

TOWN OF WINDSOR LOCKS

Noise Control Ordinance



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Draft

NOISE CONTROL ORDINANCE

Sec. ***. Title.

This article shall be known as the "Noise Control Ordinance."

Sec. ***. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, welfare, or quality of life. This chapter is enacted to protect, preserve and promote these values for the residents of Windsor Locks through the reduction, control and prevention of unlawfully excessive noise.

Sec. ***. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Ambient noise or background noise means a noise of a measurable intensity which exists at a point as a result of a combination of many distant individually indistinguishable sources. In statistical terms, it is the level which is exceeded ninety percent (90%) of the time (L90) in which the measurement is taken.

Collection means the act of picking up refuse at its point of generation or storage, placing it in a vehicle and completing the process at each location.

Commercial zone means all commercial districts and business districts as defined in the zoning regulations of Windsor Locks, and all uses associated therewith permitted either as a right or as a special use.

Compression release type braking system means any device equipped on certain commercial vehicles, including but not limited to, tractors, semi-trucks, motor carriers and buses that utilize engine compression release or engine retardants as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes. These devices are also known as Jake brakes.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property. This term does not encompass demolitions.

Construction equipment means any equipment or device operated by fuel, electric power, air or hydraulic pressure, used in construction or demolition work.

Daytime hours means the hours between 7:00 a.m. and 9:00 p.m. Mondays through Saturdays, and the hours of 9:00 a.m. through 9:00 p.m. Sundays and federal and state holidays. Unless otherwise provided, all other hours shall be construed as nighttime hours.

Decibel means a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (sound-pressure level) is defined as:

$$\text{SPL} = 20 \log P \text{ in dB/Po}$$

Where $P_o = 0.0002$ microbars

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Domestic power equipment means power saws, drills, grinders, lawn and garden tools and other similar devices.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency vehicle means any motor vehicle authorized by Connecticut General Statutes Sec. 14-283 as amended from time to time and Windsor Locks to have sound-warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

Emergency work means work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

Impulse noise means a sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone means all industrial districts as defined by the zoning regulations of Windsor Locks..

Loud amplification device or similar equipment shall include, but not be limited to, a radio, television, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such manner that it creates noise.

Motor vehicle is defined as per Section 14-1 (51) of the Connecticut General Statutes as amended from time to time.

Muffler means a device for abating sounds such as those produced by escaping gases.

Noise means any sound, the intensity of which exceeds the standards set forth in this chapter as it is amended from time to time.

Noise level means the sound-pressure level in decibels as measured with a sound-level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Person means any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

Premises means any building, structure, land or portion thereof, including all appurtenances, yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person. The emitter's "Premises" includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

Property line means that real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, park,

waterway, railroad or similar place which is owned or controlled by a governmental entity.

Recreational vehicle means any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

Refuse means municipal solid waste, bulky waste and yard waste, garbage, household rubbish, ashes and any organic wastes normally produced from the handling and use of foods, except dishwater and wastewater.

Residential zone means all town-owned property used for recreational or educational purposes, all residential districts, any commercial district when used for residential purposes, as defined in the zoning regulations of Windsor Locks as they are amended from time to time, and all uses permitted therewith either as a right or as a special use.

Sound means 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 means an instrument used to take sound-level measurements and which should conform, at a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters, SI.4--1971 (Type S2A) as amended from time to time.

Sound-pressure level means twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} newtons/meter²) and which is expressed in decibels (dB).

Sec. *. Noise Level Measurement Procedures.**

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

- (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation;
- (2) instruments used to determine sound-level measurements shall conform to the performance standards as defined in the section captioned "Noise levels" as amended from time to time;
- (3) the general steps listed below shall be followed when preparing to take sound-level measurements:
 - (a) the instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
 - (b) the sound-level meter shall be calibrated before and after each set of measurements;
 - (c) 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;

- (d) 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; and
- (e) 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.

Sec. *. Noise Levels.**

- (1) 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 these regulations as amended from time to time.
- (2) Noise level standards.
 - (a) No person in a residential zone shall emit noise beyond the boundaries of his/her premises that exceeds the levels stated herein, and applies to adjacent residential, commercial or industrial zones.

Emitter's Zone:

Residential

Receptor's Zone: Maximum Level:

Industrial . . . 62 dBA
 Commercial . . . 55 dBA
 Residential/Day . . . 55 dBA
 Residential/Night . . . 45 dBA

- (b) No person in a commercial or business zone shall emit noise beyond the boundary of his/her premises that exceeds the levels stated herein and applies to adjacent residential, commercial or industrial zones:

Emitter's Zone:

Commercial/Business

Receptor's Zone: Maximum Level:

Industrial . . . 62 dBA
 Commercial/Business . . . 62 dBA
 Residential/Day . . . 55 dBA
 Residential/Night . . . 45 dBA

- (c) No person in an industrial zone shall emit noise beyond the boundary of his/her

premises that exceeds the levels stated herein, and applies to adjacent residential, commercial or industrial zones:

Emitter's Zone:

Industrial

Receptor's Zone: Maximum Level:

Industrial . . . 70 dBA
Commercial/Business . . . 66 dBA
Residential/Day . . . 61 dBA
Residential/Night . . . 51 dBA

- (d) Any ~~legally existing~~ non-conforming use shall be deemed to be in the zone which corresponds to the actual use.

Sec. *. High Background Noise Levels and Impulse Noise.**

- (1) If background noise levels caused by sources not subject to these regulations exceed the standards contained herein as amended from time to time, a source shall be considered to cause excessive noise if its emission exceeds the background noise levels by five (5) decibels, provided that no source subject to this article shall emit noise in excess of eighty (80) decibels at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter-as amended from time to time.
- (2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.
- (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 in any zone.

Sec. *. Exclusions.**

The above restrictions of sound levels shall not apply to noise emitted by or related to:

- (1) natural phenomena;
- (2) any bell or chime from any building clock, school or church;
- (3) any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded. However, the owner of an alarm mechanism will not be held liable if it is activated without his/her fault or negligence;
- (4) warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations; and

- (5) farming equipment or farming activity.

Sec. *. Exemptions and Special Conditions.**

The following shall be exempt from these regulations, subject to special conditions as provided herein:

- (1) noise generated by any construction equipment which is operated between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays. The Building Official or the Director of Public Works must approve the operation of the same during hours other than those allowed by this section. The person requesting such approval must apply for it at least seven (7) days before the date for which approval is sought.
- (2) noise created as a result of or relating to an emergency;
- (3) noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that noise discharge from exhaust is reasonably muffled;
- (4) noise from snow removal equipment, provided it is maintained in good repair and exhaust is reasonably muffled;
- (5) noise from demolition work conducted between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that demolition shall be exempted at all times from the noise levels set in this regulation when it is considered emergency work;
- (6) noise created by any aircraft flight operations, which the Federal Aviation Administration specifically preempts;
- (7) noise created by any lawful recreational activities, and for which the town has granted a license or permit, including but not limited to parades, sporting events, outdoor concerts, firework displays and non-amplified religious activities;
- (8) noise created by any public address system used in public assemblies or in a public space during approved/permitted times.
- (9) noise involving blasting other than that conducted in connection with construction or demolition activities, provided that the blasting is conducted between the hours of 7:00 a.m. and 5:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 5:00 p.m. on Sundays, at specified hours previously announced to the local public at least 72 hours prior to such blasting, and provided that a permit for such blasting has been obtained from local authorities at least seven (7) days prior to such blasting;
- (10) noise created by products undergoing tests, where one (1) of the primary purposes of the test is to evaluate product noise characteristics, and where practical noise control measures have been taken;

- (11) noise generated by transmission facilities; distribution facilities and substations of public utilities providing electrical power, telephone, cable television or other similar services, and located on property which is not owned by the public utility, and which may or may not be within utility easements; and

Sec. *. Motor Vehicle Noise.**

- (1) All motor vehicles operated within the limits of Windsor Locks shall be subject to the noise standards and decibel levels set forth in the regulations authorized in federal, state and local laws and regulations, including but not limited to Conn. regulation sections 14-80a-1a through 14-80a-10a as amended from time to time.
- (2) No motor or recreational vehicles shall emit noise from a loud amplification device or similar equipment which exceeds noise level standards for residential zoned areas.

Sec. *. Refuse collection noise**

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term “refuse collectors” shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

Sec. *. Inspections.**

For the purpose of determining compliance with the provisions of this article, the following provisions shall apply:

- (1) The town’s Chief of Police or his/her designee and the town’s Building Official or his/her designee is hereby authorized to make inspections of stationary or fixed noise sources, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.
- (2) The town’s chief of police or his/her designee is hereby authorized to make inspections of mobile noise sources including refuse collection, demolition, construction and vehicular activities, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.
- (3) In the event that any person refuses or restricts local authorized officials from entry and free access to any part of a premises, or refuses to allow such officials to inspect, test or measure noise generated from any activity, device, facility or process, said officials may seek an administrative warrant from an appropriate court to obtain such access for the aforesaid purposes.
- (4) It shall be unlawful for any person to refuse to allow or permit local authorized officials free access to any premises when they are acting in compliance with a warrant for inspection that is issued by the appropriate court.
- (5) It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

- (6) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter as amended from time to time.

Sec. *. Violations and Penalties.**

Any person violating this article shall be fined one hundred dollars (\$100.00) per occurrence. Each day such violation continues shall constitute a separate violation.

Sec. *. Variances.**

- (1) Any person residing or doing business in Windsor Locks, who is negatively affected by the application of the provision(s) of this ordinance, may seek a variance to engage in the prohibited activity. An applicant for a variance must supply the following information:
 - (a) location and nature of activity;
 - (b) the time period and hours of operation of said activity;
 - (c) the nature and intensity of the noise that will be generated;
 - (d) the reason(s) for which the variance is requested detailing any technical and economic justifications for the variance;
 - (e) a description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom; and
 - (f) any other information required by the appropriate town authority.
- (2) No variance from these regulations shall be issued unless it has been demonstrated that:
 - (a) the proposed activity will not violate any Connecticut Department of Environmental Protection regulation(s) as amended from time to time;
 - (b) the noise levels generated by the proposed activity will not constitute a danger to public health, safety, welfare or quality of life; and
 - (c) compliance with the regulations constitutes an unreasonable hardship on the applicant.

Sec. *. Noise variance review committee.**

- (1) A noise variance review committee is hereby established to consider variance requests.
- (2) This committee shall consist of the town's chief of police, public works director and building official or their respective designees. Additionally, the committee also shall include a selectman and a town resident appointed by the Board of Selectmen.

- (3) The committee shall review each variance application, and either approve or reject it within fifteen (15) days of its receipt. The approval or rejection shall be in writing, and shall state the condition(s) of approval, if any, or the reasons for rejection.
- (4) Failure to rule on the application within the designated time shall constitute approval of the variance.

Sec. *. Administration.**

The town's Chief of Police and Building Official are hereby authorized to make regulations from time to time that are consistent with the State Public Health Code, and the regulations of the State Department of Environmental Protection regarding noise as such may be amended from time to time. Such regulations shall become effective upon the approval of the Board of Selectmen.

Sec. *. Contracts.**

Any written agreement, purchase order or contract whereby Windsor Locks is committed to expending funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such document contains provisions that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed, conducted or manufactured without violating this article as it is amended from time to time.

Sec.*. Mediation.**

- (1) If the town's Chief of Police, Building Official, or First Selectman receives a complaint alleging a violation of this article by noise emanating from a construction, demolition, refuse collection or vehicular activity, he/she is expressly authorized to mediate such dispute within seventy two (72) hours, provided that the following conditions apply:
 - (a) he/she is satisfied that the complainant is aggrieved by the alleged violation;
 - (b) there is reasonable grounds to believe that there is a violation of this article; and
 - (c) he/she determines that the particular facts and circumstances suggest that such mediation may result in a satisfactory resolution of the complaint.
- (2) Nothing herein is intended to affect or in any way limit any other procedures established elsewhere in this article, limit any other powers granted to the local authorized officials, or require the town's Chief of Police, Building Official or First Selectman to invoke the mediation powers herein established.

Sec. *. Effect on other regulations.**

All of the town's zoning regulations which are more stringent than those set forth herein shall remain in full force and effect. If any word, clause, paragraph or section of this chapter is held to make the same unconstitutional, this article shall not thereby be invalidated, and the remainder of this article shall continue in effect. Any provision herein which conflicts with the Connecticut

General Statutes or the state's Public Health Code as each is amended from time to time is hereby repealed, inasmuch as said statutes and code shall take precedence over this article.

Sec. *. Enforcement.**

- (1) Notwithstanding anything contained herein to the contrary, the town's Chief of Police or his/her designee and/or the town's Building Official are hereby authorized to enforce this article regarding stationary or fixed noise sources.
- (2) Notwithstanding anything contained herein to the contrary, the town's Chief of Police or his/her designee is hereby authorized to enforce this article regarding mobile noise sources, including refuse collection, demolition, construction and vehicular activities.
- (3) Notwithstanding anything contained herein to the contrary, all local authorized officials, including but not limited to zoning enforcement officers, shall have the authority to enforce this article.