

## **ORDINANCE REGARDING NOISE**

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

**SECTION 1: PURPOSE:** It is recognized that people within the Town of Beacon Falls have a right to and should be ensured an environment free from excessive sound, vibration and other activities that may jeopardize their health, safety or welfare or degrade the quality of life. This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the residents of the Town of Beacon Falls.

**SECTION 2: CONSTRUCTION ACTIVITIES.** No person, firm or corporation, other than a homeowner shall engage in the erection (including excavation) demolition, alteration or repair of any building, or the excavation of streets and highways, nor in the operation of trucks, tractors, bulldozers, pay loaders, compressors or other heavy equipment other than between the hours of 7:00 A.M. and 8:00 P.M. Monday through Saturday, with no activity whatsoever allowed on Sundays and legal holidays. Reference Connecticut General Statutes (CGS) – 22a-73(b)(5).

### **SECTION 3: NOISE LEVELS.**

- a. 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 Ordinances as amended from time to time and applies to adjacent residential, commercial or industrial zones.
- b. Noise generated by engine powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 A.M. and 9:00 P.M. provided that noise discharged from exhausts is adequately muffled to prevent and/or explosive noises therefrom.
- c. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the decibel levels of this Ordinance.

### **SECTION 4. NOISE LEVEL MEASUREMENT PROCEDURES**

For the purpose of determining noise levels as set forth in this Ordinance, 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;

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- (i) The instrument manufacturer’s specific instructions for the preparation and use of the instrument shall be followed;
- (ii) The sound-level meter shall be calibrated before and after each set of measurements;
- (iii) 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;
- (iv) 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
- (v) 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.

**Emitter’s Zone:**

Residential

**Receptor’s Zone: Maximum Level:**

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

(2) No person in a commercial 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

**Receptor’s Zone: Maximum Level:**

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

(3) 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;

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**Emitter's Zone:**

Industrial

**Receptor's Zone: Maximum Level:**

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

- (4) Any non-conforming use shall be deemed to be in the zone which corresponds to the actual use.

**High background noise levels and impulse noise.**

- (a) 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.
- (b) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure during the nighttime to any residential noise zone.
- (c) 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.

**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.

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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.

**SECTION 5: ENFORCEMENT:** The Chief of Police or his/her designee shall enforce the provisions of this Ordinance. The Police Department or its members may inspect private premises and shall make all reasonable efforts to prevent violations of this Ordinance.

**SECTION 6: CIVIL REMEDIES:** This Ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

**SECTION 7: PENALTIES:** Any person who violates the provisions of this Ordinance shall be fined not more than **\$100 per violation**, the maximum dollar amount permitted by the Connecticut General Statutes. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

**SECTION 8: DEFINITIONS.** As used in this Ordinance, the word **person** includes, without limitation, any individual, corporation, firm, partnership or other business entity.

**SECTION 9: SEVERABILITY.** Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Ordinance as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder of this Ordinance shall remain valid notwithstanding such declaration.

**SECTION 10:** In the event that any provisions of this Ordinance is inconsistent with any provision of any regulation, resolution or Ordinance previously enacted, the provisions of this Ordinance shall take precedence.

### **SECTION 11: RECREATIONAL VEHICLE NOISE – TOWN ORDINANCE**

**No person shall create or cause to be created any unreasonable loud or disturbing noise due to the operation of a recreational vehicle in the Town of Beacon Falls.**

**Recreational vehicle noise shall be deemed to be loud, disturbing, or excessive and a violation of this Ordinance when the noise so generated**

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the noise levels standards set forth in Connecticut General Statutes § 14-80 (a) and in any circumstances where C. G.S. § 14-80(a) does not apply.

- (a) For the purpose of determining compliance with the provisions of This Ordinance, the Chief of Police or his/her designated representative is hereby authorized to make inspections of all noise to determine the quantity and character of noise as it is experienced at receptor's property. Should any inspection or measurement be required to be taken during the hours of the day or night which cause the Police Department to incur expenses for overtime hours paid to any employee and such measurements of inspections indicate a violation of this Ordinance, the violator shall pay the Town of Beacon Falls for such expenses for overtime hours for said employee or employees in addition to any penalty provided herein.
- (b) 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 Ordinance.
- (c) The Police Department under the direction of the Chief of Police shall be responsible for investigating complaints of excessive noise, determining whether violations may have occurred; and making acoustic measurements when necessary to determine that a violation has in fact occurred under the provisions of this Ordinance.

Recreational Vehicles shall also be in violation of this Ordinance if operated within premises within fifty (50) feet of the property line.

### **Violation and Penalties**

- (a) Any person in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed seventy five dollars (\$75.00).
- (b) In lieu of arrest and issuance of a summons, a Police Officer may serve upon a violator an infraction notice, which shall be known as a noise ticket. Payment of the fine prescribed

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by such noise ticket within the limit specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Fines shall be levied in the following amounts:

- (1) Initial Violation: Fifty dollars (\$50.00) fine.
  - (2) Second Violation: Seventy five dollars (\$75.00) fine.
  - (3) Third Violation: One hundred dollar (\$100.00) Fine.
- (c) Each day on which a violation occurs or continues to occur shall be considered a separate violation of this Ordinance.

**Please refer to Section 4 of this Ordinance.**

This Ordinance passed at a duly scheduled Town Meeting held February 18, 1997.

A summary of the foregoing Ordinance was published April 3, 1997 in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

The effective date of this Ordinance is April 18, 1997.

Public Hearing held on: May 7, 2007  
2<sup>nd</sup> Public Hearing held on: November 26, 2007  
Town Meeting held on: December 10, 2007  
This Ordinance becomes effective on : January 20, 2008

**REVISION TO ORDINANCE – ADDITION OF RECREATIONAL VEHICLE NOISE - June 2013**

Public Hearing Held on: June 10, 2013  
Town Meeting Held on: June 19, 2013  
Revision to Ordinance Published on: July 15, 2013  
This Ordinance Becomes Effective: July 31, 2013