

August 2, 1993

WATERFORD
NOISE CONTROL ORDINANCE

SECTION 1 PURPOSE:

The making, creation, or maintenance of unreasonably loud, unnecessary, or disturbing noises, as prescribed in this ordinance, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of Waterford. The purpose of this ordinance 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 ordinance. This ordinance prescribes a minimum and uniform standard governing the creation and maintenance of noise levels in the community.

SECTION 2 LEGISLATIVE REFERENCES:

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

SECTION 3 DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this ordinance. Where terms are not defined under the provisions of this ordinance 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: shall mean the hours between 7 AM and 9 PM Monday through Saturday, and the hours between 9 AM and 9 PM on Sunday. (local time)

excessive noise: means emitter Noise Zone levels from noise sources exceeding the Standards set forth in Section 5 of this ordinance beyond the boundary of the emitters Noise Zones.

mobile sources of noise: 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 9 PM and 7 AM Sunday through Friday, and the hours between 9 PM Saturday and 9 AM 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 weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971.

SECTION 4 CLASSIFICATION OF NOISE ZONES BY LAND USE:

GENERAL

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 of Waterford.

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 Section 5A of these Regulations.

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

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.

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.

SECTION 5: 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:

	<u>Receptor Noise Zone Class</u>			
	C	B	A-Day	A-Night
Class C Emitter to	70 dB A	66 dB A	61 dB A	51 dB A
Class B Emitter to	62 dB A	62 dB A	55 dB A	45 dB A
Class A Emitter to	62 dB A	55 dB A	55 dB A	45 dB A

Sound levels determined by the Police Department to be in excess of these values shall constitute proof of violation of this ordinance.

B. INTRUSION ALARMS

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.

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 5 dBA, provided that no source subject to the provisions of Section 5A 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 Regulation.

D. IMPULSE NOISE

1. No person shall cause or allow the emission of Impulse Noise in excess of 80dB peak sound pressure level during nighttime hours.
2. No person shall cause or allow the emission of Impulse Noise in excess of 100dB peak sound pressure level at anytime.

E. NOISE EXCURSIONS

In measuring compliance with noise zone standards of Section 5A, the following short term noise level excursions over the noise level standards established by this ordinance shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith.

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 (24) 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 this ordinance, 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 (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. 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 Section 7. C.

SECTION 6: 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 said use by the Town of Waterford 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.

SECTION 7 EXEMPTIONS:

Exempted from this Ordinance are:

- A. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted 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 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 7:00 AM to 9:00 PM on weekdays, and 8:00 AM to 9:00 PM 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 Section 5A. 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 (5) days, which allows these hours to be extended.
- D. Patriotic or public celebrations, such as parades, carnivals and fireworks displays, not extending beyond 11:00 PM 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 8:00 AM to 5:00 PM, 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 (5) 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.

SECTION 8 NOISE LEVEL MEASUREMENT PROCEDURES:

For the purpose of determining noise levels as set forth in this chapter, 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 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 (4) 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 (1) 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.

SECTION 9 VIOLATIONS AND ENFORCEMENT:

A. ENFORCEMENT

1. A Police Officer shall be responsible for making noise level measurements to determine that a violation of Section 5 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 (30) 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 Section 5G, and conducting any activity listed in Section 7 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 (\$95.00). 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 (30) days from the date of service of the order, whichever is later, shall be considered a separate violation of these Regulations.

SECTION 10 VARIANCE:

- A. Any person living or doing business in the Town may apply to the Planning and Zoning Commission 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 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 said 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 (65) 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, said application must be made to the State Commissioner of the Department of Environmental Protection. Any variances issued by said 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.

SECTION 11 SEVERABILITY:

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions of applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.