

ARTICLE IV. CONSTRUCTION NOISE*

*State law references: General authority relative to noise, G.S. §§ 7-148(c)(7)(F)(i), 7-148(c)(7)(H)(viii).

Sec. 17-61. Purpose.

The people of the Town are entitled to an environment free from excessive noise and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This article is enacted to protect, preserve and promote such health, safety, welfare and quality of life through the control and prevention of excessive noise and vibration due to construction activities.

(Ord. No. 71, § I)

Sec. 17-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction activities means activities necessary or incidental to the construction, erection, assembly, installation, equipping, alteration, repair, renovation or demolition of buildings or other structures, roads, utility lines or other property. The term "construction activities", shall include but not be limited to land clearing, grading, blasting, excavation, activities related to the processing of earth and rock such as screening, splitting and crushing, removal of materials, filling, paving and the operation of vehicles, tools and equipment on a construction site.

(Ord. No. 71, § II)

Sec. 17-63. Penalties.

Any person violating or causing to be violated this article, including through an agent, employee or contractor, shall be subject to a fine of \$90.00. Each day any such violation shall continue and each act in violation shall constitute a separate offense.

(Ord. No. 71, § V)

State law references: Penalty for ordinance violations, G.S. § 7-148(c)(10)(A).

Sec. 17-64. Exemptions.

(a) The restrictions contained in this article shall not apply to:

- (1) Construction activities engaged in by the Town or the State;
- (2) Construction activities engaged in by a resident of the Town who is performing such activities on residential property on which the resident resides;
- (3) Construction activities undertaken in an emergency by a public service company;
- (4) Construction activities that do not cause noise or vibration such as painting, plastering and caulking.

(b) The Chief of Police or, in his absence, the Executive Officer of the police department, shall, in the event of an emergency not involving a public service company, have the power and authority to permit construction activities otherwise prohibited by this article.

(Ord. No. 71, § IV)

Sec. 17-65. Prohibitions.

Construction activities shall be prohibited within the Town between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays, Sundays, and Town holidays.

(Ord. No. 71, § III)

ARTICLE II. NOISE

Sec. 11-41. 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, safety or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 4-3-00, § 1)

Sec. 11-42. Definitions.

When used in this chapter, the terms below shall have the following meaning:

ANSI. The American National Standards Institute or its successor body. Any ANSI standard referred to in this ordinance shall be deemed to incorporate further revisions by reference.

Background noise . Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone . Those areas so designated for commercial use under the zoning regulations of the town.

Chief of police. The first selectman of the town or his or her designee, provided that, should the town establish a town police force, the first selectman shall designate the chief of the town's police force to enforce and administer the provisions of this ordinance.

Construction . 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.

Construction equipment . Any equipment or device operated by fuel or electric power used in construction or demolition.

Continuous noise . Ongoing noise, the intensity of which remains at a measurable level (which may vary) without interruption over an indefinite period or a specified period of time.

Daytime hours . The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel . A unit of measurement of the sound level, the symbol for which is dB.

Demolition. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Emergency. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

Emergency vehicle. 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.

Excessive noise . Any sound, the intensity of which exceeds the standards set forth in section 11-45.

Impulse noise . Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, the level of which is measured with a sound-level meter, which shall conform with ANSI S2.7-1986 (R1993).

Industrial zone. Those areas designated for industrial use under the zoning regulations of the town.

Intrusion alarm. A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle. A vehicle as defined in Subdivision (47) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

Nighttime hours. The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level. The sound-pressure level as measured with a sound-level meter.

Noise level, A-weighted . The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated dBA.

Octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

One-third octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred one-third octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

Peak sound-pressure level (SPL) . The absolute maximum value of the instantaneous sound pressure level occurring in a specified time period.

Person . 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. Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise receptor's "premises" shall include all publicly dedicated street and highway rights-of-way, road rights-of-way and waters of the state lying between the property lines of the noise receptor and a noise emitter whose property line would abut the noise receptor's but for such street, right-of-way, or waters of the state.

Prominent discrete, tone. The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound-pressure level greater than that of either adjacent one-third octave, and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than that shown below, for the one-third octave band containing the concentration of acoustic energy.

TABLE INSET:

| 1/3 Octave Band Center Frequency (Hz) | average exceedence (dB) |
|---------------------------------------|-------------------------|
| 100 | 16 |
| 125 | 14 |
| 160 | 12 |
| 200 | 11 |
| 250 | 9 |
| 315 | 8 |
| 400 | 7 |
| 500 | 6 |
| 630 | 6 |
| 800 | 5 |
| 1000 | 4 |

| | |
|-------|---|
| 1250 | 4 |
| 1600 | 4 |
| 2000 | 3 |
| 2500 | 3 |
| 3150 | 3 |
| 4000 | 3 |
| 5000 | 4 |
| 6300 | 4 |
| 8000 | 5 |
| 10000 | 6 |

Property line. 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 owned and controlled by another person and which separates real property from the public right-of-way.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

Residential zone. Those areas designated for residential use in the zoning regulations of the town.

Sound . A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alteration in pressure or position of 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 analyzer. A device, generally used in conjunction with a sound level meter, for measuring the sound-pressure level of a noise as a function of frequency, expressed in hertz (Hz), in octave bands, one-third octave bands or other standard ranges. The sound analyzer shall conform, as a minimum, to Type E, Class II, as specified in ANSI S1.11-1986 (R 1993).

Sound-level meter. An instrument used to measure sound levels. A sound-level meter shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1983 (R 1994).

Sound-pressure level, A-weighted. The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

Sound-pressure level (SPL) . Equals twenty (20) times the logarithm to the base ten of the ratio of the sound pressure in question to the standard reference pressure of twenty (20) micro-Pascals, expressed in decibel (dB) units.

Sec. 11-43. Noise measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- (1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- (2) Instruments used to determine sound-level measurement shall be sound-level meters and analyzers as defined by this chapter.
- (3) The following steps should be taken when preparing to take sound-level measurements.
 - (a) The instrument manufacturers specific instructions for the preparation and use of the instrument shall be followed.
 - (b) Measurements to determine compliance with section 11-45 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitters premises and within the noise receptors premises.

(Ord. of 4-3-00, § 3)

Sec. 11-44. Classification of noise zones.

Noise zones within the town shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received; provided that any parcel whose use is lawfully nonconforming to its zone at the time this section is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use.

TABLE INSET:

| Zone | Use | Current Zoning* |
|------|-----|-----------------|
|------|-----|-----------------|

- A Residential MR, FR
- B Commercial C-1, C-2
- C Industrial HI, LI, DDD

Note: *Based on the zoning regulations and zoning map of the Town of Durham.

(Ord. of 4-3-00, § 4)

Sec. 11-45. Noise zone standards.

(a) A-weighted noise level standards.

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:

TABLE INSET:

| Zone Class of Noise Receptor | | | | | |
|------------------------------|------------|-------------|---------------|---------|---------|
| EMITTER | NOISE ZONE | A-Day (dBA) | A-Night (dBA) | B (dBA) | C (dBA) |
| Class A | | 55 | 45 | 55 | 62 |
| Class B | | 55 | 45 | 62 | 62 |
| Class C | | 61 | 51 | 66 | 70 |

(b) Octave band noise standards.

(1) Class A receptor, daytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during daytime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor
by Emitters in the Following Zones:

| Frequency (Hz) | Class C | Class B | Class A |
|----------------|---------|---------|---------|
| 31.5 | 75 | 72 | 72 |
| 63 | 74 | 71 | 71 |
| 125 | 69 | 65 | 65 |
| 250 | 64 | 57 | 57 |
| 500 | 58 | 51 | 51 |
| 1000 | 52 | 45 | 45 |
| 2000 | 47 | 39 | 39 |
| 4000 | 43 | 34 | 34 |
| 8000 | 40 | 32 | 32 |

(2) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor
by Emitters in the Following Zones:

| Frequency (Hz) | Class C | Class B | Class A |
|----------------|---------|---------|---------|
| 31.5 | 69 | 63 | 63 |
| 63 | 67 | 61 | 61 |
| 125 | 62 | 55 | 55 |
| 250 | 54 | 47 | 47 |
| 500 | 47 | 40 | 40 |

| | | | |
|------|----|----|----|
| 1000 | 41 | 35 | 35 |
| 2000 | 36 | 30 | 30 |
| 4000 | 32 | 25 | 25 |
| 8000 | 32 | 25 | 25 |

(3) Class B or Class C Receptor, at anytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class B or Class C receptor noise zone at anytime, in excess of the following noise levels:

TABLE INSET:

Octave Band Center Octave Band Sound-Pressure Levels (dB) Emitted to Class B or Class C Receptor by Emitters in the Following Zones:

| Frequency (Hz) | Class C | Class B | Class A |
|----------------|---------|---------|---------|
| 31.5 | 80 | 79 | 72 |
| 63 | 79 | 78 | 71 |
| 125 | 74 | 72 | 65 |
| 250 | 69 | 64 | 57 |
| 500 | 63 | 58 | 51 |
| 1000 | 57 | 52 | 45 |
| 2000 | 52 | 46 | 39 |
| 4000 | 48 | 41 | 34 |
| 8000 | 45 | 39 | 32 |

(c) Impulsive noise standards.

(1) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of 80 dB peak sound pressure level.

(2) Any receptor, at any time.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to any receptor noise zone at any time, in excess of 100 dB peak sound pressure level.

(d) Prominent discrete tone noise standards.

It shall be unlawful for any person to emit or cause to be emitted any continuous noise beyond the property lines of his/her premises, which possesses one or more audible prominent discrete tones, in excess of the following noise levels:

TABLE INSET:

| EMITTER NOISE ZONE | Receptor C (dBA) | Noise B (dBA) | Zone Class A-Day (dBA) | A-Night (dBA) |
|--------------------|------------------|---------------|------------------------|---------------|
| Class A | 57 | 50 | 50 | 40 |
| Class B | 57 | 57 | 50 | 40 |
| Class C | 65 | 61 | 56 | 46 |

(Ord. of 4-3-00, § 5)

Sec. 11-46. Delivery trucks.

In addition to the noise prohibitions in Section 11-45, no person shall unload or cause to be unloaded delivery trucks within two hundred (200) feet of a residential district between one (1) hour after sundown and 7:00 a.m.

(Ord. of 4-3-00, § 6)

Sec. 11-47. Exceptions.

- (a) This chapter shall not apply to noise emitted by or related to:
- (1) Natural phenomena.
 - (2) Any bell or chime from any building clock, school or church.
 - (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system in an emergency situation.
 - (4) A public emergency sound system.
 - (5) Warning devices required by the occupational safety and health administration or other state or federal safety regulations.
 - (6) Farming equipment or farming activity.
 - (7) Emergency work or sounds from emergency vehicles responding to an emergency.
- (b) The following shall be exempt from this chapter, subject to special conditions as specified.
- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in Section 11-5 of this chapter.
 - (2) Noise from domestic power equipment during daytime hours.
 - (3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
 - (4) Noise created by aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
 - (5) 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, provided that noise discharged from exhausts is adequately muffled to prevent food and/or explosive noises therefrom.
 - (6) Noise created by blasting other than that conducted in connection with construction activities, 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, and provided that a permit for such blasting has been obtained from local authorities.
 - (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(8) Noise created by a fire or intrusion alarm, from the time of activation of the audible signal 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.

(9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property 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 noises therefrom.

(10) Public-address systems used in assemblies on public space or for election campaign activities, during daytime hours only.

(11) Snow removal equipment provided the equipment is maintained in good repair so as to minimize noise and that noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(Ord. of 4-3-00, § 7)

Sec. 11-48. Vehicle noise restrictions.

The following activities are prohibited:

(1) Motor vehicle noise. All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in C.G.S. § 14-80a.

(2) Motor vehicle 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 11-45.

(3) Unregistered recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operations of an unregistered recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in section 11-45.

(Ord. of 4-3-00, § 8)

Sec. 11-49. Violations and penalties.

Any person in violation of any of the sections of this chapter shall be fined in an amount not to exceed one hundred (\$100.00) dollars. Each day that such violation continues after the time for correction of the violation given in an order shall constitute a separate violation subject to a fine not to exceed one hundred (\$100.00) per day.

(Ord. of 4-3-00, § 9)

Sec. 11-50. Variances.

(a) Any person living or doing business in the town may apply to the chief of police 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 of the following information to the chief of police at least thirty (30) days prior to the start of the time period for which the variance is sought:

- (1) The location and nature of the activity for which the variance is sought.
- (2) The time period and hours of operation of said activity.
- (3) The nature and intensity of the noise that will be generated.
- (4) The reasons for which the variance is requested, including the economic and technical justifications.
- (5) A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

(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 state department of environmental protection noise regulations;
- (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- (3) Compliance with this ordinance constitutes an unreasonable hardship on the applicant.

(c) The application for a variance shall be reviewed and approved or rejected at least seven (7) days prior to the start of the period for which the variance is sought. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection. The chief of police may attach reasonable conditions to any variance granted including, without limitation, the requirement that noise control measures be taken by the applicant to minimize noise during the period of the variance, and that the applicant submit reports relating to noise and to compliance with any other conditions under which the variance was granted.

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

(Ord. of 4-3-00, § 10)

Sec. 11-51. Conflict with other provisions of law.

All provisions of the zoning regulations of the town 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 or federal law or regulation, this chapter shall not thereby be invalidated, and the remainder of this chapter shall continue in effect.

(Ord. of 4-3-00, § 11)

Sec. 11-52. Administration.

- (a) Unless otherwise stated, all notices and fines required or permitted by this ordinance shall emanate from the chief of police. Fines shall be paid to the chief of police.
- (b) Interest shall accrue at the rate of one and one-half (1.5) percent per month on all fines outstanding for periods in excess of thirty (30) days.
- (c) Fines and interest payable under this section shall be deposited into the town's general fund.

(Ord. of 4-3-00, § 12)

Sec. 11-53. Appeal.

- (a) The board of selectmen shall serve as an appeals board for fines imposed under this section.
- (b) Whenever a fine is imposed under this section, the person fined, may, within ten (10) days from the date of the noise emission appearing on the notice of the fine, appeal by filing a written notice of appeal with the first selectmen. The board of selectmen shall begin hearing the appeal no later than thirty (30) days from its receipt by the first selectman. The board of selectmen shall render a written decision on the appeal within seven (7) days of conclusion of the hearing. The filing of an appeal shall stay collection of any fine imposed until such time as a decision is rendered on the appeal.
- (c) The board of selectmen may designate a panel of three (3) persons to serve as an appeal board for any fine or fines appealed from under this section 11-53. Any such panel shall follow the schedule in subsection (b) for hearing and deciding appeals.

(Ord. of 4-3-00, § 13)

Sec. 11-54. Enforcement.

(a) The board of selectmen may choose to enforce the provisions of this ordinance by citation and hearing as permitted by C.G.S. 7-152(c). The citation hearing procedure will then serve as the appeals procedure in lieu of that set forth in section 11-53.

(b) The first selectman is authorized to institute civil or criminal proceedings as necessary to enforce the provisions of this section.

(Ord. of 4-3-00, § 14)

SAMPLE

CHAPTER 208 NOISE

[HISTORY: Adopted by the Board of Selectmen of the Town of Guilford 6-18-2007, effective 7-29-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. [131](#).

Parks and public places — See Ch. [214](#).

Peddling and soliciting — See Ch. [218](#).

Vehicles and traffic — See Ch. [259](#).

Zoning — See Ch. [273](#).

§ 208-1 Title.

The title of this chapter shall be the "Town of Guilford Noise Control Ordinance."

§ 208-2 Purpose.

The policy of the state under C.G.S. § 22a-67 is to promote an environment free from noise that jeopardizes the health and welfare of the citizens. 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 chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Guilford through reduction, control and prevention of noise.

§ 208-3 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

AMBIENT NOISE or BACKGROUND NOISE

Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN

The Board of Selectmen of the Town of Guilford or a duly authorized officer.

COMMERCIAL ZONE

As defined and set forth in Article [II](#) of Chapter [273](#), Zoning, of the Code of the Town of Guilford and all associated uses therewith, either permitted as a right or as a special use.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT

Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

DECIBEL

A logarithmic unit of measure in measuring magnitudes of sound; the symbol "dB."

DEMOLITION

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT

Including 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.

EMERGENCY

Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE

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. (C.G.S. § 14-283).

EMERGENCY WORK

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.

IMPULSE NOISE

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE

As defined and set forth in Article [II](#) of Chapter [273](#), Zoning, of the Code of the Town of Guilford and all uses associated therewith, either permitted as a right or as a special use.

MOTOR VEHICLE

Per Section [14-1](#) of the Connecticut General Statutes.

MUFFLER

A device for abating sounds such as escaping gases.

NIGHTTIME HOURS

The hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

NOISE

Any sound, the intensity of which exceeds the standards set forth on § [208-5B](#) of this chapter.

NOISE LEVEL

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."

PERSON

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

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 publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

PROPERTY LINE

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 owned or controlled by another person and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL ZONE

Those residential districts as defined and set forth in Article [II](#) of Chapter [273](#), Zoning, of the Code of the Town of Guilford and all uses associated therewith, either permitted as a right or as a special use.

SOUND

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

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 S1.4 - 1971 (Type S2A).

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter and is expressed in decibels (dB).

§ 208-4 Sound-measuring procedure.

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)

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 instruction.

(4)

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 feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.

(5)

Measurements shall be taken at the point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. 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.

§ 208-5 Noise levels.

A.

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 these regulations.

B.

Noise level standards:

(1)

No person 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 and industrial zones:

| Receptor's Zone | | | | | <u>(2)</u> No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated |
|-----------------|------------|------------|-------------|--------------|---|
| | Industrial | Commercial | Residential | Residential | |
| Emitter's Zone | | | | | |
| Residential | 62dBA | 55dBA | Day 55 dBA | Night 45 dBA | |

herein and applicable to adjacent residential, commercial or industrial zones:

| Receptor's Zone | | | | | <u>(3)</u> No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated |
|-----------------|------------|------------|-------------|--------------|--|
| | Industrial | Commercial | Residential | Residential | |
| Emitter's Zone | | | | | |
| Commercial | 62dBA | 62 dBA | Day 55 dBA | Night 45 dBA | |

herein and applicable to adjacent residential, commercial or industrial zones:

| Receptor's Zone | | | | | <u>C.</u> High background noise levels and impulse noise. <u>(1)</u> In those |
|-----------------|------------|------------|-------------|--------------|--|
| | Industrial | Commercial | Residential | Residential | |
| Emitter's Zone | | | | | |
| Industrial | 70 dBA | 66 dBA | Day 61 dBA | Night 51 dBA | |

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 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.

(2)

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.

(3)

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.

D.

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

(1)

Natural phenomena.

(2)

Any bell or chime from any building clock, school, or church.

(3)

Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful.

(4)

Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

(5)

Farming equipment or farming activity.

E.

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

(1)

Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on § 208-5B.

(2)

Noise created as a result of or relating to an emergency.

(3)

Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.

(4)

Noise from snow removal equipment.

(5)

Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

(6)

Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

(7)

Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.

(8)

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 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 is obtained from local authorities.

(9)

Noise generated by the police and other established shooting facilities as permitted by Connecticut firearms laws, C.G.S. 22a-74a.

§ 208-6 Refuse collection noise.

All refuse collectors shall comply with the noise level standards as established in this chapter while engaging in refuse collection at each location. For purposes of this chapter, the term "refuse collectors" shall be synonymous with private haulers and all other persons that commercially engage in the collection and transportation of refuse and other debris.

§ 208-7 Motor vehicle noise.

A.

All motor vehicles operated within the limits of the Town of Guilford 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.

B.

No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § [208-5B](#).

§ 208-8 Inspections.

A.

For the purpose of determining compliance with the provisions of this chapter, the Board of Selectmen or its designated representative 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 measurement of any activity, device, facility or process where inspection is sought, the Board of Selectmen or its designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

B.

It shall be unlawful for any person to refuse to allow or permit the Board of Selectmen or its designated representative free access to any premises when the Board of Selectmen or its designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

C.

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.

D.

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/her duties under this chapter.

§ 208-9 Enforcement; penalties for offenses.

A.

The Chief of Police or his designee is the Town official responsible for enforcement of this chapter.

B.

Unless otherwise provided, any person who violates any provision of this chapter may be fined not more than \$99 for each violation. Each day's violation shall be deemed a separate offense.

C.

It shall be the responsibility of the offender to abate the violation as ordered. In the event the offender does not abate the violation, the Town may seek injunctive relief in the Superior Court, including fines, legal fees, and costs.

§ 208-10 Variances.

A.

Any person living or doing business in Guilford may apply to the Town for a variance from one or more of the provisions of the chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Board of Selectmen at least 20 days prior to the start of said activity:

(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 Board of Selectmen.

B.

No variance from those regulations shall be used 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.

(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 at least five 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.

E.

See Appendix for sample application for variance.

Editor's Note: The sample application is available in the Town offices.

§ 208-11 Conflicting provisions.

A.

The Town of Guilford has all the rights contained in Chapter 442, § 22A, of the Connecticut General Statutes, in addition to the regulations contained in this chapter.

B.

All provisions of the Zoning Code

Editor's Note: See Ch. [273](#), Zoning.

of the Town of Guilford, 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, this chapter shall not hereby be invalidated and the remainder of this chapter 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 chapter.

SAMPLE

ARTICLE VIII Earth Removal Operations (§ 273-66 — § 273-72)

§ 273-66 Special permit required.

There shall be no excavation, removal or deposit of any earth, loam, topsoil, sand, gravel, clay, stone or other material from or on any lot except pursuant to a special permit granted by the Commission. See § [273-98](#) for the procedure to be followed in seeking such a special permit.

§ 273-67 Exceptions.

The provisions of this article shall not apply to the following:

A.

Excavation, removal or deposit of material reasonably necessary in connection with the bona fide construction or alteration of a building or other structure for which an application for a certificate of zoning compliance has been approved and a building permit has been issued.

B.

Bona fide landscaping operations on a lot, provided that no more than 100 cubic yards of material are to be removed off the lot in connection therewith and provided that the removal is not for the purpose of creating a pond or other body of water.

C.

The construction of improvements and the changing of contours in accordance with subdivision construction plans and grading plans approved by the Commission under the provisions of Chapter [272](#), Subdivision of Land.

D.

The deposit of not more than 250 cubic yards of earth, loam, topsoil, sand, gravel, clay or stone on any one lot in any one calendar year.

E.

The normal maintenance and repair of roads and driveways.

F.

The normal excavation and filling of silage, manure and similar farm materials when part of a farm agricultural operation.

G.

A sanitary landfill operation of the Town of Guilford that has been approved by the State Department of Health.

H.

Stockpiling of street maintenance material required by the Town of Guilford.

§ 273-68 Conditions for approval.

Except as provided in § [273-69](#), all special permits for soil, gravel or stone excavation, removal or deposit shall be granted subject to the following conditions:

A.

The premises will be excavated and graded or filled and graded within the limits shown on the approved plans and in conformity with the proposed contour plan as approved by the Commission.

B.

Slopes resulting from excavation, removal or deposit will not exceed one foot of rise for three feet of horizontal distance or such lesser slope as the Commission may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation or deposit. Slopes shall be maintained during construction so as not to exceed one foot of rise for two feet of horizontal distance whenever the construction site is unattended.

C.

No fixed machinery will be erected or maintained within 200 feet of any lot line, and no stone-crushing machinery will be used, except in an industrial district.

D.

There will be no excavation or removal within 100 feet of any lot line, unless such excavation or removal would result in finished grades at or above the elevation of the adjoining street or lot.

E.

There will be no sharp declivities, slopes, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.

F.

After excavation, removal or deposit, the lot will be cleared of debris within the time provided in the permit.

G.

In the case of excavation or removal, the top layer of soil, for a depth of at least four inches, will be set aside and retained on the lot and will be respread over the lot as work progresses, and, in the case of deposit, at least four inches of topsoil will be spread over the lot, and a suitable ground cover will be planted and grown to an erosion-resistant condition upon the completion of the work in accordance with the approved contour lines, and such work will be completed within the time provided for in the permit.

H.

The area to be excavated or filled or any portion thereof will be enclosed within a fence of such type, height and location as the Commission may specify, if deemed necessary to meet the purpose of these regulations.

§ 273-69 Alteration of conditions.

The Commission may adjust any standards or conditions provided in § [273-68](#) if, in its judgment, such adjustment is necessary to maintain the purpose and intent of this article.

§ 273-70 Additional conditions.

The Commission may establish such additional standards as it deems necessary to satisfy the purposes of these regulations, including but not limited to the following:

A.

Limitations on the day of the week or the hours of the day during which any work, including any blasting, may be performed on the lot.

B.

Limitations as to size and type of machinery to be used on the lot.

C.

Limitations on the place and manner of disposal of excavated material on the lot.

D.

Requirements as to the control of dust, noise and lighting.

E.

Limitations on the type of fill material permitted for deposit.

§ 273-71 Periodic reports.

The Commission may require the permittee to submit periodic reports, prepared by and bearing the seal of a registered land surveyor or professional engineer, showing the status and progress of the excavation or deposit.

§ 273-72 Maintenance of ponds.

A.

When it is found necessary to maintain existing ponds, lakes or other bodies of freshwater to prevent eutrophication or to remove silting and said maintenance will not change the original basic contours, depth or periphery of the body of water, such work may be done without a special permit, provided that:

(1)

The applicant submits a written report to the Commission, stating:

(a)

The area to be maintained.

(b)

The reason for the maintenance.

(c)

The total amount and type of material to be removed and where it is to be placed.

(d)

The proposed dates of the operation.

(e)

The name of the contractor responsible.

(f)

The hours of operation.

(2)

The Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.

(3)

The Commission approves the above report and so notifies the applicant in writing.

B.

If the Commission finds that said maintenance is an earth removal operation, said work shall only be done in accordance with the requirements of this article and § [273-98](#) of these regulations. It is noted that pond maintenance may be subject to the jurisdiction of the Guilford Inland Wetlands Commission.

SAMPLE

CHAPTER 97 BLASTING AGENTS AND EXPLOSIVES

[HISTORY: Adopted by the Town Council of the Town of Rocky Hill 5-20-1996 by Ord. No. 178-96. Amendments noted where applicable.]

GENERAL REFERENCES

Firearms — See Ch. 125.

Noise — See Ch. 180.

§ 97-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BLASTING AGENT

Any material, composition or mixture intended for blasting, consisting substantially of a fuel and oxidizer, none of the ingredients of which is an explosive as defined in this chapter, and the finished product of which, as mixed and packaged for use or shipment, cannot be detonated by the test procedure established by regulations promulgated by the State Fire Marshal.

EXPLOSIVE

Any chemical compound or any mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities or packaging that ignition by fire, friction, concussion, percussion or detonator may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of destroying life or limb or of producing destructive effects to contiguous nitrocellulose in sheets or rods or grains not under 1/8 of an inch in diameter, wet nitrocellulose containing 20% or more moisture and wet nitrostarch containing 20% or more moisture; and manufactured articles shall not be held to be explosive when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or destructive explosion of such units to the injury of life, limb or property by fire, friction, concussion, percussion or detonator,

including fixed ammunition for small arms, firecrackers, safety fuses and matches. "Explosives," as used in this chapter, shall not be deemed to include gasoline, kerosene, naphtha, turpentine or benzine.

§ 97-2 Guidelines.

Guidelines to be enforced in the Town of Rocky Hill:

A.

The Fire Marshal or a representative of the Fire Marshal's office is to be present for each blast. The cost of any independent consultant, engaged by and representing the Fire Marshal's office for the purpose of monitoring any blast, shall be borne by the blasting company, contractor or developer.

B.

A preestablished schedule of blasting is to be provided by the contractor with seven days' prior notice of the blast.

C.

A blasting schedule is to be made available to area property owners based on the scaled distance formula or within 250 feet, whichever distance is greater.

D.

Preblast surveys of buildings will be done and will include internal and external review with photographs. Costs of preblast surveys shall be borne by the blasting company, contractor or developer.

E.

Copies of preblast and postblast surveys, seismograph records and proof of seismograph calibration will be made available to the Fire Marshal's office or a representative of the Fire Marshal's office.

F.

Seismographs will be placed on-site to monitor ground vibrations. Independent seismograph recordings will be taken with the costs to be borne by the blasting company, contractor or developer.

G.

Blasting charges will start at the lowest reasonable point, not to exceed a 1.0 inch per second peak particle velocity at a minimum 20 hertz, or at higher frequencies relative to particle velocity.

[Amended 12-16-1996 by Ord. No. 180-96]

H.

Steel cable matting and/or rubber tire matting overburden are to be in place for each blast.

I.

The contractor is to maintain on file a certificate of insurance at the Fire Marshal's office or with a representative designated by the Fire Marshal.

J.

Blasting hours are to be between 9:00 a.m. and 3:00 p.m., Monday through Friday. No blasting will occur on weekends or holidays.

§ 97-3 Public access to blasting information.

The information provided to the Town of Rocky Hill by the blasters, as per these regulations, shall be made available to the public.

§ 97-4 Purpose.

The purpose of this chapter is as follows: to ensure that all blasting activity is regulated so as to promote the maximum levels of safety and the minimum level of disruption to the surrounding environment.

SAMPLE

Chapter 9.06 NOISE CONTROL

Sections:

9.06.010 Purpose.

9.06.020 Legislative references.

9.06.030 Definitions.

9.06.040 Classification of noise zones by land use.

9.06.050 Noise zone standards.

9.06.060 Exclusions.

9.06.070 Exemptions.

9.06.080 Noise level measurement procedures.

9.06.090 Enforcement--Violation--Penalty.

9.06.100 Variance.

9.06.010 Purpose.

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

(R.T.M. 8-2-93 (part))

9.06.020 Legislative references.

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

(R.T.M. 8-2-93 (part))

9.06.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Where terms are not defined under the provisions of this chapter 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" means the hours between seven a.m. and nine p.m., Monday through Saturday, and the hours between nine a.m. and nine p.m. on Sunday (local time).

"Excessive noise" means emitter noise zone levels from noise sources exceeding the standards set forth in Section 9.06.050 of this chapter beyond the boundary of the emitters noise zones.

"Mobile sources of noise" shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

"Nighttime hours" means the hours between nine p.m. and seven a.m., Sunday through Friday, and the hours between nine a.m. Saturday and nine a.m. 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 weighing networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971.

(R.T.M. 8-2-93 (part))

9.06.040 Classification of noise zones by land use.

A. General.

1. 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.
2. 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 subsection A of Section 9.06.050 of these regulations.

B. 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.

C. 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.

D. 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.

(R.T.M. 8-2-93 (part))

9.06.050 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:

TABLE INSET:

Receptor Noise Zone Class

| | C | B | A-Day | A-Night |
|--------------------|--------|--------|--------|---------|
| Class C emitter to | 70 dBA | 66 dBA | 61 dBA | 51 dBA |
| Class B emitter to | 62 dBA | 62 dBA | 55 dBA | 45 dBA |
| Class A emitter to | 62 dBA | 55 dBA | 55 dBA | 45 dBA |

Sound levels determined by the police department to be in excess of these values shall constitute proof of violation of this chapter.

B. Intrusion Alarms.

1. 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.
2. 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 five dBA, provided that no source subject to the provisions of subsection A of this section shall emit noise in excess of eighty 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 eighty dB peak sound pressure level during nighttime hours.

2. No person shall cause or allow the emission of impulse noise in excess of one hundred dB noise sound pressure level at anytime.

E. Noise Excursions. In measuring compliance with noise zone standards of subsection A of this section, the following short-term noise level excursions over the noise level standards established by this chapter shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith.

TABLE INSET:

| | 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 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 the ordinance codified in this chapter, 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 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten 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 subsection C of Section 9.06.070.

(R.T.M. 8-2-93 (part))

9.06.060 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 such use by the town 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.

(R.T.M. 8-2-93 (part))

9.06.070 Exemptions.

Exempted from this chapter are:

- A. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of eight a.m. and nine 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 seven a.m. to nine p.m. on weekdays, and eight a.m. to nine p.m. 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 subsection A of Section 9.06.050. 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 days, which allows these hours to be extended;

D. Patriotic or public celebrations, such as parades, carnivals and fireworks displays, not extending beyond eleven p.m. 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 eight a.m. to five p.m., 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 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.

(R.T.M. 8-2-93 (part))

9.06.080 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guide-lines 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 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 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.

(R.T.M. 8-2-93 (part))

9.06.090 Enforcement--Violation--Penalty.

A. Enforcement.

1. A police officer shall be responsible for making noise level measurements to determine that a violation of Section 9.06.050 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 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 subsection G of Section 9.06.050, and conducting any activity listed in Section 9.06.070 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. 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 days from the date of service of the order, whichever is later, shall be considered a separate violation of these regulations.

(R.T.M. 8-2-93 (part))

9.06.100 Variance.

A. Any person living or doing business in the town may apply to the planning and zoning commission for a variance from one 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 the 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 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, the application must be made to the State Commissioner of the Department of Environmental Protection. Any variances issued by the 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.

(R.T.M. 8-2-93 (part))