



OFFICE OF THE TOWN CLERK • PROSPECT, CONNECTICUT 06712-1699

*Maryann C. Anderson, Town Clerk*

Town Office Building  
36 Center Street  
(203) 758-4461

State of Connecticut  
County of New Haven

ss: Prospect

I, Maryann C. Anderson, Town Clerk of said Town, duly appointed and qualified according to law and having custody of the seal of the said town, hereby certify that the annexed instrument is a true copy from Prospect Ordinance Book of said Town, and that the original instrument from which said copy is taken is recorded on Page 67-73 of Town Ordinance Book.

IN TESTIMONY WHERE OF, I have hereunto set my hand and affixed the seal of said Town, this 14th day of February, 2011 A.D.

*Maryann C. Anderson*  
Town Clerk of Prospect

AN ORDINANCE PROVIDING FOR THE REDUCTION OR ELIMINATION OF  
EXCESSIVE NOISE AND THE ADMINISTRATION THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPECT  
THAT:

ARTICLE

Section 1: Declaration of Policy.

Excessive noise must be controlled by the Town of Prospect to protect, preserve, and promote the public health, safety, and welfare.

The Town Council recognizes the fact that people have the right to, and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, and welfare.

Section 2: Definitions.

1. "Background noise" shall mean noise which exists at a point a result of the combination of many distant sources, individually indistinguishable.
2. "Business Zone" shall mean those areas so designated under Art. 2, Sections 220 of the Zoning Regulations of the Town of Prospect.
3. "Construction" shall mean 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.
4. "Day-Time Hours" shall mean the hours between 7 A.M. and 8 P.M., Monday through Saturday, and hours between 9 A.M. and 7 P.M. on Sunday.
5. "Posted Signs" shall mean that a roadside sign showing a noise ordinance is enforced in the Town of Prospect shall be posted at each major highway entrance.
6. "Decibel" shall mean a unit of measurement of the sound level, symbol for which is dB.
7. "Emergency" shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

8. "Excessive noise" shall mean any sound, the intensity of which exceeds the standards set fourth in Section 6 of this Article.
9. "Impulse noise" shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decrease.
10. "Intrusion alarm" shall mean a device with an audible signal which, when activated, indicates intrusion by an unauthorized person.
11. "Industrial Zone" shall mean those areas so designated under Art. 2, Section 220 of Zoning Regulations of the Town of Prospect.
12. "Motor Vehicle" shall mean a vehicle as defined in subdivisions 30 of Section 14 - 1, Connecticut General Statutes, Rev. of 1958 as amended.
13. "Night-Time Hours" shall be Monday through Friday from 8 P.M. to 7 A.M.; Saturday from 8 P.M. to 9 A.M.; Sunday from 7 P.M. to 8 A.M.
14. "Noise level" shall mean a frequently weighted sound pressure level as measured with a sound meter using the A-weighting network. The level so read is designated dBA.
15. "Person" shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the State or other legal intity of any kind.
16. "Premises" shall mean any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.
17. "Property maintenance equipment" shall mean all engine or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers, snow removal equipment.
18. "Public emergency sound signals" shall mean a device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action, or involving the testing of such signals.

19. "Public facility maintenance" shall mean all activity related to the clearing, cleaning, repair, and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly-owned property.
20. "Recreational vehicle" shall mean any non-registered internal combustion engine powered vehicle which is being used for recreational purposes.
21. "Residential zone" shall mean those areas so designated under Art. 2, Section 220 of the Zoning Regulations of the Town of Prospect.
22. "Sound" shall mean 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.
23. "Sound Level Meter" shall mean an instrument used to measure sound levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for Sound Level Meters SL. 4-1971 (Type S2A).
24. "Sound pressure level" shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of sound to the reference pressure of twenty micronewtons per square meter ( $20 \times 10^{-6}$  Newtons/m<sup>2</sup>) and is expressed in decibels (dB).
25. "Mayor" shall mean the duly elected Mayor of the Town of Prospect or his designee.

Section 3: Exclusions.

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

- (a) Natural phenomena
- (b) The unamplified sound made by a wild animal
- (c) A bell or chime from any building clock, school or church
- (d) A public emergency sound signal
- (e) Farming equipment or farming activity
- (f) An emergency
- (g) Snow Removal

Section 4: Exceptions.

The following shall be exempt from this article 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 A.M. and 5 P.M. local time and providing, that a permit for such blasting has been obtained from state or local authorities
- (e) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6 A.M. and 10 P.M.
- (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 minutes when such alarm is attached to a vehicle or thirty minutes when attached to any building or structure
- (g) Noise created by public facility maintenance during day-time hours

Section 5: Noise Level Measurement Procedures.

For the purpose of determining noise levels as set forth in this article, 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 measurements shall be sound level meters as defined by this article
- (c) The following steps shall 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 Section 5 shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and within the receptor's ( a gauge for metering noise) premises.

Section 6: Noise levels.

(a) Noise levels:

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 this article

(b) Noise level standards:

1. No person shall emit noise exceeding the levels stated herein:

	Zone in which SOURCE is located		Zone in which LISTENER is located	
	Industrial	Business	Residential Day - Time Hours	Residential Night - Time Hours
Industrial	70dBA	66dBA	61dBA	51dBA
Business	62dBA	62dBA	55dBA	45dBA
Residential	62dBA	55dBA	55dBA	45dBA

(c) Background noise and impulse noise:

1. In those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained herein, a source shall be considered to cause excessive noise is the noise emitted by such source exceeds the background noise levels by 5dBA, provided that no source subject to this shall emit noise in excess of 80dBA at any time, and provided that this Section shall not be interpreted as decreasing the noise level standards of Section 6 of this article.
2. No person shall cause or allow the emission of impulse noise in excess of 80dBA peak sound pressure level during night-time hours.

3. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time.

(d) Motor Vehicle noise:

1. All motor vehicles operated within the limits of the Town of Prospect shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, Section 14-80a (9 A) entitled "Maximum Permissible Noise Levels for Vehicles."
2. No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 6 of this article.

(e) Non-Registered Recreational Vehicle Noise:

1. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a non-registered recreational vehicle. A noise shall be deemed to be unreasonably loud and in violation of this Ordinance when the noise so generated exceeds the noise level standards of Section 6.

Section 7: Penalties.

Any person in violation of any of the provisions of this Article shall be deemed to have committed a civil infraction shall be fined in an amount of not to exceed fifty (\$50) dollars. In lieu of arrest and issuance of a summons, a police officer may serve upon a violator 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 thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Each day a violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed four hundred (\$400) dollars per day.

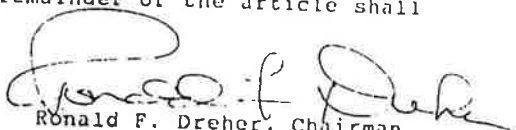
Section 8 Variance.

- (a) Any person residing or doing business in Prospect may apply to the Mayor for a variance from one or more of the provisions of this article which are more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, provided that the Applicant supplies all of the following information to the Mayor at least twenty (20) days prior to the start of said activity:
  - 1. The location and nature of activity
  - 2. The time period and hours of operation of said activity
  - 3. The nature and intensity of the noise that will be generated, and,
  - 4. Any other information required of the Mayor
- (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 Connecticut Department of Environmental Protection regulations
  - 2. The noise levels generated by the proposed activity will not constitute a danger to public health, and
  - 3. Compliance with this article constitutes an unreasonable hardship on the applicant
- (c) The application for variance shall be reviewed and either approved or rejected at least five (5) 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.

Section 9: Severability.

All provisions of the Zoning Regulations of the Town of Prospect 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 article shall be held to make the same unconstitutional or superceded by any State Law or Regulation, this article shall not thereby be invalidated and the remainder of the article shall remain in effect.

Effective date: March 30, 1987

  
 Ronald F. Dreher, Chairman  
 Prospect Town Council

Received for record March 4, 1987 by Patricia M. Vaillancourt, CMC  
Town Clerk

