

Code of Ordinances  
Town of Portland, Connecticut  
**Chapter 12**  
**OFFENSES AND MISCELLANOUS PROVISIONS**  
**Article III - NOISE**

**12.40 Declaration of policy.**

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

**12.41 Definitions.**

As used in this chapter, the following words and terms shall have the meanings hereinafter set out:

**BACKGROUND NOISE** – Noise that exists at a point as a result of the combination of many distant sources, individually indistinguishable.

**CONSTRUCTION** – 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.

**DAYTIME HOURS** – The hours between 7:00 a.m. and 10:00 p.m., local time.

**DECIBEL** – A unit of measurement of the sound level, the symbol for which is dB.

**EMERGENCY** – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**EXCESSIVE NOISE** – Any sound, the intensity of which exceeds the standards set forth in § 12.45 of this chapter.

**IMPULSE NOISE** – Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

**INTRUSION ALARM** – A device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

**MOTOR VEHICLE** – A vehicle as defined in Subdivision (30) of Section 14-1 of the Connecticut General Statutes, Revision of 1958, as amended.

**NIGHTTIME HOURS** – The hours between 10:00 p.m. and 7:00 a.m., local time.

**NOISE LEVEL** – A frequency-weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

**PERSON** – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other entity of any kind.

**PREMISES** – Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person.

**PROPERTY MAINTENANCE EQUIPMENT** – 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 and leaf blowers.

**PUBLIC EMERGENCY SOUND SIGNAL** – A device, either stationary or mobile, producing audible signals associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

**PUBLIC FACILITY MAINTENANCE** – All activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities and publicly owned property.

**RECREATION VEHICLE** – Any non-registered combustion engine powered vehicle which is being used for recreational purposes.

**SOUND** – 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.

**SOUND LEVEL METER** – 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 SI.4-1983 (Type 2).

**SOUND PRESSURE LEVEL** – Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter ( $20 \times 10^{-6}$  Newtons/M<sup>2</sup>) and is expressed in decibel (dB).

**FIRST SELECTMAN** – The duly elected First Selectman of the Town or his/her designee.

#### 12.42 Applicability.

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

- A. Natural phenomena.
- B. The unamplified sound made by any 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 equipment, provided that such equipment shall be maintained in good repair so as to minimize noise and noise discharge from exhausts shall be adequately muffled to prevent loud and/or explosive noises.
- H. Unamplified Human voice.

#### 12.43 Exemptions.

The following shall be exempt from this chapter, subject to the special conditions noted:

- A. Noise generated by engine-powered or motor-driven lawn care or 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 loud and/or explosive noises therefrom.
- B. Noise generated by any construction equipment operated during daytime hours.
- C. Noise created by any recreational activities that 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 8:00 a.m. and 5:00 p.m. local time, and provided 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 6:00 a.m. and 8:00 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 (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance or lack of reasonable care shall be considered excessive noise.
- G. Noise created by public facility maintenance.
- H. Agricultural and Golf Course uses.

**12.44 Noise level measurement procedures.**

For the purpose of determining noise levels as set forth in this chapter, 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 a sound level measurements shall be sound level meters as defined by this chapter.
- 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 § 12.45 shall be taken at a point that is located more or less one (1) foot beyond the boundary of the emitters premises and within the receptor's premises.

**12.45 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 chapter.
- B. Noise level standards (per State regulations).
  - 1) No person shall emit noise exceeding the levels stated herein:

Zone in Which Emitter Is Located	Zone in Which Receptor is Located		Residential Zones	
	I, IP, ISM Zone (dBA)	B1, B2, B3, FP Zone (dBA)	Daytime Hours (dBA)	Nighttime Hours (dBA)
I, IP, ISM	70	66	61	51
B1, B2, B3, FP	62	62	55	45
Residential	62	55	55	45

- 2) Any use which is non-conforming shall be deemed to be in the zone which corresponds to the actual use.
- C. Background noise and impulse noise.
  - 1) In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to this chapter shall emit noise in excess of eighty (80)

dBa at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this section.

- 2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during nighttime hours.
- 3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time.

D. Motor vehicle noise.

- 1) All motor vehicles operated within the limits of the town 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-1a(a-1), 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 this section.

E. Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards in this section.

**12.46 Penalties for offenses.**

- A. Any person in violation of any of the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars (\$50). A police officer shall 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.
- B. Each day a violation continues after the time for correction of the violation has been given in a ticket 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 dollars (\$400) per day.

**12.47 Variances.**

- A. Any person residing or doing business in Portland may apply to the First Selectman for a variance from one (1) or more of the provisions of this chapter 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 First Selectman at least thirty (30) 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.
  - 4) Any other information required by the First Selectman.
- B. Following receipt and review of an application for a variance, the First Selectman shall fix a date, time and location for a hearing on such application to be held within 14 days of receipt and shall cause the applicant to publish at his/her own expense a notice of the hearing in a newspaper of general circulation and provide personal notification to all abutters of record. Within seven days of the hearing on the variance application, the First Selectman shall issue his/her determination regarding such application. All such decisions shall briefly set forth the reasons for the decision.
- C. 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 the public health.
  - 3) Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- D. Failure to rule on the application in the designated time shall constitute approval of the variance.

#### **12.48 Interpretation; severability.**

All provisions of the Zoning Regulations of the town, 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 chapter shall be held to make the same unconstitutional or be superseded by any state law or regulation, this chapter shall not thereby be invalidated, and the remainder of the chapter shall continue in effect.

**Approved by  
Board of Selectmen**

**SEP 26 2001**