

Noise Control Ordinance of the Town of Sprague.

Section 1. Title.

This ordinance shall be known as the Noise Control Ordinance of the Town of Sprague.

Section 2. Purpose.

It is found that excessive sound and vibrations are harmful to the quality of life, and the health, safety and welfare, of persons living, residing and visiting the Town, in that excessive sound and vibration adversely affects sleep habits, attentiveness to duty, work, study and personal affairs, adversely affects commerce, businesses, and pedestrians, and the use and enjoyment of public areas such as streets and sidewalks, parks and other recreational lands and areas of the Town; and

It is found that persons residing within the Town of Sprague should enjoy an environment free from excessive sound and vibration; and

It is found that excessive noise must be controlled by ordinance to protect, preserve and promote the public health, safety and welfare.

Therefore, pursuant to the Connecticut General Statutes Sections 7-148 and 22a-67, et seq., the Town of Sprague hereby adopts this Ordinance.

Section 3. Prohibition.

It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be deemed to be loud or unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.

Section 4. Express prohibitions:

The following acts, which enumeration shall not be deemed to be exclusive, are declared to be a noise disturbance:

a. It shall be unlawful for any person to operate a motor vehicle whose muffler may be heard distinctly a distance of 200 feet or more from the motor vehicle;

b. It shall be unlawful for any person to permit or allow the operation of any motor vehicle upon private property that, alone or in combination with others, emits noise such that it interferes with the peace or health of members of the public.

c. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a loud or offensive manner

such that the noise interferes with the peace or health of members of the public or is audible through walls between units within the same building, from another property or from the street. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved, or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.

d. The enforcement officer may consider two complaints about the same noise source reported within a reasonable period of time of each other to be evidence of a violation of this Ordinance.

As used in this Ordinance, a motor vehicle shall include any motorized vehicle such as, but not limited to, a motorbike, motorcycle, car, automobile or truck.

Section 5. Exclusions.

This Ordinance shall not apply to any 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. The operation of police or emergency equipment, radios and vehicles.
- F. Snow removal.
- G. Nighttime state road construction.
- H. Animals.
- I. The exemption provided in Connecticut General Statutes Section 22a-74a, as amended.

Section 6. Conditional Exemptions.

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

- A. Noise created by the operation of property maintenance equipment during daytime hours.
- B. Noise generated by any construction equipment operated during daytime hours.

- C. Noise created by any recreational activities sanctioned by the Town, including, but not limited to, parades, sporting events, festivals, 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 5:00 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 10 minutes when such alarm is attached to a vehicle or 30 minutes when attached to any building or structure.
- G. Noise created by public facility maintenance during daytime hours.
- H. Noise created by speakers or live entertainment from commercial establishments during the hours of to and where the establishment is otherwise in full compliance with the provisions of all zoning permits and zoning regulations related to noise.

Section 7. Enforcement

- A. This ordinance may be enforced by any police or peace officer, by the First Selectman, and by the First Selectman's designee, and each may issue written citations for the fines prescribed herein.
- B. First Offence. A person who violates any provision of this ordinance shall be given a written warning.
- C. A second offense of any provision of this ordinance by a person during any twelve-month period shall be deemed a civil ordinance violation and shall be punishable by a fine of One Hundred Fifty Dollars (\$150).
- D. A third or further offense of any provision of this ordinance by a person during any twelve-month period shall be deemed a civil ordinance violation and shall be punishable by a fine of Two Hundred Fifty Dollars (\$250).
- E. Where the violation involves a motor vehicle and the person cited is not the owner, the owner of the vehicle shall be jointly and severally responsible with the driver for the payment of the fine.
- F. Where the violation involves a motor vehicle, the First Selectmen, designee, and the tax collector, may report unpaid fines to the Connecticut Department of Motor Vehicles.

- G. The fine shall be paid within five (5) days of its issuance, and any person failing to make payment within the said five (5) days shall be charged interest at the rate of Eighteen Percent (18%) per annum.
- H. A person who files a complaint falsely or without a reasonable basis may be prosecuted in the same manner as filing a false police report.

Section 8. Landlord to provide notice.

Any person, real estate agent or broker, or any owner, who rents, lets or leases real property, shall provide each tenant a copy of this Ordinance.

Section 9. Criminal acts, conflicts and severability.

Nothing here in shall be construed to in any way restrict or limit the enforcement of the criminal laws by the Town of Sprague, the State of Connecticut or the United States, including the criminal enforcement of disorderly conduct and civil disobedience statutes and laws. In addition, Nothing herein shall be construed to limit, impair or affect the regulatory authority of any board, official or commission, to regulate noise or sound, decibel levels or their effects, nor to place more restrictive restrictions upon any use, activity, property or person. Nothing herein shall be construed to be a defense against any prosecution for any civil, administrative or criminal proceeding. If, for any reason, any word, clause, paragraph or section of this ordinance shall be held to make the same unconstitutional or superseded by any state law or regulation, or invalidated, this ordinance shall not thereby be invalidated and the remainder of the ordinance shall continue in effect.

Section 10. Effective date and miscellaneous.

This Ordinance shall be published pursuant to law, and its effectiveness is subject to approval by the Commissioner of Environmental Protection. Notice of the Commissioner's approval shall also be published, and this Ordinance shall be effective 30 days after the date the said approval is published.