

OK

Chapter 6 – Article XI

An Ordinance Providing for the Reduction or Elimination of Excessive Noise and the Administration Thereof

PREAMBLE.

The Board of Selectmen finds and declares that: (1) excessive sound and vibration are a serious hazard to the health, safety, welfare and quality of life of the residents of the Town of Woodbridge; (2) each person has a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize such person's health, safety, or welfare, degrade the quality of life, or cause economic damage; (3) there exists a substantial body of science and technology by which excessive sound and vibrations may be substantially monitored and abated; and (4) the health, safety, welfare and quality of life of Woodbridge residents shall be enhanced by the reduction, control and prevention of noise through an Ordinance that regulates activities causing excessive noise within the territorial limits of the Town of Woodbridge.

NOW, THEREFORE, BE IT SO ORDAINED

SECTION 1: DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated in the interpretation and enforcement of this Ordinance. Where terms are not defined under the provisions of this Ordinance and are defined in the noise regulations of the Connecticut Department of Environmental Protection, they shall have the same meanings ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings or such meaning as the context herein may imply.

ANSI—The American National Standards Institute or its successor body. Any ANSI standard referred to in this Ordinance shall be deemed to incorporate further revisions by reference.

CHIEF OF POLICE—The Chief of Police of the Town of Woodbridge or a duly authorized officer subject to his or her orders.

CONSTRUCTION—Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition or blasting, for or of public or private structures, utilities, rights-of-way or similar property.

DAYTIME HOURS—The hours between 7:00 a.m. and 8:00 p.m., weekdays and Saturday, and the hours between 9:00 a.m. and 7:00 p.m. on Sunday.

DECIBEL—A unit of measurement of the sound level, the symbol of which is dB.

EMERGENCY—Any occurrence or set of circumstances involving actual or imminent physical danger to persons or property damage that demands immediate action.

EMERGENCY SOUND SIGNAL—An audible electronic or mechanical siren or signal device attached to an authorized emergency vehicle or within or attached to a building pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management.

EMITTER—A person who is the owner or occupant of the premises from which noise emanates.

EXCESSIVE NOISE—Emitter noise levels from noise sources exceeding the standards set forth in Section 3 of this Ordinance beyond the boundary of the emitter's premises.

IMPULSE NOISE—Noise of short duration (generally less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.

MOBILE SOURCES OF NOISE—Mobile sources of noise shall include, but are not limited to, such sources as automobiles, trucks and other vehicles used to transport individuals or items along public or private rights-of-way and/or over other land.

NIGHTTIME HOURS—The hours between 8:00 p.m. and 7:00 a.m. weekdays through Saturday morning, except that night-time shall mean the hours between 8:00 p.m. Saturday and 9:00 a.m. Sunday and 7:00 p.m. Sunday and 7:00 a.m. Monday.

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

PERSON—Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the State of Connecticut or other legal entity of any kind.

PREMISES— An individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records, including any building or structure thereon or portion thereof, and, as relates to emitters, includes contiguous publicly-dedicated streets and highway rights-of-way, railroad rights-of-way, water bodies and waters of the State of Connecticut.

PROPERTY MAINTENANCE EQUIPMENT—All engine- or motor-powered garden, lawn and maintenance tools and equipment intended for repetitive use in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, blowers and including equipment intended for infrequent service work including, but not limited to, chain saws, log chippers or paving rollers.

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.

RECEPTOR—A person who is the owner or occupant of premises affected by or receiving noise.

SITE—The area bounded by a property line on or in which a source of noise exists.

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, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1984 (1997).

SECTION 2: CLASSIFICATION OF NOISE DISTRICTS

- A. Noise District classifications hereunder shall be based on the designated use of any premises, based on the zoning district in which such premises are located as described on the Zoning Map and in the Zoning Regulations for the Town of Woodbridge, as amended from time to time; provided that any premises whose use is lawfully nonconforming to its district shall be classified for noise standard purposes according to the district appropriate for the nonconforming use. The current designation shall be the determining factor and any change in the Zoning Map or Zoning Regulations will also represent a change in the Noise District.
- B. Noise Districts
 - 1. Residential Noise District—Premises contained within residential districts by the Zoning Regulations for the Town of Woodbridge shall be designated as Residential Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this Ordinance.
 - 2. Business Noise District—Premises contained within general business districts by the Zoning Regulations for the Town of Woodbridge shall be designated as Business Noise Districts and shall be subject to the noise standards prescribed therefor or defined by this Ordinance. Such premises are comparable in nature to those described in Regulations of Connecticut State Agencies, Sec. 22a-69-2.4, Class B Noise Zone.
 - 3. Business and Industrial Noise District—Premises contained within business and industrial districts by the Zoning Regulations for the Town of Woodbridge shall be designated as Business and Industrial Noise Districts and shall be subject to the noise

standards prescribed therefor or defined by this Ordinance. Such premises are comparable in nature to those described in Regulations of Conn. State Agencies Section 22a-69-2.5, Class C Noise Zone.

4. Development District 1 and Development District 2 (referred to as Development Districts)—Premises contained within Development Districts by the Zoning Regulations for the Town of Woodbridge shall be designated as Development Districts for purposes of this Ordinance and shall be subject to the noise standards prescribed therefor or defined by this Ordinance. Such premises are comparable in nature to those designated in Regulations of Conn. State Agencies Section 22a-69-2.5, Class C Noise Zone.

SECTION 3: NOISE STANDARDS

A. No person shall cause or allow or permit the creation, continuance or maintenance of any noise beyond the property lines of such person’s premises in excess of the noise levels established by these regulations.

B. Impulse Noise

1. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime.
2. No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time in any Noise District or from or on any premises.

C. Noise District Standards

1. No person in a Business and Industrial Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor’s Noise District and premises:

	<u>RECEPTOR</u>			
	Bus/Industrial Development	Business	Residential	
			Day	Night
Business & Industrial Emitter to	70 dBA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

2. No person in a Business Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor’s Noise District and premises:

<u>RECEPTOR</u>		
Bus/Industrial Development	Business	Residential

		Day		Night
Business Emitter to	62 dBA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

3. No person in a Development District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise District and premises:

	<u>RECEPTOR</u>			
	Bus/Industrial Development	Business	Residential	
			Day	Night
Development Emitter to	70 dBA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

4. No person in a Residential Noise District shall emit noise exceeding the levels stated herein and applicable to the Receptor's Noise District and premises:

	<u>RECEPTOR</u>			
	Bus/Industrial Development	Business	Residential	
			Day	Night
Residential Emitter to	62 dBA	55 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive and unnecessary noise.

D. Vehicle Noise.

1. Motor Vehicles. All motor vehicles operated within the limits of the Town of Woodbridge 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, Title 14, Section 14-80a-1 et seq., as amended from time to time.

No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 3C of this Ordinance.

2. Recreational Motorized Vehicles. No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound

level emitted therefrom exceeds the limits set forth in Section 3C for the Noise District in which the recreational motorized vehicle is operated.

Recreational motorized vehicles shall also be in violation of this Ordinance if operated within premises within one hundred (100) feet of any property line.

This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers, dune buggies, and so-called all-terrain (ATV) vehicles.

SECTION 4: EXCLUSIONS

The provisions of this Ordinance shall not apply to noise or sound emitted by or related to:

- A. Natural phenomena, including but not limited to wind, storms, insects, amphibious creatures, birds 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. Bells, carillons, or chimes associated with specific religious observances and/or organizations;
- E. 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 or testing an alarm relating to fire or emergency management;
- F. Farming equipment or farming activity;
- G. Noise created by the operation of property maintenance equipment and/or public facility maintenance equipment by the Town of Woodbridge or its duly authorized agent or independent contractor in carrying out any work on behalf of the Town of Woodbridge relating to construction and/or an emergency.

SECTION 5: EXEMPTIONS

The following shall be exempt from this Ordinance, subject to the special conditions as specified:

- A. Noise created by any construction activity which is conducted during daytime hours;
- B. Noise created by recreational activities that are authorized by the Town, including, but not limited to, parades, fairs, carnivals, sporting events and organized sport activities, concerts, and fireworks displays;
- C. Noise created by the operation of private property maintenance equipment during daytime hours;
- D. Noise created by blasting and/or demolition, provided that the blasting or demolition is conducted between 8:00 a.m. and 5:00 p.m., Monday through Friday, and provided further that a permit for such blasting and/or demolition has been obtained from applicable governmental authorities.

- E. Noise created by domestic power tools between the hours of 7:00 a. m. and 8:00 p.m., Monday through Saturday, and 9:00 a.m. and 7:00 p.m. on Sunday
- F. Refuse, solid waste or recyclable materials collection, provided that such activity is conducted between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday.
- G. Noise created by 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, provided 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 not be exempt.
- H. Snow removal equipment, provided the equipment is maintained in good repair so as to minimize noise and that noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

SECTION 6: EQUIPMENT AND MEASUREMENT

For the purpose of determining noise levels as set forth in this Ordinance, 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 noise levels shall be sound level meters as defined by this Ordinance of standard design, maintained in calibration and in good working order. Instrument manufacturer's instructions for use of the instruments shall be followed. 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.
- C. The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.
- D. Measurements taken to determine compliance with this Ordinance, in particular Section 3C and 3D, shall be taken at any elevation and at any point beyond the boundary of the emitter's premises and within the receptor's premises.

SECTION 7: ENFORCEMENT AND PENALTIES

The Woodbridge Police Department shall be responsible for enforcement of the provisions of this Ordinance. Any person in violation of any section of any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$100. In lieu of arrest and issuance of a summons, the Woodbridge Police Department may 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 and to the address specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Each day a violation continues after the time for correction of the violation has been given in a written order, or after the issuance of a summons or infraction notice, shall constitute a continuing, separate 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. In the event payment of the fine is not made and an appeal has not been taken as provided herein, the violator shall be responsible for any and all costs of collection, including attorneys' fees. The imposition of any fine hereunder shall not prevent the enforced abatement of any unlawful condition by the Town and the Town shall have the right to pursue any remedy allowed under law.

SECTION 8: APPEAL

- A. Whenever a fine is imposed under this Ordinance, the person fined may, within ten (10) days from the date of issuance of the noise ticket, appeal by filing a written notice of appeal with the Woodbridge Chief of Police. The filing of an appeal shall stay any fine imposed until such time as a decision is rendered by a Town Hearing Officer in accordance with the procedure for hearings set forth in Section 4.6, Chapter II, Article IV of the Ordinances of the Town of Woodbridge.
- B. The provisions of this Ordinance may be enforced by citation and hearing as permitted by Conn. Gen. Stat. Section 7-152(c).
- C. In the event a decision on an appeal is rendered in favor of the Town and, if permitted by law, the Town shall be entitled to recover its costs incurred in defending such matter, including attorneys' fees.

SECTION 9: VARIANCE

- A. Any person living or doing business in Woodbridge may apply to the Chief of Police for a variance from one or more of the provisions of this Ordinance, which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided the applicant supplies all of the following information to the Chief of Police at least twenty (20) days before the start of such activity:
 - (1) The location and nature of the activity;
 - (2) The time period and hours of operation of such activity;
 - (3) The nature and intensity of the noise that will be generated; and
 - (4) Any other information required by the Chief of Police.
- B. No variance from this Ordinance 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; and
 - (3) Compliance with the regulations constitutes an unreasonable hardship on the applicant;
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days before the proposed start of such activity. The approval or rejection

shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

D. Failure to rule on the application in the designated time shall constitute approval of the variance.

SECTION 10: EFFECTIVE DATE

Pursuant to Connecticut General Statutes Section 22a-73, this Ordinance shall not be effective until it has been approved by the Commissioner of the State Department of Environmental Protection.

SECTION 11: SEVERABILITY

All provisions of the Zoning Regulations of the Town of Woodbridge that are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this Ordinance shall be held to make the same unconstitutional or superseded by any state law or regulation, this Ordinance shall not be invalidated and the remainder of the Ordinance shall continue in effect.

History: Adopted by the Board of Selectmen at its meeting held on September 12, 2002.
Filed with Town Clerk - October 8, 2002 - Upon Approval of Department of
Environmental Protection

Effective: November 12, 2002