

## ORDINANCE AMENDING CHAPTER 105 – NOISE CONTROL

### Chapter 105, NOISE CONTROL

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 3-4-1 through 3-4-12 of the Code of 1972. Section 105-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art II. Other amendments noted where applicable.]

#### GENERAL REFERENCES

Noise to attract sales -- See Ch. 116.

§ 105-1. Title.

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

§ 105-2. 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 Wethersfield through the reduction, control and prevention of noise.

§ 105-3. Definitions.

**BACKGROUND NOISE** -- Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded ninety percent (90%) of the time (L90) in which the measurement is taken.

**BUSINESS ZONE** -- Those areas so designated under the Village Business Zone (VB), Town Center Zone (TC), Office Zone (O), General Business Zone (GB), Regional Commercial Zone (RC) and Business Park Zone (BP) of the Zoning Regulations of the Town of Wethersfield.

**CHIEF OF POLICE** -- The Chief of Police of the Town of Wethersfield or a duly authorized officer subject to his order.

**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 work.

DAYTIME HOURS -- The hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 10:00 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.

DOMESTIC POWER EQUIPMENT -- Includes but is not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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.

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 changes.

EXCESSIVE NOISE -- Any sound, the intensity of which exceeds the standards set forth in § 105-5.

IMPULSE NOISE -- Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE -- Those areas so designated under the Office Zone (O) and Business Park Zone (BP) of the Zoning Regulations of the Town of Wethersfield.

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 Subdivisions (30) and (31) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended. EN

MUFFLER -- A device for abating sound such as escaping gases.

NIGHTTIME HOURS -- The hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 10:00 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 using the A-weighting network. The sound level is designated "db(A)" or "db(a)."

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 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 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.

RECREATIONAL VEHICLE -- A vehicle which is (1) built on a single chassis, (2) designed to be self-propelled or permanently towable by a light-duty truck, and (3) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

RESIDENTIAL ZONE -- Those areas so designated under Open Space Zone (AA-OS), AA Residence Zone, A-1 Residence Zone, A Residence Zone, B Residence Zone, C Residence Zone, and Special Residential Development Zone (SRO) of the Zoning Regulations of the Town of Wethersfield.

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 measure sound levels. A "sound-level meter" shall conform, as a minimum, to the American National Standards Institute operational specifications for sound level meters S1.4-1971 (Type S2A).

SOUND-PRESSURE LEVEL -- Twenty (20) times the logarithm to the base 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/meter<sup>2</sup>) or two ten-thousandths (0.0002) dyne per square centimeter, and is expressed in decibels (db).

§ 105-4. Noise measurement procedures.

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

A. A person conducting sound measurements shall have been trained in the techniques and principles of sound-measuring equipment and instrumentation.

B. Instruments used to determine sound-level measurement shall be sound-level meters as defined by this chapter.

C. The following steps should be taken when preparing to take sound-level measurements:

(1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

(2) Measurements to determine compliance with § 105-5 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.

(3) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form No. 101."

§ 105-5. Noise levels.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

Zone in Which Noise Receptor is Located

Zone in Which Noise Emitted is Located	Residential BP O [db(A)]	Residential VB, TC GB, RC [db(A)]	(Daytime-Hours) [db(A)]	(Nighttime Hours) [db(A)]
BP, O	70	66	61	51
VB, GB, TC, RC	62	62	55	45
Residential	62	55	55	45

§ 105-6. Background and impulse noise.

A. In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five

(5) db(A), provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) db(A) at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.

B.No person shall cause or allow the emission of impulse noise in excess of eighty (80) db peak sound-pressure level during nighttime hours to any residential zone.

C.No person shall cause or allow the emission of impulse noise in excess of one hundred (100) db peak sound-pressure level at any time to any zone.

§ 105-7. 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 systems used in an emergency situation.

(4)A public emergency sound signal.

(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)An emergency.

(8)Snow removal equipment.

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 § 105-5.

(2)Noise from domestic power equipment operated 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 any 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.

(6)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 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 the hours specified in this Code or, if no hours are specified or are specifically prohibited, then during daytime hours. [Amended 9-7-1993]

(8)Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.

(9)Public-address systems used in election campaign activities during daylight hours only.

§ 105-8. Vehicle noise restrictions.

The following activities are prohibited:

A.Motor vehicle noise. All motor vehicles operated within the limits of the Town of Wethersfield shall be subject to the noise standards and decibel levels **set forth in the Department of Motor Vehicle Regulations Sections 14-80a-1a through 14-80a-10a entitled Maximum Permissible Noise Levels from Vehicle**.

B.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 § 105-5.

C.Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. **All recreational vehicles operated within the limits of the Town of Wethersfield shall be subject to the noise standards and decibel levels set forth in the Department of Motor Vehicle Regulations Sections 14-80a-1a through 14-80a-10a entitled Maximum Permissible Noise Levels from 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 § 105-5.

§ 105-9. Enforcement

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

§ 105-10. Variances.

A. Any person living or doing business in Wethersfield 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 Connecticut 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 twenty (20) days prior to the start of the activity for which the variance is sought:

- (1) The location and nature of the activity.
- (2) The time period and hours of operation of said activity.
- (3) The nature and intensity of the noise that will be generated.

B. No variance from this chapter shall be granted unless it has been demonstrated that:

- (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
- (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- (3) Compliance with this chapter constitutes an unreasonable hardship on the applicant.

C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

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

§ 105-11. More stringent provisions to apply.

All provisions of the Zoning Regulations EN of the Town of Wethersfield which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional or be superseded by any law or regulations, this chapter shall not thereby be invalidated, and the remainder of the chapter shall continue in effect.

