

SUBSTITUTE FOR

Proposed Ordinance No. 8183-1

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

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWINGTON:

That Chapter 6 of the Newington Code of Ordinances is hereby amended to include the following new Article:

Article III

Section 630 Declaration of policy.

Excessive noise must be controlled by the Town of Newington 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.

Section 631 Definitions.

"Background noise" shall mean 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% of the time (L₉₀) in which the measurement is taken.

"Business Zone" shall mean those areas so designated under Article II, Sections 10, 12, 14, 20, and 23 of the zoning regulations of the Town of Newington.

"Construction" shall mean 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" shall mean the hours between 7 a.m. and 10 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

"Decibel" shall mean a unit of measurement of the sound level, the symbol for which is dB.

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

"Excessive noise" shall mean any sound, the intensity of which exceeds the standards set forth in Section 635 of this Article.

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

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

"Industrial Zone" shall mean those areas so designated under Article II, Sections 15, 17, and 22 of the Zoning Regulations of the Town of Newington.

"Motor vehicle" shall mean a vehicle as defined in subdivisions (25) and (26) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

"Night-time hours" shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

"Noise level" shall mean 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" 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, owned or controlled by a person.

"Property maintenance equipment" shall mean 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" shall mean 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" shall mean all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly-owned property.

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

"Residential Zone" shall mean those areas so designated under Article II, Section 1, 3, 5, 7, 9, and 19 of the Zoning Regulations of the Town of Newington.

"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 measure sound levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for Sound Level Meters S1.4-1971 (Type S2A).

"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 micronewtons per square meter (20×10^{-6} Newtons/m²) and is expressed in decibels (dB).

"Town Manager" shall mean the duly appointed town manager of the Town of Newington, or his designee.

Section 632 Exclusions.

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

- (a) Natural phenomena.
- (b) The unamplified sound made by any wild animal.
- (c) A bell or chime from any building clock, school, or church.
- (d) A public emergency sound signal.
- (e) Farming equipment or farming activity.
- (f) An emergency
- (g) Snow removal

Section 633 Exemptions.

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

- (a) Noise created by the operation of property maintenance equipment during day-time hours.
- (b) Noise generated by any construction equipment operated during day-time hours.
- (c) Noise created by any recreational activities which are sanctioned by the Town including but not limited to parades, sporting events, concerts, and firework displays.
- (d) 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.
- (e) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.
- (f) Noise created by a 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 thirty minutes when attached to any building or structure.
- (g) Noise created by public facility maintenance during day-time hours.

Section 634 Noise Level Measurement Procedures.

For the purpose of determining noise levels as set forth in this

article, 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 sound level measurements shall be sound level meters as defined by this article.
- (c) The following steps shall be taken 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. Measurements to determine compliance with Section 635 shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and within the receptor's premises.

Section 635 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/her premises in excess of the noise levels established in this article.

- (b) Noise level standards.

- 1. No person shall emit noise exceeding the levels stated herein.

Zone in which EMITTER is located	Zone in which RECEPTOR is located			
	<u>Industrial</u>	<u>Business</u>	<u>Resi- dential Day-time hours</u>	<u>Resi- dential Night-time hours</u>
Industrial	70dBA	66dBA	61dBA	51dBA
Business	62dBA	62dBA	55dBA	45dBA
Residential	62dBA	55dBA	55dBA	45dBA

- (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 5 dBA, provided that no source subject to this article shall emit noise in excess of 80 dBA at any time, and

provided that this Section shall not be interpreted as decreasing the noise level standards of Section 635 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) Motor Vehicle Noise

1. All motor vehicles operated within the limits of the Town of Newington 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-1a(a-1) 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 Section 635 of this article.

(e) Recreational vehicle noise

1. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this Ordinance when the noise so generated exceeds the noise level standards in Sec. 635.

Section 636 Penalties

Any person in violation of any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed fifty (\$50) dollars. 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 time limit specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited.

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.

Section 637 Variance

- (a) Any person residing or doing business in Newington 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 Connecticut 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 twenty (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, and,
 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 Connecticut Department of Environmental Protection regulations.
 2. The noise levels generated by the proposed activity will not constitute a danger to the public health, and
 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 (5) 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.
- (d) Failure to rule on the application in the designated time shall constitute approval of the variance.

Section 638 Severability

All provisions of the Zoning Regulations of the Town of Newington 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 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.