

## Sec. 13-56 Appeals Process.

Any person accused of violating any provision of this article shall have the right to appeal from any fines imposed which right, in order to be exercised prior to the matter's referral to the State Superior Court for enforcement, must be exercised within ten (10) days of the date of written notice by the Town sent to the alleged violator. When an appeal is timely received by the office of the Town Clerk, a hearing shall be scheduled before a hearing officer who shall be designated by the Mayor, which officer shall not be a member of the town Police Department. Said officer shall conduct said hearing according to the procedures of the State Uniform Administrative Procedure Act, Connecticut General Statutes, Section 14-166 et. seq.

## ARTICLE 7. Control of Noise Pollution Emitted by Sound Amplifying Equipment

## Section 13-57. Purpose

The Town Council of the Town of East Hartford hereby finds and declares that excessive noise created by sound amplifying equipment such as radios, cassette recorders/players, compact disc players, television receivers, and instruments pose a serious hazard to the health, welfare and quality of life of East Hartford's residents. It also finds that excessive noise can inflict psychological and economic damage to persons submitted to such noise, and that such noise should be abated so that residents of the Town may enjoy an environment free from excessive noises which may jeopardize their health and welfare.

## Section 13-58. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

- (a) "Background Noise" shall mean noise which exists at a point as a result of the combination of many distant sources which are not distinguishable from other sources regulated pursuant to Conn.Gen.Stat. § 22a-69.
- (b) "Daytime Hours" shall mean the hours of the day which are not nighttime hours.
- (c) "Nighttime Hours" shall mean the following:
  - 9:00 p.m. Sunday through 7:00 a.m. on Monday
  - 9:00 p.m. Monday through 7:00 a.m. on Tuesday
  - 9:00 p.m. Tuesday through 7:00 a.m. on Wednesday
  - 9:00 p.m. Wednesday through 7:00 a.m. on Thursday
  - 9:00 p.m. Thursday through 7:00 a.m. on Friday
  - 10:00 p.m. Friday through 9:00 a.m. on Saturday
  - 10:00 p.m. Saturday through 9:00 a.m. on Sunday
- (d) "Decibel" (dB) is a unit of measurement of a sound level.

(e) "Sound" is 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 upon an ear. For the purposes of measuring such sound, the A scale (dBA) as specified in ANSI Specifications for Sound-Level meters, S1.4 – 1971 as revised, shall be used.

(f) "Sound Amplifying Equipment" is any machine or device used to amplify the human voice, music or any other sound. Sound amplifying equipment or devices, as used in this ordinance, does not include warning devices used on emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

#### Section 13-59. Prohibitions.

(a) No person shall operate in public or in private any sound amplifying equipment at a level above fifty-five (dBA) during daytime hours, or forty-five (dBA) during nighttime hours as measured from a point outside the property from which the sound originated unless the noise created by such sound amplifying equipment registers not more than five (dBA) higher than the background noise, provided that no source subject to the provisions of this section shall emit noise in excess of eighty (dBA) at any time.

#### Section 13-60. Exemptions

The following activities shall be exempt from the provisions of this Ordinance:

- (a) Noise created by emergency activities authorized by State or local governmental authorities, or emergency vehicles such as fire trucks, police cars or ambulances.
- (b) Noise created to give warning of emergencies or signaling particular times of the day, such as church bells and/or clocks.
- (c) Noise generated by parades, carnivals and other special public social events, sporting events or celebrations sponsored by the Town or the State, or a private entity which has been granted a valid permit by the Town to conduct such parade, carnival, social event, sporting event or celebration.

#### Section 13-61. Compliance with Request from Police Officers.

If a police officer has reason to believe that there is a violation of this Article, such officer may request that a person turn down or off the sound amplifying equipment suspected of generating the noise so that measurements of ambient noise may be made. Refusal to turn down or off such sound amplifying equipment shall be a violation of this Section.

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