17-11 through 17-21.
- (Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-19. Same--Effective hours.

The effective hours of sections 17-11 through 17-21 shall be all hours of the day, subject to the provisions and appropriate time periods set forth herein.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-20. Same--Variances.

(a) Any person residing or doing business in the City of Ansonia may apply to the board of aldermen for a variance from one or more of the provisions of sections 17-11 through 17-21 for the control of noise, provided that the applicant supplies all the following information to the city clerk for distribution to the board of aldermen at least thirty (30) days prior to the start of the activity:

- (1) The location and nature of the activity.
 - (2) The time period and hours of operation of the activity.
 - (3) The nature and intensity of the noise that will be generate.
 - (4) Any other information required by the board of aldermen.
- (b) No variance from sections 17-11 through 17-21 shall be issued unless it has been demonstrated that:
- (1) The proposed activity will not violate any provision of the Connecticut Department of Environmental Protection Regulations.
 - (2) The noise levels generated by the proposed activity will not constitute a danger to public health.
 - (3) Compliance with sections 17-11 through 17-21 constitutes an unreasonable hardship on the applicant.
- (c) The application for variance shall be received and either approved or rejected at a regularly scheduled meeting of the board of aldermen. The approval or rejection shall be communicated in writing by the city clerk to the applicant and shall state the condition of approval, if any, or the reasons for rejection.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 14-3. Noises.

(a) It shall be unlawful for any person to use, play or operate, for any purpose whatever, any loudspeaker or sound-amplifying device attached to or on any vehicle moving or standing on any highway or public place in the city, or in any place where the sound therefrom is cast directly upon any of said highways or public places, without first obtaining a permit from the chief of police or his designee; provided, however, that:

(1) Permits shall not be granted for advertising or commercial use.

(2) Such devices shall only be operated from 9:00 a.m. to 9:00 p.m. on weekdays and Saturday and 1:00 p.m. to 5:00 p.m. on Sunday.

(3) Sound volume shall be controlled so that it is not heard beyond one hundred (100) feet.

(4) Such devices shall not be operated in the vicinity of hospitals, or schools while in session, or churches while services are being conducted.

(5) Nothing in this section shall be deemed to prohibit the use of such devices on vehicles of the City of New London while engaged upon necessary public business or on emergency vehicles.

(b) It shall be unlawful for any person to use, play or operate any loudspeaker or sound-amplifying device from any stand, platform or any other structures or part of any structure which abuts or is adjacent to a public place or street or to use, play or operate any loudspeaker or sound-amplifying device which is attached to the outside of any building, or premises abutting or adjacent to a public place or street, without first obtaining a permit from the chief of police or his designee, except for public functions or emergency use. Permits shall list the specific days and hours of operation as determined by the needs of the applicant and the comfort of the public.

(c) It shall be unlawful for any person to use, play or operate any loudspeaker or sound-amplifying device from any airplane, or any other device or machine used for flying over the city or anywhere over or on the public streets, without obtaining a permit from the chief of police or his designee.

(d) It shall be unlawful for any person to use, play or operate any portable device, radio or apparatus or any sound-producing device on any public transportation, public beach, street, park or place or in any public building, which can be heard by other than the person using such instrument.

(e) It shall be unlawful for any person in a residential area to permit any sound, music, activity or noise caused by work, amusement or other reason, or resulting from a sound-producing device or apparatus for reproduction or amplification of the human voice or instrument, to be heard within the confines of another's home or premises, and it shall be unlawful for such sounds to be heard within the scope of any other person's property line before 8:00 a.m. and after 11:00 p.m., Monday through Friday, before 8:00 a.m. Saturday and after 1:00 a.m. Sunday, and before 10:00 a.m. Sunday and after 11:00 p.m. on Sunday.

(f) It shall be unlawful for any person residing or doing business in a commercial area to cause or permit any sound, music, activity or noise created by work, amusement or other reason, or resulting from a sound-producing device or apparatus from the reproduction or amplification of the human voice or instrument, to be heard within the confines of another's home or premises before 8:00 a.m. and after 11:00 p.m., Monday through Thursday, before 8:00 a.m. and 1:00 a.m. on Friday and Saturday, and from 10:00 a.m. through 11:00 p.m. on Sundays. At all times the controlled so that it is not heard beyond fifty (50) feet from the outside of such premises.

Places of public amusement under the supervision and control of the city shall be exempt from this subsection.

(g) It shall be unlawful for any person in control of a vehicle, whether inside or outside of such vehicle, to park on a public street, highway, park or place and use, play or operate the car radio, or any device producing sound, which can be heard outside the vehicle.

(h) When emergency conditions exist due to gas leaks, water main breaks, etc., necessary repairs may be made at any time to contain the emergency condition until such situation can be corrected properly within acceptable hours. In situations where repairs may produce excessive noise in conflict with this section, a special permit may be issued.

(i) Violation of any provision of this section shall be deemed a misdemeanor and shall be punishable by a fine of not more than two hundred dollars (\$200.00).

(Ord. of 12-3-62, §§ 1--4; Ord. of 9-15-80, § 1)

Sec. 14-3.5. Noise pollution.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this ordinance. Where terms are not defined under this section and are defined in the noise regulations of the state department of environmental protection (sections 22a-69-1.1, et seq.), they shall have the same meaning ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings.

Construction shall mean any and all physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

Daytime hours shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. on Sunday (local time).

Excessive noise shall mean emitter noise zone levels from noise sources exceeding the standards set forth in subsection (c) beyond the boundary of the emitter's noise zones.

Mobile sources of noise shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

Nighttime hours shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday through Friday, and between 10:00 p.m. and 8:00 a.m. Saturday (local time).

Noise zone shall mean an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, water bodies, and waters of the state.

Site shall mean the area bounded by the property line on or in which a source of noise exists.

Sound level meter shall mean any instrument that is capable of measuring sound levels. The sound level meter shall conform to all applicable state and federal standards.

(b) *Classification of noise zones.*

(1) Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as described on the zoning map and in the zoning regulations of the town. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards specified in subsection (c).

(2) Class A Noise zone/uses. Lands designated class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves, historic and monument sites, and vacant land zoned for residential or related uses requiring such protection.

(3) Class B noise zone/uses. Lands designated class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, government services, educational institutions, amusements, agricultural activities, automotive dealers and gasoline service stations, restaurants, bars and nightclubs, marinas and other water dependent uses, and vacant lands zoned for such commercial or institutional uses.

(4) Class C noise zone/uses. Lands designated class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses.

(c) *Noise zone standards.* No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

Receptor Noise Zone Class

TABLE INSET:

	C	B	A-Day	A-Night
Class C emitter to	70 dBA	66dBA	61dBA	51dBA
Class B emitter to	62 dBA	62dBA	55dBA	45dBA
Class A emitter to	62dBA	55dBA	55dBA	45dBA

(d) *Exclusions.* These regulations shall not apply to the following:

- (1) Sound generated by natural phenomena.
- (2) The unamplified sounding of the human voice.
- (3) The unamplified sound made by any wild or domestic animal.
- (4) Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations.
- (5) Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management.
- (6) Sound created by safety and protective devices.
- (7) Farming equipment or farming activity.
- (8) Back-up alarms required by OSHA or other state or federal safety regulations.
- (9) Sound created by a mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle.

(e) *Exemptions.* Exempted from this ordinance are the following:

- (1) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted during daytime hours provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (2) Noises created by snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.
- (3) Noise created as a result of, or relating to, an emergency.
- (4) Construction noise.
- (5) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00

p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.

(6) Patriotic or public celebrations not extending longer than one calendar day.

(7) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, 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.

(f) *Measurement procedures.* All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed. The sound level meter shall be calibrated before and after each set of measurements. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises.

(g) *Enforcement--Penalty.*

(1) The city police department shall be responsible for making noise level measurements and enforcing this ordinance. Whenever the responsible police officer makes a determination that there has been a violation of any provision of this ordinance, he shall issue a written order to such person(s) responsible for the violation specifying the nature of the violation and affording a reasonable time for its correction or remedy. If said order is not complied with as directed by the officer, the officer shall issue a citation.

(2) Any person in violation of any of the provisions of this ordinance shall be fined in an amount not to exceed \$100.00. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed shall be considered a separate violation of this ordinance.

(Ord. No. 02-07-05-1, § 1)

ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER**Sec. 38-51. Noise.**

(a) *Noise prohibited.* Noise levels that exceed the standards established by the state under regulations set forth in sections 22a-69-1--22a-69-7.4 shall be prohibited in the town.

(b) *Administration and enforcement.* This section shall be enforced by the town police department with the assistance of the town health department for measuring noise levels.

(c) *Violations and penalties.* Any person found in violation of the provisions of this section shall be fined under section 1-8.

(Code 1972, § 31-7(b)--(d); Ord. of 9-27-1995)

State law references: Noise pollution control, G.S. § 22a-67 et seq.; local noise ordinance, G.S. § 22a-73; penalties for ordinance violations, G.S. § 7-148(c)(10)(A).