

BE IT ORDAINED AND ENACTED BY THE TOWN MEETING OF EAST WINDSOR CONNECTICUT THIS ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, DEFINE OFFENSES AND PENALTIES IN THE TOWN OF EAST WINDSOR CONNECTICUT.

Section 1, TITLE

TOWN OF EAST WINDSOR CONNECTICUT NOISE CONTROL ORDINANCE.

Section 2, PURPOSE OF THIS ORDINANCE

It is recognized that people have a right to and be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This Ordinance is enacted to protect, preserve, and promote the health, safety, welfare and quality of life for the citizens of EAST WINDSOR through the regulation, control and prevention of noise.

Section 3, DEFINITIONS

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

- 3.1 Ambient Noise or Background Noise: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
- 3.2 Audible Range of Frequency: Shall mean the frequency range 20 Hz to 20,000 Hz which is generally considered to be the normal range of human hearing.
- 3.3 Commercial Zone: Shall mean Commercial District, as defined in the Zoning Regulations of the Town of East Windsor and all uses associated therewith either permitted as a right or as a special use.
- 3.4 Construction: Shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition of public or private rights-of-way, structures, utilities, or similar property.
- 3.5 Construction Equipment: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 3.6 Day-Time Hours: Shall mean the hours between 7:00 a.m. through 9:00 p.m. Monday through Saturday, and the hours of 9:00 a.m. through 9:00 p.m. on Sundays.

- 3.7 Decibel: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.
- 3.8 Demolition: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- 3.9 Emergency: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 3.10 Emergency Vehicle: Shall mean any motor vehicle authorized by the State of Connecticut or the Town of East Windsor to have sound warning devices such as sirens and bells which can lawfully be used when responding to emergency.
- 3.11 Emergency Work: Shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
- 3.12 Impulse Noise: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
- 3.13 Industrial Zone: Shall mean Industrial District as defined by the Zoning Regulations of the Town of East Windsor.
- 3.14 Motor Vehicle: Shall be defined as per Section 14-1(26) of Connecticut General Statutes.
- 3.15 Muffler: Shall mean a device for abating sounds such as escaping gases.
- 3.16 Night-Time Hours: Shall mean the hours between 9:00 p.m. and 7:00 a.m. Sunday through Saturday, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sundays.
- 3.17 Noise: Shall mean any sound, the intensity of which, exceeds the standards set forth in Section 5 of this ordinance.
- 3.18 Noise Level: Shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- 3.19 Person: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative

subdivision of State or other legal entity of any kind.

- 3.20 Premises: Shall mean any building, structure, land or portion thereof, including all appurtenances, and shall include yards, 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.
- 3.21 Property Line: Shall mean that real or imaginary line along the ground surface and its vertical extension which:
- (a) Separates real property owned or controlled by any person from contiguous real property owned or controlled by an other person.
  - (b) Separates real property from the public-right-of-way.
- 3.22 Property Maintenance Equipment: Shall mean all engine or motor powered tools and equipment used occasionally in the repair or upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers, snow blowers, chain saws.
- 3.23 Public Right-of-Way: Shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
- 3.24 Residential Zone: Shall mean Residential District, including Agricultural Zones, as defined in the Zoning Regulations of the Town of East Windsor.
- 3.25 Sound: Shall mean a transmission of energy through solid, liquid, or gaseous media in the form of vibration which constitute alteration of pressure or position of the particles in the medium and which in air evoke physiological sensation, including but not limited to, an auditory response when impinging on the ear.
- 3.26 Sound Level Meter: Shall mean an instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 or later revision (Type S2A).

- 3.27 Peak Sound Pressure Level: Shall mean the absolute maximum value of the instantaneous sound pressure level occurring in a specific period of time.
- 3.28 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 (20) micronewtons per square meter ( $20 \times 10^{-6}$  Newtons/m<sup>2</sup>) and is expressed in decibels (dB).
- 3.29 Ultrasonic and Infrasonic Sounds: Shall mean sound pressure frequencies:
- a) Ultrasonic - higher than 20,000 Hz; superaudible.
  - b) Infrasonic - lower than 20 Hz; subaudible.
- 3.30 Vibration: Shall mean an oscillatory motion of sound bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

#### Section 4 Noise Level Measurement Procedures

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

- 4.1 All personnel conducting sound measurements shall be certified and trained in the current techniques and principles of sound measuring equipment and instrumentation. The personnel training and certification shall be conducted either by the State of Connecticut, or by other public certified testing agency.
- 4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined in this Ordinance.
- 4.3 The general steps listed below shall be followed when preparing to take sound level measurements:
- a) The instrument manufacturer's specifications for the preparation and use of the instrument shall be followed.
  - b) The sound level meter shall be calibrated before and after each set of measurements.

- c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instruction.
- d) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
- e) Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's premises within the receptor's noise zone. The emitter's premises includes his/her individual unit of land or contiguous parcels under the same ownership as indicated by public land records.

#### Section 5      Noise Level Standards

- 5.1 No person or property owner shall cause or allow the emission of excessive noise beyond the boundaries of his/her premises exceeding the noise levels stated herein and as applicable to Residential, Commercial, or Industrial zones.
- 5.2 Impulse Noise:
  - a) No person shall cause or allow the emission of impulse noise in excess of 70 dB peak sound pressure level during the nighttime to any residential zone.
  - b) No person shall cause or allow the emission of impulse noise in excess of 90 dB peak sound pressure at any time to any zone.
- 5.3 Infrasonic and Ultrasonic sounds: No person shall cause or allow the emission beyond his/her zone infrasonic or ultrasonic sound in excess of 90 dB at any time.

5.4 Noise Levels - Receptor's Zone

Emitter's Zone ▼	Receptor's Zone			
	Industrial Zone	Commercial Zone	Residential Zone - Day	Residential Zone-Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA
Commercial	62 dBA	62 dBA	55 dBA	45 dBA
Industrial	70 dBA	66 dBA	58 dBA	48 dBA

- 5.5 Background Noise Level: In those individual cases where the background noise levels caused by sources not subject to this Ordinance 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 (5) dBA, provided that no source subjected to the provisions of this Ordinance shall emit noise in excess of seventy five (75) dBA at any time and provided that this Section 5.5 shall not decrease the permissible noise levels permitted by other parts of this Ordinance.

Section 6 Prohibited Noise Activities

The following noise activities are prohibited:

- 6.1 Building and Construction: The erection (including excavating), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the Town's Building Department, which permit may be granted for a period not to exceed three (3) days while the emergency continues.
- 6.2 Loading and Unloading: The creation of excessive noise, that exceeds the noise level standards set forth in section 5, in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- 6.3 Truck Idling: No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is

parked on a residential premises or a Town road next to a residential premises, and exceeding the noise levels defined by this ordinance.

6.4 Motor Vehicle Noise:

- a) All motor vehicles operated within the limits of the Town of East Windsor shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a-1a(a-1) entitled Maximum Permissible Noise Levels of the Connecticut General Statutes.
- b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in Section 5.4 of this Ordinance.

6.5 Vehicle Horns: No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

6.6 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 5.4.

6.7 Indoor/Outdoor Sound Amplifying Equipment: No person shall create or cause to be created unreasonably loud and disturbing noise due to the operation of indoor or outdoor loud speakers, intercom or other sound amplifying equipment exceeding the noise levels as specified in Section 5 of this Ordinance.

Section 7 Exclusions

This Ordinance shall not apply to noise emitted by or related to :

- a) Natural phenomena.
- b) The unamplified sound made by any wild or domestic animal.
- c) A bell or chime from any building clock, school, or church.
- d) A public emergency sound signals
- e) Sound created by safety and protective devices.
- f) Back-up or other alarms required by OSHA or other State and Federal Agencies.
- g) Farming equipment or farming activity.
- f) An emergency.
- g) Snow removal.

Section 8 Exemptions

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

- a) Noise created by the operation of property maintenance equipment during day-time hours.
- b) Noise generated by any construction equipment operated during day-time hours.
- c) Noise created by any recreational activities which are sanctioned by the Town including but not limited to parades, sporting events, concerts, and firework displays.
- d) Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time Monday through Saturday and provided that a permit for such a blasting has been obtained from State and or Local authorities.
- e) Noise created by refuse and solid waste collection, provided that such activity is conducted during day-time hours.
- f) Noise created by a fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten (10) minutes.
- g) Noise created by public facility maintenance during day time hours.
- h) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.

Section 9 Inspection, Enforcement and Penalties.

For the purposes of determining compliance with the provisions of this Ordinance, the First Selectman or his designated representative(s) are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to evaluate the magnitude and character of noise and to determine whether a violation of any provisions of this ordinance has occurred.

Any person in violation of any provisions of this ordinance shall be deemed guilty of an offense and, upon conviction thereof, shall be fined in an amount of fifty



(50) dollars for the first day of the offense, and two hundred (200) dollars for each of the continuous days of the same offence.

In lieu of arrest and issuance of a summons, a police officer may serve upon a violation an infraction notice which shall be known as a noise ticket. Payment of the fine prescribed by such noise ticket within the time limit specified shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited.

The fine(s) are to be paid within thirty (30) days of the issuance of the noise ticket of said violation. All fines are to be made payable to the Town of East Windsor and to be remitted to the Town of East Windsor Tax Collector.

#### Section 10 Warrant(s)

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 First Selectman or his designated representative(s) may seek from the appropriate court a warrant for the purpose of inspecting, testing and or measuring noise, at a reasonable time, without interference, restriction or obstruction.

#### Section 11 Compliance With Regulations No Defense to Nuisance Claim

Nothing in any portion of these Regulations shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with these Regulations is not a bar to a claim of nuisance by any person. A violation of any portion of these regulations shall not be deemed to create a nuisance per se.

#### Section 12 Severability

If for any reason, any word, clause, paragraph or section of this Ordinance shall be declared invalid by a court of competent jurisdiction, such conflict invalidity shall not affect the balance of this Ordinance.

#### Section 13 Affectivity

This Ordinance adopted at a Special Town Meeting duly warned and held on \_\_\_\_\_, shall become effective as provided by law; fifteen (15) days from the publication thereof.