

THE TOWN OF OLD LYME NOISE CONTROL ORDINANCE

BE IT RESOLVED by the Town of Old Lyme, in Town Meeting Convened, that the ordinance entitled "AN ORDINANCE PROVIDING FOR THE REDUCTION AND ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES, PROHIBITING CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE TOWN OF OLD LYME, CONNECTICUT" is repealed and the following is substituted in lieu thereof pursuant to the provisions of Section 22a-73 of the Connecticut General Statutes:

SECTION 1. GENERAL PROVISIONS

- 1.1 Title. The title of this ordinance shall be "THE TOWN OF OLD LYME NOISE CONTROL ORDINANCE".
- 1.2 Intent. This ordinance is intended to protect, preserve, and promote the public health, safety and welfare insofar as they are affected by the creation and maintenance of excessive or unnecessary noise as defined by this ordinance. This ordinance is further intended to provide minimum and uniform standards and safeguards governing the creation and maintenance of noise levels in the community. Interpretation of this ordinance shall be made in such a manner as to afford maximum protection of the public health, safety and welfare and the peace and quiet of the Town of Old Lyme and its inhabitants.
- 1.3 Scope of provisions. This ordinance shall apply uniformly to the creation and maintenance of all noises in the Town of Old Lyme except for the following uses and activities:
- A. Noises of safety signals, warning devices, emergency pressure relief valves and emergency sound signals.
 - B. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 - C. Noises of the workplace which are covered by OSHA regulations and standards, except that noises emitted from a place of work which affect the general public shall be governed by this ordinance.
 - D. Sound generated by natural phenomena, including but not limited to, wind, storms, insects, birds and water flowing in its natural course, except that noises emitted from domestic animals, birds or pets shall be governed by this ordinance.
 - E. Sound created by bells, carillons or chimes associated with specific religious observances.
 - F. Sound created by safety and protective devices.
 - G. Farming equipment or farming activity.

- H. Backup alarms required by OSHA or other state or federal safety regulations.
- I. Conditions caused by natural phenomena, strike, riot, catastrophe or other condition over which the apparent violator has no control.
- J. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday; 8:00 a.m. and 9:00 p.m. on Saturday; and 9:00 a.m. and 9:00 p.m. on Sunday, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- K. 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.
- L. Noise created as a result of or relating to an emergency.
- M. Noise generated by construction activity shall be exempted between the hours of 7:00 a.m. to one (1) hour after sundown, Monday through Saturday.
- N. 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 has been obtained from local authorities.
- O. Noise created by on-site recreational or sporting activity which is sanctioned by state or local government, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- P. Patriotic or public celebrations not extending longer than one (1) calendar day.
- Q. Noise created by aircraft.
- R. Noise created by products undergoing test, where one of the primary purposes of the test is the evaluation of product noise characteristics and where practical noise-control measures have been taken.
- S. Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, telephone,

cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.

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

1.5 Effect on previous regulations; construction.

- A. The provisions of this ordinance shall apply uniformly to all sources of noise within the Town of Old Lyme, irrespective of when such noise sources were originally created. Anyone who owns or operates an existing noise source may apply to the Director of Health for a variance in accordance with Section 6.7 of this ordinance.
- B. The provisions of this ordinance shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.
- C. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or regulation of the Town of Old Lyme or State of Connecticut, the provision which establishes the higher standard, as determined by the Board of Selectmen of the Town of Old Lyme, for the promotion and protection of the health, safety and welfare of the inhabitants of the Town of Old Lyme shall prevail.
- D. This ordinance shall not affect violations of any other ordinance, code or regulation existing prior to the effective date of this ordinance, and any such violation may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION 2. DEFINITIONS: WORD USAGE

2.1 Construction of terms.

- A. Unless another meaning is clearly indicated by the context, the words listed in this Section 2 shall have the meanings hereinafter indicated, and such meanings shall be used in the interpretation and enforcement of this ordinance.
- B. Where terms are not defined under the provisions of this ordinance and are defined in the noise regulations of the Connecticut Department of Environmental Protection, they shall have the same meanings ascribed to them in

those regulations.

- C. Where terms are not defined under the provisions of this ordinance or under the provisions of the Connecticut noise regulations, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

2.2 Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

A. General definitions.

ANSI - The American National Standards Institute or its successor body.

BEST PRACTICAL NOISE-CONTROL MEASURES - Noise-control devices, technology and procedures which are determined by the Director of Health to be the best that are practical, taking into consideration the age of the equipment and facilities involved, the process employed, capital expenditures, maintenance cost, technical feasibility and the engineering aspects of the applicable noise-control techniques in relation to the control achieved and the non-noise-control environmental impact.

CONSTRUCTION - 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 - 7:00 a.m. to 10:00 p.m., local time.

DIRECTOR OF HEALTH - The legally designated health authority of the Town of Old Lyme or his or her authorized representative.

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

EMERGENCY SOUND SIGNAL - An audible electronic or mechanical siren or signal device attached to an authorized emergency vehicle or within or attached to a building for the purpose of sounding an alarm relating to fire or civil preparedness. Such signal may also be attached to a pole or other structure.

EMERGENCY WORK - Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminente exposure to danger, or work by private or public utilities when restoring utility services.

LAWN CARE AND MAINTENANCE EQUIPMENT - All engine- or

motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner, and including, but not limited to, lawn mowers, riding tractors and snowblowers, and including equipment intended for infrequent service work in inhabited areas, typically requiring skilled operators, including, but not limited to, chain saws, log chippers or paving rollers.

MOTOR VEHICLE REGULATIONS - The Connecticut Motor Vehicle regulations as found in Sections 14-80a-1a through 14-80a-10a of the Regulations of Connecticut State Agencies, as amended from time to time.

MOTOR VEHICLES - As defined in Section 14-1(26) of the Connecticut General Statutes.

NIGHTTIME - 10:00 p.m. to 7:00 a.m., local time.

NOISE DISTRICT - A unit of land that is zoned as a Residence District, Multi-Family Residence District, Rural District, Multi-Family Rural District, Waterfront Business District, Multi-Family Waterfront Business District, Commercial District, Multi-Family Commercial District, Light Industry District or Multi-Family Light Industry District under the Zoning Regulations of the Town of Old Lyme. A Noise District is sometimes hereinafter referred to as a "Noise Dist."

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

NOISE ZONE - 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, contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way and waters of the state.

OSHA - The Occupational Safety and Health Act and any amendments thereto or successor regulations administered by the United States and Connecticut Departments of Labor, or successor bodies.

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.

SAFETY AND PROTECTIVE DEVICES - Devices that are designated to be used, and are actually used, for the prevention of the exposure of any person or property to imminent danger, including, but not limited to, unregulated safety-relief valves, circuit breakers, protective fuses, backup alarms required by OSHA or other state or federal safety regulations, horns, whistles or other warning devices associated with pressure buildup.

SITE - The area bounded by the property line on or in which a source of noise exists.

SOUND-AMPLIFYING EQUIPMENT - Any machine or device for the amplification of the human voice, music or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound-amplifying equipment", as used in this ordinance, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

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

B. Acoustic definitions.

BACKGROUND NOISE - Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable.

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.

DECIBEL (db) - A unit of measurement of the sound level.

EXCESSIVE NOISE - Emitter noise zone levels from noise sources exceeding the standards set forth in Section 4 of this ordinance beyond the boundary of adjacent noise zones.

EXISTING NOISE SOURCE - Any noise source(s) within a given noise district, the construction of which commenced prior to the effective date of this ordinance.

FREQUENCY - The number of vibrations or alterations of sound pressure per second expressed in hertz.

IMPULSE NOISE - Noise of short duration [generally less than one (1) second], especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.

INFRASONIC SOUND - Sound-pressure variations having frequencies below the audible range for humans, generally below twenty (20) hertz; subaudible.

LN - The A-weighted sound level, dB(A), exceeded N% of the time. [e.g., L90 means the A-weighted sound level exceeded ninety per cent (90%) of the time period during which measurement was made].

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

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 - A frequency-weighted sound-pressure level, obtained by the use of metering characteristics and the weighting A, B or C, as specified in ANSI Specifications for Sound-Level Meters, S1.4-1971 or the latest revision. The unit of measurement is the decibel. The weighting employed must always be stated as dBA, dBB or dBC.

SOUND-LEVEL METER - An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks for the measurement of sound levels.

SOUND-PRESSURE LEVEL (SPL) - Twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure in question to the standard reference pressure of twenty microneutons per square meter (20×10^{-6} Newtons/meter²); It is expressed in decibel units.

ULTRASONIC SOUND - Sound-pressure variations having frequencies above the audible sound spectrum for humans, generally higher than twenty thousand (20,000) hertz; supraaudible.

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.

SECTION 3. NOISE DISTRICT CLASSIFICATION

3.1 Basis. Noise district classifications shall be based on the actual designation of any parcel or tract as detailed by the Zoning Regulations of the Town of Old Lyme as amended from time to time. The current designation shall be the determining factor, and any change in zoning also represents a change in noise district.

3.2 Districts enumerated.

A. Residential Noise District. All lands defined as a Residence District, Multi-Family Residence District, Rural District or Multi-Family Rural District by the Zoning Regulations of the Town of Old Lyme shall be designated as "Residential Noise Districts" and shall be subject to the noise standards prescribed by this ordinance.

B. Commercial Noise District. All lands defined as a Waterfront Business District, Multi-Family Waterfront Business District, Commercial District or Multi-Family

Commercial District by the Zoning Regulations of the Town of Old Lyme shall be designated as "Commercial Noise Districts" and shall be subject to the noise standards prescribed by this ordinance.

- C. Industrial Noise District. All lands defined as a Light Industry District or Multi-Family Light Industry District by the Zoning Regulations of the Town of Old Lyme shall be designated as Industrial Noise Districts and shall be subject to the noise standards prescribed by this ordinance.

3.3 Noise district boundaries.

- A. Reference shall be made to the Zoning Regulations of the Town of Old Lyme for the purpose of determining the boundaries of the noise districts described in Section 3.2 of this ordinance.
- B. Within a noise district the noise emitter's zone includes his or her individual unit of land or group of contiguous parcels under the same ownership as indicated by the public land records. The emitter's noise zone also includes contiguous street and highway rights-of-way, railroad rights-of-way and waters.

SECTION 4. NOISE STANDARDS

- 4.1 General prohibition. No person shall cause or allow the emission of excessive noise beyond the boundaries of his or her noise district or zone so as to violate any provisions of this ordinance.

4.2 Impulse noise.

- A. No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound-pressure level during the nighttime to any Residential Noise District or Zone.
- B. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound-pressure at any time to any noise district or zone.

- 4.3 Infrasonic and ultrasonic sound. No person shall emit beyond his or her noise zone infrasonic or ultrasonic sound in excess of one hundred (100) dB at any time.

4.4 Specific district standards.

- A. No person in an Industrial Noise District shall emit noise beyond the boundaries of his or her noise zone exceeding the levels stated herein and applicable to adjacent noise districts and zones:

(1) Industrial Noise Dist. emitter to:

Industrial Noise Dist. Receptor (dBA)	Commercial Noise Dist. Receptor (dBA)	Residential Noise Dist. Receptor -Day (dBA)	Residential Noise Dist. Receptor -Night (dBA)
70	66	61	51

(2) Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

B. No person in a Commercial Noise District shall emit noise beyond the boundaries of his or her noise zone exceeding the levels stated herein and applicable to adjacent noise districts and zones:

(1) Commercial Noise Dist. emitter to:

Industrial Noise Dist. Receptor (dBA)	Commercial Noise Dist. Receptor (dBA)	Residential Noise Dist. Receptor -Day (dBA)	Residential Noise Dist. Receptor -Night (dBA)
62	62	55	45

(2) Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

C. No person in a Residential Noise District shall emit noise beyond the boundaries of his or her noise zone exceeding the levels stated herein and applicable to adjacent noise districts and zones:

(1) Residential Noise Dist. emitter to:

Industrial Noise Dist. Receptor (dBA)	Commercial Noise Dist. Receptor (dBA)	Residential Noise Dist. Receptor -Day (dBA)	Residential Noise Dist. Receptor -Night (dBA)
62	55	55	45

(2) Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

4.5 Background noise. 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 subject to the provisions of this ordinance shall emit noise in excess of eighty (80) dBA at any time and provided that this Section 4.5 shall not decrease the permissible noise levels permitted by the other provisions of this Section 4.

4.6 Motor vehicle noise.

A. All motor vehicles operated within the limits of the Town of Old Lyme shall be subject to the noise standards and decibel levels as found in Title 14, Section 14-80a, of the Connecticut General Statutes, as amended from time to time.

B. No power equipment and no sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels specified in this Section 4.

SECTION 5. EQUIPMENT AND MEASUREMENTS

5.1 Conformance with standards. Acoustic measurements and equipment to ascertain compliance with this ordinance shall be in substantial conformity with standards and recommended practices established by professional organizations such as ANSI.

5.2 Instruments. Instruments used to determine noise levels shall be of standard design, maintained in calibration and good working order, and instrument manufacturer's instructions for use of the instruments shall be followed.

5.3 Measurements.

A. Measurements taken to determine compliance with this ordinance shall be taken at any elevation and at any point beyond the boundary of the emitter noise zone or district and within the receptor's noise zone or district.

B. When taking measurements, a windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

SECTION 6. ADMINISTRATION AND ENFORCEMENT

- 6.1 Enforcement authority. The Director of Health shall be responsible for enforcing the provisions of this ordinance and carrying out the intent thereof as specified in Section 1.2 of this ordinance.
- 6.2 Promulgation of rules and regulations. The Director of Health is hereby authorized to make, adopt, revise and amend procedural rules and regulations as is deemed necessary to administer the purposes of this ordinance and to interpret and implement the provisions thereof.
- 6.3 Inspections.
- A. The Director of Health is authorized and directed to make inspections, conduct investigations and monitor noise levels in the Town of Old Lyme for the purpose of determining compliance with the provisions of this ordinance and carrying out the intent thereof as specified in Section 1.2 of this ordinance.
- B. Inspections, investigations or monitoring conducted as authorized in paragraph A. of this Section 6.3 shall be pursuant to either:
- (1) A systematic plan;
 - (2) A complaint that an alleged violation of the provisions of this ordinance or of applicable rules or regulations pursuant thereto may exist; or
 - (3) When the Director of Health has valid reason to believe that a violation of this ordinance or any rules or regulations pursuant thereto may exist.
- C. The Director of Health is authorized to make inspections and investigations and conduct monitoring whenever necessary to determine the quantity and character of noise.
- D. If any owner, occupant or other person in charge of a parcel of land fails or refuses to permit free access and entry to the premises under his or her control, or any part thereof, with respect to which an inspection or investigation authorized by this ordinance is sought to be made, the Director of Health may, upon showing that probable cause exists for the inspection or investigation and for the issuance of an order directing compliance with the inspection or

investigation requirements of this section, petition and obtain the necessary order from a court of competent jurisdiction to conduct the inspection or investigation.

6.4 Notice of violation.

A. Whenever the Director of Health determines that any noise source fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, the Director of Health, in accordance with existing legislation, shall issue a notice setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:

- (1) Be in writing.
- (2) Describe the noise source where the violations are alleged to exist or to have been committed.
- (3) Set forth the alleged violations of this ordinance or of applicable rules and regulations issued pursuant thereto.
- (4) Specify an appropriate or acceptable method of correction.
- (5) Specify a specific date for the correction of any violation alleged.
- (6) Be served upon the owner, occupant, operator or agent of the noise source personally or by registered mail, return receipt requested, addressed to the owner, occupant, operator or agent. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the noise source described in the notice or by causing such notice to be published in a newspaper of general circulation for a period of five (5) consecutive days.

B. At the end of the period of time allowed for the correction of any violation alleged, the Director of Health shall reinspect the noise source described in the notice.

C. If, upon reinspection, the violations are determined by the Director of Health not to have been corrected, the Director of Health shall initiate action for the immediate correction of the alleged violations, including, but not limited to, assessing fines or enforcing abatement as specified in this ordinance.

6.5 Violations and penalties.

A. Any owner, occupant, operator or agent of a noise source who has received a notice to correct a violation of this

ordinance and who has failed to correct such violation by the date specified in such notice shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than ninety dollars (\$90.00). Each day and each night that such violation shall continue shall constitute a separate offense.

- B. No penalty shall be due while a reconsideration, hearing or appeal is pending in the matter.
- C. The imposition of any fine hereunder shall not prevent the enforced abatement of any unlawful condition by the Town of Old Lyme.

6.6 Appeals.

- A. Any person aggrieved by a notice of the Director of Health issued in connection with any alleged violation of this ordinance or of any applicable rule or regulation issued pursuant thereto or by any order requiring repair may apply to the Director of Health for an administrative hearing for reconsideration of such notice or order, provided that such application is made within five (5) days after the date the notice or order was issued. If the Director of Health holds an administrative hearing for reconsideration of a notice or order, the Director of Health shall prepare a summary of the hearing and shall state the decision reached. Such summary and statement shall become a part of the public record.
- B. At such hearing the applicant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended or withdrawn or a variance granted.
- C. Upon appeal, the Director of Health may sustain, modify or withdraw the notice or order or may grant a variance from a specific provision of this ordinance. In making such determination, the Director of Health shall consider but not be limited to the criteria listed in paragraphs C and D of Section 6.7 of this ordinance.

6.7 Variances.

- A. Any person who owns or operates any noise source may apply to the Director of Health for a permanent or temporary variance from one (1) or more of the provisions of this ordinance. Applications for variances shall be submitted in writing to the Director of Health and shall supply such information as required, including, but not limited to:
 - (1) Information on the nature and location of the facility or process for which such application is made.
 - (2) The reason for which the variance is required, including the economic and technical justifications.

- (3) The nature and intensity of noise that will occur during the period of the variance.
 - (4) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
 - (5) A specific schedule of the best practical noise control measures, if any, which might be taken to bring the source into compliance with this ordinance from which a variance is sought or a statement of the length of time during which it is estimated that it will be necessary for the variance to continue.
 - (6) Any other relevant information the Director of Health may require in order to make a determination regarding the application.
- B. Failure to supply the information required shall be cause for rejection of the application unless the applicant supplies the needed information within fourteen (14) days of a written request by the Director of Health for such information.
- C. No variance shall be approved unless the applicant presents adequate proof to the Director of Health's satisfaction that:
- (1) Noise levels occurring during the period of the variance will not constitute a danger to the public health; and
 - (2) Compliance with this ordinance would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- D. In making a determination on granting a variance, the Director of Health shall consider:
- (1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused.
 - (2) The social and economic value of the activity for which the variance is sought.
 - (3) The ability of the applicant to apply best practical noise control measures, as defined in this ordinance.
 - (4) The volume of the noise.
 - (5) The intensity of the noise.
 - (6) Whether the nature of the noise is usual or unusual.

- (7) Whether the origin of the noise is natural or unnatural.
 - (8) The volume and intensity of the background noise, if any.
 - (9) The proximity of the noise to residential sleeping facilities.
 - (10) The nature and zoning of the area within which the noise emanates.
 - (11) The density of inhabitation of the area within which the noise emanates.
 - (12) The time of the day or night the noise occurs.
 - (13) The duration of the noise.
 - (14) Whether the noise is recurrent, intermittent or constant.
 - (15) Whether the noise is produced by a commercial or noncommercial activity.
- E. Following receipt and review of an application for a variance, the Director of Health shall fix a date, time and location for a hearing on such application.
- F. The Director of Health shall cause the applicant to publish, at his or her own expense, all notices of hearings and other notices required by law, including, but not limited to, notification of all abutting property owners of record.
- G. Within thirty (30) days of the receipt of the record of the hearings on a variance application, the Director of Health shall issue his or her determination regarding such application. All such decisions shall briefly set forth the reasons for the decision.
- H. The Director of Health may, at his or her discretion, limit the duration of any variance granted under this ordinance. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this ordinance. Any such application shall include a certification of compliance with any condition imposed under the previous variance.
- I. The Director of Health may attach to any variance any reasonable conditions he or she deems necessary and desirable, including, but not limited to:
- (1) Requirements for the best practical noise-control measures to be taken by the owner or operator of the source to minimize noise during the period of the variance.
 - (2) Requirements for periodic reports submitted by the

applicant relating to noise, to compliance with any other conditions under which the variance was granted or to any other information the Director of Health deems necessary.

- J. The filing of an application for a variance shall operate as a stay of prosecution, except that such stay may be terminated by the Director of Health upon application of any party if the Director of Health finds that protection of the public health so requires.
- K. In any case where a person seeking a variance contends that compliance with any provision of this ordinance is not practical or possible because of the cost involved either in installing noise-control equipment or changing or curtailing in any manner the operation with respect to which the variance is sought, he or she shall make available to the Director of Health such financial records as the Director of Health may require.
- L. A variance may include a compliance schedule and requirements for periodic reporting of increments of achievement of compliance.
- M. Approval of a variance shall not relieve any person of the responsibility to comply with any other provisions of federal, state or local laws, ordinances or regulations.

6.8 Emergencies.

- A. Whenever, in the judgment of the Director of Health, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Director of Health may act to correct or abate the emergency.
- B. The owner, occupant, operator or agent shall be granted a hearing before the Director of Health on the matter giving rise to the emergency upon his or her request as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

6.9 Effective date of ordinance. This ordinance shall become effective upon the later of (i) fifteen (15) days after publication in a newspaper having a circulation in Old Lyme, and (ii) its being approved by the Commissioner of the State Department of Environmental Protection as required by Section 22a-73 of the Connecticut General Statutes.

✓ Approved by Town Meeting December 17, 1984.