



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



79 ELM STREET HARTFORD, CONNECTICUT 06106

PHONE: (860) 424-3001

May 12, 1999

Arthur J. Rocque, Jr.
Commissioner

Dina L. Weissman
Board of Alderman
City of Derby
43 Commodore Commons
Derby, CT 06418

SUBJECT: Local Noise Control Ordinance
Derby, Connecticut

Dear Alderman Weissman:

Thank you for your letter of October 15, 1998 requesting approval of Derby's Noise Control Ordinance.

Based on our review of the ordinance (copy attached) it is my determination that it is in conformity with state noise control standards. Therefore, pursuant to Connecticut General Statutes Section 22a-73(c), I approve Derby's Noise Control Ordinance as approved by the Derby's Board of Alderman on October 8, 1998.

Staff has identified areas which warrant clarification and suggests that review of the ordinance by Derby's Town Counsel may be in order. Ambiguities exist as to the point beyond which certain noise levels cannot be emitted. For example, 19-36(a) indicates that it shall be unlawful for any person to emit any noise "beyond the boundaries of that person's premises," while 19-40(a) indicates that measurements taken to determine compliance with the ordinance are to be taken at "any point beyond the property line of the emitter." This leaves it unclear whether premises and property line are synonymous, and what is a "person's premises". Also, the reference to Section 53a-181 does not seem applicable. These problems, and problems of this nature, could make it difficult for the Town to achieve its objectives for adopting a noise control ordinance. While we cannot offer additional assistance, we do wish you success in this endeavor.

Sincerely,

Arthur J. Rocque, Jr.
Commissioner

AJR:JEF:mam
enclosure