

NOISE POLLUTION ORDINANCE

TOWN OF SEYMOUR

Public
file

ORDINANCE PROVIDING FOR THE REDUCTION AND ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE TOWN OF SEYMOUR, CONNECTICUT.

SECTION 1. Title: The Town of Seymour Noise Control Ordinance.

SECTION 2. 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 Ordinance is enacted to protect, preserve, and promote the health, safety, welfare and quality of life for the citizens of Seymour through the reduction, control and prevention of noise.

SECTION 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 3.1 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.
- 3.2 Commercial Zone: Shall mean Commercial District, as defined in the Zoning Regulations of the Town of Seymour 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.
- 3.3 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.
- 3.4 Construction equipment: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 3.5 Day-Time Hours: Shall mean the hours between 7:00 a.m. and 9:00 p.m. Monday through Sunday, and the hours 7:00 a.m. through 9:00 p.m. on holidays which fall into these parameters.
- 3.6 Decibel: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.
- 3.7 Demolition: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of way surfaces or similar property.

- 3.8 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.
- 3.9 Emergency: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 3.10 Emergency Vehicle: Shall mean any motor vehicle authorized by the State of Connecticut to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- 3.11 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.
- 3.12 Impulse Noise: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
- 3.13 Industrial Zone: Shall mean Industrial District as defined by the Zoning Regulations of the Town of Seymour, limited & general. Limited Industrial LI - 1; General Industrial GI - 2.
- 3.14 Motor Vehicle: Shall be defined as per Section 14-1(26) of Connecticut General Statutes.
- 3.15 Muffler: Shall mean a device for abating sounds such as, escaping gases.
- 3.16 Night-Time 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.
- 3.17 Noise: Shall mean any sound, the intensity of which, exceeds the standards set forth in Section 5.2 of this Ordinance.
- 3.18 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.
- 3.19 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.
- 3.20 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 publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.

- 3.21 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.
- 3.22 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.
- 3.23 Recreational Vehicle: Shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.
- 3.24 Residential Zone: Shall mean Residential District as defined in Zoning Regulations of the Town of Seymour. Residence R-40 Residential 40,000 sq.ft.; Residence R-15 Residential 15,000 sq.ft.; Residence TH-Townhouses; Residence GA-Garden Apartment Said boundaries having been established in the Zoning Regulations of the Town of Seymour. See Zoning Map.
- 3.25 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.
- 3.26 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).
- 3.27 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/meter²), and is expressed in decibels (dB)

SECTION 4. Noise Level Measurement Procedures: For the purpose of determining noise levels as set forth in this Ordinance, the following guidelines shall be applicable.

- 4.1 All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- 4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.

1.3 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 and shall be approved by the Department of Environmental Protection.
- 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 so placed as not to be interfered with by individuals conducting the measurements.
- e) 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/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

Section 5 Noise Levels

5.1 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.

5.2 Noise Level Standards

a) No person and or property owner 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	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55dBA	55 dBA	45 dBA

- b) No person and or property owner in a Commercial Zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent Residential, Commercial or Industrial Zones:

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

- c) No person and or property owner 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	Receptor's Zone			
	Industrial	Commercial	Residential/Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

5.3 High Background Noise Levels and Impulse Noise

- a) 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 ordinance 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 the Ordinance.
- 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 to excess of 100 dB peak sound pressure level at any time to any zone.

5.4 Exclusions. These levels shall not apply to noise emitted by or related to:

- a) Natural phenomena.
- b) Any bell or chime from any building clock, school, or church.

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.

- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity.

5.5 Exemptions. The following shall be exempt from these regulations subject to special conditions as spelled out:

- a) Noise generated by any construction equipment which is operated during Day-Time hours, provided that the operation of construction equipment during Night-Time Hours shall not exceed the maximum noise levels as specified in Section 5.2.
- b) Noise created as a result of, or relating to an emergency.
- c) Noise from domestic power equipment such as, but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during Day-Time Hours with proper muffler equipment.
- d) Noise from snow removal equipment with proper muffler equipment.
- e) Noise from demolition work conducted during Day-Time Hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- f) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- g) 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.
- h) Noise created by blasting other than the 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.
- i) Noise created by refuse and solid waste collection, provided that the activity is conducted during Day-Time Hours.

SECTION 6. Prohibited Noise Activities. The following activities are prohibited:

- 6.1 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.
- 6.2 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 (10) minutes when such vehicle is parked on a residential premise or on a Town road next to a residential premise.
- 6.3 Exhaust Discharge. No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationery internal combustion engine or air compressor equipment unless such discharge be through a muffler, as defined by Section 3.15 of this Ordinance or through an apparatus providing equal noise reduction.

SECTION 7. Motor Vehicle Noise.

- 7.1 All motor vehicles operated within the limits of the Town of Seymour shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.
- 7.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 5.2.

SECTION 8. Recreational Vehicle Noise.

- 8.1 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 set forth in Section 5.2

SECTION 9. Inspections:

- 9.1 For the purpose of determining compliance with the provisions of this regulation, the director of the Valley Health Department or his authorized agent, 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 measurements of any activity, or process where inspection is sought, the director

of the Valley Health Department, through the Town of Seymour, may seek from the appropriate court a warrant or other appropriate order for the purpose of inspecting, testing or measuring noise.

- 9.2 It shall be unlawful for any person to refuse to allow or permit the Director of the Valley Health Department, or his authorized agent, free access to any premises when the Director of the Valley Health Department, or his authorized agent, is acting in compliance with a warrant or other order for inspection.
- 9.3 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.
- 9.4 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 regulation.
- 9.5 The Director of the Valley Health Department, or his authorized agent, will at all times, in the process of enforcing these regulations, be functioning as an agent of the Town of Seymour, and the Town of Seymour will be responsible for any and all legal expenses incurred by the Valley Health Department in the course of enforcing this ordinance.

ACTION 10 Penalties

- 10.1 The Director of the Valley Health Department, 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 prior hearing, issue a Cease and Desist Order in writing to such person to discontinue, abate or alleviate such condition or activity. Upon receipt of such order, such person shall immediately discontinue, abate or alleviate, or shall refrain from causing, engaging in or maintaining such condition or activity. The Director of the Valley Health Department shall, within ten (10) days of such order, hold a hearing to provide the person an opportunity to be heard and show that such condition does not exist. Such order shall remain in effect until ten (10) days after the hearing within which time the Director of the Valley Health District will report to the Board of Selectman with recommendations for other appropriate action based on the hearing as it deems necessary. Any and all legal action taken thereafter will be the sole responsibility of the Board of Selectmen and the Town of Seymour.

10.2 Any person in violation of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed twenty five (\$25) dollars. 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 said violation continues, said fine not to exceed four hundred (\$400) dollars per day.

SECTION 11. Contracts.

11.1 Contracts: Any written agreement, purchase order or contract whereby the Town of Seymour 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 Ordinance will be operated, constructed, conducted or manufactured without violating the provisions of this Ordinance.

SECTION 12. Severability: All provisions of the Zoning Regulations of the Town of Seymour which are more stringent than those set forth herein shall remain in force. If, for any reason, any work, clause, paragraph or section of Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut is hereby repealed, it being understood that said Statutes and Code shall take precedence over this Ordinance.

SECTION 13. Effective Date: This Ordinance shall become effective Twenty One (21) days after passage.

6/1/83