

Chapter 146**NOISE**

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[HISTORY: Originally adopted by the Town of North Haven 8-26-1991 Annual Town Meeting, with amendments adopted 6-25-1992. Thereafter, superseding Ordinance adopted by the Town of North Haven May-14-2007 Town Meeting, repealing 8-26-1991 Ordinance and 6-25-1992 amendments.]

GENERAL REFERENCES

Alarms -- See Ch. 77.
Dogs -- See Ch. 102.
Excavations -- See Ch. 110.
Solicitors, canvassers and hawkers -- See Ch. 177.

§ 146.1. Declaration of purpose.

Excessive noise poses a danger to the health, safety, and welfare of persons within the Town of North Haven and a detriment to their quality of life. Therefore,

this Chapter is enacted to promote an environment free from noise that jeopardizes the health, safety, welfare, and quality of life of persons within the Town of North Haven through the control, reduction, and prevention of excessive sound and vibration.

§ 146-2. Definitions.

When used in this Chapter, the terms below shall have the following meanings:

BACKGROUND NOISE – Noise which exists at a point as a result of the 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.

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

DAY – From 7:00 a.m. to 9:00 p.m., local time.

DECIBEL – A logarithmic unit of measure used in measuring magnitudes of sound. The symbol 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.

EMITTER – The person who creates, causes to be created, or allows the noise.

EXCESSIVE NOISE – Any sound, the intensity of which exceeds the standards set forth in § 146-4 of this Chapter.

IMPULSE NOISE – A sound of short duration, usually less than one (1) second, and a high intensity, with an abrupt onset and rapid delay. Examples include an explosion, a discharge of a firearm, or a screech.

INFRASONIC SOUND – Sound-pressure variations having frequencies below the audible range for humans.

MOTOR VEHICLE – Defined as per § 14-1 of the Connecticut General Statutes.

NIGHT – From 9:00 p.m. until 12:00 midnight, and from 12:00 midnight until 7:00 a.m.

NOISE SOURCE – Any individual, equipment, machine or other item or thing that creates a sound.

PEAK SOUND-PRESSURE LEVEL – The absolute maximum value of the instantaneous sound-pressure level occurring in a specified period of time.

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.

RECEPTOR – The person who receives the noise impact.

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 – The A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter properly calibrated and operating on the A-weighting network.

SOUND LEVEL METER – An instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighting networks used to take sound level measurements, which should conform, at a minimum, to the requirements set forth in the American National Standards Institute's American National Standard for Sound Level Meters [ANSI S.1.5 – 1971 (Type S2A) Sound Level Meter].

ULTRASONIC SOUND – Sound-pressure variations having frequencies above the audible sound spectrum for humans.

VARIANCE – A difference between the standards which are required by this ordinance and that which is permitted to exist.

VIBRATION – An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

§ 146-3. Noise zones.

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 related to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, and waters of the State.

Noise zones within the Town of North Haven shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the Zoning Regulations and Zoning Map of the Town of North Haven.

Zone	Actual or Intended Use	Current Zoning*
A	Residential and Limited Commercial	R, RA, EH, LO, LC, O, OA
B	Commercial	CN, CA, CB
C	Industrial	IL, IG

*Based on the Zoning Regulations and Zoning Map of the Town of North Haven.

§ 146-4. Sound levels.

- A. It shall be unlawful for any person to emit or cause to be emitted any sound beyond the boundaries of his/her/its premises so as to violate any provisions of this Chapter.

- B. Sound level standards. No person shall emit or cause to be emitted sound beyond the boundaries of his/her/its premises exceeding the levels stated in the table below and applicable to adjacent residential (Zone A), commercial (Zone B), or industrial (Zone C) zones when measured on a receptor's premises:

Emitter's Noise Zone	Receptor's Noise Zone			
	Zone C Receptor	Zone B Receptor	Zone A/Day Receptor	Zone A/Night Receptor
Zone A Emitter	62 dBA	55 dBA	55 dBA	45 dBA
Zone B Emitter	62 dBA	62 dBA	55 dBA	45 dBA
Zone C Emitter	70 dBA	66 dBA	61 dBA	51 dBA

- C. High background noise levels. 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 five (5) dBA, provided that no source subject to the provisions of this Chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible noise level standards of Subsection B of this section.

- D. Impulse noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.
2. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any noise zone.

- E. Infrasonic and ultrasonic sound.

No person shall emit beyond his/her/its property infrasonic or ultrasonic sound in excess of one hundred (100) decibels at any time.

§ 146-5. Motor vehicle noise.

- A. All motor vehicles operating within the limits of the Town of North Haven 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. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, campers, and dune buggies.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- C. No person shall operate, or cause to be operated, any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.

§ 146-6. Exhaust discharge.

No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge is through a muffler or through an apparatus providing equal noise reduction.

§ 146-7. Certain sounds excluded.

This Chapter shall not apply to:

- A. Sound generated by natural phenomena, including but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.
- B. The unamplified sound of human voices.
- C. The unamplified sound made by any wild or domestic animal.

- D. Sound created by bells, carillons or chimes associated with specific religious observances.
- E. Sound created by a public emergency sound signal attached to any 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 an alarm relating to fire or civil preparedness.
- F. Sound created by safety and protective devices, provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.
- G. Sound created by intrusion alarms, provided that the emission of noise from such devices, from the time of activation of audible signal, does not exceed ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.
- H. Backup alarms required by Occupational Safety and Health Administration (OSHA) or other municipal, state, or federal safety regulations.
- I. Farming equipment or farming activity.

§ 146-8. Exemptions.

The following noise shall be exempted from the provisions of this Chapter.

- A. Noise created by signal testing, principally siren-tested by city fire departments and civil preparedness units.
- B. Noises created by snow removal equipment at any time, provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- C. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. at specified hours provided for in the permits necessary to conduct such activity.

- D. Noise generated by the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays provided that the noise generated therefrom does not exceed the limits set forth in § 146-4. This section does not apply to the use of domestic power tools subject to § 146-8.E. below.
- E. Noise generated by the operation of any mechanically powered or gasoline powered saw, drill, sander, grinder, lawn or garden tool, or other domestic power tool or equipment between the hours of 8:00 a.m. and 9:00 p.m. provided that the noise generated therefrom does not exceed the limits set forth in § 146-4. This section does not apply to the use of snow-removal equipment [see § 146-8.B. herein].
- F. Noise created by on-site recreational or sporting activity that is sanctioned by town government, provided that the noise created by the activity is adequately muffled to prevent loud noises therefrom.
- G. Patriotic or public celebrations not extending longer than one calendar day, such as parades, carnivals, and firework displays, are exempted, provided that any necessary permits have been obtained.
- H. Noise created by aircraft or components designed for or utilized in the development of aircraft.

§ 146-9. Instruments and measurements.

- A. Instruments used to determine sound level measurements shall conform to sound level meters as defined by this Chapter.
- B. All personnel conducting sound measurements shall be trained and experienced in the current techniques and principles of sound measuring equipment and instrumentation.
- 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 windscreen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.
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 (4) feet above the ground. It shall be so placed so as not to be interfered with by individuals conducting the measurements.
5. Measurements shall be taken at a point that is located about one (1) foot beyond the property line of the emitter's premises within the receptor's premises. The emitter's premises include his/her/its individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
6. While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources shall be made to ensure that the measurements are due to the sound being investigated. The sound levels of extraneous sound sources shall be recorded.
7. The intentional moving or rendering inaccurate or inoperative or any sound-monitoring instrument or device positioned or used by or for The North Haven Police Department, provided that such device or the immediate area is clearly labeled to warn of the potential illegality, shall be a violation of this Chapter.

§146-10. Administration and enforcement.

- A. The Chief of the North Haven Police Department shall be responsible for enforcing the provisions of this Ordinance and carrying out the purpose of this Chapter as specified in § 146-1. The Chief of Police, or his designated representative, shall have the authority to investigate complaints of noise pollution, shall be responsible for taking acoustic measurements to determine if a violation has occurred, and shall have

the authority to issue citations for violations of this Chapter.

B. Inspections.

1. For the purposes of determining compliance with the provisions of this Chapter, the Chief of Police or his 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 premise, or refuses inspection, testing, or noise measurement of any activity, device, facility, or process where inspection is sought, the Chief of Police or his 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.
2. It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative free access to any premise, when the Chief of Police or his designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.
3. 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.
4. 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.

§ 146-11. Violations and penalties.

- A. No person shall violate or cause the violation of the provisions of this Chapter.
- B. Any person in violation of the provisions of this Chapter shall be fined one hundred dollars (\$100.00) for the initial violation.
- C. Each day on which a violation occurs or continues shall be considered

a separate violation of this chapter. For the second violation and each additional violation thereafter, the fine imposed shall be two hundred dollars (\$200.00).

§ 146-12. Variances.

- A. Any person living or doing business in the Town of North Haven may apply to the Board of Selectmen for a variance or partial 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 the following information to the Board of Selectmen at least thirty (30) days prior to the start of such activity:
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. The reason for which the variance is required; and
 5. Any other information required by the Board of Selectmen.
- B. No variance from this Chapter shall issue unless it has been demonstrated that:
1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection's 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 arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of the

activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

- D. Failure of the Board of Selectmen to rule on an application in the designated time shall constitute approval of the variance.
- E. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this section. Any such application shall include a certification of compliance with any condition(s) imposed under the previous variance.

§ 146-13. Coordination with other laws.

- A. Nothing in this Chapter shall authorize the construction or operation of a stationary noise source in violation of the requirements of any other applicable state law or regulation.
- B. Nothing in this Chapter shall authorize the sale, use, or operation of a noise source in violation of the laws and regulations of the Connecticut Department of Environmental Protection, Connecticut Department of Motor Vehicles, the Federal Aviation Administration, the U.S. Environmental Protection Agency, or any amendments thereto.

§ 146-14. Compliance with Chapter no defense to nuisance claim.

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

§ 146-15. Severability.

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