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CT DEPT OF ENERGY &
ENVIRONMENTAL PROTECTION
COMMISSIONER'S OFFICE

**Town of Bethlehem
Selectmen's Office**
36 Main Street South * PO Box 160
Bethlehem, CT 06751-0160
(203)266-7510 * fax (203)266-7670

Commissioner Katie Dykes
CT DEEP
79 Elm St
Hartford CT 06106

March 3, 2021

Re: Town of Bethlehem

Dear Commissioner Dykes,

Enclosed please find a noise ordinance to be adopted by the Town of Bethlehem subject to your approval.

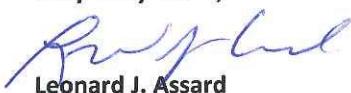
This ordinance will not become effective until your approval is granted in accordance with Section 22a-73(c) and paragraph 135-12 of the Ordinance.

An expedited review and approval will be greatly appreciated.

If your office has any questions or comments please feel free to contact me at 203-509-7651 or ljassard@bethlehemct.org.

Thank you for your attention in this matter.

Very Truly Yours,


Leonard J. Assard
First Selectman

Enc.

TOWN OF BETHLEHEM

TOWN MEETING

March 33, 2021

NOISE ORDINANCE

§135-1 Purpose.

The people of the Town of Bethlehem should be free of unwanted, excessive noise and vibration that jeopardize the public health and peace. This Ordinance is to protect, preserve, and promote the public health, safety, welfare, and quality of life pursuant to General Statutes §22a-73, §7-148(c)(7)(E), and §7-148(c)(7)(H)(viii) and (xi).

§135-2 Noise Level Limits.

- A. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises where in excess of 55 dBA at the receptor's site between the hours of 7:00 AM and 10:00 PM.
- B. 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 45 dBA at the receptor's site between the hours of 10:00 PM and 7:00 AM.
- C. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in this Chapter.

§135-3 Noise Level Measurement.

For the purpose of determining noise levels as set forth in this Chapter, the following guidelines shall apply:

- A. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
- B. Instruments used to determine sound-level measurements shall conform to the performance any performance standards required by the Department of Energy and Environmental Protection.
- C. The general steps listed in §135-5 "Instrumentation" shall be followed when preparing to take sound level measurements.

§135-5 Instrumentation.

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

The sound-level meter shall be calibrated before and after each set of measurements.

When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound-level meter as per the manufacturer's instructions.

The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions, and be at least four (4) feet above the ground.

The meter shall be placed as to not be interfered with by individuals conducting the measurements.

Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises and within the receptor's premises. The emitter's premises include his/her individual unit of land, or ground of contiguous parcels under the same ownership as indicated by public land records.

§135-6 Exemptions.

Notwithstanding the foregoing, the following shall be exempted from the above restrictions.

- A. Natural phenomena.
- B. Any bell or chime of a school, public clock, or church.
- C. Any siren, whistle, bell, or similar apparatus of an emergency vehicle, public emergency service, or alarm system in an emergency situation; provided, however, than any repetitive activation of a burglar or similar alarm due to the negligence of the owner, lack of proper maintenance, or malfunction shall not be exempted.
- D. Warning devices required by state, federal, or local workplace safety laws and regulations.
- E. Farming/agricultural equipment and farming/agricultural activity as defined by section 1-1 (q) of the Connecticut General Statutes.
- F. Lawful discharge of a firearm between the hours of 6:00AM and 9:00PM.
- G. Power-generating equipment operated during an emergency or during a power outage.
- H. Cellular telecommunications facilities and their appurtenances, including transmissions lines.
- I. Power generation facilities owned by a public utility.

J. Noise generated by any religious or recreational activities permitted by law, including but not limited to outdoor evangelistic activity, preaching, parades, sporting events, concerts, and fireworks displays.

K. Noise generated by engine/motor powered lawn care or yard maintenance equipment shall be exempted between the hours of 7:00 AM and 9:00 PM, provided that noise discharged from exhausts is adequately muffled to prevent any explosive noises therefrom.

L. Noise from demolition work conducted between 8:00 AM and 6:00 PM, provided that when considered emergency work, demolition shall be exempted at all times during such emergency work.

M. Noise generated by construction equipment which is operated between the hours of 7:00 AM and 6:00 PM used for projects duly permitted, if applicable by the appropriate Town board(s) or commission(s); or noise generated by construction equipment used on Town infrastructure projects.

N. Noise generated by snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled.

§135-7 Enforcement and Inspection.

A. The Town, through its Board of Selectmen and pursuant to General Statutes §22a-73(b)(2), shall designate a Noise Control Officer. Said Officer shall be knowledgeable in the calibration and use of the noise measuring instrumentation. The Noise Control Officer shall provide a written report of each documented violation of this Chapter to the Bethlehem Resident State Trooper. Such report shall include the date and time of offense, noise level reading, location of offense, and party allegedly in violation of this Chapter. It shall be in the discretion of the Resident State Trooper whether to issue a warning or citation to anyone in violation of this Chapter.

B. The Noise Control Officer and Resident State Trooper are authorized to make inspections of all noise sources and take measurements and make tests, whenever necessary, to determine the quality and character of the noise. If any party refuses or restricts entry to the premises in question, or refuses testing and inspection, the Resident State Trooper may seek a search warrant from a court of competent jurisdiction.

C. No person shall hinder, obstruct, delay, or interfere with the enforcement of this Chapter.

§135-8 Penalties.

Any party who violates the provisions of this Chapter shall be fined not more than \$100 per violation, or the maximum fine allowed for such violations under Connecticut law, whichever is less. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

§135-9 Civil Remedies.

This Chapter may be enforced by injunction, action for abatement, or other appropriate civil remedy.

§135-10 Definitions.

As used in this Ordinance, the word “person” includes, without limitation, any individual, corporation, firm, partnership or other business entity.

§135-11 Severability.

Should any provision of this Chapter be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Chapter as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder shall be valid.

§135-12 Subject to Approval of Commissioner of Energy and Environmental Protection.

Pursuant to General Statutes §22a-73(c), this ordinance shall not be effective until it has been approved by the Commissioner of Energy and Environmental Protection.

§135-13 Effective Date.

This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).

Adopted by town meeting on _____, _____, 2021.

Published in the _____, on _____, _____, 2021.

Effective date: _____, _____, 2021.

Recorded in the Bethlehem Town Records: Vol. ___, Pg. ____.