

Tolland
ADOPTED 24 FEB. '87
EFFECTIVE 19 MAR. 87

Section 1. Declaration of Policy

Excessive noise must be controlled by the Town to protect, preserve and promote the public health, safety and welfare. The Town Council recognizes the fact that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare.

Section 2. Definitions

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

Background noise shall mean noise which exist at a point as a result of the combination of many distant sources, individually indistinguishable.

Construction shall mean 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.

Day-time hours shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

Decibel shall mean a unit of measurement of the sound level, the symbol for which is dB.

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

Excessive noise shall mean any sound, the intensity of which exceeds the standards set forth in section 6 of this article.

Impulse noise shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Intrusion alarm shall mean a device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

Motor vehicle shall mean a vehicle as defined in subdivisions (30) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

Nighttime hours shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level shall mean 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 shall mean 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 shall mean any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

Property maintenance equipment shall mean 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, leaf blowers.

Public emergency sound signal shall mean a device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

Public facility maintenance shall mean all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

Recreation vehicle shall mean any nonregistered combustion engine powered vehicle which is being used for recreational purposes.

Sound shall mean 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 shall mean 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 S1.4-1971 (Type S2A).

Sound pressure level shall mean 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 m^2) and is expressed in decibels (dB).

Town Manager shall mean the duly appointed Town Manager of the Town or his designee.

Section 3. Exclusions

This article 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.

Section 4. Exemptions

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

- (a) Noise created by the operation of property maintenance equipment during day-time hours.
- (b) Noise generated by any construction equipment operated during day-time hours.
- (c) Noise created by any recreational activities which 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 10:00 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.
- (g) Noise created by public facility maintenance during day-time hours.

Section 5. Noise level measurement procedures

For the purpose of determining noise levels as set forth in this article, 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 sound level measurements shall be sound level meters as defined by this article.
- (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 Section 6 shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and with the receptor's premises.

Section 6. 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 article.

(b) Noise level standards

- (1) No person shall emit noise exceeding the levels stated herein.

Zone in which
emitter is
located

Zone in which receptor is located

	<u>PI ZONE</u> (dBA)	<u>PBD ZONE</u> (dBA)	<u>RESIDENTIAL ZONE</u>	
			Day-Time hours (dBA)	Night-Time hours (dBA)
PI	70	66	61	51
PBD	62	62	55	45
Residential	62	55	55	45

(c) Background noise and impulse noise

- (1) In those individual cases where the background noise levels caused by sources not subject to this article 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 article 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) dB peak sound pressure level during night-time hours.
- (3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB 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 article when the noise so generated exceeds the noise level standards in this section.

Section 7. Penalties

Any person in violation of any of the provisions of this article shall be guilty of an infraction and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars (\$50.00). 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.

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 say violation continues, said fine not to exceed four hundred dollars (\$400.00) per day.

Section 8. Variance

- (a) Any person residing or doing business in Tolland may apply to the Town Manager for a variance from one or more of the provisions of this article 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 Town Manager at least twenty (20) 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 Town Manager.
- (b) 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 article 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 prior to the proposed start of said 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 9. 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 work, clause, paragraph or section of this article shall be held to make the same unconstitutional or superceded by any state law or regulation, this article shall not thereby be invalidated and the remainder of the article shall continue in effect.

Adopted: February 24, 1987

Advertised: March 4, 1987

Effective: March 19, 1987