

**TOWN OF HAMDEN  
LEGISLATIVE COUNCIL**

**AN ORDINANCE PROVIDING FOR THE REDUCTION OR ELIMINATION OF  
EXCESSIVE NOISE AND THE ADMINISTRATION THEREOF**

WHEREAS, excessive sound and vibration are a serious hazard to the health, safety, welfare and the quality of life of the residents of the Town of Hamden; and

WHEREAS, individuals 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 life; and

WHEREAS, the Town seeks to protect, preserve and promote the health, safety, welfare and quality of life of its residents; and

WHEREAS, there exists a substantial body of science and technology by which excessive sound and vibration may be substantially abated; and

WHEREAS, Town seeks to protect, preserve and promote the health, safety, welfare and quality of life of its residents by the reduction, control and prevention of noise.

NOW, THEREFORE, BE IT SO ORDAINED

**SECTION 1: DEFINITIONS**

As used in this chapter, the following terms shall have the meanings indicated in the interpretation and enforcement of this ordinance. 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, 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 meaning as the context herein may imply.

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.

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

**DAYTIME HOURS:** The hours between 7:00 am and 9:00 p.m., weekdays and Saturday, and the hours between 8:00 am and 9:00 p.m. on Sunday.

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

**EMERGENCY SOUND SIGNAL:** An audible electronic or mechanical siren or signal device attached to an authorized emergency vehicle or 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.

**EMITTER:** An individual or entity who is the owner or occupant of the premises from which noise commences.

**EXCESSIVE NOISE:** Emitter noise zone levels from noise sources exceeding the standards set forth in Section 3 of this ordinance beyond the boundary of the emitter's noise zones.

**IMPULSE NOISE:** Means noise of short duration (generally less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.

**MAINTENANCE EQUIPMENT:** All engine or motor-powered garden or maintenance tools intended for repetitive use, including, but not limited to lawnmowers, riding tractors, blowers, and including equipment intended for infrequent service work including, but not limited to, chain saws, log chippers or paving rollers.

**MOBILE SOURCES OF NOISE:** Mobile sources of noise shall include, but are not limited to such sources as automobiles, trucks and other vehicles used to transport individuals or items along public rights-of-way.

**NIGHTTIME HOURS:** The hours between 9:00 p.m. and 7:00 a.m. weekdays and Saturday, and the hours after 9:00 p.m. and before 8:00 a.m. on Sunday.

**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 streets and highway rights-of-way, railroad rights-of-way, water bodies and waters of the State.

**RECEPTOR:** An individual or entity who is the owner or occupant of premises affected by or receiving noise.

**SITE:** Means the area bounded by a 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 weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1984 (1997).

## SECTION 2: CLASSIFICATION OF NOISE ZONES AND NOISE DISTRICTS

A. Noise zone classifications shall be based on the designated use of any parcel or tract, 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 of Hamden, as amended from time to time; provided that any parcel whose use is lawfully nonconforming to its district at the time this ordinance is enacted shall be classified for noise emission purposes according to the district appropriate for the nonconforming use. The current designation shall be the determining factor and any change in the zoning map or zoning regulations will also represent a change in the Noise District.

### B. Noise Districts

1. Residential Noise District – Lands or Noise Zones contained within residential districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Residential Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this ordinance.
2. Business Noise District – Lands contained within business districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Business Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this ordinance.
3. Manufacturing Noise District – Lands contained within manufacturing districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Manufacturing Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this ordinance.
4. Mixed Use Noise District (referred to as Controlled Development Districts or CDD) – Lands contained within mixed used districts by the Planning & Zoning Regulations of the Town of Hamden shall be designated as Business Noise Districts for purposes of this ordinance and shall be subject to the noise standards prescribed therefor or defined by this ordinance.

C. Within a noise district, the Emitter's noise zone is defined as his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by the public land records. The emitter's noise zone also includes contiguous street and highway rights-of-way, railroad rights-of-way and water.

SECTION 3: NOISE STANDARDS

a. No person shall cause or allow the emission of excessive noise as defined herein beyond the boundaries of his/her Noise District or Noise Zone as measured at any point on a Receptor's tract or parcel of land, so as to exceed the levels stated herein. The source of noise measured shall be the responsibility of the Emitter.

b. Impulse Noise

1. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime.

2. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any Noise District or Noise Zone.

c. Noise District and Noise Zone Standards

1. No person in a Manufacturing Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	<u>Manufacturing</u>	<u>Business</u>	<u>Residential</u>	
			<u>Day</u>	<u>Night</u>
Manufacturing Emitter to	70 dbA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

2. No person in a Business Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	<u>Manufacturing</u>	<u>Business</u>	<u>Residential</u>	
			<u>Day</u>	<u>Night</u>
Business Emitter to	62 dbA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

3. No person in a Mixed Use District ("CDD") shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	Manufacturing	Business	Residential	
			Day	Night
Mixed Use Emitter to	62 dbA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

4. No person in a Residential Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise Districts and Noise Zones:

	<u>RECEPTOR</u>			
	Manufacturing	Business	Residential	
			Day	Night
Residential Emitter to	62 dbA	55 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

d. Motor Vehicle Noise

All motor vehicles operated within the limits of the Town of Hamden 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, Title 14, Sec. 14-80a-1 through 14-8-a-18, as amended from time to time.

No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 3 of this Ordinance.

SECTION 4: EXCLUSIONS

The provisions of this chapter shall not apply to noise or sound emitted by or related to:

- a. Natural phenomena;
- b. The unamplified sound of the human voice;
- c. The unamplified sound made by any wild or domestic animal;
- d. Bells, carillons, or chimes associated with specific religious observances and/or organizations;
- e. 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. 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;
- g. Farming equipment or farming activity; and
- h. Refuse, solid waste or recyclable materials collection.

#### SECTION 5: EXEMPTIONS

The following shall be exempt from this chapter, subject to the special conditions as specified:

- 1. Noise created by any construction activity which is conducted during daytime hours;
- 2. Noise created by recreational activities that are authorized by the Town, including, but not limited to, parades, sporting events, concerts and fireworks displays;
- 3. Noise created by the operation of public facility maintenance equipment or private property maintenance equipment during daytime hours; and
- 4. 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., at specified hours previously announced to the public, and provided that a permit for such blasting has been obtained from local authorities.

#### SECTION 6: EQUIPMENT AND MEASUREMENT

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

- a. A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- b. Instruments used to determine noise levels shall be of standard design, maintained in calibration, and good working order, and instrument manufacturer's instructions for use of the instruments shall be followed.
- c. Measurements taken to determine compliance with this Ordinance, in particular Section 3, shall be taken at any elevation and at any point beyond the boundary of the Emitter's Noise District or Noise Zone and within the Receptor's Noise District or Noise Zone.

#### SECTION 7: ENFORCEMENT AND PENALTIES

The Hamden Police Department shall be responsible for enforcement of the provisions of this chapter. Any person in violation of any section of any provision of this chapter may be fined in an amount not to exceed one hundred dollars (\$100) per violation. Each day a 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 said violation continues, said fine not to exceed four hundred (\$400) dollars per day.

All notices and fines required or permitted by this ordinance shall emanate from the Hamden Police Department. Fines shall be paid to the Hamden Department of Police Services.

SECTION 8: APPEAL


- A. Whenever a fine is imposed under this ordinance, the person fined may, within 10 days from the date of the noise ticket, appeal by filing a written notice of appeal to the Town's Hearing Officer. The filing of an appeal shall stay any fine imposed until such time as a decision is rendered on the appeal.
- B. The provisions of this ordinance may be enforced by citation and hearing as permitted by Conn. Gen. Stat. 7-152(c).

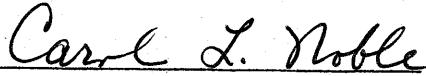
SECTION 9: EFFECTIVE DATE

Pursuant to Connecticut General Statutes § 22a-73, this ordinance shall not be effective until it has been approved by the Commissioner of the State Department of Environmental Protection.


Adopted by the Legislative Council at its meeting held on December 4, 2000.

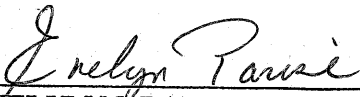
APPROVED AS TO FORM:

  
\_\_\_\_\_  
SUSAN GRUEN  
Town Attorney

  
\_\_\_\_\_  
CAROL L. NOBLE, President  
Legislative Council

APPROVED:

  
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CARL J. AMENTO  
Mayor

  
\_\_\_\_\_  
EVELYN N. PARISE, Clerk  
Legislative Council

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