

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

BE IT ORDAINED by the Town Council of Wethersfield that Title III of Part B of the Revised Charter and Municipal Code of the Town of Wethersfield, Connecticut is hereby amended by adding a new Chapter, which Chapter reads as follows:

CHAPTER 3-4 NOISE CONTROL

Section 3-4-1 Short Title. The short title of this ordinance shall be "The Town of Wethersfield Noise Control Ordinance".

Section 3-4-2 Purpose. It is recognized that people have a right to and should be insured an environment free from excessive sound and vibration that may jeopardize their health, safety, or welfare or degrade the quality of their lives. This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Wethersfield through the reduction, control and prevention of noise.

Section 3-4-3 Definitions.

- (a) 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. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.
- (b) Business Zone shall mean those areas so designated under Business Zone No. 1 (B-1), Business Zone No. 2 (B-2), Planned Development-Office Zone (PD-O), and Planned Development-Business Zone (PD-B) of the Zoning Regulations of the Town of Wethersfield.
- (c) Chief of Police shall mean the Chief of Police of the Town of Wethersfield or a duly authorized officer subject to his order.
- (d) 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.
- (e) Construction equipment shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- (f) Day-time hours shall mean the hours between 7:00 am and 10:00 pm, Monday through Saturday, and the hours between 9:00 am and 10:00 pm on Sunday.
- (g) Decibel shall mean a unit of measurement of the sound level, the symbol for which is db.
- (h) Demolition shall mean any dismantling, intentional destruction, or

removal of structures, utilities, public or private right-of-way surfaces or similar property.

- (i) Domestic power equipment shall mean, but is 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.
- (j) Emergency vehicle shall mean any motor vehicle authorized by any local authority to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- (k) 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 changes.
- (l) Excessive Noise means any sound, the intensity of which exceeds the standards set forth in Section 3-4-5.
- (m) Impulse noise shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid delay.
- (n) Intrusion alarm shall mean a device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.
- (o) Industrial Zone shall mean those areas so designated under the Industrial Zone (I), Industrial Park Zone (IP), and Planned Development-Industrial Zone (PD-I) of the Zoning Regulations of the Town of Wethersfield.
- (p) 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.
- (q) Muffler shall mean a device for abating sound such as escaping gases.
- (r) Night-time hours shall mean the hours between 10:00 pm and 7:00 am, Sunday evening through Saturday morning; and between 10:00 pm and 9:00 am Saturday evening through Sunday morning.
- (s) Noise level shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level sound is designated dbA or dba.
- (t) 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.
- (u) Premises shall mean any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.

- (v) Property line shall mean that real or imaginary line along the ground surface and its vertical extension which 1) separates real property owned or controlled by any person from contiguous real property owned and controlled by another person, and 2) separates real property from the public right-of-way.
- (w) 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 government entity.
- (x) Recreational vehicle shall mean any internal combustion engine-powered vehicle which is being used for recreational purposes.
- (y) Residential Zone shall mean those areas so designated under Special Residence Zone (SR), A-A Residence Zone, A-1 Residence Zone, A Residence Zone, B Residence Zone, C Residence Zone, Planned Development-Medium Density Residence Zone (PD-MDR), Planned Development-High Density Residence Zone (PD-HDR), and Planned Development-Elderly Housing Zone (PD-EH) of the Zoning Regulations of the Town of Wethersfield.
- (z) 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.
- (aa) 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 Institutes operational Specifications for Sound Level Meters S1.4-1971 (Type S2A).
- (bb) 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} Newton/meter²), or .0002 dynes per square centimeter, and is expressed in decibels (db).

Section 3-4-4 Noise Level Measurement Procedures. For the purpose of determining noise levels as set forth in this Chapter, 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 measurement shall be sound level meters as defined by this Chapter.
- (c) The following steps should 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 3-4-5 shall be taken at a point that is located more or less one foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.
3. The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled, "Connecticut Noise Survey Data Form #101".

Section 3-4-5 Noise Levels. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

| <u>Zone in Which Noise Emitted is Located</u> | <u>Zone in Which Noise Receptor is Located</u> | | | |
|---|--|-----------------|---|---|
| | <u>Industrial</u> | <u>Business</u> | <u>Residential (day-time hours)</u> | <u>Residential (night-time hours)</u> |
| Industrial | 70 dbA | 66 dbA | 61 dbA | 51 dbA |
| Business | 62 dbA | 62 dbA | 55 dbA | 45 dbA |
| Residential | 62 dbA | 55 dbA | 55 dbA | 45 dbA |

Section 3-4-6 High Background Noise Levels and Impulse Noise.

- (a) In those individual cases where the background noise levels caused by sources not subject to this Chapter 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 the provisions of this Chapter 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 Chapter.
- (b) No person shall cause or allow the emission of impulse noise in excess of 80 db peak sound pressures level during night-time hours to any residential zone.
- (c) No person shall cause or allow the emission of impulse noise in excess of 100 db peak sound pressure level at any time to any zone.

Section 3-4-7 Exclusions. This Chapter 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
- (c) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation
- (d) a public emergency sound signal

- (e) warning devices required by OSHA or other State or Federal safety regulations
- (f) farming equipment or farming activity
- (g) an emergency
- (h) snow removal equipment

Section 3-4-8 Exemptions. The following shall be exempt from this Chapter subject to special conditions as specified:

- (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 3-4-5.
- (b) Noise from domestic power equipment operated during day-time hours.
- (c) 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 Chapter.
- (d) Noise created by any aircraft flight operations which are specifically pre-empted by the Federal Aviation Administration.
- (e) 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 fireworks displays.
- (f) Noise created by blasting other than that conducted in connection with construction activities, shall be exempted provided that the blasting is conducted between 8:00 am and 5:00 pm local time, at specified hours previously announced to the local public, and provided that a permit for such blasting has been obtained from local authorities.
- (g) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during day-time hours.
- (h) Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle, or thirty (30) minutes when attached to any building or structure.
- (i) Public address systems used in election campaign activities.

Section 3-4-9 Prohibited Noise Activities. The following activities are prohibited:

- (a) Motor Vehicle Noise. All motor vehicles operated within the limits of the Town of Wethersfield shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.

- (b) Motor Vehicles Sound Amplifying Devices. No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 3-4-5.
- (c) Recreational Vehicle Noise. 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 3-4-5.

Section 3-4-10 Penalties. Any person in violation of any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Fifty Dollars (\$50.00). Each day such violation continues after the time for correction of the violation 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 Dollars (\$400.00) per day.

Section 3-4-11 Variances.

- (a) Any person living or doing business in Wethersfield may apply to the Chief of Police for a variance from one or more of the provisions of this Chapter 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 Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:
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, and
- (b) No variance from this Chapter shall be granted 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 Chapter constitutes an unreasonable hardship on the applicant.
- (c) The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for

rejection.

- (d) Failure to rule on an application within the designated time shall constitute approval of the variance.

Section 3-4-12 Severability. All provisions of the Zoning Regulations of the Town of Wethersfield 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 Chapter shall be held to make the same unconstitutional or be superseded by any State law or regulations, this Chapter shall not thereby be invalidated and the remainder of the Chapter shall continue in effect.

Approved by Vote of Council: November 1, 1982