

ORDINANCE

TOWN OF NORTH BRANFORD

ORDINANCE -- NOISE POLLUTION -- STANDARDS, MEASUREMENTS, CONTROL,
VIOLATIONS PENALTIES

Adopted by Town Council: June 5, 1990

Effective Date: July 4, 1990

NOISE POLLUTION ORDINANCE

NOISE POLLUTION - STANDARDS, MEASUREMENTS, CONTROL, VIOLATIONS & PENALTIES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTH BRANFORD:

SECTION GENERAL PROHIBITION

The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this ordinance, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of North Branford; and, as such, shall constitute unlawful acts.

Therefore, no person shall create, cause to be created or allow the emission of sound beyond the boundaries of their property so as to cause noise pollution in the Town of North Branford, or so as to violate any provisions of this ordinance.

SECTION 2. DEFINITIONS

When used in this ordinance, the terms below shall have the following meanings:

"DAY" shall be from 7:00 a.m. to 9:00 p.m., local time.

"NIGHT" shall be from 9:00 p.m. until midnight,
and from midnight until 7:00 A.M.

"DECIBEL" shall mean a unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the root mean square of the pressure of the sound measured to a reference pressure of 20 micropascals.

"SOUND LEVEL" shall mean the A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter.

"SOUND LEVEL METER" shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighting networks all at a minimum conforming to the requirements set forth in the American National Standards Institute's "American National Standard for Sound Level Meters" (ANSI S.1.4 - 1971 (Type S2A) Sound Level Meter).

"PERSON" shall be any individual, firm, partnership, company, corporation, association, trust, syndicate, agency, or other legal entity of any kind.

"EMITTER" shall be the person who creates, causes to be created or allows the noise.

"RECEPTOR" shall be the person who receives the noise impact.

"CONSTRUCTION" shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition of public or private rights-of-way, structures, utilities, or similar property.

SECTION 3. CLASSIFICATION OF NOISE ZONES

Noise zones within the Town of North Branford shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in

the zoning regulations and zoning map of the Town of North Branford:

<u>ZONE</u>	<u>ACTUAL OR INTENDED USE</u>	<u>CURRENT ZONING**</u>
A	Residential	R-80, R-40, R-GA
B	Commercial	B-1, B-2, B-3
C	Industrial	I-1, I-2, I-3

(**) Based on Zoning Regulations & Zoning Map of the Town of North Branford.

SECTION 4. NOISE ZONE STANDARDS

No person shall emit or cause to be emitted sound exceeding the sound levels stated herein when measured at any point on a Receptor's tract or parcel of land.

	<u>Receptor Noise Zone Class</u>			
	C	B	A-Day	A-Night
Class C Emitter to	70 dB A	66 dB A	61dB A	51 dB A
Class B Emitter to	62 dB A	62 dB A	55 dB A	45 dB A
Class A Emitter to	62 dB A	55 dB A	55 dB A	45 dB A

Sound levels determined by the Zoning Enforcement Officer to be in excess of these values shall constitute proof of violation of this ordinance.

SECTION 5. EXCLUSIONS

This ordinance shall not apply to:

- a. Sound generated by natural phenomena including, but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.
- b. The unamplified sound of the human voice.
- c. The unamplified sound made by any wild or domestic animal.
- d. Sound created by bells, carillons or chimes associated with

specific religious observances.

e. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.

f. Sound created by safety and protective devices provided that such device is sounded as a warning of imminent danger or from the release of pressure build-up.

g. Sound created by intrusion alarms provided that the emission of noise from such devices does not exceed 10 minutes when attached to any vehicle or thirty minutes when attached to any building or structure.

h. Backup alarms required by OSHA or other Municipal, State or Federal safety regulations.

i. Farming equipment or farming activity.

SECTION 6. EXEMPTIONS

The following noise shall be exempted from the provisions of this ordinance:

a. Noise created by signal testing, principally siren-tested by city fire departments and civil preparedness units.

b. Noise generated by any construction equipment which is operated during day-time hours, provided that the operation of construction equipment during night-time hours shall not exceed the maximum noise levels as specified in Section 4.

c. Noise generated by engine-powered or motor driven lawn care or maintenance equipment on Class "A" property between the hours

of 8:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.

d. Noises created by snow removal equipment at any time provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.

e. Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. at specified hours previously announced to the local general public.

f. Noise created by on-site recreational or sporting activity which is sanctioned by Town government.

g. Patriotic or public celebrations, such as parades, carnivals and firework displays, are exempted provided that a permit has been obtained in advance from the chief of police.

h. Noise created by aircraft, or components designed for, or utilized in the development of aircraft.

SECTION 7. VIOLATIONS AND ENFORCEMENT

The Planning and Zoning Department under the direction of the Planning and Zoning Administrator shall be responsible for investigating complaints of noise pollution.

The Zoning Enforcement Officer shall be responsible for making acoustic measurements to determine that a violation has in fact occurred at the request of the Planning & Zoning Administrator or his designee.

The Zoning Enforcement Officer shall recommend to the Town Planning and Zoning Commission a schedule, based upon economically reasonable and technologically feasible noise control procedures, that will bring the noise emitter into compliance with this ordinance. Failure to comply with the

approved schedule shall be punished as follows for the subsequent violation of this ordinance.

Initial Violation	\$25.00 fine
Second Violation	\$50.00 fine and/or confinement in jail not exceeding seven (7) days.
Third Violation	\$100.00 fine and/or confinement in jail not exceeding seven (7) days.
Additional Violations	\$100.00 find and/or confinement in jail not exceeding thirty (30) days.

Each day on which a violation occurs or continues shall be considered a separate violation of this ordinance.

SECTION 8. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions or application; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.