

AGENDA
Town Council Steering Committee Meeting
June 27, 2016
7:00 PM
Town Hall Conference Room B

1. Call To Order, Roll Call
2. Acceptance Of Minutes:
 - 2.A. May 23, 2016 (E)
Documents: [MAY 23, 2016 MINUTES WITH ATTACHMENTS.PDF](#)
3. Reports:
 - 3.A. Chairperson
 - 3.B. Committee Members
 - 3.C. Possible Recommendations/Vacancy List/Board & Commission List (E)
Documents: [VACANCY REPORT - 2016-06-21.PDF](#), [EXPIRATION REPORT 2016-06-21.PDF](#), [BOARD DIRECTORY REPORT.PDF](#), [BOARD MEMBER REPORT - 2016-06-21.PDF](#)
4. Resignations/Not Wishing To Be Reappointed:
 - 4.A. School Energy And Building Efficiency Building Committee: Arn (E)
Documents: [RESIGNATION ARN.PDF](#)
5. Reappointments (E)
6. Appointments (E)
7. Booth & Dimock Library Building Expansion Project: Policy Considerations, WPCA Issues (E)
Documents: [LIBRARY TRANSFER BUILDING LAND.PDF](#), [WPCA SEWER EXPANSION.PDF](#)
8. Consideration: Acceptance Of Avery Shores As Town Road (E)
Documents: [AVERY SHORES REPORT KIEFER.PDF](#)
9. Consideration: Implementation Of A Noise And/Or ATV Ordinance (E)
Documents: [NOTHEM ATV USE.PDF](#), [CHRONICLE - WILLINGTON OFFICIALS CONSIDER NOISE LAWS.PDF](#), [CCM RESEARCH BULLETIN 072014 - NOISE ORDINANCES -OUTDOOR VENUES.PDF](#), [NOISE AND BLASTING ORDINANCES.PDF](#), [SAMPLE NOISE ORDINANCES.PDF](#), [ATV BULLETIN.PDF](#), [ORDINANCES REGULATING RECREATIONAL VEHICLE NOISE FOR HARWINTON.PDF](#)
10. Consideration: Tax Abatements For Seniors (E)
Documents: [MEMO RE OPTIONS TO ADDRESS SENIOR TAX ABATEMENT PROPOSAL \(WITH ATTACHMENTS\).PDF](#), [ELDERLY TAX RELIEF PROGRAM ISSUES LIST.PDF](#), [ELDERLY TAX RELIEF T.POPE RESPONSE ON ISSUES FOR CONSIDERATION.PDF](#)
11. Adjournment

Minutes
Town Council Steering Committee meeting
May 23, 2016
Town Hall Conference Room B

1. The meeting was called to order at 7:00 PM.
Present: Thomas Pope, Richard Williams, Lisa Thomas, Julie Blanchard
Also present: John Elsesser, Town Manager; Mark Kiefer, Director of Public Works
2. **Acceptance of Minutes:**
Richard Williams moved to accept the minutes of the Steering Committee meeting on April 25, 2016. The motion was seconded by Lisa Thomas and carried on unanimous vote.
7. **Booth & Dimock Library Building Expansion Project: Policy Considerations:**
Richard Williams made a motion to move up item 7 to accommodate guests from the Booth & Dimock Library. The motion was seconded by Lisa Thomas and carried on unanimous vote. Kristi Sadowski, Tim Timberman and Kathleen Willett were present.

Kathleen Willett, President of the Library Board of Trustees, indicated that the Board received a draft of letter of intent from their lawyer Thursday regarding turning over the building and land to the Town as a condition of the proposed expansion project. The Board has called a special meeting this week to approve the letter of intent and will get it to the Council right after that. John Elsesser said that the Town Attorney may have some feedback also.

Thomas Pope said an item that was brought forward to us that may impact the project and the Library should be aware. It comes from the WPCA and can be found in the minutes of their meetings of April 7, 2016 and May 5, 2016 (*attached to these minutes*). During these meetings there was discussion with town staff about development in the sewer area and concerns about treatment plant capacity. Apparently there is not sufficient capacity to facilitate development at this time. The plant will have reached its capacity if all units connect. Tim Timberman noted that the Library is presently connected to the sewers. Thomas said yes but at its existing level and additional capacity could be a problem. Tim said he thinks they were talking about adding capacity for development. He doesn't think this is a factor. Thomas said if someone were to open a business and bring an additional 100 people in, would they approve it? John Elsesser said when they were talking about capacity they are talking about 80 percent and they can go over 100 at any point in time. We can get them the Library information for review. Thomas said we were counting on development and this did not come as welcome news. John noted this concern was in response to a proposed large apartment complex.

The Committee thanked the Library representatives for their update. Kathleen asked when the letter is signed if it can be submitted to the full Council, or does it need to be presented at Steering again? Thomas replied to submit it to the Town Manager and the Council will get it.

8. Consideration: Acceptance of Avery Shores as Town Road:

Richard Williams made a motion to move up item 8 to accommodate guests from the Gerald Park Association. The motion was seconded by Lisa Thomas and carried on unanimous vote. Jerry Dallas, Sam Norman, Mary Ann Hansen, Harvey Barrette and Ben Emanuele were present.

Jerry Dallas said this is our second time appearing before Steering regarding the turnover of Avery Shores Road. We have been working with town officials for the past six years and it has been a frustrating process. Solutions we thought we have made progress on over the years were subsequently rescinded. We appeared on March 7, 2016 before the Town Council to express our frustration and ask for guidance and at the April 25, 2016 Steering Committee meeting. We left that meeting to see what progress we could make and the Town Attorney was to be contacted for a legal opinion. We called a meeting of the road committee and board of directors and received permission to submit a revised offer to turn over the road to the Town Council and officials. The only response we received was from Tom Pope - as appears to be the custom, we got no response from any of the town officials involved. Only through Sam Norman's efforts did we receive a copy of the Town Attorney's opinion. We have tried to work with town officials but got nothing but frustration and we have spent thousands. We are not asking the Town to do anything that has not already been done for other associations.

Ben Emmanuele disputed the validity of the Town Attorney's opinion. He said it doesn't mention law or any legal provisions and is just commentary. He feels the authors are saying what someone has told them to say. In paragraph 3 they sound like they are acting as engineers. They indicate a 5 foot easement is impractical to meet the Town's needs. He doesn't know where they got the authority to say that as there are many instances where the Town has accepted roads with less or no easement at all. John Elsesser asked for specifics to follow up. Ben said Pine Lake Drive in Pine Lake Shores. Unless he is misreading the map it looks like the Town got nothing more than this. He drove over there earlier today to look at it. He wanted to make sure there was no place where the Town acquired anything wider than what we are proposing. From what he can see from the attorney's document they have not seen the area - the attorneys who wrote it should look at Pine Lake Drive. We don't understand why that would trouble Halloran and Sage when that situation, which was more egregious, was no problem. Jerry said if you take the width of our paved surface and add 5 feet on either side that is more than what the Town got at Pine Lake Shores. Ben said he is also concerned about the statement in the letter that the Town should not plow. This seems to be a very un-neighborly response - we have tried to negotiate in good faith and to slap us with a threat from the attorney when the road has been plowed for over 50 years - he doesn't think we should be treated this way. John Elsesser said the attorney raised the plowing issue, not us. He noted that this is a guidance document for the Town Council, not something they have to take verbatim. He finds it offensive they would disparage the law firm and question their credentials and ethics. Thomas Pope said that the attorney sent a draft to John including that language and John refused to make changes to it. He has met Town Attorney Duncan Forsyth and he is a fine attorney. Jerry asked since when do we bear the burden of plowing - the Town has done it for 70 years. The Association pays over \$500,000 per year for property taxes for basic services such as plowing the road. He views the letter as an implied threat.

John Elsesser asked Mark Kiefer to relay what was said about plowing at the meeting. Mark said nothing was discussed about plowing. The Attorney brought it up. John said we plow the road for public safety and to get our fire trucks in there. The Attorney raised the issue that it is not our property and should not be done for liability purposes. We have plowed and we should continue. Mary Ann Hansen said she can confirm that she has heard John say the Town should continue to plow.

Lisa Thomas said regarding the memo from the attorney, as an attorney herself, your clients will often ask you to write memos and it is your job to do due diligence and it is your job to do all the research and respond in your client's best interest. The document understandably created an emotional response but she has always heard John say our approach to association roads is to plow them as matter of public safety. She is sure it is not a conspiracy and that the attorneys were doing due diligence.

Sam Norman said he had a question on the memo from March 18th that was included with the Steering agenda packet. He is confused why items #3 and #4 are still on this paper. His impression at last Steering Committee meeting was that both Mark and John confirmed that the Town was ok with the street parking solution. Mark confirmed that is correct and that was his response from the time he met with them and did the walk through. He believes we can turn a truck around with the compromise that was made. Sam said regarding item #3 he was under the impression that it would be all right that Ms. Ries gives an easement over the paved surface. We feel like things we have solved keep coming back into the conversation. That is partially where our frustration lies. It makes us lose sight of what we need to accomplish. He thought we went really far at the last meeting. Then we see the same issues at the next meeting. Thomas Pope said we received shortly after the last meeting a document from the Association that he responded to. The document seemed like an ultimatum. He wrote back saying the Steering Committee would review it with an open mind. It is up to us to consider it and accept or reject. If the association's proposal meets the standards our attorney has outlined we should accept it. If it doesn't we should reject. Jerry said when we left the last meeting we did everything we could to get an offer together and we thought the attorney would respond to that offer - his document has very little to do with our offer. It is a bunch of stuff we have been through in the past and can't get through. He asked what is wrong with our offer. Thomas asked the other Steering Committee members if they saw the document as an ultimatum or the opening of negotiations. Lisa said she saw it as negotiation.

Richard Williams said the problem as he sees it is the Town sought a legal opinion and they gave a different viewpoint and unfortunately it didn't come back in the way anyone expected. He thinks we are bound to abide by what is being said by the attorney. He doesn't think we can go forward without clarifying his opinion. He says we need 50 feet (of easement) and he doesn't know how we can get around that. If we were to do something different it could be a problem. He asked about the history of Pine Lake Drive when it was turned over to the Town. John said it was about two years ago. Pine Lake Shores gave us all they had. We took the full road - we know where the roads and sewers are. In the attorney's mind this is a different situation. Here Gerald Park Association is unwilling to give the town that which they have. That is the attorney's opinion, not ours. The attorney also raised the issue of 5 feet on either side vs. both sides. Sam said that is a misunderstanding and that we meant both

sides. John said that language raised the attorney's concern. He did his work from the previous document not the new one, and we just got his opinion back last Thursday to get it into the agenda. The Council could have chosen to talk about this as attorney/client privilege but we chose not to do that. We brought a new party in with a fresh set of eyes.

Thomas Pope said during the last meeting we discussed that 50 foot easement. He had asked why the Association didn't want to convey those rights and they said the Town would tear down their buildings. Then we said we wouldn't because the Town would only have the same rights the Association has. It is fully acceptable if the Association keeps the road. There is nothing saying the Town has to accept it. The Town has a responsibility to make the best decision for our taxpayers.

Harvey Barrette said when Pine Lake Shores roads were turned over it cost them \$21,000. The cost to our association is about \$10,000. When he first lived on Avery Shores he found out there were matching funds. He came down to the Town and got \$12,000 to get the road cut and process gravel so he could get a VA mortgage. Then the sewer was put in. We got a brand new road when the sewer came in – the road should have been turned over at that time. Everything in there was put in with federal money. There was not contention about turning roads over in Waterfront Heights and there are about 4-5 other places. In Oak Grove there will never be anything in there but a pick-up truck. Mark Kiefer said he never said anything about getting big trucks in to Avery Shores. Harvey said he doesn't want to put \$10,000 in of his money when money has already been put in there. The boundaries and lawyers are another issue. The road should have automatically gone to the Town. The Town took the road for sewers and put it back in the same footprint. The sewer went in on the footpath of the existing road.

Jerry said he found out two things tonight. One, that somehow the word "either" was interpreted to mean on one side of the road or the other and that changes even his perspective. The other was that the attorney didn't see our new document. John said he doesn't believe the attorney has seen the new document, which was submitted by the Association on May 3rd. We know he reviewed all the deeds of all the properties. Jerry noted the attorney addressed his comments to town policy, not our offer. Thomas said that is what we asked him to do. If the Association doesn't want to do it that's ok. You have that right.

Mary Ann Hansen said she thinks there is a lot of fear and misunderstanding about what an easement means. Maybe clarifying the wording would help. Thomas said the Association has the easement. Mary Ann asked if it would be a shared easement. John said it could be. Thomas said if you need to put in a stop sign or a no parking sign you need to have the right to do that. The easement isn't going to change that. The Association is not giving up something you don't already have. John said you could make it more restrictive when you turn it over. Mary Ann said with the new proposal we didn't mean it to be an ultimatum. John said we are willing to negotiate. We think we could work that out. The road is on her property a little bit. Mary Ann asked if there is also an issue of trees needing to be removed. John said we got an opinion or guidance from the attorney - what you don't have is staff recommendations. Mark Kiefer said he did go through and made a report of what work he feels needs to be done. The report does not address who would do it or pay for it. It is not a

list of demands but there are issues that have to be addressed. The report was distributed to Association members present (*attached to these minutes*). Trees are identified, as well as crack sealing and catch basin repairs. Other associations had to spend a great deal of money to get their roads ready to be taken over. It is difficult to go in with a mindset of “where does this road fall” and how to compare this road to other roads. The issues identified are not typical of roads in the general area. He put this document together based on what he feels are the needs of the road based on his inspection. Harvey Barrette asked what was found in other associations and suggested that Mr. Kiefer take a look at Waterfront Park, and Oak Grove because he thinks he would write another report. Mark replied he doesn't think so, because we are spending a lot of money in those areas and we don't want to spend a lot of money taking a pig in a poke. Thomas Pope said we do same thing with every subdivision that comes in. How it measures up to other subdivisions is not as much of a concern as how it measures up to policy. We are not looking at other areas. It is not up to us to accept things that we don't accept for a subdivision. Either they will do it as lined out or not, and that's ok. We have a role to protect the town taxpayers. We don't have to agree all the time but can remain friends. This document is one brick in the building we are building. The attorney's information is another brick. It might hold a little more weight. That is who we went to for advice.

Ben Emanuele said he thought we offered an easement. The attorney seems to have changed it to a deed. Thomas Pope said if you were saying you were ready to grant full easement we might be more amenable to doing some of the things in the report. Drainage is another issue that is significant. The issue of the 50 foot easement may be a game-breaker. Sam Norman said as he looks at the attorney's document, it references policy. In our first meeting we asked to take a look at the policy and see where it can be changed or adapted. We felt there were some hindrances with the policy as it stands now. There are some things that are very hard to comply with. Regarding the 50 foot easement, he would like to speak on behalf of the people who are not here. The road meanders and that is part of the problem. When we look at handing over the easement there are some owners who would feel they are having an easement 30 feet into what they consider to be their property. In some cases it is only a few feet from their doors. There is concern about someone deciding to park a dump truck. We have to take those concerns into consideration. The document we presented means both not either, and we are not trying to sneak in a change. You say we already have that easement but for right or wrong the Association members trust the board not to do that. There is less trust for the Town, so we are trying to ease their state of mind as well as trying to be fair to the town, so that is why we came up with the 5 foot easement. We didn't come up with it out of thin air – we took it from Public Works document that says 5 to 25 feet. We have made some pretty big compromises on our part. He is creating a 600 s.f. easement on his property so trucks can turn around. He is willing to do so because he agrees safety is paramount and wants to get this done. We did the cut-outs and are almost there. We are absolutely willing to work with the Town, but there are some people in the Association where a 50 foot easement goes right up to their house. John Elsesser noted we didn't have zoning until 1960. Sam said we appreciate your taking the time to listen to us. We didn't intend our offer to be final – it was meant to be negotiation. Ben said we didn't take the easement off the table – it came back as deeded. John said he thinks the attorney was talking about deeding the easement.

Mary Ann Hansen said she hopes we can resolve this. There is only one house that would be affected by the difference between a 5 or 50 foot easement. The rest are garages. Jerry Dallas said he really does like the offer of a 50 foot easement. The problem we have is the way things were done in the 30's. Roads were defined as the area that exists and we have right of way. Do we have an opportunity to define that now? Thomas Pope said when you convey you can put in anything you want. He cited Stop & Shop as example. They are buying up properties and defining what can be sold there, effectively limiting competition from other grocery stores. He hasn't read the Association's easement but assumes it is very broad. This would be your opportunity to define it and have your attorney talk to our attorney. While you have the right to define, it is our right to accept or reject. Ben said from the very beginning we were told we would need to grant an easement for road maintenance, drainage, etc. and we said fine. Sam thanked Mark Kiefer for his work.

John Elsesser said one other thing has come up in discussion with our contractor – and we have an opportunity to go see it. We are reconstructing a road with a train vehicle. It chews the road up and puts it back down. It goes straight. Our concern with jigs is when the road is dug up it could move a little straighter. The attorney had concerns with that too because the benchmark is gone. Over time paved roads have gone wider – from 25 feet to 40 feet. Now they are caving in because there is no base. We are trying to keep consistency because that is how drainage is done. We know where the road is today. What you don't see is the staff recommendation. If the Steering Committee wants we could try to put one more document together to say what we could live with. Right now the Association document is in conflict with Council policy. We are trying to avoid those future bills, too.

Thomas Pope asked if any of group has read their easement. There seems like such objection to conveying the easement and no one has read it. Mary Ann said as she recalls it was just pass and repass. John said in an easement you can specify that the road move no closer to such and such as identified by deed. Thomas Pope thanked the Association members for attending the meeting. We are going to continue our discussion. Sam Norman will be the contact person from the Association.

Steering Committee discussion continued. Thomas Pope said he doesn't think we will come to a final vote tonight. It was agreed the Committee would like to hear more from staff about what they could accept. Richard Williams said perhaps we could draft a boilerplate easement. Lisa Thomas said there might be things the Association wants to put into the easement. We could give them guidelines what we would be looking for, and then they could review and edit. John said in terms of Mark's list he wants to know what Mark feels should be done in advance (of acceptance). Thomas suggested establishing an order of priority. The Association has their annual meeting in late June. John said this will not happen incredibly fast. Lisa said we can grant an extension for the road acceptance deadline if necessary. Thomas said he doesn't think we will have to. John said he imagines we could have something together by September.

3. Reports: None.

4. Resignations:

A. Building Code Board of Appeals – John Motycka. Noted with thanks for his service.

- B. CoventryVision – Robert Plant.** Noted with thanks for his service.
- C. School Building and Energy Efficiency Building Committee – Matthew Mullen.** Noted with thanks for his service.
- D. Energy Conservation/Alternative Energy Advisory Committee – Matthew Mullen.** Noted with thanks for his service.

5. Reappointments:

A. Eastern Highlands Health District – John Elsesser. Richard Williams moved to recommend the appointment of John Elsesser to the Eastern Highlands Health District, term to expire 6/7/2019. The motion was seconded by Lisa Thomas and carried on unanimous vote.

6. Appointments:

A. Building Code Board of Appeals – Kathy Fournier. Lisa Thomas moved to recommend the appointment of Kathy Fournier to the Building Code Board of Appeals, term to expire 6/1/21. The motion was seconded by Richard Williams and carried on unanimous vote.

B. School Building and Energy Efficiency Building Committee – Danielle Kloster. Richard Williams moved to appoint Danielle Kloster to the School Building and Energy Efficiency Building Committee for an indefinite term. The motion was seconded by Lisa Thomas and carried on unanimous vote. John Elsesser noted this is the seat that goes to a representative of the Energy Conservation/Alternative Energy Committee, on which Ms. Kloster serves.

9. Consideration: Tax Abatement for Seniors:

No discussion. Continued to next meeting.

10. Adjournment:

The meeting was adjourned at 8:50 PM on a motion by Richard Williams, seconded by Lisa Thomas and unanimously approved.

Respectfully submitted,

Laura Stone
Town Council Clerk

Coventry Water Pollution Control Authority
Regular Meeting Minutes
May 5, 2016



MEMBERS PRESENT: Matthew Twerdy, Richard Brand, Daniel Murphy, Susan Jamaitus, Lyndon Wilmot

OTHERS PRESENT: Mark Kiefer, Director of Public Works
Mike Ruef, WWTP Operator

MEMBERS ABSENT: None

1. **CALL TO ORDER:** Matthew Twerdy called the May 5, 2016 WPCA Regular Meeting to order at 6:45 P.M. in the Coventry Public Works Facility, 100 Olsen Farm Rd. Coventry, CT.

2. **AUDIENCE OF CITIZENS:** None

3. **NEW BUSINESS:**

a. The Minutes from the April 7, 2016 WPCA Regular Meeting were reviewed.

MOTION 5-5-2016-1: To approve April 7, 2016 WPCA Regular Meeting Minutes.

By: Jamaitus Seconded: Murphy
The Motion carried with the following vote:
For: Brand, Twerdy, Murphy, Jamaitus
Against: None
Abstain: Wilmot

b. The sludge hauling and tank cleaning bids were discussed. Due to new regulations mandated by EPA for sludge incinerators now is a bad time to get competitive pricing for sludge disposal. We are happy with our current vendor and compared to other municipalities feel we have a fair price for sludge disposal and tank cleaning.

MOTION 5-5-2016-2: To extend the Sludge Hauling and Tank Cleaning bid contracts with Skips Wastewater Services until June 30, 2018 pending approval by the Town Manager.

By: Wilmot Seconded: Murphy
The Motion carried with the following vote:
For: Brand, Twerdy, Murphy, Jamaitus, Wilmot
Against: None
Abstain: None

- c. Capacity of the sewer system/WWTP was discussed. Recent projections have shown that once all properties with sewers available connect to the system we will reach capacity. Staff will continue to inspect the system for sources of clean water and work to remove them. We will ask the Town Attorney about right to enter properties to inspect for sump pumps and other illegal connections. We will ask our engineering consultant if they have experience with capacity issues in other municipalities. The WPCA agreed that while they wish they could help the Town facilitate development with use of sewers it is unlikely that new connections to undeveloped lots can be approved at this time. Existing properties with failing septic systems will be evaluated on a case by case basis.

4. OLD BUSINESS:

- a. Revisions to the WPCA Regulations, Ordinance, and Water Pollution Control Plan were discussed. Staff gathered Regulations from 5 other CT municipalities and they will be reviewed for formatting and content. Much more work is needed and review will continue during the next meeting.
- b. The status of construction projects was discussed.
 - i. Main Street project: Staff fielded several concerns related to blasting. Blasting has not been shown to have damaged any buildings.
 - ii. Lake Street sewer extension: Ledge was encountered in higher quantities than expected. CT DOT will negotiate additional cost for rock excavation with the contractor at cost plus, which the Town will need to pay.
 - iii. Bidwell Village: Almost all of the sewer mains for phase 2 have been installed. After the last manhole is complete pressure testing will be performed and laterals will be installed.

5. WPCA STAFF REPORT:

- a. Mike Ruef presented the Treatment Plant Operator Report for April 2016.
- b. Mike Ruef presented the Collection System Report for April 2016.
 - i. Manhole rehab was discussed. The WPCA will pay \$3,000 for new manhole frames and covers to be installed on roads we are paving this year. Going forward we will budget \$10,000 per year with the goal of repairing 20 manholes per year.
 - ii. The sewer extension on Laurel Trail that serves 102 Spring Trail was installed 1 year ago via a Developer's Agreement. Staff have inspected the sewer extension and accompanying roadwork and the work is satisfactory.

MOTION 5-5-2016-3: To accept the sanitary sewer extension on Laurel Trail constructed by Skips Wastewater Services through a Developer's Agreement with Richard and Diana Liberatore, 102 Spring Trail.

By: Wilmot Seconded: Brand
The Motion carried with the following vote:
For: Brand, Twerdy, Murphy, Jamaitus, Wilmot
Against: None
Abstain: None

A copy of these minutes will be mailed to the Developers and the Construction Company.

6. CORRESPONDENCE/COMMUNICATION:

- a. WPCA 2016 1st Quarter Report

7. ADJOURNMENT:

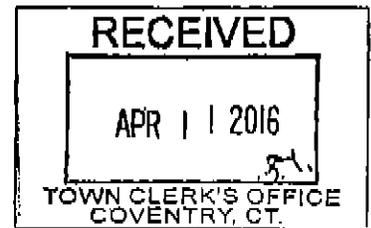
MOTION 5-5-2016-4: To adjourn the May 5, 2016 WPCA Regular Meeting at 8:40 P.M.

By: Wilmot Second: Brand
The Motion carried with the following vote:
For: Twerdy, Brand, Murphy, Jamaitus, Wilmot
Against: None
Abstain: None

Respectfully submitted,

Mike Ruef, WWTP Operator

**These minutes are not official until approved by the WPCA at the next regular WPCA meeting.*



Coventry Water Pollution Control Authority
Regular Meeting Minutes
April 7, 2016

MEMBERS PRESENT: Matthew Twerdy, Richard Brand, Daniel Murphy, Susan Jamaitus

OTHERS PRESENT: Mark Kiefer, Director of Public Works
Mike Ruef, WWTP Operator

MEMBERS ABSENT: Lyndon Wilmot

1. **CALL TO ORDER:** Matthew Twerdy called the April 7, 2016 WPCA Regular Meeting to order at 6:45 P.M. in the Coventry Public Works Facility, 100 Olsen Farm Rd. Coventry, CT.
2. **AUDIENCE OF CITIZENS:**
3. **NEW BUSINESS:**
 - a. The Minutes from the March 3, 2016 WPCA Public Hearing & Regular Meeting were reviewed.

MOTION 4-7-2016-1: To approve March 3, 2016 WPCA Public Hearing & Regular Meeting Minutes.

By: Brand Seconded: Jamaitus
The Motion carried with the following vote:
For: Brand, Twerdy, Murphy, Jamaitus
Against: None
Abstain: None

- b. Town staff had discussions about development potential in the sewer service area and capacity in the sewer system. There is not sufficient capacity in the sewer system to facilitate development at this time. Performing an Inflow and Infiltration (I/I) study to identify and remove sources of clean water that enter the sewer system through cracks and illegal connections and take up capacity was discussed. Previous discussions with engineers and consultants has revealed that it is very unlikely that an I/I study would remove enough clean water to gain substantial capacity.
4. **OLD BUSINESS:**
 - a. Revisions to the WPCA Regulations, Ordinance, and Water Pollution Control Plan were discussed. Draft regulations written by Fuss & O'Neill were reviewed. Much more work is needed and review will continue during the next meeting.

- b. The status of CT DOT project 32-130 (Main Street Reconstruction) was discussed. Blasting began this week. We met with the inspectors and have had several utility and progress meetings. The contractor came up with a plan to avoid bypass pumping of the sewer main during construction.
- c. The status of the proposed Lake Street sewer extension was discussed. Work was pushed back due to weather and is scheduled to begin Monday April 11th and to take about 1 week. A Public Hearing will be scheduled after construction is complete to levy sewer assessments on 16 & 28 Lake St.
- d. The proposed sewer extension to serve 210 Cross Street was discussed. Sewers will be extended approximately 200 feet and a new manhole will be installed off the roadway. Town staff are working on design. Sewer work will be added to the bid for road reconstruction. The WPCA will pay for the sewer portion of the job and the Town will reimburse the WPCA after the property is sold. Sleeves will be installed under Cross Street before it is paved to facilitate any future sewer extensions.
- e. The status of the Western Route 44 sewer planning area was discussed. A letter of intent to enter into an intermunicipal agreement was provided to Bolton along with a sewer planning area map and estimated flow calculations. The Town Council requested a copy of the map and it was provided by staff. Town Council also asked about the process for adding this planning area to the sewer service area. If/when a property owner in the area requests a sewer connection they will enter into a Developer's Agreement with the Town and will pay the cost of the sewer extension. A Public Hearing will be held and the WPCA will revise the sewer service area.

5. WPCA STAFF REPORT:

- a. Mike Ruef presented the Treatment Plant Operator Report for March 2016.
 - Two quotes for installation of a new alarm/remote monitoring system were reviewed. The WPCA instructed staff to solicit a 3rd quote, review all 3, and go ahead with installation.
- b. Mike Ruef presented the Collection System Report for March 2016.

6. CORRESPONDENCE/COMMUNICATION:

- a. WPCA 2016 Spring Newsletter
- b. Letter of Intent to Enter Intermunicipal Agreement with Bolton for sewers.

7. ADJOURNMENT:

MOTION 4-7-2016-2: To adjourn the April 7, 2016 WPCA Regular Meeting at 9:12 P.M.

By: Jamaitus Second: Murphy

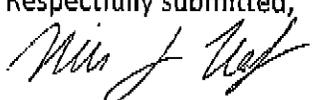
The Motion carried with the following vote:

For: Twerdy, Brand, Murphy, Jamaitus

Against: None

Abstain: None

Respectfully submitted,

 4/11/2016

Mike Ruef, WWTP Operator

**These minutes are not official until approved by the WPCA at the next regular WPCA meeting.*



Town of Coventry

PUBLIC WORKS DEPARTMENT
(860) 742-6588 phone
(860) 742-5467 fax

100 Olsen Farm Road
Coventry, Connecticut 06238

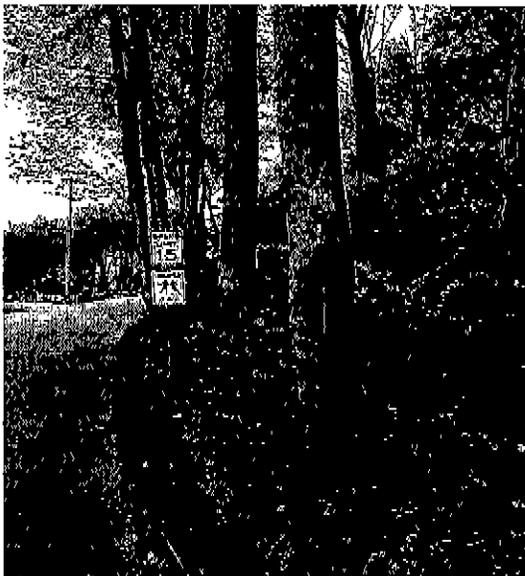
May 23, 2016

Report to the Steering Committee concerning condition of Avery Shores:

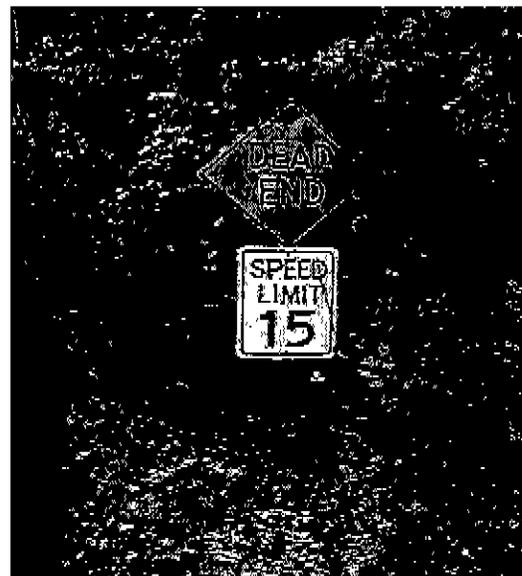
I have inspected Avery Shores in accordance with sections 6, 7 and 8 of the Town Council Policy for acceptance of Lake Association Roads.

I find the following deficiencies:

- 1.) Five dead Ash Trees near the intersection of Washburn need to be removed for public safety. Three Birch Trees across the street from #24 Avery Shores should be removed for public safety.
- 2.) Traffic Signs at three locations should be upgraded to meet the MUTCD and be approved by the Town of Coventry Traffic Authority.



1.) Dangerous Trees.

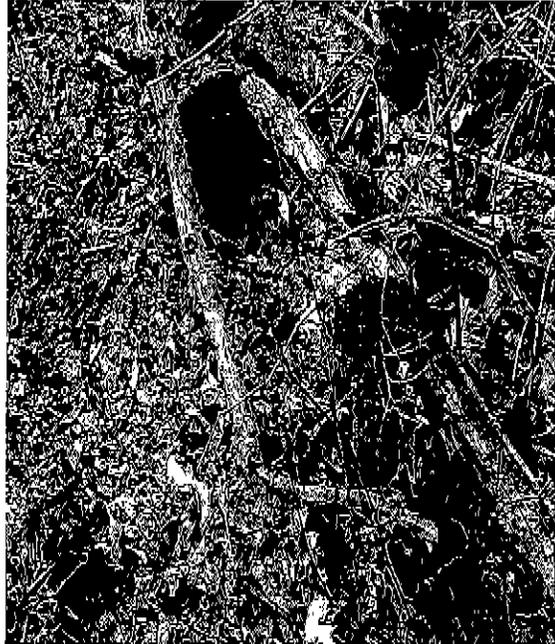


2.) Deficient Traffic Signs.

3.) The overall drainage system of Avery Shores needs to be toughly cleaned, is in disrepair and needs to be upgraded. The catch basins that need repair do not have adequate sumps to filter sedimentation from entering the lake.



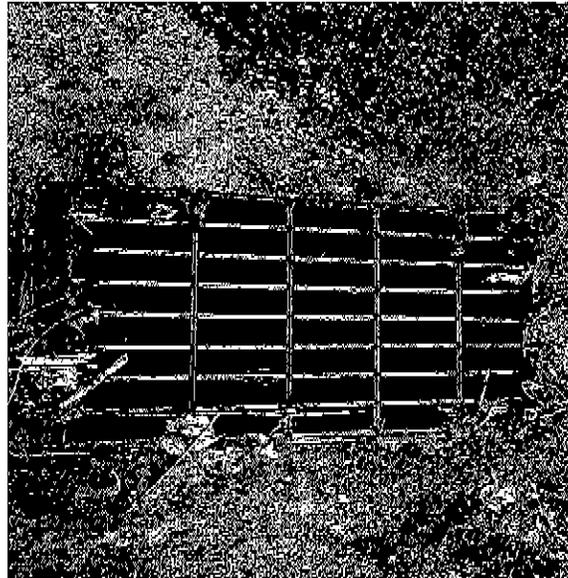
3.) Inlet to CB at intersection of Dooley Ave.



4.) Inlet to CB east end of Avery Shores



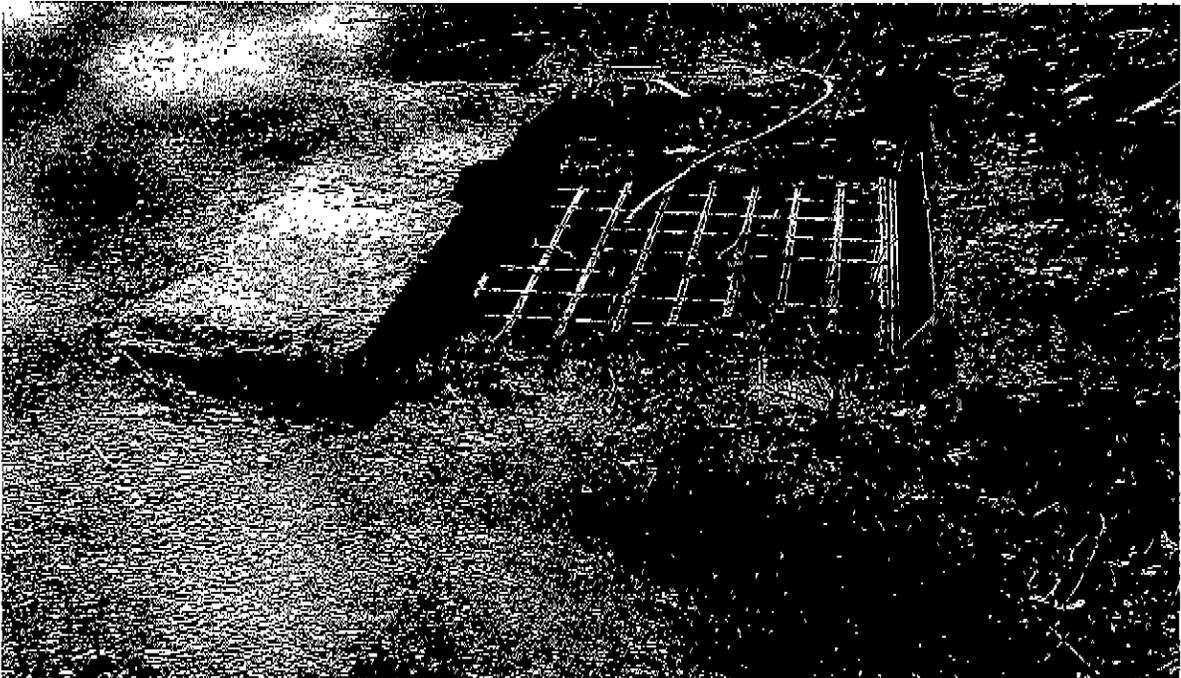
5.) CB top at east end structurally deficient.



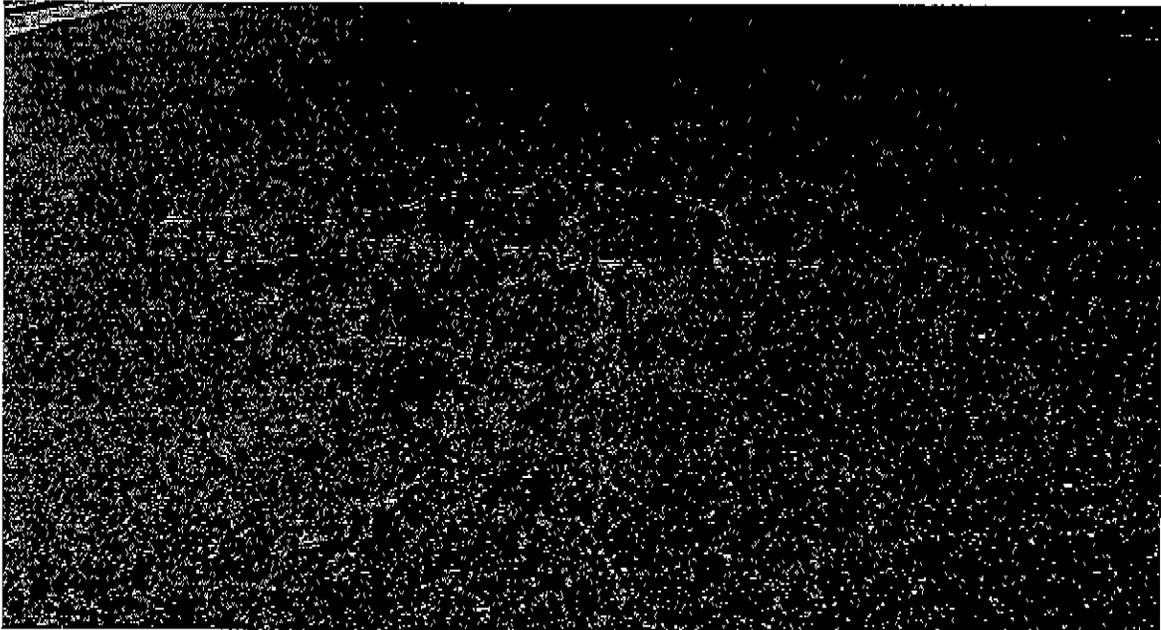
6.) CB at east end with direct discharge to lake.

Both catch basins are structurally deficient and cannot be cleaned using the Town Vac-All.

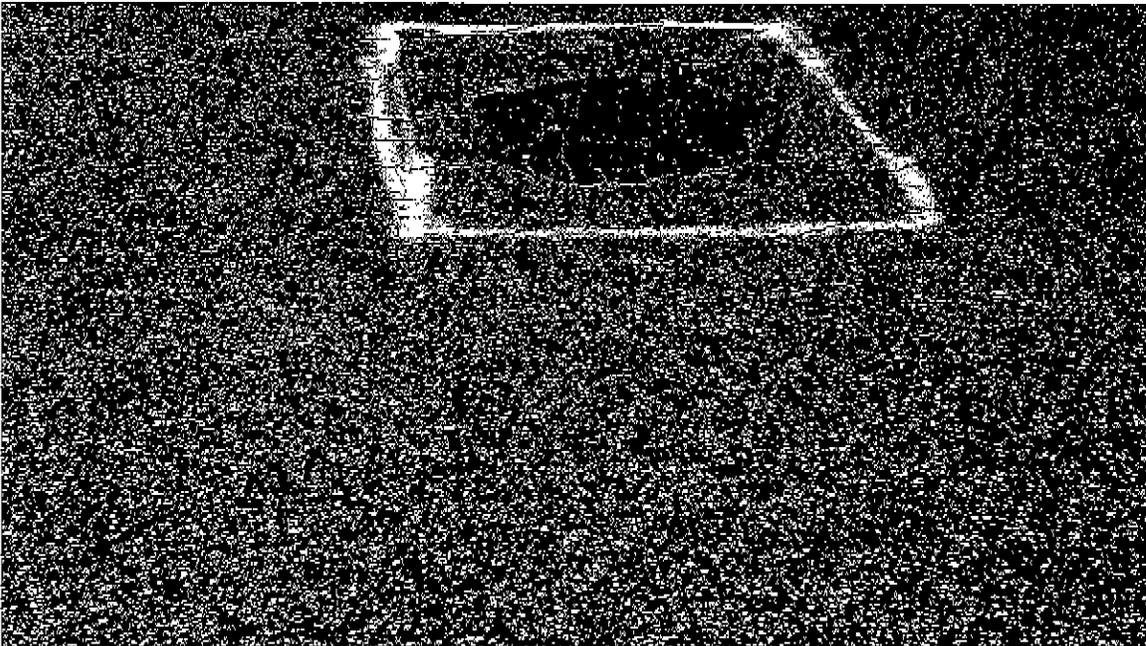
The drainage structures located near the intersection of Washburn Ave. are raised above the road and the cross culvert is heaved; both discharge directly to the lake. This entire system is inadequate, structurally deficient and cannot be properly cleaned with the Town Vac-All. The structures should be lowered for public safety.



- 4.) The condition of the road up to # 34 Avery Shores is in need of crack sealing.
Crack sealing will seal the surface to slow further deterioration of the road.



The road from #34 Avery shores to the east end (150 feet). This section of road has several areas that need full depth patch due alligator cracking and asphalt failure.



The east end of the road needs to be full depth patched to keep the road safe for public travel.



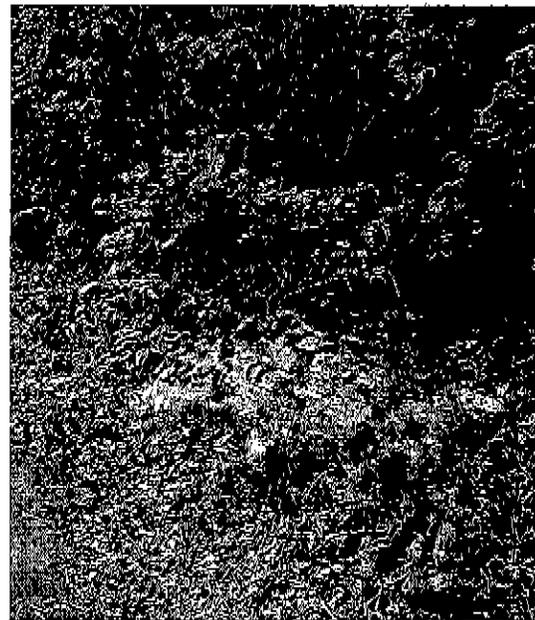
5.) The turnaround at the east end needs to be completed and stabilized for erosion. The turnaround on the west end needs to be constructed as specified.



6.) Several areas of Avery Shores need the brush cut back to allow for safe travel.



7.) Rocks and stumps should be removed from the road edge for safe public travel.



I have completed a thorough inspection of Avery shores, this report identifies the areas of concern that I feel should be addressed as part of the Town acceptance.

I would also recommend that the drainage pipes that discharge directly to the lake be videoed for structural integrity.

Mark Kiefer
Public Works Director
Town of Coventry



Town of Coventry

Vacancy Report



Board Name	Position	Calculated Start Date	Calculated End Date	Previous Position Holder First Name	Previous Position Holder Last Name
Ad-Hoc Farmers' Market Operating Committee	Seat 4	12/28/15	12/27/18		
Ad-Hoc Town Protected Spaces Stewardship	Seat 5	6/1/15	5/31/18		
Ad-Hoc Town Protected Spaces Stewardship	Seat 4	6/1/15	5/31/18		
Building Code Board of Appeals	Seat 5	6/2/16	6/1/21	John	Motycka
Cable Television Advisory Committee	Seat 1	11/6/16	11/5/18		
Cable Television Advisory Committee	Seat 2	3/2/16	3/1/18		
Cable Television Advisory Committee	Seat 3	3/2/16	3/1/18		
Conservation Commission	Seat 1	1/2/14	1/1/18		
Coventry HS Walls Code Compliance Bulding Committee	Seat 2	4/4/16	4/3/15		
Coventry HS Walls Code Compliance Bulding Committee	Secretary	4/4/16	4/3/15		
Coventry HS Walls Code Compliance Bulding Committee	Vice Chairperson	4/4/16	4/3/15		
Coventry HS Walls Code Compliance Bulding Committee	Chairperson	4/4/16	4/3/15		
CoventryVision	Seat 2	5/4/16	5/3/19		
CoventryVision	Seat 5	5/4/16	5/3/19		
CoventryVision	Seat 1	5/4/16	5/3/19		
Energy Conservation/Alternative Energy Advisory Committee	Seat 4	3/2/14	3/1/17	Matthew	Mullen
Health District Eastern Highlands	Seat 1	6/8/16	6/7/19		
Hud Housing Rehab/Fair Housing Commission	Seat 5	1/1/16	12/31/17		
Inland Wetlands Agency Alternate	Seat 1	9/16/13	9/15/16	Michael	Burokas
Insurance Advisory	Seat 3	7/2/14	7/1/16	Robert	Chipkin
Insurance Advisory	Seat 4	7/2/15	7/1/17	David	Forte
Insurance Advisory	Seat 5	7/2/15	7/1/17		
Municipal Historian	Seat 1	6/20/16	6/19/20		
Parks and Recreation Commission Alternates	Seat 2	1/2/15	1/1/17		
Personnel Appeals Board	Seat 1	1/2/15	1/1/18		
Personnel Appeals Board	Seat 6	1/2/14	1/1/17		
Personnel Appeals Board	Seat 7	1/2/14	1/1/17		
Planning and Zoning Alternate	Seat 3	11/2/13	11/1/16		
School Energy and Building Efficiency Building Committee	Secretary	8/4/14	8/3/13	Matthew	Mullen
School Energy and Building Efficiency Building Committee	Seat 5	6/1/15	5/31/14	Jeffrey	Arn
School Energy and Building Efficiency Building Committee Alt	Seat 1	5/5/14	5/4/13		
Special Constable	Seat 1	3/17/16	3/16/18	John	Chipman, III
Veterans Memorial Committee	Seat 7	1/2/16	1/1/18		
Veterans Memorial Committee	Seat 5	1/2/16	1/1/18		
Veterans Memorial Committee	Seat 6	1/2/16	1/1/18		
Zoning Board of Appeals	Seat 4	11/4/15	11/3/17	Lo Ann	Watson

<i>Board Name</i>	<i>Position</i>	<i>Calculated Start Date</i>	<i>Calculated End Date</i>	<i>Previous Position Holder First Name</i>	<i>Previous Position Holder Last Name</i>
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Town of Coventry

Expiration Report



Expiring between 6/22/16 and 8/20/16

Board Name	Position	First Name	Last Name	Calculated End Date	Actual Start Date	Days Until Exp
Insurance Advisory	Seat 2	Robert	Chipkin	7/1/16	7/2/14	10
<i>Board Name</i>	<i>Position</i>	<i>First Name</i>	<i>Last Name</i>	<i>Calculated End Date</i>	<i>Actual Start Date</i>	<i>Days Until Exp</i>

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Town of Coventry

Member Report



Board Name	Board Type	Notes	# of seats
A.D.A. Coordinator	Board		1
Ad-Hoc Fire and EMS Study Committee	Committee	10 Mbrs 2 Cncl 2 Cfd 2 Ncfd \n4 At- Large Indef Term	10
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Est by Conser Comm\n5-7 members 3yr term from appc	7
Ad-Hoc Farmers' Market Operating Committee	Committee	7 members, 3 yr term (staggered)\n1 vendor/1 Landmarks Rep	7
Ad-Hoc Town Protected Spaces Stewardship	Sub-Committee	5 Mem initially 3yr/2yr then 3 yr terms	5
Ad-Hoc Water Supply Committee	Committee	5 MMBR, CNCL, BOE, PZC, EDC, HSNB, AUTH	5
Animal Control Officer	Department	Charter Sec 5-14	1
Ass't Town Clerk/Registrar of Vital Statistics	Department		2
Ass't. to the Assessor	Board		1
Ass't. Treasurer	Department		
Assessor	Department	Charter Sec 5-11	1
Auditor	Department		1
Board of Assessment Appeals	Board	elec 4 yr terms	5
Board of Education	Board	2 year term	7
Building Code Board of Appeals	Board	Staggered 1 per year\n3 REP 2 DEM	5
Building Official	Department	Charter Sec 5-13	1
Burning Officials (Permits)	Department		4
Business Manager	Department		1
Capitol Region Council of Governments (CROG)	Board		1
Cemetery Commission	Commission	Ord#131(Town owned/maintained)\n5 mem 3 yr terms 3/2 staggered\n3 Dem 2 Un	6
Center Cemetery	Board	Boston Tpke / Rte 44	3
Chief of Police	Department		1
Community Development (FIUD)	Board		1
Conservation Commission	Commission	7 mem 4yr term\nterm exp 1/1 staggered \n4 Dem 2 Un	7
Coventry H ₂ O Walls Code Compliance Bulding Committee	Committee	5 members/ 1Town Council/1 BOE	5
Coventry Volunteer Fire Assn.	Board		4
CoventryVision	Committee	3 term staggered	5
CT State Representative 8th Assembly District	Legislative Body	2 year term	1
CT State Senator 35th District	Legislative Body	2 year term	1
CT Water Co Advisory Council	Board		1
Director of Health (District)	Department		1
Director of Planning and Development	Department		1
Eastern Connecticut Mental Health Board	Board		1
Economic Development Commission	Commission	9 Mem 5yr terms\nterms staggered 2,2,2,1\nCGS 136\n5 Dem 1 Rep 1 Un	9
Emergency Management/Homeland Security	Department	Charter Sec 5-12	1
Energy Conservation/Alternative Energy Advisory Comm. Alt	Committee	1 member \n3 year term	1
Energy Conservation/Alternative Energy Advisory Committee	Committee	5 members 3 year terms\nstaggered	5
<i>Board Name</i>	<i>Board Type</i>	<i>Notes</i>	<i># of seats</i>

Board Name	Board Type	Notes	# of seats
Finance Director	Department		1
Fire Marshal	Department	Charter Sec 5-17	5
Flood and Erosion Control Board	Board	7 Mem 2yr term appd Council Member serves elected term\n2 Dems 5 Rep	7
Governor	Legislative Body		2
IHealth District Eastern Highlands	Board	2 Mem 3yr term	2
Housing Authority	Board	Staggered 1 per yr 5 yr terms\n3 Dem 2 Rep	5
Hud Housing Rehab/Fair Housing Commission	Commission	5 Mem 2 yr terms\n	6
Human Rights Commission	Commission	5 Mem 2yr term\nOrd# 146 & 185	6
Human Rights Officer	Department	Ord # 146	1
Human Services Administrator	Department	Charter Sec 5-9	1
Inland Wetlands Agency	Commission	5 member 3yr term\nOrd # 190 staggered (2,2,1)	6
Inland Wetlands Agency Alternate	Commission	2 mem 3yr terms\nOrd # 190 Staggered	2
Insurance Advisory	Board	5 Mem 2yr expire 7-1 staggered (2,3) 1 BOE recommend	5
Insurance Agent of Record	Department		1
Justice of the Peace	Board	4yr elected	20
Library Expansion Building Committee	Committee	5 mbr indefinite term	5
Library Expansion Building Committee Alternate	Committee		1
Local Emergency Coordinating Committee	Committee	FKA JT Fire/Safe	11
Mid- NEROC	Board		1
Municipal Agent Elderly	Board	2 or 4 years. Mgr appr	1
North Coventry Volunteer Fire Dept.	Board		3
Parks and Recreation Commission	Commission	5 mbr 2yr terms\nOrd# 122,122A,216,238 \nStaggered terms (3,4)	6
Parks and Recreation Commission Alternates	Commission	2 mem 2yr term\nOrd# 226,238\n 1 exp odd yr 1 exp even yr	2
Pension and Retirement	Board	3-5 Members\n3yr terms	5
Personnel Appeals Board	Board	7 Mem 3yr term (5 cncl 2 mngr)\nExpire 1/1 stagger (2,3,2)	7
Planning and Zoning Alternate	Commission	3 member 3yr term\ncharter sec 5-7 staggered (1,1,1)	3
Planning and Zoning Commission	Commission	5 mem 3yr term\nCharter 5-7 staggered (2,2,1)	6
President	Legislative Body		1
Public Works	Department		2
Recreation	Department		2
Regional Mental Health Council Rep	Board		1
Registrar of Voters	Department	4 year term/elected	2
Registrar of Voters Deputy	Committee	App't by Registrar	2
Representative in Congress	Legislative Body		1
Saint Mary Cemetery	Board	1600 Main Street	1
Sanitarian	Department		1
School Energy and Building Efficiency Building Committee	Committee	5 Members: 1 Council, 1 BoE, 1 Energy Adv. Comm, 2 at large. Indefinite terms	5
School Readiness Council	Board	CEO/SUPT/PARENTS AND COMMUNITY REPS/NO MMBR LIMIT	1
Senior Center Coordinator	Department		1
Sewer Treatment Plant Operator	Department		1
Special Constable	Department	Council appt./2 yr terms/PD recommendation	2
Superintendent of Schools	Department		1
Tax Collector	Department	Charter Sec 5-6	3

Board Name

Board Type

Notes

of seats

Board Name	Board Type	Notes	# of seats
Tolland County Mutual Aid Fire Services Inc.	Board		1
Tolland-Mansfield Probate Court	Board	4 year/elected	1
Town Attorney	Department	Charter Sec 5-10	1
Town Clerk/Registrar of Vital Statistics	Department	Charter Sec 5-4	1
Town Committee Chairman and Nominating Committee	Board		11
Town Council	Legislative Body	7 members 2 year term	7
Town Council Finance Committee	Sub-Committee		3
Town Council Steering/Liaison Committee	Sub-Committee		3
Town Engineer	Department		1
Town Manager	Department	Charter 6-1	1
Traffic Authority	Board	Town Mgr, Police Chief,\n Public Works Director	3
Treasurer	Department	Charter Sec 5-5	1
Tree Warden	Department	Charter Sec 5-15	1
United States Senators	Legislative Body	zip code 20515\n6 year terms	2
Veterans Memorial Committee	Committee	Ord # 151 + 171	7
Visiting Nurses Board of Directors	Board		1
VNA East	Board		2
Water Pollution Control Authority	Board	5 Mem 2yr term\nOrd# 134 & 173	5
Water System Advisory Committee	Committee	CT Water - UConn Water	1
Wetlands Agent	Department		1
Windham Regional Transit District	Board		1
WPCA Technician	Department		1
Youth Advisory Board	Board		18
Youth Services Administrator	Department		1
Zoning Board of Appeals	Board	2 year terms/elected	5
Zoning Board of Appeals Alt.	Board	2 year terms/elected	3
Zoning Enforcement Officer	Department		1
<i>Board Name</i>	<i>Board Type</i>	<i>Notes</i>	<i># of seats</i>

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Town of Coventry

Member Report



Board Name	Board Type	Position	Appointed By	Seat Active	First Name	Last Name	Calculated Start Date	Calculated End Date	Title	Appointed Date	Term Counte
A.D.A. Coordinator	Board	Seat 1	Town Manager	Yes	John A	Elsesser	1/1/00	12/31/98	Town Manager	1/1/00	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 2	Town Council	Yes	Gerard	Zak	12/6/14	12/5/17	Member	2/17/15	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 6	Town Council	Yes	John	Clausen	7/7/14	8/1/14	Member	7/7/14	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 1	Town Council	Yes	Scott	Gallo	5/7/15	5/6/18	Member	4/4/16	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 5	Town Council	Yes	Leslie	Shor	5/8/15	5/7/18	Vice Chair	5/7/15	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 1	Town Council	Yes	Lorraine	Burokas	8/2/14	8/1/17	Secretary	6/2/14	2
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 4	Town Council	Yes	Linda	Comeau	5/8/15	5/7/18	Member	8/3/15	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 1	Town Council	Yes	Lorraine	Burokas	6/2/14	8/1/14	Secretary	6/2/14	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 3	Town Council	Yes	Deborah	Zeppa	8/2/14	8/1/17	Chairperson	6/2/14	2
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 7	Town Council	Yes	Charles	Brown	5/5/15	5/4/18	Member	5/5/15	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 3	Town Council	Yes	Deborah	Zeppa	6/2/14	8/1/14	Chairperson	6/2/14	1
Ad-Hoc Coventry Lake Advisory and Monitoring Committee	Committee	Seat 6	Town Council	Yes	John	Clausen	8/2/14	8/1/17	Member	7/7/14	2
Ad-Hoc Farmers' Market Operating Committee	Committee	Finance Director	Town Council	Yes	Elizabeth	Bauer	11/2/15	11/1/17	Member		1
Ad-Hoc Farmers' Market Operating Committee	Committee	Seat 3	Town Council	Yes	David	Chandler	12/7/15	12/6/17	Member	12/7/15	1
Ad-Hoc Farmers' Market Operating Committee	Committee	Seat 2	Town Council	Yes	Michelle	Pesce	11/2/15	11/1/17	Member	11/2/15	1
Ad-Hoc Farmers' Market Operating Committee	Committee	Seat 1	Town Council	Yes	Barbara	Barry	12/7/15	12/6/17	Member	12/7/15	1
Ad-Hoc Farmers' Market Operating Committee	Committee	CT Landmarks Representative	Town Council	Yes	Ted	Jarrett	12/28/15	12/27/18	Member	1/4/16	1
Ad-Hoc Farmers' Market Operating Committee	Committee	Vendor Representative	Town Council	Yes	Jean	Nelson	12/28/15	12/27/18	Member	1/4/16	1
Ad-Hoc Town Protected Spaces Stewardship	Sub-Committee	Seat 3	Town Council	Yes	Joan	Oros	6/1/15	5/31/18	Member	6/1/15	1
Ad-Hoc Town Protected Spaces Stewardship	Sub-Committee	Seat 2	Town Council	Yes	Jasmine	Wolf	6/1/15	5/31/18	Member	6/1/15	1
Ad-Hoc Town Protected Spaces Stewardship	Sub-Committee	Seat 1	Town Council	Yes	Eric	Thomas	6/1/15	5/31/18	Member	6/1/15	1
Ad-Hoc Water Supply Committee	Committee	Seat 4	Town Council	Yes	William	Zenko	2/4/13	2/3/12	Member	2/4/13	1
Ad-Hoc Water Supply Committee	Committee	Seat 3	Town Council	Yes	Christine	Pattee	10/6/14	10/5/17	Member	10/6/14	1
Ad-Hoc Water Supply			Town								

Committee	Committee	Seat 2	Council	Yes	Mark	Lavitt	2/3/13	2/2/17	Member	2/4/13	1
Ad-Hoc Water Supply Committee	Committee	Seat 2	Town Council	Yes	Mark	Lavitt	2/3/13	2/2/17	Member	2/4/13	1
Ad-Hoc Water Supply Committee	Committee	Seat 1	Town Council	Yes	Albert	Bradley	12/1/13	11/30/17	Member	2/4/13	2
Ad-Hoc Water Supply Committee	Committee	Seat 5	Town Council	Yes	Frank	Infante	11/4/15	11/3/17	Member	11/4/15	1
Ad-Hoc Water Supply Committee	Committee	Seat 1	Town Council	Yes	Albert	Bradley	2/4/13	11/30/13	Member		1
Animal Control Officer	Department	Officer	Town Manager	Yes	John	Chipman, III	4/3/00	4/2/99	Officer		1
Ass't Town Clerk/Registrar of Vital Statistics	Department	Asst. Town Clerk	Town Manager	Yes	Brooke	Manning	12/2/13	12/1/12	Asst. Town Clerk		1
Ass't Town Clerk/Registrar of Vital Statistics	Department	Asst. Town Clerk	Town Manager	Yes	Dianna	Grindle	4/6/15	4/5/14	Asst. Town Clerk		1
Ass't. to the Assessor	Board	Seat 1	Town Manager	Yes	Rachel	Vertefeuille	1/1/00	12/31/98	Ass't. to Assessor	9/10/12	1
Ass't. Treasurer	Department	Ass't. Treasurer	Town Manager	Yes	Debbie	Kratochvil	8/8/87	8/7/86	Ass't Treasurer	3/3/16	1
Ass't. Treasurer	Department	Ass't. Treasurer	Town Manager	Yes	Cheryl	McIntire	8/8/87	8/7/86	Ass't Treasurer		1
Assessor	Department	Ass't. to Assessor	Town Manager	No	Rachel	Vertefeuille	9/10/12	9/9/11	Ass't. to Assessor		1
Assessor	Department	Assessor	Town Manager	Yes	Michael	D'Amicol	6/9/08	6/8/07	Assessor		1
Auditor	Department	Vendor Representative	Town Council	Yes	Audit Firm	BlumShapiro	4/7/08	4/6/07	Member	4/7/08	1
Board of Assessment Appeals	Board	Seat 5	Elected	Yes	Joan	Oros	11/8/13	11/7/17	Member	11/6/13	1
Board of Assessment Appeals	Board	Seat 4	Elected	Yes	Joyce	Chellstorp-Bonney	11/8/15	11/7/19	Member	11/4/15	1
Board of Assessment Appeals	Board	Seat 3	Elected	Yes	Jill	Wood Reviczky	11/8/13	11/7/17	Member	11/6/13	1
Board of Assessment Appeals	Board	Seat 2	Elected	Yes	Robert	McMahon Jr	11/8/15	11/7/19	Chairperson	11/4/15	1
Board of Assessment Appeals	Board	Seat 1	Elected	Yes	Ronald	Dextrateur	11/8/13	11/7/17	Member	11/6/13	1
Board of Education	Board	Chairperson	Elected	Yes	William	Oros, Sr	11/4/15	11/3/17	Chairperson	11/4/15	1
Board of Education	Board	Seat 7	Elected	Yes	Frank	Infante	11/4/15	11/3/17	Member	11/4/15	1
Board of Education	Board	Seat 6	Elected	Yes	Michael	Griswold	11/4/15	11/3/17	Member	11/4/15	1
Board of Education	Board	Seat 4	Elected	Yes	Mary	Kortmann	11/4/15	11/3/17	Member	11/4/15	1
Board of Education	Board	Seat 5	Elected	Yes	Eugene	Marchand	11/4/15	11/3/17	Member	11/4/15	1
Board of Education	Board	Secretary	Elected	Yes	Michael	Sobol	11/4/15	11/3/17	Secretary	11/4/15	1
Board of Education	Board	Vice Chairperson	Elected	Yes	Jennifer	Beausoleil	11/4/15	11/3/17	Vice Chair	11/4/15	1
Building Code Board of Appeals	Board	Seat 4	Town Council	Yes	Michael	Cleary	6/2/15	6/1/20	Chairperson	6/2/15	3
Building Code Board of Appeals	Board	Seat 4	Town Council	Yes	Michael	Cleary	6/2/15	6/1/20	Chairperson	6/2/15	2
Building Code Board of Appeals	Board	Seat 4	Town Council	Yes	Michael	Cleary	4/6/15	6/1/15	Chairperson	4/6/15	1
Building Code Board of Appeals	Board	Seat 3	Town Council	Yes	Harvey	Barrette	6/2/13	6/1/18	Member	6/3/13	1
Building Code Board of Appeals	Board	Seat 2	Town Council	Yes	John	Willnauer	6/2/14	6/1/19	Member	11/2/15	1
Building Code Board of Appeals	Board	Seat 5	Town Council	Yes	John	Motycka	6/2/11	6/1/16	Member	6/6/11	1
Building Code Board of Appeals	Board	Seat 1	Town Council	Yes	Brian	Canny	6/2/12	6/1/17	Vice Chair	6/4/12	1
Building Official	Department	Building Official	Town Manager	Yes	Joseph	Callahan	5/3/99	5/2/98	Building Official	5/3/99	1

Burning Officials (Permits)	Department	Seat 3	Town Manager	Yes	Brigit	Tanganelli	3/15/11	3/14/10	Official		1
Burning Officials (Permits)	Department	Seat 2	Town Manager	Yes	Reginald	Hutchins, Jr	5/1/00	4/30/99	Official		1
Burning Officials (Permits)	Department	Seat 1	Town Manager	Yes	Robert	Breault	5/16/07	5/15/06	Official		1
Burning Officials (Permits)	Department	Seat 4	Town Manager	Yes	Noel	Waite	10/15/90	10/14/89	Official		1
Business Manager	Department	Seat 1	Board of Education	Yes	Robert	Carroll	3/31/12	3/30/11	Business Manager	3/31/12	1
Capitol Region Council of Governments (CROG)	Board	Seat 1	Town Council	Yes	Arthur	Hall	7/14/15	7/13/14	Member	7/14/15	1
Cemetery Commission	Commission	Seat 6	Town Council	Yes	Michael	Merriam	1/1/00	12/31/98	Sexton	1/1/00	1
Cemetery Commission	Commission	Seat 1	Town Council	Yes	Thomas	Boudreau	10/18/15	10/17/18	Chairperson	11/5/12	2
Cemetery Commission	Commission	Seat 5	Town Council	Yes	Susan	Palmer	10/18/13	10/17/16	Member	2/17/15	1
Cemetery Commission	Commission	Seat 1	Town Council	Yes	Thomas	Boudreau	11/5/12	10/17/15	Chairperson	11/5/12	1
Cemetery Commission	Commission	Seat 4	Town Council	Yes	Linda	Pagliuco	10/18/13	10/17/16	Secretary	11/4/13	1
Cemetery Commission	Commission	Seat 3	Town Council	Yes	Anne	Vieten	10/18/13	10/17/16	Member	10/7/13	1
Cemetery Commission	Commission	Seat 2	Town Council	Yes	Patricia	Naegeli	10/18/14	10/17/17	Member	3/2/15	2
Cemetery Commission	Commission	Seat 2	Town Council	Yes	Patricia	Naegeli	3/2/15	10/17/15	Member	3/2/15	1
Center Cemetery	Board	Seat 3	Church	Yes	Edward	Hill	1/1/00	12/31/98	Sexton	1/1/00	1
Center Cemetery	Board	Seat 2	Church	Yes	Judith	Hill	1/1/00	12/31/98	President	1/1/00	1
Center Cemetery	Board	Seat 1	Church	Yes	Linda	Heckler	1/1/00	12/31/98	Secretary	1/1/00	1
Chief of Police	Department	Chief	Town Manager	Yes	Mark	Palmer	11/6/06	11/5/05	Chief	11/6/06	1
Community Development (HUD)	Board	Administrator	Town Manager	Yes	Peter	Huckins	1/1/00	12/31/98	Administrator		1
Conservation Commission	Commission	Seat 5	Town Council	Yes	Paul	Manzone	1/2/13	1/1/17	Member	11/5/12	2
Conservation Commission	Commission	Seat 5	Town Council	Yes	Paul	Manzone	11/5/12	1/1/13	Member	11/5/12	1
Conservation Commission	Commission	Seat 4	Town Council	Yes	Leroy	Lowe, Jr	1/2/16	1/1/20	Chairperson	2/1/16	1
Conservation Commission	Commission	Seat 3	Town Council	Yes	Arthur	Hall, Jr	1/2/15	1/1/19	Member	2/6/12	2
Conservation Commission	Commission	Seat 7	Town Council	Yes	Robert	Proctor	1/2/16	1/1/20	Member	12/28/15	1
Conservation Commission	Commission	Seat 3	Town Council	Yes	Arthur	Hall, Jr	2/6/12	1/1/15	Member	2/6/12	1
Conservation Commission	Commission	Seat 6	Town Council	Yes	Vincent	Messino	1/2/13	1/1/17	Member	3/3/14	1
Conservation Commission	Commission	Seat 2	Town Council	Yes	Brian	Coss	1/2/14	1/1/18	Member	5/5/14	1
Coventry HS Walls Code Compliance Bulding Committee	Committee	Seat 1	Town Council	Yes	Nathan	Carter	4/4/16	4/3/15	Member	4/4/16	1
Coventry Volunteer Fire Assn.	Board	Seat 2	Town Council	Yes	W Dennis	Dittrich	2/10/13	2/9/12	President	2/10/13	1
Coventry Volunteer Fire Assn.	Board	Seat 1	Town Council	Yes	Kenneth	Boutin	2/10/13	2/9/12	Chief	2/10/13	1
Coventry Volunteer Fire Assn.	Board	Seat 4	Town Council	Yes	Danielle	Taber	2/10/13	2/9/12	Vice President	2/10/13	1
Coventry Volunteer Fire Assn.	Board	Seat 3	Town Council	Yes	Steve	Pacholski	2/10/13	2/9/12	Deputy Chief	2/10/13	1
CoventryVision	Committee	Seat 4	Town Council	Yes	Konrad	Mroczek	5/4/15	5/3/18	Member	4/6/15	2

CoventryVision	Committee	Seat 4	Town Council	Yes	Konrad	Mroczek	4/6/15	5/3/15	Member	4/6/15	1
CoventryVision	Committee	Seat 3	Town Council	Yes	Bruce	Stave	5/4/15	5/3/18	Member	4/6/15	2
CoventryVision	Committee	Seat 3	Town Council	Yes	Bruce	Stave	4/6/15	5/3/15	Member	4/6/15	1
CoventryVision	Committee	Seat 5	Town Council	Yes	Robert	Plant	5/4/13	5/3/16	Member	7/19/10	2
CoventryVision	Committee	Seat 5	Town Council	Yes	Robert	Plant	7/19/10	5/3/13	Member	7/19/10	1
CT State Representative 8th Assembly District	Legislative Body	Seat 1	Elected	Yes	Timothy	Ackert	1/5/15	1/4/17	Representative	1/7/15	1
CT State Senator 35th District	Legislative Body	Seat 1	Elected	Yes	Anthony	Guglielmo	1/5/15	1/4/17	Senator	1/7/15	1
CT Water Co Advisory Council	Board	Seat 1	Town Council	Yes	Albert	Landry, Jr	4/3/06	4/2/05	Member	4/3/06	1
Director of Health (District)	Department	Director of Health	Co-Pres	Yes	Robert	Miller	6/7/97	6/6/96	Director of Health		1
Director of Planning and Development	Department	Director	Town Manager	Yes	Eric	Trott	12/5/94	12/4/93	Director		1
Eastern Connecticut Mental Health Board	Board	Seat 1	Town Council	Yes	David	Ruth	1/1/00	12/31/98	Member	9/20/99	1
Economic Development Commission	Commission	Seat 6	Town Council	Yes	Barbara	Barry	2/2/16	2/1/21	Member	12/28/15	2
Economic Development Commission	Commission	Seat 2	Town Council	Yes	Alex	Koenigsberg	2/2/13	2/1/18	Member	8/3/15	1
Economic Development Commission	Commission	Seat 6	Town Council	Yes	Barbara	Barry	12/28/15	2/1/16	Member	12/28/15	1
Economic Development Commission	Commission	Seat 9	Town Council	Yes	Timothy	Liptrap	2/2/15	2/1/20	Member	2/17/15	1
Economic Development Commission	Commission	Seat 1	Town Council	Yes	Richard	Giggey	2/2/15	2/1/20	Member	2/17/15	1
Economic Development Commission	Commission	Seat 5	Town Council	Yes	Sondra	Stave	2/2/14	2/1/19	Chairperson	2/3/14	1
Economic Development Commission	Commission	Seat 8	Town Council	Yes	William	Jobbagy	2/2/12	2/1/17	Vice Chair	12/5/11	2
Economic Development Commission	Commission	Seat 4	Town Council	Yes	Carol	Polsky	2/2/12	2/1/17	Member	12/5/11	2
Economic Development Commission	Commission	Seat 8	Town Council	Yes	William	Jobbagy	12/5/11	1/31/13	Vice Chair	12/5/11	1
Economic Development Commission	Commission	Seat 4	Town Council	Yes	Carol	Polsky	12/5/11	2/1/12	Member	12/5/11	1
Economic Development Commission	Commission	Seat 7	Town Council	Yes	Samuel	Belsito, III	2/2/14	2/1/19	Member	5/5/14	1
Economic Development Commission	Commission	Seat 3	Town Council	Yes	Mark	Lavitt	2/2/13	2/1/18	Secretary	2/1/13	1
Emergency Management/Homeland Security	Department	Director	Town Manager	Yes	Noel	Waite	7/1/04	6/30/03	Director		1
Energy Conservation/Alternative Energy Advisory Comm. Alt	Committee	Seat 1	Town Council	Yes	Andy	Depalma	3/2/15	3/1/18	Alternate	8/3/15	1
Energy Conservation/Alternative Energy Advisory Committee	Committee	Seat 4	Town Council	Yes	Matthew	Mullen	3/2/14	3/1/17	Member	4/7/14	1
Energy Conservation/Alternative Energy Advisory Committee	Committee	Seat 3	Town Council	Yes	Danielle	Kloster	3/2/15	3/1/18	Member	5/5/15	1
Energy Conservation/Alternative Energy Advisory Committee	Committee	Seat 2	Town Council	Yes	Laura	Blake	3/2/15	3/1/18	Member	6/1/15	1
Energy Conservation/Alternative			Town								

Energy Advisory Committee	Committee	Chairperson	Council	Yes	Jennifer	Reilly	3/2/14	3/1/17	Chairperson	2/3/14	2
Energy Conservation/Alternative Energy Advisory Committee	Committee	Chairperson	Town Council	Yes	Jennifer	Reilly	2/3/14	3/1/14	Chairperson	2/3/14	1
Energy Conservation/Alternative Energy Advisory Committee	Committee	Seat 5	Town Council	Yes	Brandon	Bradley	3/2/15	3/1/18	Member	3/2/15	1
Finance Director	Department	Finance Director	Town Manager	Yes	Elizabeth	Bauer	9/29/03	9/28/02	Finance Director		1
Fire Marshal	Department	Seat 3	Town Manager	Yes	Richard	Palmer	2/8/01	2/7/00	Deputy		1
Fire Marshal	Department	Seat 2	Town Manager	Yes	Bud	Meyers	1/1/00	12/31/98	Deputy		1
Fire Marshal	Department	Seat 1	Town Manager	Yes	Leslie	Kittle	10/14/05	10/13/04	Deputy		1
Fire Marshal	Department	Seat 5	Town Manager	Yes	Noel	Waite	10/15/90	10/14/89	Marshal		1
Fire Marshal	Department	Seat 4	Town Manager	Yes	Francis	Raiola Jr	12/16/91	12/15/90	Deputy		1
Flood and Erosion Control Board	Board	Seat 3	Town Council	Yes	Julie	Blanchard	11/8/15	11/7/17	Member	11/4/15	1
Flood and Erosion Control Board	Board	Seat 2	Town Council	Yes	Lisa	Thomas	11/8/15	11/7/17	Member	11/4/15	1
Flood and Erosion Control Board	Board	Seat 7	Town Council	Yes	Richard	Williams, Jr	11/8/15	11/7/17	Member	11/4/15	1
Flood and Erosion Control Board	Board	Seat 1	Town Council	Yes	Hannah	Pietrantonio	11/8/15	11/7/17	Member	11/4/15	1
Flood and Erosion Control Board	Board	Seat 6	Town Council	Yes	Thomas	Pope	11/8/15	11/7/17	Member	11/4/15	1
Flood and Erosion Control Board	Board	Seat 5	Town Council	Yes	Matthew	O'Brien	11/8/15	11/7/17	Member	11/4/15	1
Flood and Erosion Control Board	Board	Seat 4	Town Council	Yes	Andy	Brodersen	11/8/15	11/7/17	Member	11/4/15	1
Governor	Legislative Body	Seat 2	Elected	Yes	Nancy	Wyman	1/8/15	1/7/19	Lt Governor	1/7/15	1
Governor	Legislative Body	Seat 1	Elected	Yes	Dan	Malloy	1/8/15	1/7/19	Governor	1/7/15	1
Health District Eastern Highlands	Board	Seat 2	Town Council	Yes	M	Walsh	6/8/14	6/7/17	Member	6/2/14	1
Health District Eastern Highlands	Board	Seat 1	Town Council	Yes	John A	Elsesser	6/8/13	6/7/16	Member	5/3/10	2
Health District Eastern Highlands	Board	Seat 1	Town Council	Yes	John A	Elsesser	5/3/10	6/7/13	Member	5/3/10	1
Housing Authority	Board	Seat 1	Town Council	Yes	Albert	Bradley	12/1/12	11/30/17	Chairperson	10/2/12	2
Housing Authority	Board	Seat 5	Town Council	Yes	Marilyn	Barrette	12/1/13	11/30/18	Secretary/Treasurer	11/30/13	1
Housing Authority	Board	Seat 1	Town Council	Yes	Albert	Bradley	10/2/12	11/30/12	Chairperson	10/2/12	1
Housing Authority	Board	Seat 4	Town Council	Yes	Jeffrey	Arn	12/1/11	11/30/16	Member	1/3/12	1
Housing Authority	Board	Seat 3	Town Council	Yes	Susan	Noyes	12/1/15	11/30/20	Member	12/28/15	1
Housing Authority	Board	Seat 2	Town Council	Yes	Lorraine	Lynch	12/1/14	11/30/19	Member	10/6/14	2
Housing Authority	Board	Seat 2	Town Council	Yes	Lorraine	Lynch	10/6/14	11/30/14	Member	10/6/14	1
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 1	Town Council	Yes	Albert	Bradley	11/2/15	12/31/15	Member	11/2/15	1
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 3	Town Council	Yes	Marjorie	Roach	1/1/16	12/31/17	Member	11/2/15	2

Hud Housing Rehab/Fair Housing Commission	Commission	Seat 3	Town Council	Yes	Marjorie	Roach	11/2/15	12/31/15	Member	11/2/15	1
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 2	Town Council	Yes	Dorothy	Grady	11/2/15	1/1/16	Member	11/2/15	2
Hud Housing Rehab/Fair Housing Commission	Commission	Community Consult	Town Council	Yes	Peter	Huckins	1/1/00	12/31/98	Registrar of Voters Republican	1/1/00	1
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 2	Town Council	Yes	Dorothy	Grady	1/1/15	12/31/16	Member	11/2/15	1
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 4	Town Council	Yes	Sarah	Szczebak	1/1/15	12/31/16	Member	11/2/15	2
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 1	Town Council	Yes	Albert	Bradley	1/1/16	12/31/17	Member	11/2/15	2
Hud Housing Rehab/Fair Housing Commission	Commission	Seat 4	Town Council	Yes	Sarah	Szczebak	11/2/15	12/31/15	Member	11/2/15	1
Human Rights Commission	Commission	Seat 5	Town Council	Yes	Michael	Kurpiewski	12/28/15	1/1/16	Member	12/28/15	1
Human Rights Commission	Commission	Seat 2	Town Council	Yes	Marjorie	Roach	11/2/15	1/1/16	Member	11/2/15	1
Human Rights Commission	Commission	Seat 4	Town Council	Yes	Heather	Bear	1/2/16	1/1/18	Member	12/28/15	2
Human Rights Commission	Commission	Seat 1	Town Council	Yes	Albert	Bradley	1/2/16	1/1/18	Housing Authority Rep	1/1/16	1
Human Rights Commission	Commission	Seat 4	Town Council	Yes	Heather	Bear	12/28/15	1/1/16	Member	12/28/15	1
Human Rights Commission	Commission	Seat 3	Town Council	Yes	Bruce	Stave	1/2/16	1/1/18	Member	12/28/15	2
Human Rights Commission	Commission	Seat 6	Town Manager	Yes	Courtney	Chan	9/4/07	9/3/06	Representative	9/4/07	1
Human Rights Commission	Commission	Seat 3	Town Council	Yes	Bruce	Stave	12/28/15	1/1/16	Member	12/28/15	1
Human Rights Commission	Commission	Seat 5	Town Council	Yes	Michael	Kurpiewski	1/2/16	1/1/18	Member	12/28/15	2
Human Rights Commission	Commission	Seat 2	Town Council	Yes	Marjorie	Roach	1/2/16	1/1/18	Member	11/2/15	2
Human Rights Officer	Department	Officer	Town Manager	Yes	Courtney	Chan	9/4/07	9/3/06	Officer		1
Human Services Administrator	Department	Administrator	Town Manager	Yes	Courtney	Chan	9/4/07	9/3/06	Administrator		1
Inland Wetlands Agency	Commission	Seat 4	Town Council	Yes	Lori	Mathieu	9/16/13	9/15/16	Member	10/7/13	1
Inland Wetlands Agency	Commission	Seat 1	Town Council	Yes	Charles	Clapp, Jr	8/4/14	9/15/14	Member	8/4/14	1
Inland Wetlands Agency	Commission	Seat 3	Town Council	Yes	Harvey	Barrette	9/16/13	9/15/16	Member	4/4/16	1
Inland Wetlands Agency	Commission	Seat 3	Town Council	Yes	Raymond	Chicoine	9/16/13	9/15/16	Member	9/3/13	1
Inland Wetlands Agency	Commission	Seat 2	Town Council	Yes	Thomas	Wolf	9/16/14	9/15/17	Vice Chair	8/4/14	2
Inland Wetlands Agency	Commission	Seat 6	Town Manager	Yes	Todd	Penney	1/1/00	12/31/98	Agent	10/9/07	1
Inland Wetlands Agency	Commission	Seat 2	Town Council	Yes	Thomas	Wolf	8/4/14	9/15/14	Member	8/4/14	1
Inland Wetlands Agency	Commission	Seat 5	Town Council	Yes	Sam	Norman	9/16/15	9/15/18	Member	4/4/16	1
Inland Wetlands Agency	Commission	Seat 1	Town Council	Yes	Charles	Clapp, Jr	9/16/14	9/15/17	Member	8/4/14	2
Inland Wetlands Agency Alternate	Commission	Seat 2	Town Council	Yes	David	Sorich	9/16/15	9/15/18	Member	9/4/12	2
Inland Wetlands Agency			Town								

Alternate	Commission	Seat 2	Council	Yes	David	Sorich	9/4/12	9/15/15	Member	9/4/12	1
Inland Wetlands Agency Alternate	Commission	Seat 1	Town Council	Yes	Michael	Burokas	9/16/13	9/15/16	Member	4/7/14	1
Insurance Advisory	Board	Seat 4	Town Manager	Yes	David	Forte	2/3/14	7/1/15	Member	2/3/14	1
Insurance Advisory	Board	Seat 3	Town Council	Yes	Robert	Chipkin	8/8/12	7/1/14	Member	8/8/12	1
Insurance Advisory	Board	Seat 2	Town Council	Yes	Robert	Chipkin	7/2/14	7/1/16	Member	6/2/14	1
Insurance Advisory	Board	Seat 1	Board of Education	Yes	Dena	Dejulius	9/12/15	9/11/17	Member	9/11/15	1
Insurance Agent of Record	Department	Vendor Representative	Town Manager	Yes	Kim	Quigley	1/1/00	12/31/98	Member		1
Justice of the Peace	Board	Seat 1	Elected	Yes	Albert	Bradley	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 17	Elected	Yes	Victor	Birch	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 6	Elected	Yes	Sondra	Stave	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 11	Elected	Yes	Phyllis	Chicoine	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 16	Elected	Yes	Valerie	Shorts	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 5	Elected	Yes	Barbara	Riordan	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 10	Elected	Yes	Joyce	Bonney	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 15	Elected	Yes	Thomas	Pope	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 4	Elected	Yes	Patricia	Naegeli	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 20	Elected	Yes	Jacqueline	Piccolo	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 9	Elected	Yes	Harvey	Barrette	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 14	Elected	Yes	Darby	Pollansky	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 3	Elected	Yes	M	Krider	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 19	Elected	Yes	David	Lamore	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 8	Elected	Yes	Jill	Wood Reviczky	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 13	Elected	Yes	Joan	Oros	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 2	Elected	Yes	Dorothy	Grady	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 18	Elected	Yes	Robert	Birge	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 7	Elected	Yes	Paul	Jatkowski	1/3/13	1/2/17	JP	1/7/13	1
Justice of the Peace	Board	Seat 12	Elected	Yes	Raymond	Chicoine	1/3/13	1/2/17	JP	1/7/13	1
Library Expansion Building Committee	Committee	Seat 2	Town Council	Yes	Sondra	Stave	4/7/14	4/6/13	Vice Chair	4/7/14	1
Library Expansion Building Committee	Committee	Seat 1	Town Council	Yes	Kathleen	Ryan	4/7/14	4/6/13	Secretary	4/7/14	1
Library Expansion Building Committee	Committee	Seat 5	Town Council	Yes	Glenn	Miller	8/4/14	8/3/13	Member	8/4/14	1
Library Expansion Building Committee	Committee	Seat 4	Town Council	Yes	William	Bonney	6/2/14	6/1/13	Member	6/2/14	1
Library Expansion Building Committee	Committee	Seat 3	Town Council	Yes	Dewilton	Timberman	4/7/14	4/6/13	Chairperson	4/7/14	1
Library Expansion Building Committee Alternate	Committee	Seat 1	Town Council	Yes	Felicia	Laplante	12/28/15	12/27/14	Member	12/28/15	1
Local Emergency Coordinating Committee	Committee	Seat 2	Town Council	Yes	Andy	Brodersen	1/1/00	12/31/98	Member	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 7	Town Council	Yes	Mark	Kiefer	1/1/00	12/31/98	Public Works	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 1	Town Council	Yes	Julie	Blanchard	1/1/00	12/31/98	Chairperson	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 6	Town Council	Yes	Geoff	Firth	1/1/00	12/31/98	Chief	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 11	Town Council	Yes	Noel	Waite	1/1/00	12/31/98	Fire Marshall	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 5	Town Council	Yes	John A	Elsesser	1/1/00	12/31/98	Town Manager	1/1/00	1
Local Emergency	Committee	Seat 10	Town	Yes	Bill	Trudelle	1/1/00	12/31/98	Member	1/1/00	1

Coordinating Committee			Council								
Local Emergency Coordinating Committee	Committee	Seat 4	Town Council	Yes	Raymond	Eldridge, Jr	1/1/00	12/31/98	Chief	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 9	Town Council	Yes	Mark	Palmer	1/1/00	12/31/98	Police Chief	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 3	Town Council	Yes	W Dennis	Dittrich	1/1/00	12/31/98	Member	1/1/00	1
Local Emergency Coordinating Committee	Committee	Seat 8	Town Council	Yes	Bud	Meyers	1/1/00	12/31/98	President	1/1/00	1
Mid- NEROC	Board	Seat 1	Town Council	Yes	Nancy	Wyman	6/20/12	6/19/11	Member	6/20/12	1
Municipal Agent Elderly	Board	Agent	Town Manager	Yes	Courtney	Chan	7/1/13	6/30/17	Agent		1
North Coventry Volunteer Fire Dept.	Board	Seat 3	Town Council	Yes	Raymond	Eldridge, Jr	6/18/13	6/17/12	Chief	6/18/13	1
North Coventry Volunteer Fire Dept.	Board	Seat 2	Town Council	Yes	Stephen	Curtiss	1/1/14	12/31/12	President	1/1/14	1
North Coventry Volunteer Fire Dept.	Board	Seat 1	Town Council	Yes	Chuck	Beecher	6/18/13	6/17/12	Deputy Chief	6/18/13	1
Parks and Recreation Commission	Commission	Seat 2	Town Council	Yes	Marie	Gallo-Hall	1/2/16	1/1/18	Member	12/28/15	1
Parks and Recreation Commission	Commission	Seat 5	Town Council	Yes	Jennifer	Rodgers	1/2/16	1/1/18	Member	2/1/16	1
Parks and Recreation Commission	Commission	Seat 1	Town Council	Yes	Antonia	Conti	1/2/15	1/1/17	Secretary	2/17/15	1
Parks and Recreation Commission	Commission	Seat 4	Town Council	Yes	Sean	Butler	1/2/15	1/1/17	Member	11/3/14	2
Parks and Recreation Commission	Commission	Seat 4	Town Council	Yes	Sean	Butler	11/3/14	1/1/15	Member	11/3/14	1
Parks and Recreation Commission	Commission	Seat 3	Town Council	Yes	Todd	Messier	1/2/15	1/1/17	Member	8/5/13	2
Parks and Recreation Commission	Commission	Seat 3	Town Council	Yes	Todd	Messier	8/5/13	1/1/15	Member	8/5/13	1
Parks and Recreation Commission	Commission	Seat 6	Town Council	Yes	Wendy	Rubin	1/1/00	12/31/98	Rec Director	6/16/08	1
Parks and Recreation Commission Alternates	Commission	Seat 1	Town Council	Yes	Jillian	Miner	1/2/16	1/1/18	Member	2/1/16	1
Pension and Retirement	Board	Seat 3	Town Council	Yes	Benedict	Emanuele	1/2/14	1/1/17	Member	2/3/14	1
Pension and Retirement	Board	Seat 2	Town Council	Yes	Robert	Murzyn	1/2/14	1/1/17	Member	2/3/14	1
Pension and Retirement	Board	Seat 5	Town Council	Yes	Cara	Revett	1/2/14	1/1/17	Member	12/16/13	2
Pension and Retirement	Board	Seat 1	Town Council	Yes	Paul	Jatkowski	1/2/14	1/1/17	Member	12/2/13	2
Pension and Retirement	Board	Seat 5	Town Council	Yes	Cara	Revett	12/16/13	1/1/14	Member	12/16/13	1
Pension and Retirement	Board	Seat 1	Town Council	Yes	Paul	Jatkowski	12/2/13	1/1/14	Member	12/2/13	1
Pension and Retirement	Board	Seat 4	Town Council	Yes	David	Powers	1/2/14	1/1/17	Member	12/16/13	2
Pension and Retirement	Board	Seat 4	Town Council	Yes	David	Powers	12/16/13	1/1/14	Member	12/16/13	1
Personnel Appeals Board	Board	Seat 2	Town Council	Yes	Paul	Jatkowski	1/2/16	1/1/19	Member	12/28/15	1
Personnel Appeals Board	Board	Seat 5	Town Council	Yes	Benedict	Emanuele	1/2/15	1/1/18	Member	11/7/11	2
Personnel Appeals Board	Board	Seat 5	Town Council	Yes	Benedict	Emanuele	11/7/11	1/1/15	Member	11/7/11	1
Personnel Appeals Board	Board	Seat 4	Town Manager	Yes	William	Zenko	1/2/15	1/1/18	Member	11/3/14	2
Personnel Appeals Board	Board	Seat 4	Town Manager	Yes	William	Zenko	11/3/14	1/1/15	Member	11/3/14	1
Personnel Appeals Board	Board	Seat 3	Town Council	Yes	Barbara	Riordan	1/2/16	1/1/19	Member	2/1/16	1

Planning and Zoning Alternate	Commission	Seat 2	Town Council	Yes	Steven	Hall	11/2/13	11/1/16	Member	3/2/15	1
Planning and Zoning Alternate	Commission	Seat 1	Town Council	Yes	Brent	Genovese	11/2/14	11/1/17	Member	3/2/15	1
Planning and Zoning Commission	Commission	Seat 2	Town Council	Yes	Raymond	Giglio	11/2/14	11/1/17	Chairperson	9/2/14	2
Planning and Zoning Commission	Commission	Seat 5	Town Council	Yes	William	Jobbagy	11/2/15	11/1/18	Vice Chair	8/6/12	2
Planning and Zoning Commission	Commission	Seat 2	Town Council	Yes	Raymond	Giglio	9/2/14	11/1/14	Chairperson	9/2/14	1
Planning and Zoning Commission	Commission	Seat 5	Town Council	Yes	William	Jobbagy	8/6/12	11/1/15	Vice Chair	8/6/12	1
Planning and Zoning Commission	Commission	Seat 1	Town Council	Yes	Christine	Pattee	11/2/14	11/1/17	Secretary	10/6/14	2
Planning and Zoning Commission	Commission	Seat 4	Town Council	Yes	Darby	Pollansky	11/2/13	11/1/16	Member	2/3/14	1
Planning and Zoning Commission	Commission	Seat 1	Town Council	Yes	Christine	Pattee	10/6/14	11/1/14	Secretary	10/6/14	1
Planning and Zoning Commission	Commission	Seat 3	Town Council	Yes	Stephen (Ed)	Marek	11/2/15	11/1/18	Member	8/3/15	2
Planning and Zoning Commission	Commission	Seat 3	Town Council	Yes	Stephen (Ed)	Marek	8/3/15	11/1/15	Member	8/3/15	1
Planning and Zoning Commission	Commission	Seat 6	Town Manager	Yes	Eric	Trott	1/1/00	12/31/98	Representative	1/1/00	1
President	Legislative Body	Seat 1	Elected	Yes	Barack	Obama	1/21/13	1/20/17	President	1/21/13	1
Public Works	Department	Supt. Operations	Town Manager	Yes	Douglas	Reese	11/8/10	11/7/09	Supt. Operations		1
Public Works	Department	Director	Town Manager	Yes	Mark	Kiefer	12/8/14	12/7/13	Director		1
Recreation	Department	Assistant	Town Manager	Yes	Caterina	Merriam	11/6/06	11/5/05	Assistant		1
Recreation	Department	Director	Town Manager	Yes	Wendy	Rubin	6/16/08	6/15/07	Director		1
Regional Mental Health Council Rep	Board	Seat 1	Town Council	Yes	Christine	Brunell	10/5/92	10/4/91	Member	10/5/92	1
Registrar of Voters	Department	Seat 2	Elected	Yes	Inge	Pope	1/1/13	12/31/16	Registrar of Voters Republican		1
Registrar of Voters	Department	Seat 1	Elected	Yes	Marjorie	Roach	1/1/13	12/31/16	Registrar of Voters Democratic		1
Registrar of Voters Deputy	Committee	Seat 2	Co-Pres	Yes	Pamela	Sewell	1/1/13	12/31/16	Deputy Registrar Republican		1
Registrar of Voters Deputy	Committee	Seat 1	Co-Pres	Yes	Barbara	Johnson	1/1/13	12/31/16	Deputy Registrar Democratic		1
Representative in Congress	Legislative Body	Seat 1	Elected	Yes	Joe	Courtney	1/4/15	1/3/17	Representative	1/3/15	1
Saint Mary Cemetery	Board	Sexton	Town Council	Yes	Judy	Melichar	10/1/14	9/30/13	Sexton	10/1/14	1
Sanitarian	Department	Seat 1	Co-Pres	Yes	Glenn	Bagdoian	1/1/00	12/31/98	Sanitarian		1
School Energy and Building Efficiency Building Committee	Committee	Chairperson	Town Council	Yes	Thomas	Kolodziej	12/5/14	12/4/13	Chairperson	12/5/14	1
School Energy and Building Efficiency Building Committee	Committee	Vice Chairperson	Board of Education	Yes	Mary	Kortmann	8/14/14	8/13/13	Vice Chair	8/14/14	1
School Energy and Building Efficiency Building Committee	Committee	Secretary	Energy Adv Committee	Yes	Matthew	Mullen	8/4/14	8/3/13	Secretary	8/4/14	1
School Energy and Building Efficiency Building Committee	Committee	Seat 5	Town Council	Yes	Jeffrey	Arn	6/1/15	5/31/14	Member	6/1/15	1
School Energy and Building Efficiency Building Committee	Committee	Seat 4	Town Council	Yes	Cheryl	Trudon	6/1/15	5/31/14	Member	6/1/15	1
School Readiness Council	Board	Chairperson	Town Council	Yes	Joan	Lewis	4/5/05	4/4/04	Chairperson	4/6/05	1

Senior Center Coordinator	Department	Coordinator	Town Manager	Yes	Carrie	Concatelli	11/17/14	11/16/13	Coordinator		1
Sewer Treatment Plant Operator	Department	Operator	Town Manager	Yes	Michael	Ruef	8/18/08	8/17/07	Operator		1
Special Constable	Department	Seat 1	Town Manager	Yes	Norm	Meikle	7/6/15	7/5/17	Special Constable	7/6/15	1
Special Constable	Department	Seat 1	Town Council	Yes	John	Chipman, III	3/17/14	3/16/16	Special Constable	3/17/14	1
Superintendent of Schools	Department	Superintendent	Board of Education	Yes	David	Petrone	1/3/12	1/2/11	Administrator	1/2/12	1
Tax Collector	Department	Revenue Clerk	Town Manager	Yes	Marjolaine	Pruneau	1/3/12	1/2/11	Revenue Clerk		1
Tax Collector	Department	Tax Collector	Town Manager	Yes	Linda	Greenbacker	6/18/02	6/17/01	Tax Collector		1
Tax Collector	Department	Asst Collector of Revenue	Town Manager	Yes	Carrie	Zahner	9/24/12	9/23/11	Ass't. Collector of Revenue		1
Tax Collector	Department	Revenue Clerk	Town Manager	Yes	Ida	Cabral	1/3/12	1/2/11	Tax Collector	4/12/16	1
Tolland County Mutual Aid Fire Services Inc.	Board	Seat 1	Town Manager	Yes	Noel	Waite	1/1/00	12/31/98	Representative		1
Tolland-Mansfield Probate Court	Board	Seat 1	Elected	Yes	Barbara	Gardner-Riordan	1/7/14	1/6/18	Probate Judge	1/1/15	1
Town Attorney	Department	Vendor Representative	Town Council	Yes	Duncan	Forsyth	5/4/09	5/3/08	Attorney	5/4/09	1
Town Clerk/Registrar of Vital Statistics	Department	Town Clerk	Town Manager	Yes	Lori	Tollmann	12/1/14	11/30/13	Town Clerk		1
Town Committee Chairman and Nominating Committee	Board	Seat 11	Town Committee	Yes	Thomas	Pope	6/10/15	6/9/14	Chairperson	6/10/15	1
Town Committee Chairman and Nominating Committee	Board	Seat 5	Town Committee	Yes	Thomas	Woolf	2/11/16	2/10/15	Treasurer	2/11/16	1
Town Committee Chairman and Nominating Committee	Board	Seat 10	Town Committee	Yes	Matthew	O'Brien	6/10/15	6/9/14	Vice Chair	6/10/15	1
Town Committee Chairman and Nominating Committee	Board	Seat 4	Town Committee	Yes	Marty	Milkovic	3/13/12	3/12/11	Vice Chair	3/13/12	1
Town Committee Chairman and Nominating Committee	Board	Seat 9	Town Committee	Yes	Robert	Chipkin	3/13/14	3/12/13	Treasurer	3/13/14	1
Town Committee Chairman and Nominating Committee	Board	Seat 3	Town Committee	Yes	Paul	Jatkowski	3/13/12	3/12/11	Ass't Treasurer	3/13/12	1
Town Committee Chairman and Nominating Committee	Board	Seat 8	Town Committee	Yes	Joyce	Bonney	3/13/14	3/12/13	Deputy Treasurer	3/13/14	1
Town Committee Chairman and Nominating Committee	Board	Seat 2	Town Committee	Yes	Dorothy	Grady	3/13/12	3/12/11	Chairperson	3/13/12	1
Town Committee Chairman and Nominating Committee	Board	Seat 7	Town Committee	Yes	Julie	Blanchard	6/10/15	6/9/14	Secretary	6/10/15	1
Town Committee Chairman and Nominating Committee	Board	Seat 1	Town Committee	Yes	Antonia	Conti	3/13/12	3/12/11	Secretary	3/13/12	1
Town Committee Chairman and Nominating Committee	Board	Seat 6	Town Committee	Yes	William	Zenko	2/11/16	2/10/15	Member	2/11/16	1
Town Council	Legislative Body	Seat 5	Elected	Yes	Hannah	Pietrantonio	11/4/15	11/3/17	Member	11/4/15	1
Town Council	Legislative Body	Seat 4	Elected	Yes	Andy	Brodersen	11/4/15	11/3/17	Member	11/4/15	1
Town Council	Legislative Body	Secretary	Elected	Yes	Richard	Williams, Jr	11/4/15	11/3/17	Secretary	11/4/15	1
Town Council	Legislative Body	Vice Chairperson	Elected	Yes	Matthew	O'Brien	11/4/15	11/3/17	Vice Chair	11/4/15	1

Town Council	Legislative Body	Seat 7	Elected	Yes	Lisa	Thomas	11/4/15	11/3/17	Member	11/4/15	1
Town Council	Legislative Body	Chairperson	Elected	Yes	Julie	Blanchard	11/4/15	11/3/17	Chairperson	11/4/15	1
Town Council	Legislative Body	Seat 6	Elected	Yes	Thomas	Pope	11/4/15	11/3/17	Member	11/4/15	1
Town Council Finance Committee	Sub-Committee	Seat 3	Town Council	Yes	Hannah	Pietrantonio	11/4/15	11/3/17	Member	11/4/15	1
Town Council Finance Committee	Sub-Committee	Seat 2	Town Council	Yes	Andy	Brodersen	11/4/15	11/3/17	Member	11/4/15	1
Town Council Finance Committee	Sub-Committee	Chairperson	Town Council	Yes	Matthew	O'Brien	11/4/15	11/3/17	Chairperson	11/4/15	1
Town Council Steering/Liaison Committee	Sub-Committee	Seat 3	Town Council	Yes	Richard	Williams, Jr	11/4/15	11/3/17	Member	11/4/15	1
Town Council Steering/Liaison Committee	Sub-Committee	Seat 2	Town Council	Yes	Lisa	Thomas	11/4/15	11/3/17	Member	11/4/15	1
Town Council Steering/Liaison Committee	Sub-Committee	Chairperson	Town Council	Yes	Thomas	Pope	11/4/15	11/3/17	Chairperson	11/4/15	1
Town Engineer	Department	Engineer	Town Manager	Yes	Todd	Penney	10/9/07	10/8/06	Town Engineer		1
Town Manager	Department	Seat 1	Town Council	Yes	John A	Elsesser	5/6/88	5/5/87	Town Manager	5/6/88	1
Traffic Authority	Board	Seat 1	Town Council	Yes	John A	Elsesser	2/11/15	2/10/14	Member	2/11/16	1
Traffic Authority	Board	Seat 3	Town Council	Yes	Mark	Palmer	2/11/16	2/10/15	Member	2/11/16	1
Traffic Authority	Board	Seat 2	Town Council	Yes	Mark	Kiefer	2/11/16	2/10/15	Member	2/11/16	1
Treasurer	Department	Treasurer	Town Manager	Yes	Elizabeth	Bauer	9/29/03	9/28/02	Treasurer		1
Tree Warden	Department	Seat 1	Town Manager	Yes	Mark	Kiefer	12/8/14	12/7/13	Tree Warden		1
United States Senators	Legislative Body	Seat 1	Elected	Yes	Richard	Blumenthal	1/4/11	1/3/17	Senator	1/5/11	1
United States Senators	Legislative Body	Seat 2	Elected	Yes	Christopher	Murphy	1/4/13	1/3/19	Senator	1/3/13	1
Veterans Memorial Committee	Committee	Seat 3	Town Council	Yes	Donna	Sanborn-Ledoyt	1/2/16	1/1/18	Member	12/28/15	2
Veterans Memorial Committee	Committee	Seat 3	Town Council	Yes	Donna	Sanborn-Ledoyt	12/28/15	1/1/16	Member	12/28/15	1
Veterans Memorial Committee	Committee	Seat 2	Town Council	Yes	Eric	Ohlund	1/2/16	1/1/18	Chairperson	12/28/15	2
Veterans Memorial Committee	Committee	Seat 2	Town Council	Yes	Eric	Ohlund	12/28/15	1/1/16	Chairperson	12/28/15	1
Veterans Memorial Committee	Committee	Seat 4	Town Council	Yes	Richard	Sanborn, Jr	1/2/16	1/1/18	Treasurer	12/28/15	2
Veterans Memorial Committee	Committee	Seat 1	Town Council	Yes	Leroy	Lowe, Jr	1/2/16	1/1/18	Member	2/1/16	1
Veterans Memorial Committee	Committee	Seat 4	Town Council	Yes	Richard	Sanborn, Jr	12/28/15	1/1/16	Treasurer	12/28/15	1
Visiting Nurses Board of Directors	Board	Seat 1	Town Council	Yes	Annie	Bobbitt	3/7/11	3/6/10	Liaison		1
VNA East	Board	Seat 2	Town Council	Yes	John	Ohlund, III	2/11/16	2/10/15	Co-Pres	2/11/16	1
VNA East	Board	Seat 1	Town Council	Yes	Marjorie	Roach	2/11/16	2/10/15	Co-Pres	2/11/16	1
Water Pollution Control Authority	Board	Seat 4	Town Council	Yes	Richard	Brand	11/8/15	11/7/17	Vice Chair	12/7/15	1
Water Pollution Control Authority	Board	Seat 3	Town Council	Yes	Lyndon	Wilmot	11/8/14	11/7/16	Member	10/6/14	2
Water Pollution Control Authority	Board	Seat 3	Town Council	Yes	Lyndon	Wilmot	10/6/14	11/7/14	Member	10/6/14	1

Water Pollution Control Authority	Board	Seat 2	Town Council	Yes	Matthew	Twerdy	11/8/15	11/7/17	Chairperson	12/7/15	1
Water Pollution Control Authority	Board	Seat 5	Town Council	Yes	Susan	Jamaitus	11/8/14	11/7/16	Member	11/5/12	2
Water Pollution Control Authority	Board	Seat 1	Town Council	Yes	Daniel	Murphy	11/8/14	11/7/16	Member	11/3/14	1
Water Pollution Control Authority	Board	Seat 5	Town Council	Yes	Susan	Jamaitus	11/5/12	11/7/14	Member	11/5/12	1
Water System Advisory Committee	Committee	Seat 1	Town Council	Yes	Arthur	Hall	1/1/00	12/31/98	Chairperson	8/4/14	1
Wetlands Agent	Department	Agent	Town Manager	Yes	Todd	Penney	10/19/07	10/18/06	Agent		1
Windham Regional Transit District	Board	Seat 1	Town Council	Yes	Marjorie	Roach	4/4/11	4/3/10	Member	4/4/11	1
WPCA Technician	Department	Technician	Town Manager	Yes	Michael	Ruef	8/18/08	8/17/07	Technician		1
Youth Advisory Board	Board	Seat 11	Town Council	Yes	David	Petrone	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 16	Town Council	Yes	Terrie	Carpenter	1/1/00	12/31/98	Chairperson	1/1/00	1
Youth Advisory Board	Board	Seat 5	Town Council	Yes	Florence	Lajeunesse	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 10	Town Council	Yes	Lynn	Obomalayat	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 15	Town Council	Yes	Roger	Lapierre	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 4	Town Council	Yes	John A	Elsesser	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 9	Town Council	Yes	Crystal	Morawitz	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 14	Town Council	Yes	Shannon	King	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 3	Town Council	Yes	Vicki	Deveau	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 8	Town Council	Yes	Ginny	Molleur	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 13	Town Council	Yes	Bill	Cannon	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 2	Town Council	Yes	Judy	Burr	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 18	Town Council	Yes	Maria	Genca	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 7	Town Council	Yes	Michael	McDonagh	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 12	Town Council	Yes	Annie	Bobbitt	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 1	Town Council	Yes	Phyllis	Bishop	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 17	Town Council	Yes	Arthur	Houlberg, Jr	1/1/00	12/31/98	Member	1/1/00	1
Youth Advisory Board	Board	Seat 6	Town Council	Yes	Heather	MacKintosh	1/1/00	12/31/98	Member	1/1/00	1
Youth Services Administrator	Department	Administrator	Town Manager	Yes	Crystal	Morawitz	3/1/08	2/28/07	Administrator		1
Zoning Board of Appeals	Board	Seat 3	Elected	Yes	Carol	Chipkin	11/4/15	11/3/17	Member		1
Zoning Board of Appeals	Board	Seat 2	Elected	Yes	Claire	Twerdy	11/4/15	11/3/17	Member		1
Zoning Board of Appeals	Board	Seat 1	Elected	Yes	William	Riordan	11/4/15	11/3/17	Member		1
Zoning Board of Appeals	Board	Secretary	Elected	Yes	Raymond	Chicoine	11/4/15	11/3/17	Secretary		1
Zoning Board of Appeals	Board	Seat 4	Elected	Yes	Jo Ann	Watson	11/4/15	11/3/17	Member		1
Zoning Board of Appeals Alt.	Board	Seat 3	Elected	Yes	Suzanne	Pollinger	11/4/15	11/3/17	Member		1
Zoning Board of Appeals Alt.	Board	Seat 2	Elected	Yes	William	Bonney	11/4/15	11/3/17	Member		1
Zoning Board of Appeals											

Alt.	Board	Seat 1	Elected	Yes	Stephen	Curtiss	11/4/15	11/3/17	Member	1	
Zoning Enforcement Officer	Department	Officer	Town Manager	Yes	Mason	Perrone	11/2/15	11/1/14	Officer	1	
<i>Board Name</i>	<i>Board Type</i>	<i>Position</i>	<i>Appointed By</i>	<i>Seat Active</i>	<i>First Name</i>	<i>Last Name</i>	<i>Calculated Start Date</i>	<i>Calculated End Date</i>	<i>Title</i>	<i>Appointed Date</i>	<i>Term Counter</i>

Generated 6/21/16 @ 10:03 am



May 19, 2016

Ms. Lori Tollmann
Town Clerk
Town of Coventry
1712 Main Street
Coventry, CT 06238

Re: Resignation from the School Energy and Building Efficiency Building Committee

Dear Ms. Tollmann:

After much thought and deliberation I regret to inform you that I am resigning from the School Energy and Building Efficiency Building Committee effective immediately. Unfortunately, my schedule does not allow for me to dedicate the amount of time this committee requires and I cannot continue as a committee member.

I wish the other members of the committee success and I hope they have a fruitful conclusion to their endeavors.

Sincerely,

A handwritten signature in black ink, appearing to be "Jeffrey Arn", written over a horizontal line.

Jeffrey Arn
11 Loomis Drive
Coventry, CT

BOOTH & DIMOCK MEMORIAL LIBRARY

1134 Main Street

Coventry, Connecticut 06238

(860) 742-7606

May 25, 2016

Ms. Julie A. Blanchard
Chairwoman
Town Council
Town of Coventry
Town Office Building
1712 Main Street
Coventry, CT 06238

Re: Booth & Dimock Memorial Library Expansion: Letter of Intent

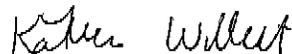
Dear Ms. Blanchard:

I write in my official capacity as President of the Board of Trustees of the Booth & Dimock Memorial Library Association ("the Trustees") to confirm the mutual intentions of the Library and the Town of Coventry ("the Town") regarding funding and development of the Library Expansion Building Project ("the Project"), future ownership and maintenance of the Library building and land, and the continued control of the personal property and operation of the Library by our Association and Board of Trustees.

At a meeting of the Trustees duly held on May 25, 2016, the membership voted unanimously that upon final appropriation by the Town of funding sufficient to develop the Project as specified by the Library Expansion Building Committee ("the Committee") and subject to probate court approval, the Library will transfer rights to ownership of the building and land only at 1134 Main Street to the Town, subject to right of reversion of the property to the Board of Trustees if final completion and official acceptance of the Project as specified by the Committee does not occur within two years of the transfer.

The Town will agree to reasonably maintain the property and authorize our Library Association and Board of Trustees to continue to manage and operate the Library in accordance with our by-laws and without interference, supported by reasonably sufficient funding from the Town.

Very truly yours,



Kathleen Willett

cc: John Elsesser, Town Manager



Laura Stone

From: John Elsesser
Sent: Tuesday, June 21, 2016 10:39 AM
To: Laura Stone
Subject: FW: Library expansion. Sewers

-----Original Message-----

From: Mike Ruef
Sent: Friday, June 03, 2016 10:48 AM
To: Kristi Sadowski
Cc: John Elsesser; Tim; Tim Timberman (ttimberman@cjmpc.com)
Subject: RE: Library expansion. Sewers

All, last night the WPCA approved the library expansion. Kristi had provided me with water usage readings and the proposed expansion will not contribute a substantial amount of flow to the system. Their annual sewer use bill will not change. Thank you Tim and Kristi for attending the meeting.

-Mike

-----Original Message-----

From: Kristi Sadowski
Sent: Thursday, May 26, 2016 10:53 AM
To: Mike Ruef <mruelf@coventryct.org>
Cc: John Elsesser <jelsesser@coventryct.org>; Tim <timbermant@sbcglobal.net>; Tim Timberman (ttimberman@cjmpc.com) <ttimberman@cjmpc.com>
Subject: RE: Library expansion. Sewers

Hi Mike,

The plans do add 4 single stall bathrooms, to our existing 2. The plans also add two additional sinks (not counting bathrooms). I am not sure what the changes in the mechanical rooms will be.

Kristi Sadowski
Library Director

Booth & Dimock Memorial Library
1134 Main Street
Coventry, CT 06238
860-742-7606

More than Just Books!

-----Original Message-----

From: Mike Ruef
Sent: Thursday, May 26, 2016 9:02 AM
To: Kristi Sadowski

Cc: John Elsesser; Tim; Tim Timberman (ttimberman@cjmpc.com)

Subject: RE: Library expansion. Sewers

Kristi, sorry I didn't reply sooner I've been out sick. I don't think this will be an issue but will get confirmation of approval from the WPCA next Thursday. Are we adding bathrooms/sinks/toilets? You are welcome to come to the meeting but I don't think it will be necessary, I will check with the Chairman. Thank you.

Mike Ruef
WWTP Operator
Town of Coventry
860.742.4069 (WWTP)
860.742.4064 (Town Hall)
mruef@coventryct.org

-----Original Message-----

From: Kristi Sadowski
Sent: Tuesday, May 24, 2016 9:16 AM
To: Mike Ruef <mruef@coventryct.org>
Cc: John Elsesser <jelsesser@coventryct.org>; Tim <timbermant@sbcglobal.net>; Tim Timberman (ttimberman@cjmpc.com) <ttimberman@cjmpc.com>
Subject: RE: Library expansion. Sewers

Hello Mike,

Attached are the plans for the proposed building. If you need any further documentation, please let me know and I would be happy to provide. I will inform the committee that we should attend the June 2nd WPCA. Can you tell me the time and location? Thanks so much.

Kristi Sadowski
Library Director

Booth & Dimock Memorial Library
1134 Main Street
Coventry, CT 06238
860-742-7606

More than Just Books!

-----Original Message-----

From: John Elsesser
Sent: Tuesday, May 24, 2016 8:05 AM
To: Kristi Sadowski
Cc: Mike Ruef
Subject: FW: Library expansion. Sewers

Don't think this will be an issue. Can you send the concept plans to Mike Ruef for WPCA

-----Original Message-----

From: Mike Ruef
Sent: Tuesday, May 24, 2016 8:01 AM
To: John Elsesser
Subject: RE: Library expansion. Sewers

Ok I will put on agenda to discuss June 2nd. Thank you.

-Mike

-----Original Message-----

From: John Elsesser

Sent: Monday, May 23, 2016 7:11 PM

To: Mike Ruef <mruef@coventryct.org>

Subject: Library expansion. Sewers

Tom pope at steering raised a concern that wpca will not permit a library expansion based on the wpca minutes. Could you get a clear and concise ruling on this project

Sent from my iPad



Town of Coventry

PUBLIC WORKS DEPARTMENT
(860) 748-5888 phone
(860) 748-4677 fax

100 Old Farm Road
Coventry, Connecticut 06238

May 23, 2016

Report to the Steering Committee concerning condition of Avery Shores:

I have inspected Avery Shores in accordance with sections 6, 7 and 8 of the Town Council Policy for acceptance of Lake Association Roads.

I find the following deficiencies:

- 1.) Five dead Ash Trees near the intersection of Washburn need to be removed for public safety. Three Birch Trees across the street from #24 Avery Shores should be removed for public safety.
- 2.) Traffic Signs at three locations should be upgraded to meet the MUTCD and be approved by the Town of Coventry Traffic Authority.



1.) Dangerous Trees.



2.) Deficient Traffic Signs.

3.) The overall drainage system of Avery Shores needs to be toughly cleaned, is in disrepair and needs to be upgraded. The catch basins that need repair do not have adequate sumps to filter sedimentation from entering the lake.



3.) Inlet to CB at intersection of Dooley Ave.



4.) Inlet to CB east end of Avery Shores



5.) CB top at east end structurally deficient.



6.) CB at east end with direct discharge to lake.

Both catch basins are structurally deficient and cannot be cleaned using the Town Vac-All. The drainage structures located near the intersection of Washburn Ave. are raised above the road and the cross culvert is heaved; both discharge directly to the lake. This entire system is inadequate, structurally deficient and cannot be properly cleaned with the Town Vac-All. The structures should be lowered for public safety.



- 4.) The condition of the road up to # 34 Avery Shores is in need of crack sealing.
Crack sealing will seal the surface to slow further deterioration of the road.



The road from #34 Avery shores to the east end (150 feet). This section of road has several areas that need full depth patch due alligator cracking and asphalt failure.



The east end of the road needs to be full depth patched to keep the road safe for public travel.



5.) The turnaround at the east end needs to be completed and stabilized for erosion.

The turnaround on the west end needs to be constructed as specified.



6.) Several areas of Avery Shores need the brush cut back to allow for safe travel.



7.) Rocks and stumps should be removed from the road edge for safe public travel.



I have completed a thorough inspection of Avery shores, this report identifies the areas of concern that I feel should be addressed as part of the Town acceptance.

I would also recommend that the drainage pipes that discharge directly to the lake be videoed for structural integrity.

Mark Kiefer
Public Works Director
Town of Coventry

June 2, 2016

Chairwoman Blanchard

Coventry Town Council

Dear Ms. Blanchard:

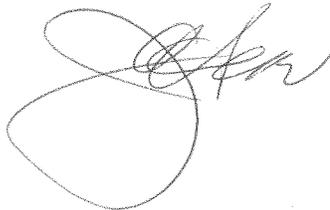
My name is James Nothem, a 45 year Coventry resident. Today I stopped at the Police Department inquiring about an ATV and/or noise ordinance. I was informed we had neither.

I have an issue at our new home in Flanders Woods. A neighbor very near us, but not in the development, owns an ATV and operates it regularly at considerable discomfort. At times it can be heard for hours.

It is my understanding that several towns regulate the use of ATV's and I'm interested in having our Town Council take up this issue. It is a quality of life issue, as well as a safety issue.

Please advise whether this issue could be added to a coming Council meeting. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Nothem', written over a large, loopy scribble.

cc. Town Manager Elsesser

Willington officials consider noise laws

By COREY SIPE

Chronicle Staff Writer

WILLINGTON — Increasing problems with folks being discourteous and riding loud dirt bikes at all hours of the day and night have led officials to consider adopting a noise ordinance.

At Monday's board of selectmen meeting, during the public comment section, Cosgrove Road resident Todd Bissonnette said since warm weather is here "people are doing circles on their quad bikes" in front of his house for hours at a time.

Cosgrove Road is located in a rural area in the northern part of Willington, between Route 74 and Interstate 84.

"It started last month and it occurs almost every day. On the 14th (of May), it occurred on a Saturday for five hours," he said, adding dirt bikes are burning out on the road at all hours of the day and night.

"I'm fearful that they will lose control of their 300pound vehicle ... it will only get worse," he said.

He showed a phone video recording he took of the dirt bikes from several hundred feet away and had photos of the tire tracks left behind from the dirt bikes that drove on the road in front of his house.

"They should put a muffler on it and then it wouldn't bother anyone. They already have knocked down electrical poles and driven through the yard of my neighbors," Bissonnette said.

Willington does not have its own municipal police department or resident state trooper but relies on Connecticut State Police Troop C in nearby Tolland for law enforcement.

He said "the state police has been out there seven times," adding they told him if the town had a noise ordinance, they would be able to enforce it and fine violators.

He is encouraging residents to call Troop C at (860) 896-3200 to report noise issues so they can be included in their file.

Willington First Selectman Christina Mailhos said she will speak with Town Attorney Caleb Hamel and plans to bring a draft of a noise ordinance to the next board of selectmen meeting, which is scheduled for June 20 at 6:30 p.m. in the lower level conference room of the Willington Town Office Building.

While Bissonnette said the nearby towns of Tolland and Windham have a noise ordinance, Mailhos said Willington is a "state statue town" since it has no charter unlike Tolland and Windham.

"Sometimes they (charter towns) can pass an ordinance, but we can't do it the same way. We have to make sure it's legal and then it would go to town meeting," she said, adding it would require the majority of those attending a town meeting to make the ordinance become law.

While Selectman Kim Kowalyshyn expressed sympathy for Bissonnette, she said Tolland officials told her "it's impossible to enforce," as the violations happen in the evenings and weekends when the town hall is closed and municipal officials are not available to go out and enforce town ordinances.

However, Willington Animal Control Officer Tina Binheimer, who has first-hand law enforcement experience, said she believes a noise ordinance could be enforced by both local and state officials.

Locally, the ordinance could be enforced by Willington Zoning Enforcement Officer Susan Yorgensen.

Additionally, “a (state) trooper can write a ticket for a noise ordinance,” Binheimer said.

Bissonnette said he thinks finding violators should be easy for police after they respond, “out here, it’s all out in the open ... people can’t duck behind buildings like they do in the cities, like Willimantic,” he said.

After the meeting, Bissonnette said “case law says you can’t affect your neighbor’s livelihood with excessive noise. I can’t sit in my front yard and play with my grandkids without hearing this.”

He gave selectmen a Connecticut Office of Legislative Research report from July 7, 2014, that states “many municipalities have adapted a DEEP (Department of Energy and Environmental Protection) approved ordinance incorporating noise limits for motorized recreational vehicles.”



CCM's Research & Information Service

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With the start of summer, CCM's Research and Information Service has been receiving research requests pertaining to examples of noise ordinances that regulate outdoor venues and events. As this topic pertains to all municipalities, especially this time of year, these excerpts will provide insight into how other municipalities regulate outdoor events and venues. In an effort to share ordinances from municipalities of varying population sizes, we have provided applicable passages from the following municipalities: City of New Haven, City of New London, City of Shelton, Town of Trumbull, and the Town of Westbrook.

All of the municipalities included in this Bulletin allow exemptions and special conditions for outdoor events that have attained a special license or permit. However, the criteria for attaining said permit or license vary by municipality.

The dBA range for commercial zones is 45-70, depending on time of day and special circumstances. The average maximum dBA for a commercial zone is 62.

For additional information or copies of complete noise ordinances, please contact CCM's Research and Information Service at (203) 498-3000 or research@ccm-ct.org. The information provided in this Bulletin is not intended to be legal advice or opinion.



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City of New Haven:

Sec. 18-73. Definitions

Commercial zone means all commercial districts and business districts, including BA, BB, BC, BD, BD-1 and BE as defined in the zoning regulations of the City of New Haven, and all uses associated therewith permitted either as a right or as a special use.

Sec. 18-75. 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 regulations as amended from time to time.

(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 . . . 45dBA

Sec. 18-78. Exemptions and special conditions.

(7) Noise created by any lawful recreational activities, and for which the city has granted a license or permit, including but not limited to parades, sporting events, outdoor concerts, firework displays and non-amplified religious activities...

Sec. 18-82. Violations and penalties.

Any person violating this article shall be fined up to the maximum amount authorized by state statutes or this Code per occurrence. Each day such violation continues shall constitute a separate violation.

(Ord. No. 1422, 7-6-06)

City of New London:

Sec. 14-3. Noises.

(a) It shall be unlawful for any person to use, play or operate, for any purpose whatever, any loudspeaker or sound-amplifying device attached to or on any vehicle moving or standing on any highway or public place in the city, or in any place where the sound therefrom is cast directly



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upon any of said highways or public places, without first obtaining a permit from the chief of police or his designee...

(f) It shall be unlawful for any person residing or doing business in a commercial area to cause or permit any sound, music, activity or noise created by work, amusement or other reason, or resulting from a sound-producing device or apparatus from the reproduction or amplification of the human voice or instrument, to be heard within the confines of another's home or premises before 8:00 a.m. and after 11:00 p.m., Monday through Thursday, before 8:00 a.m. and 1:00 a.m. on Friday and Saturday, and from 10:00 a.m. through 11:00 p.m. on Sundays. At all times the controlled so that it is not heard beyond fifty (50) feet from the outside of such premises.

Sec. 14-3.5. Noise pollution.

(b) *Classification of noise zones.*

(3) *Class B noise zone/uses.* Lands designated class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, government services, educational institutions, amusements, agricultural activities, automotive dealers and gasoline service stations, restaurants, bars and nightclubs, marinas and other water dependent uses, and vacant lands zoned for such commercial or institutional uses.

(c) *Noise zone standards.* No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

Receptor Noise Zone Class

	C	B	A-Day	A-Night
Class C emitter to	70 dBA	66dBA	61dBA	51dBA
Class B emitter to	62 dBA	62dBA	55dBA	45dBA
Class A emitter to	62dBA	55dBA	55dBA	45dBA

City of Shelton:

Sec. 50-65. Performance standards.

(2) Noise emitted from commercial and industrial zones beyond the boundary of the lot or parcel shall not exceed the levels stated in the following table to the respective adjacent residential, commercial or industrial zones:



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	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/ Night
Commercial:	62dBA	62dBA	55dBA	45dBA
Industrial:	70dBA	66dBA	61dBA	51dBA

The above levels represent the current levels adopted by the state. If the state changes its levels in the future, the levels of this article will automatically be changed to correspond with the new state levels. Measurements shall be taken at several different points located beyond the boundary of the emitter's lot or parcel in various locations throughout the receptor parcel or parcels in an attempt to locate the loudest noise level emitted;

Sec. 50-69. Temporary variance from article provisions.

(a) *Application; contents.* Any person residing or doing business in the town may apply to the town manager for a temporary variance from one or more of the provisions of this article if they are more stringent than the state department of environmental protection's regulations for the control of noise...

Town of Trumbull

Sec. 13-48. Definitions.

Commercial zone shall mean all commercial zones and business zones, (B-C) as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

Sec. 13-50. Noise levels.

(a) *[Unlawful.]* 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.

(2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's zone: Commercial



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Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	62dBA
Residential/day	55dBA
Residential/night	45dBA

(e) *Exemptions.* The following shall be exempt from these regulations, subject to special conditions as spelled out:

(7) Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the Town, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays.

Sec. 13-51. Prohibited noise activities.

(2) *Advertising.* No person shall at any time use any drum, bell or other instrument or device for purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise.

Sec. 13-56. Variances and contracts.

(a) *Variances.*

(1) Any person living or doing business in the Town may apply to the Trumbull Monroe Regional Health District for a variance from one (1) or more of the provisions of this article, which are more stringent than the State Department of Environmental Protection regulations for the control of noise...

Town of Westbrook

Sec. 12-2. Definitions.

Commercial zone means commercial district, commercial boating, turnpike interchange commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use.

Sec. 12-5. Noise levels.



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(a) *Generally.* It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this section.

(b) *Noise level standards.*

(2) No person in a commercial zone shall emit noise beyond the boundary of his premises exceeding the levels, stated herein and applicable to adjacent residential, commercial or industrial zones

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

Sec. 12-11. Variance and contracts.

(a) *Variances.*

(1) Any person living or doing business in the town may apply to the board of selectmen for a variance from one (1) or more of the provisions of this chapter, which are more stringent than the state department of environmental protection regulation for the control of noise...

ARTICLE IV. CONSTRUCTION NOISE*

*State law references: General authority relative to noise, G.S. §§ 7-148(c)(7)(F)(i), 7-148(c)(7)(H)(viii).

Sec. 17-61. Purpose.

The people of the Town are entitled to an environment free from excessive noise and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This article is enacted to protect, preserve and promote such health, safety, welfare and quality of life through the control and prevention of excessive noise and vibration due to construction activities.

(Ord. No. 71, § I)

Sec. 17-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction activities means activities necessary or incidental to the construction, erection, assembly, installation, equipping, alteration, repair, renovation or demolition of buildings or other structures, roads, utility lines or other property. The term "construction activities", shall include but not be limited to land clearing, grading, blasting, excavation, activities related to the processing of earth and rock such as screening, splitting and crushing, removal of materials, filling, paving and the operation of vehicles, tools and equipment on a construction site.

(Ord. No. 71, § II)

Sec. 17-63. Penalties.

Any person violating or causing to be violated this article, including through an agent, employee or contractor, shall be subject to a fine of \$90.00. Each day any such violation shall continue and each act in violation shall constitute a separate offense.

(Ord. No. 71, § V)

State law references: Penalty for ordinance violations, G.S. § 7-148(c)(10)(A).

Sec. 17-64. Exemptions.

(a) The restrictions contained in this article shall not apply to:

- (1) Construction activities engaged in by the Town or the State;
- (2) Construction activities engaged in by a resident of the Town who is performing such activities on residential property on which the resident resides;
- (3) Construction activities undertaken in an emergency by a public service company;
- (4) Construction activities that do not cause noise or vibration such as painting, plastering and caulking.

(b) The Chief of Police or, in his absence, the Executive Officer of the police department, shall, in the event of an emergency not involving a public service company, have the power and authority to permit construction activities otherwise prohibited by this article.

(Ord. No. 71, § IV)

Sec. 17-65. Prohibitions.

Construction activities shall be prohibited within the Town between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays, Sundays, and Town holidays.

(Ord. No. 71, § III)

ARTICLE II. NOISE

Sec. 11-41. 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 or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 4-3-00, § 1)

Sec. 11-42. Definitions.

When used in this chapter, the terms below shall have the following meaning:

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.

Background noise . Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone . Those areas so designated for commercial use under the zoning regulations of the town.

Chief of police. The first selectman of the town or his or her designee, provided that, should the town establish a town police force, the first selectman shall designate the chief of the town's police force to enforce and administer the provisions of this ordinance.

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.

Construction equipment . Any equipment or device operated by fuel or electric power used in construction or demolition.

Continuous noise . Ongoing noise, the intensity of which remains at a measurable level (which may vary) without interruption over an indefinite period or a specified period of time.

Daytime hours . The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel . A unit of measurement of the sound level, the symbol for which is dB.

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

Emergency. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

Emergency vehicle. Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Excessive noise . Any sound, the intensity of which exceeds the standards set forth in section 11-45.

Impulse noise . Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, the level of which is measured with a sound-level meter, which shall conform with ANSI S2.7-1986 (R1993).

Industrial zone. Those areas designated for industrial use under the zoning regulations of the town.

Intrusion alarm. A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle. A vehicle as defined in Subdivision (47) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

Nighttime hours. The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level. The sound-pressure level as measured with a sound-level meter.

Noise level, A-weighted . The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated dBA.

Octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

One-third octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred one-third octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

Peak sound-pressure level (SPL) . The absolute maximum value of the instantaneous sound pressure level occurring in a specified time period.

Person . 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. Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise receptor's "premises" shall include all publicly dedicated street and highway rights-of-way, road rights-of-way and waters of the state lying between the property lines of the noise receptor and a noise emitter whose property line would abut the noise receptor's but for such street, right-of-way, or waters of the state.

Prominent discrete, tone. The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound-pressure level greater than that of either adjacent one-third octave, and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than that shown below, for the one-third octave band containing the concentration of acoustic energy.

TABLE INSET:

1/3 Octave Band Center Frequency (Hz)	average exceedence (dB)
100	16
125	14
160	12
200	11
250	9
315	8
400	7
500	6
630	6
800	5
1000	4

1250	4
1600	4
2000	3
2500	3
3150	3
4000	3
5000	4
6300	4
8000	5
10000	6

Property line. 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 and controlled by another person and which separates real property from the public right-of-way.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

Residential zone. Those areas designated for residential use in the zoning regulations of the town.

Sound . A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alteration in pressure or position of 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 analyzer. A device, generally used in conjunction with a sound level meter, for measuring the sound-pressure level of a noise as a function of frequency, expressed in hertz (Hz), in octave bands, one-third octave bands or other standard ranges. The sound analyzer shall conform, as a minimum, to Type E, Class II, as specified in ANSI S1.11-1986 (R 1993).

Sound-level meter. An instrument used to measure sound levels. A sound-level meter shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1983 (R 1994).

Sound-pressure level, A-weighted. The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

Sound-pressure level (SPL) . Equals twenty (20) times the logarithm to the base ten of the ratio of the sound pressure in question to the standard reference pressure of twenty (20) micro-Pascals, expressed in decibel (dB) units.

Sec. 11-43. Noise measurement procedures.

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

- (1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- (2) Instruments used to determine sound-level measurement shall be sound-level meters and analyzers as defined by this chapter.
- (3) The following steps should be taken when preparing to take sound-level measurements.
 - (a) The instrument manufacturers specific instructions for the preparation and use of the instrument shall be followed.
 - (b) Measurements to determine compliance with section 11-45 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitters premises and within the noise receptors premises.

(Ord. of 4-3-00, § 3)

Sec. 11-44. Classification of noise zones.

Noise zones within the town shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received; provided that any parcel whose use is lawfully nonconforming to its zone at the time this section is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use.

TABLE INSET:

Zone	Use	Current Zoning*
------	-----	-----------------

- A Residential MR, FR
- B Commercial C-1, C-2
- C Industrial HI, LI, DDD

Note: *Based on the zoning regulations and zoning map of the Town of Durham.

(Ord. of 4-3-00, § 4)

Sec. 11-45. Noise zone standards.

(a) A-weighted noise level standards.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

TABLE INSET:

Zone Class of Noise Receptor				
EMITTER NOISE ZONE	A-Day (dBA)	A-Night (dBA)	B (dBA)	C (dBA)
Class A	55	45	55	62
Class B	55	45	62	62
Class C	61	51	66	70

(b) Octave band noise standards.

(1) Class A receptor, daytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during daytime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor
by Emitters in the Following Zones:

Frequency (Hz)	Class C	Class B	Class A
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

(2) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor
by Emitters in the Following Zones:

Frequency (Hz)	Class C	Class B	Class A
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40

1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25

(3) Class B or Class C Receptor, at anytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class B or Class C receptor noise zone at anytime, in excess of the following noise levels:

TABLE INSET:

Octave Band Center Octave Band Sound-Pressure Levels (dB) Emitted to Class B or Class C Receptor by Emitters in the Following Zones:

Frequency (Hz)	Class C	Class B	Class A
31.5	80	79	72
63	79	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39
4000	48	41	34
8000	45	39	32

(c) Impulsive noise standards.

(1) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of 80 dB peak sound pressure level.

(2) Any receptor, at any time.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to any receptor noise zone at any time, in excess of 100 dB peak sound pressure level.

(d) Prominent discrete tone noise standards.

It shall be unlawful for any person to emit or cause to be emitted any continuous noise beyond the property lines of his/her premises, which possesses one or more audible prominent discrete tones, in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Receptor C (dBA)	Noise B (dBA)	Zone Class A-Day (dBA)	A-Night (dBA)
Class A	57	50	50	40
Class B	57	57	50	40
Class C	65	61	56	46

(Ord. of 4-3-00, § 5)

Sec. 11-46. Delivery trucks.

In addition to the noise prohibitions in Section 11-45, no person shall unload or cause to be unloaded delivery trucks within two hundred (200) feet of a residential district between one (1) hour after sundown and 7:00 a.m.

(Ord. of 4-3-00, § 6)

Sec. 11-47. Exceptions.

- (a) This chapter 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 system in an emergency situation.
 - (4) A public emergency sound system.
 - (5) Warning devices required by the occupational safety and health administration or other state or federal safety regulations.
 - (6) Farming equipment or farming activity.
 - (7) Emergency work or sounds from emergency vehicles responding to an emergency.
- (b) The following shall be exempt from this chapter, subject to special conditions as specified.
- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in Section 11-5 of this chapter.
 - (2) Noise from domestic power equipment during daytime hours.
 - (3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
 - (4) Noise created by aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
 - (5) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, concerts and fireworks displays, provided that noise discharged from exhausts is adequately muffled to prevent food and/or explosive noises therefrom.
 - (6) Noise created by blasting other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, and provided that a permit for such blasting has been obtained from local authorities.
 - (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(8) Noise created by a fire or intrusion alarm, from the time of activation of the audible signal 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.

(9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.

(10) Public-address systems used in assemblies on public space or for election campaign activities, during daytime hours only.

(11) 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.

(Ord. of 4-3-00, § 7)

Sec. 11-48. Vehicle noise restrictions.

The following activities are prohibited:

(1) Motor vehicle noise. All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in C.G.S. § 14-80a.

(2) Motor vehicle sound-amplifying devices. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 11-45.

(3) Unregistered recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operations of an unregistered 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 set forth in section 11-45.

(Ord. of 4-3-00, § 8)

Sec. 11-49. Violations and penalties.

Any person in violation of any of the sections of this chapter shall be fined in an amount not to exceed one hundred (\$100.00) dollars. Each day that such violation continues after the time for correction of the violation given in an order shall constitute a separate violation subject to a fine not to exceed one hundred (\$100.00) per day.

(Ord. of 4-3-00, § 9)

Sec. 11-50. Variances.

(a) Any person living or doing business in the town may apply to the chief of police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the state department of environmental protection regulations for the control of noise, provided that the applicant supplies all of the following information to the chief of police at least thirty (30) days prior to the start of the time period for which the variance is sought:

- (1) The location and nature of the activity for which the variance is sought.
- (2) The time period and hours of operation of said activity.
- (3) The nature and intensity of the noise that will be generated.
- (4) The reasons for which the variance is requested, including the economic and technical justifications.
- (5) A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

(b) No variance from this chapter shall be granted unless it has been demonstrated that:

- (1) The proposed activity will not violate any provisions of the state department of environmental protection noise regulations;
- (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- (3) Compliance with this ordinance constitutes an unreasonable hardship on the applicant.

(c) The application for a variance shall be reviewed and approved or rejected at least seven (7) days prior to the start of the period for which the variance is sought. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection. The chief of police may attach reasonable conditions to any variance granted including, without limitation, the requirement that noise control measures be taken by the applicant to minimize noise during the period of the variance, and that the applicant submit reports relating to noise and to compliance with any other conditions under which the variance was granted.

(d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 4-3-00, § 10)

Sec. 11-51. Conflict with other provisions of law.

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 or federal law or regulation, this chapter shall not thereby be invalidated, and the remainder of this chapter shall continue in effect.

(Ord. of 4-3-00, § 11)

Sec. 11-52. Administration.

(a) Unless otherwise stated, all notices and fines required or permitted by this ordinance shall emanate from the chief of police. Fines shall be paid to the chief of police.

(b) Interest shall accrue at the rate of one and one-half (1.5) percent per month on all fines outstanding for periods in excess of thirty (30) days.

(c) Fines and interest payable under this section shall be deposited into the town's general fund.

(Ord. of 4-3-00, § 12)

Sec. 11-53. Appeal.

(a) The board of selectmen shall serve as an appeals board for fines imposed under this section.

(b) Whenever a fine is imposed under this section, the person fined, may, within ten (10) days from the date of the noise emission appearing on the notice of the fine, appeal by filing a written notice of appeal with the first selectmen. The board of selectmen shall begin hearing the appeal no later than thirty (30) days from its receipt by the first selectman. The board of selectmen shall render a written decision on the appeal within seven (7) days of conclusion of the hearing. The filing of an appeal shall stay collection of any fine imposed until such time as a decision is rendered on the appeal.

(c) The board of selectmen may designate a panel of three (3) persons to serve as an appeal board for any fine or fines appealed from under this section 11-53. Any such panel shall follow the schedule in subsection (b) for hearing and deciding appeals.

(Ord. of 4-3-00, § 13)

Sec. 11-54. Enforcement.

(a) The board of selectmen may choose to enforce the provisions of this ordinance by citation and hearing as permitted by C.G.S. 7-152(c). The citation hearing procedure will then serve as the appeals procedure in lieu of that set forth in section 11-53.

(b) The first selectman is authorized to institute civil or criminal proceedings as necessary to enforce the provisions of this section.

(Ord. of 4-3-00, § 14)

SAMPLE

CHAPTER 208 NOISE

[HISTORY: Adopted by the Board of Selectmen of the Town of Guilford 6-18-2007, effective 7-29-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. [131](#).

Parks and public places — See Ch. [214](#).

Peddling and soliciting — See Ch. [218](#).

Vehicles and traffic — See Ch. [259](#).

Zoning — See Ch. [273](#).

§ 208-1 Title.

The title of this chapter shall be the "Town of Guilford Noise Control Ordinance."

§ 208-2 Purpose.

The policy of the state under C.G.S. § 22a-67 is to promote an environment free from noise that jeopardizes the health and welfare of the citizens. 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 or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Guilford through reduction, control and prevention of noise.

§ 208-3 Definitions.

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

AMBIENT NOISE or BACKGROUND NOISE

Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN

The Board of Selectmen of the Town of Guilford or a duly authorized officer.

COMMERCIAL ZONE

As defined and set forth in Article [II](#) of Chapter [273](#), Zoning, of the Code of the Town of Guilford and all associated uses therewith, either permitted as a right or as a special use.

[CONSTRUCTION](#)

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

[CONSTRUCTION EQUIPMENT](#)

Any equipment or device operated by any fuel or electric power used in construction or demolition work.

[DAYTIME HOURS](#)

The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

[DECIBEL](#)

A logarithmic unit of measure in measuring magnitudes of sound; the symbol "dB."

[DEMOLITION](#)

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.

[DOMESTIC POWER EQUIPMENT](#)

Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

[EMERGENCY](#)

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

[EMERGENCY VEHICLE](#)

Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency. (C.G.S. § 14-283).

[EMERGENCY WORK](#)

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](#)

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

[INDUSTRIAL ZONE](#)

As defined and set forth in Article [II](#) of Chapter [273](#), Zoning, of the Code of the Town of Guilford and all uses associated therewith, either permitted as a right or as a special use.

[MOTOR VEHICLE](#)

Per Section [14-1](#) of the Connecticut General Statutes.

[MUFFLER](#)

A device for abating sounds such as escaping gases.

[NIGHTTIME HOURS](#)

The hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

NOISE

Any sound, the intensity of which exceeds the standards set forth on § [208-5B](#) of this chapter.

NOISE LEVEL

The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated "db(A)" or "dBA."

PERSON

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

Any building, structure, land or portion thereof, including all appurtenances, and shall include 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

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

Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL ZONE

Those residential districts as defined and set forth in Article [II](#) of Chapter [273](#), Zoning, of the Code of the Town of Guilford and all uses associated therewith, either permitted as a right or as a special use.

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 take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971 (Type S2A).

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter and is expressed in decibels (dB).

§ 208-4 Sound-measuring procedure.

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

A.

All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.

B.

Instruments used to determine sound-level measurements shall conform to the sound-level meters as defined by this chapter.

C.

The general steps listed below shall be followed 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)

The sound-level meter shall be calibrated before and after each set of measurements.

(3)

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 instruction.

(4)

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 feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.

(5)

Measurements shall be taken at the point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

§ 208-5 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 regulations.

B.

Noise level standards:

(1)

No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial and industrial zones:

Receptor's Zone					<u>(2)</u> No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated
	Industrial	Commercial	Residential	Residential	
Emitter's Zone					
Residential	62dBA	55dBA	Day 55 dBA	Night 45 dBA	

herein and applicable to adjacent residential, commercial or industrial zones:

Receptor's Zone					<u>(3)</u> No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated
	Industrial	Commercial	Residential	Residential	
Emitter's Zone					
Commercial	62dBA	62 dBA	Day 55 dBA	Night 45 dBA	

herein and applicable to adjacent residential, commercial or industrial zones:

Receptor's Zone					<u>C.</u> High background noise levels and impulse noise.
	Industrial	Commercial	Residential	Residential	
Emitter's Zone					
Industrial	70 dBA	66 dBA	Day 61 dBA	Night 51 dBA	<u>(1)</u> In those

individual cases where the background noise levels caused by sources not subject to these regulations 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 the provisions of this chapter shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.

(2)

No person shall cause or allow the emission of impulse noise in excess of 80 dB 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 100 dB peak sound pressure level at any time to any zone.

D.

Exclusions. These 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 system used in an emergency situation; provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful.

(4)

Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

(5)

Farming equipment or farming activity.

E.

Exemptions. The following shall be exempt from these regulations, subject to special conditions as spelled out:

(1)

Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on § 208-5B.

(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 during daytime hours.

(4)

Noise from snow removal equipment.

(5)

Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

(6)

Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

(7)

Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.

(8)

Noise created by blasting, other than that conducted in connection with construction activities, shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.

(9)

Noise generated by the police and other established shooting facilities as permitted by Connecticut firearms laws, C.G.S. 22a-74a.

§ 208-6 Refuse collection noise.

All refuse collectors shall comply with the noise level standards as established in this chapter while engaging in refuse collection at each location. For purposes of this chapter, 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.

§ 208-7 Motor vehicle noise.

A.

All motor vehicles operated within the limits of the Town of Guilford shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.

B.

No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § [208-5B](#).

§ 208-8 Inspections.

A.

For the purpose of determining compliance with the provisions of this chapter, the Board of Selectmen or its designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Board of Selectmen or its designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

B.

It shall be unlawful for any person to refuse to allow or permit the Board of Selectmen or its designated representative free access to any premises when the Board of Selectmen or its designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

C.

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.

D.

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.

§ 208-9 Enforcement; penalties for offenses.

A.

The Chief of Police or his designee is the Town official responsible for enforcement of this chapter.

B.

Unless otherwise provided, any person who violates any provision of this chapter may be fined not more than \$99 for each violation. Each day's violation shall be deemed a separate offense.

C.

It shall be the responsibility of the offender to abate the violation as ordered. In the event the offender does not abate the violation, the Town may seek injunctive relief in the Superior Court, including fines, legal fees, and costs.

§ 208-10 Variances.

A.

Any person living or doing business in Guilford may apply to the Town for a variance from one or more of the provisions of the chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Board of Selectmen at least 20 days prior to the start of said activity:

(1)

The location and nature of the 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 Board of Selectmen.

B.

No variance from those regulations shall be used 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 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 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.

E.

See Appendix for sample application for variance.

Editor's Note: The sample application is available in the Town offices.

§ 208-11 Conflicting provisions.

A.

The Town of Guilford has all the rights contained in Chapter 442, § 22A, of the Connecticut General Statutes, in addition to the regulations contained in this chapter.

B.

All provisions of the Zoning Code

Editor's Note: See Ch. [273](#), Zoning. of the Town of Guilford, 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, this chapter shall not hereby be invalidated and the remainder of this chapter shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut is hereby repealed, it being understood that said statutes and code shall take precedence over this chapter.

SAMPLE

ARTICLE VIII Earth Removal Operations (§ 273-66 — § 273-72)

§ 273-66 Special permit required.

There shall be no excavation, removal or deposit of any earth, loam, topsoil, sand, gravel, clay, stone or other material from or on any lot except pursuant to a special permit granted by the Commission. See § [273-98](#) for the procedure to be followed in seeking such a special permit.

§ 273-67 Exceptions.

The provisions of this article shall not apply to the following:

A.

Excavation, removal or deposit of material reasonably necessary in connection with the bona fide construction or alteration of a building or other structure for which an application for a certificate of zoning compliance has been approved and a building permit has been issued.

B.

Bona fide landscaping operations on a lot, provided that no more than 100 cubic yards of material are to be removed off the lot in connection therewith and provided that the removal is not for the purpose of creating a pond or other body of water.

C.

The construction of improvements and the changing of contours in accordance with subdivision construction plans and grading plans approved by the Commission under the provisions of Chapter [272](#), Subdivision of Land.

D.

The deposit of not more than 250 cubic yards of earth, loam, topsoil, sand, gravel, clay or stone on any one lot in any one calendar year.

E.

The normal maintenance and repair of roads and driveways.

F.

The normal excavation and filling of silage, manure and similar farm materials when part of a farm agricultural operation.

G.

A sanitary landfill operation of the Town of Guilford that has been approved by the State Department of Health.

H.

Stockpiling of street maintenance material required by the Town of Guilford.

§ 273-68 Conditions for approval.

Except as provided in § [273-69](#), all special permits for soil, gravel or stone excavation, removal or deposit shall be granted subject to the following conditions:

A.

The premises will be excavated and graded or filled and graded within the limits shown on the approved plans and in conformity with the proposed contour plan as approved by the Commission.

B.

Slopes resulting from excavation, removal or deposit will not exceed one foot of rise for three feet of horizontal distance or such lesser slope as the Commission may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation or deposit. Slopes shall be maintained during construction so as not to exceed one foot of rise for two feet of horizontal distance whenever the construction site is unattended.

C.

No fixed machinery will be erected or maintained within 200 feet of any lot line, and no stone-crushing machinery will be used, except in an industrial district.

D.

There will be no excavation or removal within 100 feet of any lot line, unless such excavation or removal would result in finished grades at or above the elevation of the adjoining street or lot.

E.

There will be no sharp declivities, slopes, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.

F.

After excavation, removal or deposit, the lot will be cleared of debris within the time provided in the permit.

G.

In the case of excavation or removal, the top layer of soil, for a depth of at least four inches, will be set aside and retained on the lot and will be respread over the lot as work progresses, and, in the case of deposit, at least four inches of topsoil will be spread over the lot, and a suitable ground cover will be planted and grown to an erosion-resistant condition upon the completion of the work in accordance with the approved contour lines, and such work will be completed within the time provided for in the permit.

H.

The area to be excavated or filled or any portion thereof will be enclosed within a fence of such type, height and location as the Commission may specify, if deemed necessary to meet the purpose of these regulations.

§ 273-69 Alteration of conditions.

The Commission may adjust any standards or conditions provided in § [273-68](#) if, in its judgment, such adjustment is necessary to maintain the purpose and intent of this article.

§ 273-70 Additional conditions.

The Commission may establish such additional standards as it deems necessary to satisfy the purposes of these regulations, including but not limited to the following:

A.

Limitations on the day of the week or the hours of the day during which any work, including any blasting, may be performed on the lot.

B.

Limitations as to size and type of machinery to be used on the lot.

C.

Limitations on the place and manner of disposal of excavated material on the lot.

D.

Requirements as to the control of dust, noise and lighting.

E.

Limitations on the type of fill material permitted for deposit.

§ 273-71 Periodic reports.

The Commission may require the permittee to submit periodic reports, prepared by and bearing the seal of a registered land surveyor or professional engineer, showing the status and progress of the excavation or deposit.

§ 273-72 Maintenance of ponds.

A.

When it is found necessary to maintain existing ponds, lakes or other bodies of freshwater to prevent eutrophication or to remove silting and said maintenance will not change the original basic contours, depth or periphery of the body of water, such work may be done without a special permit, provided that:

(1)

The applicant submits a written report to the Commission, stating:

(a)

The area to be maintained.

(b)

The reason for the maintenance.

(c)

The total amount and type of material to be removed and where it is to be placed.

(d)

The proposed dates of the operation.

(e)

The name of the contractor responsible.

(f)

The hours of operation.

(2)

The Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.

(3)

The Commission approves the above report and so notifies the applicant in writing.

B.

If the Commission finds that said maintenance is an earth removal operation, said work shall only be done in accordance with the requirements of this article and § [273-98](#) of these regulations. It is noted that pond maintenance may be subject to the jurisdiction of the Guilford Inland Wetlands Commission.

SAMPLE

CHAPTER 97 BLASTING AGENTS AND EXPLOSIVES

[HISTORY: Adopted by the Town Council of the Town of Rocky Hill 5-20-1996 by Ord. No. 178-96. Amendments noted where applicable.]

GENERAL REFERENCES

Firearms — See Ch. 125.

Noise — See Ch. 180.

§ 97-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BLASTING AGENT

Any material, composition or mixture intended for blasting, consisting substantially of a fuel and oxidizer, none of the ingredients of which is an explosive as defined in this chapter, and the finished product of which, as mixed and packaged for use or shipment, cannot be detonated by the test procedure established by regulations promulgated by the State Fire Marshal.

EXPLOSIVE

Any chemical compound or any mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities or packaging that ignition by fire, friction, concussion, percussion or detonator may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of destroying life or limb or of producing destructive effects to contiguous nitrocellulose in sheets or rods or grains not under 1/8 of an inch in diameter, wet nitrocellulose containing 20% or more moisture and wet nitrostarch containing 20% or more moisture; and manufactured articles shall not be held to be explosive when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or destructive explosion of such units to the injury of life, limb or property by fire, friction, concussion, percussion or detonator,

including fixed ammunition for small arms, firecrackers, safety fuses and matches. "Explosives," as used in this chapter, shall not be deemed to include gasoline, kerosene, naphtha, turpentine or benzine.

§ 97-2 Guidelines.

Guidelines to be enforced in the Town of Rocky Hill:

A.

The Fire Marshal or a representative of the Fire Marshal's office is to be present for each blast. The cost of any independent consultant, engaged by and representing the Fire Marshal's office for the purpose of monitoring any blast, shall be borne by the blasting company, contractor or developer.

B.

A preestablished schedule of blasting is to be provided by the contractor with seven days' prior notice of the blast.

C.

A blasting schedule is to be made available to area property owners based on the scaled distance formula or within 250 feet, whichever distance is greater.

D.

Preblast surveys of buildings will be done and will include internal and external review with photographs. Costs of preblast surveys shall be borne by the blasting company, contractor or developer.

E.

Copies of preblast and postblast surveys, seismograph records and proof of seismograph calibration will be made available to the Fire Marshal's office or a representative of the Fire Marshal's office.

F.

Seismographs will be placed on-site to monitor ground vibrations. Independent seismograph recordings will be taken with the costs to be borne by the blasting company, contractor or developer.

G.

Blasting charges will start at the lowest reasonable point, not to exceed a 1.0 inch per second peak particle velocity at a minimum 20 hertz, or at higher frequencies relative to particle velocity.

[Amended 12-16-1996 by Ord. No. 180-96]

H.

Steel cable matting and/or rubber tire matting overburden are to be in place for each blast.

I.

The contractor is to maintain on file a certificate of insurance at the Fire Marshal's office or with a representative designated by the Fire Marshal.

J.

Blasting hours are to be between 9:00 a.m. and 3:00 p.m., Monday through Friday. No blasting will occur on weekends or holidays.

§ 97-3 Public access to blasting information.

The information provided to the Town of Rocky Hill by the blasters, as per these regulations, shall be made available to the public.

§ 97-4 Purpose.

The purpose of this chapter is as follows: to ensure that all blasting activity is regulated so as to promote the maximum levels of safety and the minimum level of disruption to the surrounding environment.

SAMPLE

Chapter 9.06 NOISE CONTROL

Sections:

9.06.010 Purpose.

9.06.020 Legislative references.

9.06.030 Definitions.

9.06.040 Classification of noise zones by land use.

9.06.050 Noise zone standards.

9.06.060 Exclusions.

9.06.070 Exemptions.

9.06.080 Noise level measurement procedures.

9.06.090 Enforcement--Violation--Penalty.

9.06.100 Variance.

9.06.010 Purpose.

The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this chapter, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the town. The purpose of this chapter is to protect, preserve and promote the public health, safety and welfare insofar as they are affected by the creation and maintenance of excessive or unnecessary noise as defined by this chapter. This chapter prescribes a minimum and uniform standard governing the creation and maintenance of noise levels in the community.

(R.T.M. 8-2-93 (part))

9.06.020 Legislative references.

This chapter is adopted pursuant to the provisions of Section 22a-73 of the Connecticut General Statutes. This chapter is intended to conform to Section 22a-69 of the Connecticut General Statutes, except that this chapter may prescribe a more stringent noise standard as permitted in Section 22a-73(c) of the Connecticut General Statutes.

(R.T.M. 8-2-93 (part))

9.06.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Where terms are not defined under the provisions of this chapter and are defined in the noise regulations of the Connecticut Department of Environmental Protection (Sections 22a-69-1.1 and 22a-69-1.2), 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 as the context herein may imply.

"Construction" means any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

"Daytime hours" means the hours between seven a.m. and nine p.m., Monday through Saturday, and the hours between nine a.m. and nine p.m. on Sunday (local time).

"Excessive noise" means emitter noise zone levels from noise sources exceeding the standards set forth in Section 9.06.050 of this chapter beyond the boundary of the emitters noise zones.

"Mobile sources of noise" shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

"Nighttime hours" means the hours between nine p.m. and seven a.m., Sunday through Friday, and the hours between nine a.m. Saturday and nine a.m. Sunday (local time).

"Noise zone" means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, water bodies, and waters of the state.

"Site" means the area bounded by the property line on or in which, a source of noise exists.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971.

(R.T.M. 8-2-93 (part))

9.06.040 Classification of noise zones by land use.

A. General.

1. Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as detailed herein and described on the zoning map and in the zoning regulations of the town.
2. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards specified in subsection A of Section 9.06.050 of these regulations.

B. Class A Noise Zone/Uses. Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves and vacant land zoned for residential or related uses requiring such protection. Residential zoning districts R-20, R-40, RU-120, VR, OS, R-MF, C-MF, CT MF, I-MF.

C. Class B Noise Zone/Uses. Lands designated Class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, personal, business and legal services, educational institutions, government services, amusements, agricultural activities, and vacant lands zoned for such commercial or institutional uses. Commercial zoning districts NB, NBPO, CT, CG, WD, CR.

D. Class C Noise Zone/Uses. Lands designated Class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses. Industrial zoning districts zoned IP1, IP3, IG, IC.

(R.T.M. 8-2-93 (part))

9.06.050 Noise zone standards.

A. No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

TABLE INSET:

Receptor Noise Zone Class

	C	B	A-Day	A-Night
Class C emitter to	70 dBA	66 dBA	61 dBA	51 dBA
Class B emitter to	62 dBA	62 dBA	55 dBA	45 dBA
Class A emitter to	62 dBA	55 dBA	55 dBA	45 dBA

Sound levels determined by the police department to be in excess of these values shall constitute proof of violation of this chapter.

B. Intrusion Alarms.

1. No person shall cause, suffer, allow, or permit the operation of any intrusion alarm which, from time of activation of audible signal, emits noise for a period of time exceeding ten minutes when attached to any vehicle or thirty minutes when attached to any building or structure.
2. 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.

C. High Background Noise Areas. In those individual cases where the background noise levels caused by sources not subject to these regulations 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 level by five dBA, provided that no source subject to the provisions of subsection A of this section shall emit noise in excess of eighty dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this regulation.

D. Impulse Noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty dB peak sound pressure level during nighttime hours.

2. No person shall cause or allow the emission of impulse noise in excess of one hundred dB noise sound pressure level at anytime.

E. Noise Excursions. In measuring compliance with noise zone standards of subsection A of this section, the following short-term noise level excursions over the noise level standards established by this chapter shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith.

TABLE INSET:

	Allowable levels above standards (dBA)	Time period of such levels (minutes per hour)
3	15	
6	7.5	
8	5	

F. Existing Noise Sources. All existing noise sources shall be provided twenty-four months in order to achieve compliance with these regulations if a notice of violation has been, or may be, issued to the source. This time period begins with the effective date of the ordinance codified in this chapter, not with the date of the notice of violation.

G. Prohibited Noise Activities. The following are prohibited noise activities:

Truck Idling: No person shall operate any standing motor vehicle with a weight in excess of ten thousand pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises. This prohibition shall not apply to vehicles operated by utility companies and the town while maintaining, repairing, or installing utilities, or road work including pumps and generators needed to support the work. Vehicles involved in building operations shall be governed by the provisions of subsection C of Section 9.06.070.

(R.T.M. 8-2-93 (part))

9.06.060 Exclusions.

These regulations shall not apply to:

- A. Sound generated by natural phenomena;
- B. The unamplified sounding of the human voice;
- C. The unamplified sound made by any wild or domestic animal;
- D. Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations;
- E. Sound created by 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. Sound created by safety and protective devices;
- G. Farming equipment or farming activity;
- H. Back-up alarms required by OSHA or other state or federal safety regulations;
- I. Sound created by mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle. Nor shall it apply to the operation of equipment or vehicles used in the processing, including destruction of bottles, boxes, crates and containers, junk or other waste material, excepting waste collection. Mobile sources shall include noise from motor vehicles participating in speed or endurance events sanctioned for such use by the town and state Department of Motor Vehicles;
- J. Sound created by construction activities on or uses of state or federal facilities, lands or rights of ways.

(R.T.M. 8-2-93 (part))

9.06.070 Exemptions.

Exempted from this chapter are:

- A. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of eight a.m. and nine p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom;
- B. Noises created by snow removal equipment at any time shall be exempted, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled, to prevent loud and/or explosive noises therefrom;

C. Building Operations. The erection including excavating, demolition, alteration or repair of any building, or the excavation of streets and highways, between the hours of seven a.m. to nine p.m. on weekdays, and eight a.m. to nine p.m. on weekends; provided, that the building operations or operation of construction equipment after the hours listed herein shall not exceed the maximum noise levels as specified in subsection A of Section 9.06.050. Except in case of urgent necessity in the interest of public safety, or hardships and then only with a permit from the first selectman, which permit may be granted and renewed for a period not to exceed five days, which allows these hours to be extended;

D. Patriotic or public celebrations, such as parades, carnivals and fireworks displays, not extending beyond eleven p.m. are exempted, provided that a permit has been obtained in advance from the planning and zoning commission, or board of selectmen as applicable;

E. Noise created by blasting when the blasting is conducted between eight a.m. to five p.m., and provided that a permit for such blasting has been obtained from the Waterford fire marshal, except in case of urgent necessity in the interest of public safety, or hardships and then only with a permit from the first selectman, which permit may be granted and renewed for a period not to exceed five days which allows these hours to be extended;

F. Noises created by emergency generators at any time when they are being used because of power outages, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(R.T.M. 8-2-93 (part))

9.06.080 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guide-lines shall be applicable:

A. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation;

B. Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this chapter;

C. The general steps listed below shall be followed 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. The sound level meter shall be calibrated before and after each set of measurements,
3. 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 feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements,
4. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises as measured by triangulation and/or public land records. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(R.T.M. 8-2-93 (part))

9.06.090 Enforcement--Violation--Penalty.

A. Enforcement.

1. A police officer shall be responsible for making noise level measurements to determine that a violation of Section 9.06.050 has in fact occurred. Whenever the police officer determines that any of these regulations have been violated or there has been a failure to comply therewith, the officer shall make and serve upon the person(s) responsible for the violation a written order specifying the nature of the violation or failure, and affording a reasonable time for its correction or remedy. Prior to the issuance of such order, such officer shall make a reasonable effort in light of the circumstances to correct a violation or achieve compliance by means of conference, conciliation and persuasion. Unless the person(s) against whom an order has been served files a written answer thereto within thirty days after the date of service of the order and requests a hearing thereon, such order shall become final and effective.

2. The Waterford police department shall be responsible for the enforcement of any prohibited activity listed in subsection G of Section 9.06.050, and conducting any activity listed in Section 9.06.070 outside of the hours during which these activities may be conducted. When it has been determined that a violation has occurred it shall constitute an infraction of a local ordinance and shall be prosecuted as such.

B. Penalty for Violation. Any person in violation of any of the provisions of this chapter shall be fined in an amount not to exceed ninety five dollars. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed or after thirty days from the date of service of the order, whichever is later, shall be considered a separate violation of these regulations.

(R.T.M. 8-2-93 (part))

9.06.100 Variance.

A. Any person living or doing business in the town may apply to the planning and zoning commission for a variance from one or more of the provisions of this chapter which are more stringent than the state Department of Environmental Protection regulations for the control of noise provided that the applicant supplies all the following information to the planning and zoning commission:

1. The location and nature of the activity;
2. The time period and hours of operation of the activity;
3. The nature and intensity of the noise that will be generated;
4. Any other information required by the planning and zoning commission.

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 state 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 the regulations constitutes an unreasonable hardship on the applicant.

C. The application for variance shall be reviewed and either approved or rejected within sixty-five days of receipt by the planning and zoning commission. The approval or rejection shall be in writing and shall state the reasons for the action taken on the variance. The planning and zoning commission may establish conditions of approval of a variance including a schedule for compliance. The planning and zoning commission shall cause to have published in a newspaper of local circulation a notice of action on the variance request indicating the nature of the variance, action taken, location, owner, and applicant making the variance application.

D. In the case of variance applications involving requests to vary the standards in these regulations that are equivalent to the State Noise Regulations, the application must be made to the State Commissioner of the Department of Environmental Protection. Any variances issued by the Commissioner shall not be required to be submitted to the planning and zoning commission. Any variance issued by the Commissioner of the Department of Environmental Protection shall be considered a variance from compliance with the applicable provisions of these regulations.

(R.T.M. 8-2-93 (part))

ARTICLE II. NOISE**Sec. 11-41. 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 or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 4-3-00, § 1)

Sec. 11-42. Definitions.

When used in this chapter, the terms below shall have the following meaning:

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.

Background noise. Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone. Those areas so designated for commercial use under the zoning regulations of the town.

Chief of police. The first selectman of the town or his or her designee, provided that, should the town establish a town police force, the first selectman shall designate the chief of the town's police force to enforce and administer the provisions of this ordinance.

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.

Construction equipment. Any equipment or device operated by fuel or electric power used in construction or demolition.

Continuous noise. Ongoing noise, the intensity of which remains at a measurable level (which may vary) without interruption over an indefinite period or a specified period of time.

Daytime hours. The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel. A unit of measurement of the sound level, the symbol for which is dB.

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

Emergency. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

Emergency vehicle. Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Excessive noise. Any sound, the intensity of which exceeds the standards set forth in section 11-45.

Impulse noise. Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, the level of which is measured with a sound-level meter, which shall conform with ANSI S2.7-1986 (R1993).

Industrial zone. Those areas designated for industrial use under the zoning regulations of the town.

Intrusion alarm. A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle. A vehicle as defined in Subdivision (47) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

Nighttime hours. The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level. The sound-pressure level as measured with a sound-level meter.

Noise level, A-weighted . The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated dBA.

Octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

One-third octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred one-third octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

Peak sound-pressure level (SPL) . The absolute maximum value of the instantaneous sound pressure level occurring in a specified time period.

Person . 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. Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise receptor's "premises" shall include all publicly dedicated street and highway rights-of-way, road rights-of-way and waters of the state lying between the property lines of the noise receptor and a noise emitter whose property line would abut the noise receptor's but for such street, right-of-way, or waters of the state.

Prominent discrete, tone. The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound-pressure level greater than that of either adjacent one-third octave, and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than that shown below, for the one-third octave band containing the concentration of acoustic energy.

TABLE INSET:

1/3 Octave Band Center Frequency (Hz)	average exceedence (dB)
100	16
125	14
160	12
200	11
250	9
315	8
400	7
500	6

630	6
800	5
1000	4
1250	4
1600	4
2000	3
2500	3
3150	3
4000	3
5000	4
6300	4
8000	5
10000	6

Property line. 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 and controlled by another person and which separates real property from the public right-of-way.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

Residential zone. Those areas designated for residential use in the zoning regulations of the town.

Sound . A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alteration in pressure or position of 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 analyzer. A device, generally used in conjunction with a sound level meter, for measuring the sound-pressure level of a noise as a function of frequency, expressed in hertz (Hz), in octave bands, one-third octave bands or other standard ranges. The sound analyzer shall conform, as a minimum, to Type E, Class II, as specified in ANSI S1.11-1986 (R 1993).

Sound-level meter. An instrument used to measure sound levels. A sound-level meter shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1983 (R 1994).

Sound-pressure level, A-weighted. The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

Sound-pressure level (SPL) . Equals twenty (20) times the logarithm to the base ten of the ratio of the sound pressure in question to the standard reference pressure of twenty (20) micro-Pascals, expressed in decibel (dB) units.

Sec. 11-43. Noise measurement procedures.

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

- (1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
 - (2) Instruments used to determine sound-level measurement shall be sound-level meters and analyzers as defined by this chapter.
 - (3) The following steps should be taken when preparing to take sound-level measurements.
 - (a) The instrument manufacturers specific instructions for the preparation and use of the instrument shall be followed.
 - (b) Measurements to determine compliance with section 11-45 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitters premises and within the noise receptors premises.
- (Ord. of 4-3-00, § 3)

Sec. 11-44. Classification of noise zones.

Noise zones within the town shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received; provided that any parcel whose use is lawfully nonconforming to its zone at the time this section is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use.

TABLE INSET:

Zone	Use	Current Zoning*
A	Residential	MR, FR
B	Commercial	C-1, C-2
C	Industrial	HI, LI, DDD

Note: *Based on the zoning regulations and zoning map of the Town of Durham.
(Ord. of 4-3-00, § 4)

Sec. 11-45. Noise zone standards.

- (a) A-weighted noise level standards.
It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Zone Class of Noise Receptor			
	A-Day (dBA)	A-Night (dBA)	B (dBA)	C (dBA)
Class A	55	45	55	62
Class B	55	45	62	62
Class C	61	51	66	70

- (b) Octave band noise standards.
 - (1) Class A receptor, daytime.
It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during daytime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

(2) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40
1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25

(3) Class B or Class C Receptor, at anytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class B or Class C receptor noise zone at anytime, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class B or Class C Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	80	79	72
63	79	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39
4000	48	41	34
8000	45	39	32

(c) Impulsive noise standards.

(1) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of 80 dB peak sound pressure level.

(2) Any receptor, at any time.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to any receptor noise zone at any time, in excess of 100 dB peak sound pressure level.

(d) Prominent discrete tone noise standards.

It shall be unlawful for any person to emit or cause to be emitted any continuous noise beyond the property lines of his/her premises, which possesses one or more audible prominent discrete tones, in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Receptor C (dBA)	Noise B (dBA)	Zone Class A-Day (dBA)	A-Night (dBA)
Class A	57	50	50	40
Class B	57	57	50	40
Class C	65	61	56	46

(Ord. of 4-3-00, § 5)

Sec. 11-46. Delivery trucks.

In addition to the noise prohibitions in Section 11-45, no person shall unload or cause to be unloaded delivery trucks within two hundred (200) feet of a residential district between one (1) hour after sundown and 7:00 a.m.

(Ord. of 4-3-00, § 6)

Sec. 11-47. Exceptions.

(a) This chapter 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 system in an emergency situation.
- (4) A public emergency sound system.
- (5) Warning devices required by the occupational safety and health administration or other state or federal safety regulations.
- (6) Farming equipment or farming activity.
- (7) Emergency work or sounds from emergency vehicles responding to an emergency.

(b) The following shall be exempt from this chapter, subject to special conditions as specified.

- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in Section 11-5 of this chapter.
- (2) Noise from domestic power equipment during daytime hours.
- (3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
- (4) Noise created by aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (5) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, concerts and fireworks displays, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (6) Noise created by blasting other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, and provided that a permit for such blasting has been obtained from local authorities.
- (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (8) Noise created by a fire or intrusion alarm, from the time of activation of the audible signal 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.
- (9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- (10) Public-address systems used in assemblies on public space or for election campaign activities, during daytime hours only.
- (11) 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.

(Ord. of 4-3-00, § 7)

Sec. 11-48. Vehicle noise restrictions.

The following activities are prohibited:

- (1) *Motor vehicle noise.* All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in C.G.S. § 14-80a.
- (2) *Motor vehicle sound-amplifying devices.* No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 11-45.
- (3) *Unregistered recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operations of an unregistered 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 set forth in section 11-45.
(Ord. of 4-3-00, § 8)

Sec. 11-49. Violations and penalties.

Any person in violation of any of the sections of this chapter shall be fined in an amount not to exceed one hundred (\$100.00) dollars. Each day that such violation continues after the time for correction of the violation given in an order shall constitute a separate violation subject to a fine not to exceed one hundred (\$100.00) per day.
(Ord. of 4-3-00, § 9)

Sec. 11-50. Variances.

- (a) Any person living or doing business in the town may apply to the chief of police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the state department of environmental protection regulations for the control of noise, provided that the applicant supplies all of the following information to the chief of police at least thirty (30) days prior to the start of the time period for which the variance is sought:
 - (1) The location and nature of the activity for which the variance is sought.
 - (2) The time period and hours of operation of said activity.
 - (3) The nature and intensity of the noise that will be generated.
 - (4) The reasons for which the variance is requested, including the economic and technical justifications.
 - (5) A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
- (b) No variance from this chapter shall be granted unless it has been demonstrated that:
 - (1) The proposed activity will not violate any provisions of the state department of environmental protection noise regulations;
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - (3) Compliance with this ordinance constitutes an unreasonable hardship on the applicant.
- (c) The application for a variance shall be reviewed and approved or rejected at least seven (7) days prior to the start of the period for which the variance is sought. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection. The chief of police may attach reasonable conditions to any variance granted including, without limitation, the requirement that noise control measures be taken by the applicant to minimize noise during the period of the variance, and that the applicant submit reports relating to noise and to compliance with any other conditions under which the variance was granted.
- (d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 4-3-00, § 10)

Sec. 11-51. Conflict with other provisions of law.

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 or federal law or regulation, this chapter shall not thereby be invalidated, and the remainder of this chapter shall continue in effect.

(Ord. of 4-3-00, § 11)

Sec. 11-52. Administration.

(a) Unless otherwise stated, all notices and fines required or permitted by this ordinance shall emanate from the chief of police. Fines shall be paid to the chief of police.

(b) Interest shall accrue at the rate of one and one-half (1.5) percent per month on all fines outstanding for periods in excess of thirty (30) days.

(c) Fines and interest payable under this section shall be deposited into the town's general fund.

(Ord. of 4-3-00, § 12)

Sec. 11-53. Appeal.

(a) The board of selectmen shall serve as an appeals board for fines imposed under this section.

(b) Whenever a fine is imposed under this section, the person fined, may, within ten (10) days from the date of the noise emission appearing on the notice of the fine, appeal by filing a written notice of appeal with the first selectmen. The board of selectmen shall begin hearing the appeal no later than thirty (30) days from its receipt by the first selectman. The board of selectmen shall render a written decision on the appeal within seven (7) days of conclusion of the hearing. The filing of an appeal shall stay collection of any fine imposed until such time as a decision is rendered on the appeal.

(c) The board of selectmen may designate a panel of three (3) persons to serve as an appeal board for any fine or fines appealed from under this section 11-53. Any such panel shall follow the schedule in subsection (b) for hearing and deciding appeals.

(Ord. of 4-3-00, § 13)

Sec. 11-54. Enforcement.

(a) The board of selectmen may choose to enforce the provisions of this ordinance by citation and hearing as permitted by C.G.S. 7-152(c). The citation hearing procedure will then serve as the appeals procedure in lieu of that set forth in section 11-53.

(b) The first selectman is authorized to institute civil or criminal proceedings as necessary to enforce the provisions of this section.

(Ord. of 4-3-00, § 14)

ARTICLE III. NOISE*

***State law references:** Municipal authority to enforce noise control ordinances, G.S. § 22a-73.

Sec. 13-46. Short title.

This article may be cited as the "Town Noise Control Ordinance".
(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-47. Purpose.

Pursuant to the general authority of G.S. § 7-148, and the specific authority of G.S. § 22a-73(c), it is hereby resolved that, to preserve and promote the health, safety and general welfare of the citizens of the Town of Trumbull (the "Town"), it is in the common interest to enact reasonable regulations pertaining to the reduction, control and or prevention of noise so as to promote a general environment free from excessive noise and vibration.
(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-48. Definitions.

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

Ambient noise or *background noise* shall mean noise of a measurable intensity, which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level, which exceeds ninety (90) per cent of the time (L90) in which the measurement is taken.

Chief of Police shall mean the Chief of Police of the Town of Trumbull or a duly authorized officer subject to his orders.

Commercial zone shall mean all commercial zones and business zones, (B-C) as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

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

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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

Domestic power equipment shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle shall mean any motor vehicle authorized by the Town to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency work shall mean 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 shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone shall mean all industrial zones (I-L, I-L2, I-L3), as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

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

Motor vehicle shall be defined as per G.S. § 14-1(47).

Muffler shall mean a device for abating sounds such as escaping gases.

Night shall mean the hours between 9:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 13-50 of this chapter.

Noise level shall mean the sound pressure level as measured with a sound level meter using the A-weighted network. The level so read is designated dB(A) or 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, and shall include 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 shall mean that real or imaginary line along the ground surface and its vertical extension which:

- (a) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and
- (b) Separates real property from the public right-of-way.

Public right-of-way shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad, or similar place, which is owned or controlled by a governmental entity.

Recreational vehicle shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

Residential zone shall mean all residential zones, (AAA, AA, A, PRCZ, PAHZ), as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone, which corresponds to the actual use.

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 take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 (Type S2A), or latest revision.

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) micronewtones per square meter (20×10^{-6} Newtons/meter²), and is expressed in decibels (dB).
(Res. No. TC11-57, 8-4-86; Res. No. TC17-3, 1-5-98; Res. No. TC20-157, 11-9-04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-49. Noise level measurement procedures.

For the purpose of determining noise level as set forth in this article, the following guidelines shall be applicable.

- (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 sound level meters, as defined in this article.
- (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 windscreen 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 at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements;
 - e. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-50. Noise levels.

(a) *[Unlawful.]* 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.

(b) *Noise level standards.*

(1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

Emitter's zone: Residential

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	55dBA
Residential/day	55dBA
Residential/night	45dBA

(2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's zone: Commercial

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	62dBA
Residential/day	55dBA
Residential/night	45dBA

(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's zone: Industrial

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	70dBA
Commercial	66dBA
Residential/day	55dBA
Residential/night	45dBA

(4) Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

(c) *High background noise levels and impulse noise.*

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations 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 the provisions of this article shall emit noise in excess of eighty (80) dBA at any time, and provided that this section, does not decrease the permissible levels of other sections of this article.

(2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB 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) dB peak sound pressure level at any time to any zone.

(d) *Exclusions.* These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) The unamplified human voice.

(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 on motor vehicles not terminating within ten (10) minutes or on buildings not terminating within thirty (30) 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.

(4) Warning devices required by OSHA or other state or federal safety regulations.

- (5) Farming equipment or farming activities.
 - (6) Home and commercial generators during periods of lost power.
 - (7) Nighttime public road maintenance and line painting.
 - (8) Sound created by bells, carillons or chimes associated with specific religious observances.
 - (e) *Exemptions.* The following shall be exempt from these regulations, subject to special conditions as spelled out:
 - (1) Noise generated by any construction equipment, which is operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays.
 - (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., Monday through Saturday, and between the hours of 9:00 a.m. and 8:00 p.m. on Sundays, provided that noise discharge from exhaust is adequately muffled.
 - (4) Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled.
 - (5) Noise from demolition work conducted between the hours of 7:00 a.m. and 6:00 p.m., provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
 - (6) Noise created by any aircraft flight operations that are specifically preempted by the Federal Aviation Administration.
 - (7) Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the Town, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays.
 - (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specific hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
 - (9) Noise created by solid waste and recycling collection between the hours of 7:00 a.m. and 6:00 p.m.
- (Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-51. Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle, unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) *Advertising.* No person shall at anytime use any drum, bell or other instrument or device for purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise.
- (Res. No. TC11-57, 8-4-86; Res. No. TC19-28, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-52. Motor and recreational vehicle noise.

- (a) All motor and recreational vehicles within the limits of the Town shall be subject to the noise standards and decibel levels as found in G.S. Title 14, § 14-80a.
 - (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection 13-50(b).
- (Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Motor vehicles and traffic, Ch. 12.

Sec. 13-53. Inspections.

(a) For the purpose of determining compliance with the provisions of this article, the Chief of Police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests, whenever necessary, to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises, or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Chief of Police or his designated representative may seek from the appropriate court a warrant, without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative free access to any premises, when the Chief of Police or his designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

(c) 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.

(d) 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 article.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Motor vehicles and traffic, Ch. 12.

Sec. 13-54. Enforcement.

(a) Any person aggrieved by any act constituting a violation of this article may complain to the Police Department who shall enforce this article.

(b) The police are also authorized to enforce this article without any such complaint.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-55. Penalties.

(a) Violators may be served with an infraction notice, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offence cited. Fines shall be in the amount of seventy-five dollars (\$75.00) for the first offence, and one hundred dollars (\$100.00) for each subsequent offence.

(b) Said fine amounts as may be levied may be adjusted without further municipal action so as to be in conformity with the State of Connecticut, Superior Court, Mail in Violations and Infractions Schedule, as it may be amended from time to time. Nothing in this article shall prevent the Police Department, because of the perceived nature of the offence, from proceeding not under the terms of this article, but under the provisions of G.S. §§ 53a-181, 53a-181a, 53a-182, and 53l-181, as they may be amended from time to time, which sections relate, generally to breach of peace, creating a public disturbance, and disorderly conduct, etc.

(Res. No. TC11-57, 8-4-86; Res. No. TC13-100, 10-7-91; Res. No. TC19-26, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-56. Variances and contracts.

(a) *Variances.*

(1) Any person living or doing business in the Town may apply to the Trumbull Monroe Regional Health District for a variance from one (1) or more of the provisions of this article, which are more stringent than the State Department of Environmental Protection regulations for

the control of noise, provided that the applicant supplies all of the following information to the Director of Health:

- a. The location and nature of the activity;
- b. The time period and the hours of operation of the activity;
- c. The nature and intensity of the noise that will be generated; and
- d. Any other information required by the Director of Health.

(2) No variance from this article shall be issued unless it has been demonstrated that:

- a. The proposed activity will not violate any provisions for the State Department of Environmental Protection regulations;
- b. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- c. Compliance with this article constitutes an unreasonable hardship on the applicant.

(3) The application for the variance shall be reviewed and either approved or rejected within fifteen (15) days of the receipt by the Director of Health. The approval or rejection shall be in writing and shall state the conditions of approval of the variance.

(4) Failure to rule on the application in the designated time shall constitute approval of the variance.

(b) *Recourse.* Any person aggrieved by the decision of the Director of Health with the respect to any variance may appeal same to the Zoning Board of Appeals within a period of ten (10) days of receipt of the Health Director's decision.

(c) *Contracts.* Any written agreement, purchase order or contract whereby the Town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactured without violating the provisions of this article.

(Res. No. TC11-57, 8-4-86; Res. No. TC19-28, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-57. Conflicting provisions.

All provisions of the zoning regulations of the Town which are more stringent than those set forth in this article shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional, this article shall hereby be invalidated and the remainder of this article shall continue in effect. Any provision herein which is in conflict with the state statutes or the public health code of this state are hereby repealed, it being understood that such statutes and code shall take precedence over this article.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Chapter 12 NOISE*

***State law references:** Authority to prevent disturbing noises, G.S. § 7-148(c)(7)(H)(viii).

Sec. 12-1. Short title.

This chapter shall be known as the town noise control ordinance.
(Ord. of 6-22-81(5), § 1)

Sec. 12-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Commercial zone means commercial district, commercial boating, turnpike interchange commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

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

Daytime hours means the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours of 9:00 a.m. through 10:00 p.m. on Sundays.

Decibel means logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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, but is not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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 the town 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 sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone means industrial district as defined by the zoning regulations of the town.

Motor vehicle means that term as defined in section 14-1(26) of the General Statutes.

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

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

Noise means any sound, the intensity of which exceeds the standards set forth in section 12-5(b).

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

Premises means any building, structure, land or portion thereof, including all appurtenances, and shall include 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.

Residential zone means all residential districts, R.R., L.R., M.L.R., M.H.R., H.R. and commercial where used for residential purposes, as defined in the zoning regulations of the town and all uses associated therewith either permitted 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, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters SI. 4--1971 (Type S2A).

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 is expressed in decibels (dB).

(Ord. of 6-22-81(5), § 3)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 12-3. 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 or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 6-22-81(5), § 2)

Sec. 12-4. Noise level measurement procedures.

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

- (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 sound level meters as defined by this chapter.
- (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 at least four (4) feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.
 - e. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
- (4) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled Connecticut Noise Survey Data Form No. 101.
(Ord. of 6-22-81(5), § 4)

Sec. 12-5. Noise levels.

(a) *Generally.* It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this section.

(b) *Noise level standards.*

(1) No person in a residential zone shall emit noise beyond the boundaries of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

(2) No person in a commercial zone shall emit noise beyond the boundary of his premises exceeding the levels, stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

(3) No person in an industrial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

(c) *High background noise levels and impulse noise.*

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations 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 the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.

(2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB 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) dB peak sound pressure level at any time to any zone.

(d) *Exclusions.* These 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 thirty (30) minutes after being activated shall be unlawful;

(4) Warning devices required by OSHA or other state or federal safety regulations;

(5) Farming equipment or farming activity.

(e) *Exemptions.* The following shall be exempt from these regulations subject to special conditions as spelled out:

(1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in subsection (b) of this section;

(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 during daytime hours;

(4) Noise from snow removal equipment;

(5) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation;

(6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration;

(7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades, sporting events, concerts and firework displays;

(8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;

(9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(Ord. of 6-22-81(5), § 5)

Sec. 12-6. Prohibited noise activities.

The following activities are prohibited:

(1) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

(2) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises.

(3) *Exhaust discharge.* No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge is through a muffler as defined by section 12-2 or through an apparatus providing equal noise reduction.

(Ord. of 6-22-81(5), § 6)

Sec. 12-7. Motor vehicle noise.

(a) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the General Statutes.

(b) No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 12-5(b).

(Ord. of 6-22-81(5), § 7)

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 12-8. 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 set forth in section 12-5(b).

(Ord. of 6-22-81(5), § 8)

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 12-9. Inspections.

(a) For the purpose of determining compliance with the provisions of this chapter, the board of selectmen is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. If any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the board of selectmen may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the board of selectmen free access to any premises when the board of selectmen is acting in compliance with a warrant for inspection and order issued by the appropriate court.

(c) 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.

(d) 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 duties under this section.
(Ord. of 6-22-81(5), § 9)

Sec. 12-10. Penalties.

Any person in violation of any of the provisions of this chapter shall be deemed guilty of a violation and upon conviction thereof shall be fined in an amount not to exceed twenty-five dollars (\$25.00). Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a continuing violation and the amount of the fine shall be doubled for each day the violation continues, such fine not to exceed four hundred dollars (\$400.00) per day.
(Ord. of 6-22-81(5), § 10)

Sec. 12-11. Variance and contracts.

(a) *Variances.*

(1) Any person living or doing business in the town may apply to the board of selectmen for a variance from one (1) or more of the provisions of this chapter, which are more stringent than the state department of environmental protection regulation for the control of noise, provided that the applicant supplies all of the following information to the board of selectmen at least twenty (20) days prior to the start of the activity:

- a. The location and nature of the activity;
- b. The time period and hours of operation of the activity;
- c. The nature and intensity of the noise that will be generated;
- d. Any other information required by the board of selectmen.

(2) No variance from this chapter shall be issued unless it has been demonstrated that:

- a. The proposed activity will not violate any provisions of the state department of environmental protection regulations.
- b. The noise levels generated by the proposed activity will not constitute a danger to the public health.
- c. Compliance with the regulations constitutes an unreasonable hardship on the applicant.

(3) The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

(4) Failure to rule on the application in the designated time shall constitute approval of the variance.

(b) *Contracts.* Any written agreement, purchase order or contract whereby the town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such agreement, purchase order or instrument 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 the provisions of this chapter.

(Ord. of 6-22-81(5), § 11)

Sec. 12-12. Effect of zoning regulations.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this chapter shall remain in force.

(Ord. of 6-22-81(5), § 12)

ARTICLE III. NOISE**Sec. 8-46. Short title.**

The title of this article shall be "The Town of Seymour Noise Control Ordinance."
(Ord. of 6-27-83, § 1)

Sec. 8-47. 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 or safety or welfare or degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 6-27-83, § 2)

Sec. 8-48. Definitions.

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

Ambient noise or *background noise* shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Commercial zone shall mean commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use. Central commercial: CBD-1 central business district; general commercial C-2; recreational commercial RC-3.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition of public or private rights-of-way, structures, utilities, or similar property.

Construction equipment shall mean any equipment or device operated by fuel or electric power used in construction or demolition.

Daytime hours shall mean the hours between 7:00 a.m. and 9:00 p.m. Monday through Sunday, and the hours between 7:00 a.m. through 9:00 p.m. on holidays which fall into these parameters.

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound which symbol is dB.

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

Domestic power equipment shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle shall mean any motor vehicle authorized by the state to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

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

Industrial zone shall mean industrial district as defined by the zoning regulations of the town, limited and general: Limited industrial LI-1; general industrial GI-2.

Motor vehicle shall be defined as per section 14-1(26) of the general statutes.

Muffler shall mean a device for abating sounds such as escaping gases.

Nighttime hours shall mean the hours between 9:00 p.m. and 7:00 a.m. Monday through Sunday, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 8-52.

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

Premises shall mean any building, structure, land, or portion thereof, including all appurtenances, and shall include 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 shall mean 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 from the public right-of-way.

Public right-of-way shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

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

Residential zone shall mean residential district as defined in zoning regulations of the town. Residence R-40 residential, 40,000 square feet; residence R-15 residential 15,000 square feet; residence TH-townhouses; residence GA-garden apartment. The boundaries are established in the zoning regulations of the town as shown on the zoning map.

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 take sound level measurements and which should conform, as a minimum to the operational specifications of the American National Standards Institute for sound level meters St. 4-1971 (Type S2A).

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

(Ord. of 6-27-83, §§ 3.1--3.27)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 8-49. Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this article, the following guidelines shall be applicable:

- (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 sound level meters as defined by this article.

(Ord. of 6-27-83, § 4.2)

Sec. 8-50. Sound level measurements.

The general steps listed below shall be followed 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) The sound level meter shall be calibrated before and after each set of measurements and shall be approved by the department of environmental protection;
- (3) 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;
- (4) 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 feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements;
- (5) Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's premises within the receptor's noise zone. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(Ord. of 6-27-83, § 4.3)

Sec. 8-51. Noise levels--Generally.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this article.

Sec. 8-52. Same--Standards.

(a) No person and/or property owner in a residential zone shall emit noise beyond the boundaries of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

(b) No person and/or property owner in a commercial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zone:

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Commercial				
62 dBA	62 dBA	55 dBA	45 dBA	

(c) No person and/or property owner in an industrial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones.

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Industrial				
70 dBA	66 dBA	61 dBA	51 dBA	

(Ord. of 6-27-83, § 5.2)

Sec. 8-53. High background noise levels and impulse noise.

(a) In those individual cases where the background noise levels caused by sources not subject to this article, exceed the standards contained in section 8-52, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the provisions of this article shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this article.

(b) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any residential noise zone.

(c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.

(Ord. of 6-27-83, § 5.3)

Sec. 8-54. Exclusions.

The levels enumerated in sections 8-52 and 8-53 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 situations, provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful;
- (4) Warning devices required by OSHA or other state or federal safety regulations;
- (5) Farming equipment or farming activity.

(Ord. of 6-27-83, § 5.4)

Sec. 8-55. Exemptions.

The following shall be exempt from the provisions of this article, subject to special conditions as spelled out:

- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 8-52;
- (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, grinder, lawn and garden tools or similar devices operated during daytime hours with proper muffler equipment;
 - (4) Noise from snow-removal equipment with proper muffler equipment;
 - (5) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this article;
 - (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
 - (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including, but not limited to parades, sporting events, concerts, and firework displays; limiting time to be included on permit;
 - (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
 - (9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (Ord. of 6-27-83, § 5.5)

Sec. 8-56. Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall, at any time, sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten minutes when such vehicle is parked on a residential premise or on a town road next to a residential premise.
 - (3) *Exhaust discharge.* No person shall discharge into the ambient air the blowdown of any steam vent of the exhaust of any stationary internal-combustion engine or air compressor equipment unless such discharge be through a muffler, as defined by section 8-48 or through an apparatus providing equal noise reduction.
- (Ord. of 6-27-83, § 6.3)

Sec. 8-57. Motor vehicle noise.

- (a) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the general statutes.
 - (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 8-52.
- (Ord. of 6-27-83, § 7.2)

Cross references: Traffic and motor vehicles, Ch. 16.

Sec. 8-58. Recreational vehicle noise.

No person shall create or cause to create any unreasonable loud or disturbing noise due to the operation of the 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 set forth in section 8-52.

(Ord. of 6-27-83, § 8.1)

Sec. 8-59. Inspections.

(a) For the purposes of determining compliance with the provisions of this article, the Chief of Police or his authorized agent, is hereby authorized to make inspections of all noise sources and take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or [or] restricts entry and free access to any part of a premises or refuses inspection, testing, or noise measurements of any activity, or process where inspection is sought, the Chief of Police or his authorized agent, through the town, may seek from the appropriate court a warrant or other appropriate order for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his authorized agent, free access to any premises when the Chief of Police or his authorized agent, is acting in compliance with a warrant or other order for inspection.

(c) 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.

(d) 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 duties under this article.

(Ord. of 6-27-83, §§ 9.1--9.5; Ord. approved 1-20-09(2), eff. 1-27-09)

Sec. 8-60. Contracts.

Any written agreement, purchase order or contract whereby the town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactures without violating the provisions of this article.

(Ord. of 6-27-83, § 11.1)

Sec. 8-61. Penalties.

(a) The Chief of Police or his authorized agent, whenever he finds, after investigation, that any person is causing, engaging in or maintaining any condition or activity which, in his judgement, constitutes a violation of these regulations may, without hearing, issue a written warning to such person to discontinue, abate or alleviate such condition or activity. Such person or persons issued a written warning may appeal within ten days. The appeal shall be made in compliance with the town ordinance of March 2, 2004, which establishes a hearing procedure. Any subsequent fine or penalty imposed by this ordinance may be appealed in a manner provided by said appeal ordinance. If such person or persons continue after receiving a written warning, section (b) of this penalty section will be implemented.

(b) Any person in violation of any of the provisions of this article shall be fined in the amount of \$100.00. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day the violation continues, such fine shall not exceed \$400.00 per day.

(Ord. of 6-27-83, §§ 10.1, 10.2; Ord. approved 1-20-09(2), eff. 1-27-09)

ARTICLE IV. NOISE**Sec. 38-101. 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.

(Ord. No. 01-5, § 6A-1, 5-7-2001)

Sec. 38-102. Definitions.

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

Background noise means noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90 percent of the time (L 90) in which the measurement is taken.

Business zone means those areas so designated under the zoning regulations of the town.

Chief of police means the duly appointed chief of police of the town or his designee.

Construction means 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 means the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

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

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

Excessive noise means any sound, the intensity of which exceeds the standards set forth in section 38-106.

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

Industrial zone means those areas so designated under the zoning regulations of the town in appendix B.

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

L 90 means the A-weighted sound pressure level exceeded 90 percent of the time period during which measurement was made.

Motor vehicle means a vehicle as defined in G.S. § 14-1(47).

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

Noise level means 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 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, owned or controlled by a person.

Property maintenance equipment means 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 means 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 means all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

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

Residential zone means those areas so designated under the zoning regulations of the town.

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 measure sound pressure levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for sound level meters ANSI S1.4-1983 (R 1997) (Type 1).

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of 20 micropascals, expressed in decibels (dB) units.

Town manager means the duly appointed town manager of the town or his designee. (Ord. No. 01-5, § 6A-2, 5-7-2001)

Sec. 38-103. Exclusions.

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

- (1) Natural phenomena.
- (2) The unamplified sound made by any wild animal.
- (3) A bell or chime from any building clock, school or church.
- (4) A public emergency sound signal.
- (5) Warning devices required by OSHA or other state or federal safety regulations.
- (6) Farming equipment or farming activity.
- (7) An emergency.
- (8) Snow removal.

(Ord. No. 01-5, § 6A-3, 5-7-2001)

Sec. 38-104. Exemptions.

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

- (1) Noise created by the operation of properly maintained and properly functioning property maintenance equipment during day-time hours.
- (2) Noise generated by any construction equipment operated during day-time hours.
- (3) Noise created by any recreational activities which are sanctioned by the town, including, but not limited to, parades, sporting events, concerts and firework displays. Any equipment related to such recreational activities shall be properly maintained and properly functioning.
- (4) 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.
- (5) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.

(6) Noise created by a properly maintained and properly functioning fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten minutes when such alarm is attached to a vehicle or 30 minutes when attached to any building or structure.

(7) Noise created by public facility maintenance during day-time hours.
(Ord. No. 01-5, § 6A-4, 5-7-2001)

Sec. 38-105. Noise level measurement procedures

For the purpose of determining noise levels as set forth in this article, and as set forth in Connecticut Regulations G.S. § 22a-69-4, the following procedures shall be applicable:

(1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.

(2) Instruments used to determine sound level measurements shall be sound level meters as defined in this article.

(3) The following steps shall be taken 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. Measurements to determine compliance with section 38-106, in those cases where a receptor is an abutter to the emitter, shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and at a point within the receptor's premise. In those cases where the receptor is not an abutter to the emitter, measurements to determine compliance with section 38-106 shall be taken at a point that is located more or less one foot within the boundary of the receptor's premises.

c. The person conducting the testing shall prepare a written report to include, but not necessarily be limited to, such information as date, time, location, observation of conditions of the environment such as identification of noise source, weather, traffic and other pertinent data.

(4) The zoning enforcement officer is charged with assisting in training efforts and with assisting emitters in their efforts to comply with the standards set forth herein.

(5) The director of planning and community development and the zoning enforcement officer are charged with the review of development proposals during the administrative review process to determine the potential for violation of this article and to assist potential emitters in their efforts to comply with the standards set forth herein.

(Ord. No. 01-5, § 6A-5, 5-7-2001)

Sec. 38-106. 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 premises in excess of the noise levels established in this article.

(b) *Noise level standards.* No person shall emit noise exceeding the levels stated herein.

TABLE INSET:

	Zone in Which Receptor is Located>			
Zone in Which Emitter is Located	Industrial (dBA)	Business (dBA)	Residential Day-time Hours (dBA)	Residential Night-time Hours (dBA)
Industrial	70	66	61	51
Business	62	62	55	45

Residential	62	55	55	45
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(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 dBA, provided that no source subject to this article shall emit noise in excess of 80 dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this article.

(2) No person shall cause or allow the emission of impulse noise in excess of 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 100 dB peak sound pressure level at any time.

(d) *Short term noise.* In measuring compliance with the noise level standards, the following short term noise level excursions over the noise level standards established by this article shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith:

TABLE INSET:

Allowable Levels Above Standards (dBA)	Time Period of Such Levels (Minutes/Hour)
3	15
6	7
8	5

(e) *Existing noise sources.* Existing noise sources constructed between January 1, 1960, and June 15, 1978, shall be provided a permanent five dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source. Existing noise sources constructed prior to 1960 shall be provided a permanent ten dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source.

(f) *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-4a 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 article.

(g) *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 article.

(h) *Existing state law.* Nothing in this article shall be construed to limit the powers of the police to enforce applicable state laws, including, but not limited to, breach of the peace, motor vehicle noise, or recreational vehicle noise.

(Ord. No. 01-5, § 6A-6, 5-7-2001)

Sec. 38-107. Enforcement.

Violations of this article shall be enforced by the chief of police. The chief of police may develop procedures consistent with this article, including, but not limited to: Metering, training, and issuance of violation notices.

(Ord. No. 01-5, § 6A-7, 5-7-2001)

Sec. 38-108. Violations and penalties.

(a) Any person found to be in violation of any sections of this article for the first time, who is willing to correct the violation, shall be given a two-week grace period in which to correct the violation. The chief of police shall refer the person found to be in violation to the director of planning and community development and the zoning enforcement officer to receive direction for corrective action. Provided all necessary applications related to the corrective action are filed with the relevant land use agency within the two-week grace period, the town manager may extend the grace period pending the review of the applications.

(b) Any person found to be in violation of any sections of this article: After the grace period referred to in subsection (a); or, who is unwilling to correct the violation; or, for the second or successive times, shall be fined in an amount not to exceed \$50.00 per day that such violation continues. The chief of police shall continue to meter the violation.

(c) In the event that the violation is not corrected and/or the fine is not paid, the chief of police may request that the town attorney determine appropriate legal or equitable action or proceeding before the superior court against the person or persons responsible for the violation. The remedies sought may include, but are not limited to, judicial enforcement of the fines and/or injunctive relief.

(Ord. No. 01-5, § 6A-8, 5-7-2001)

Sec. 38-109. Variance.

(a) Any person residing or doing business in the town 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 state 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 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 state 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 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.

(Ord. No. 01-5, § 6A-9, 5-7-2001)

Sec. 38-110. Zoning regulations.

All provisions of the zoning regulations (in appendix B) which are more stringent than those set forth herein, shall remain in force.

(Ord. No. 01-5, § 6A-10, 5-7-2001)

Secs. 38-111--38-140. Reserved.

ARTICLE III. NOISE CONTROL

Sec. 50-61. Purpose of article.

The policy of the state under C.G.S. § 22a-67 is to promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state. To that end, the purpose of this article is to establish a means for effective enforcement of a noise pollution standard. Further, the state legislature has found, and the town council finds and declares that:

- (1) Excessive noise is a serious hazard to the health, welfare and quality of life of the citizens of the state and the town.
 - (2) Exposure to certain levels of noise can result in physiological, psychological and economic damage.
 - (3) A substantial body of science and technology exists by which excessive noise may be substantially abated.
 - (4) The primary responsibility for control of noise rests with the state and towns.
 - (5) Each person has a right to an environment free from excessive noise that may jeopardize his health, safety or welfare.
- (Ord. No. 145, § 1, 12-15-97)

Sec. 50-62. Penalty for violation of article.

Any person or business violating any of the provisions of this article shall be deemed guilty of a municipal violation and punished as provided in section 1-12.
(Ord. No. 145, § 7, 12-15-97)

Sec. 50-63. Effect of more stringent zoning regulations.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this article, shall remain in force. If, for any reason, any word, 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.
(Ord. No. 145, § 8, 12-15-97)

Sec. 50-64. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Background noise means noise which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Daytime hours means the hours between 7:00 a.m. and 8:00 p.m. on every day but Sunday and the hours of 9:00 a.m. through 8:00 p.m. on Sundays.

Decibel means a unit of measurement of the sound level.

Impulse noise means a sound of short duration, usually less than one second, with an abrupt onset and rapid decay, where such sound is not repetitive.

Nighttime hours means the hours between 8:00 p.m. and 7:00 a.m. each day from Sunday evening through Saturday morning except that night shall mean the hours between 8:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise control officer means the individual so designated by the town manager as the person responsible to enforce this article and report to the town manager regarding violations and/or noncompliance with this article.

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

(Ord. No. 145, § 2, 12-15-97)

Cross references: Definitions generally, § 1-2.

Sec. 50-65. Performance standards.

It shall be the responsibility of the designated noise control officer to enforce all aspects of this article, including the following:

(1) No noise shall be emitted beyond the boundaries of a lot or parcel in excess of the noise levels established in this article;

(2) Noise emitted from commercial and industrial zones beyond the boundary of the lot or parcel shall not exceed the levels stated in the following table to the respective adjacent residential, commercial or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/ Day	Residential/ Night
Commercial:	62dBA	62dBA	55dBA	45dBA
Industrial:	70dBA	66dBA	61dBA	51dBA

The above levels represent the current levels adopted by the state. If the state changes its levels in the future, the levels of this article will automatically be changed to correspond with the new state levels. Measurements shall be taken at several different points located beyond the boundary of the emitter's lot or parcel in various locations throughout the receptor parcel or parcels in an attempt to locate the loudest noise level emitted;

(3) High background noise levels and impulse noises are those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained in this section. A source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5dBA, provided that no source subject to the provisions of this article shall emit noise in excess of 80dBA at any time; and provided that this section does not decrease the permissible levels of other sections of this article. Further, no impulse noise shall be caused or allowed in excess of 80dBA peak sound pressure level during the nighttime hours to any residential zone or use and the emission of impulse noise shall not be caused or allowed in excess of 100dBA peak sound pressure level at any time to any zone or use; and

(4) Exclusions and exceptions shall be in accordance with regulations of the state department of environmental protection, C.G.S. §§ 22a-69-1.7, 22a-69-1.8.

(Ord. No. 145, § 3, 12-15-97)

Sec. 50-66. Specific prohibitions.

The operation of lawnmowers, leaf blowers, snow blowers, tractors, chain saws or other machinery powered by an internal combustion engine is prohibited between the hours of 8:00 p.m. and 8:00 a.m., except during the 24-hour period immediately following a snowfall or other weather-related emergency.

(Ord. No. 145, § 4(a), 12-15-97)

Sec. 50-67. Exempted activities and uses.

The following activities and uses shall be exempt from this article:

- (1) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency; and
 - (2) Noises emanating from municipal vehicles, such as snow plows, garbage trucks, emergency road trucks and other emergency vehicles.
- (Ord. No. 145, § 4(b), 12-15-97)

Sec. 50-68. Determination of offense.

The standards which shall be considered by the noise control officer in determining whether a violation of this article exists shall include, but shall not be limited to, the following:

- (1) The level of noise;
 - (2) Whether the origin of the noise is natural or unnatural;
 - (3) The background noise level, if any;
 - (4) The zoning of the area from which the noise is emitted and the zoning of the area within which the noise is received;
 - (5) The time of day or night the noise occurs;
 - (6) The duration of the noise; and
 - (7) The day of the week, or holiday, on which the noise occurs.
- (Ord. No. 145, § 5, 12-15-97)

Sec. 50-69. Temporary variance from article provisions.

(a) *Application; contents.* Any person residing or doing business in the town may apply to the town manager for a temporary variance from one or more of the provisions of this article if they are more stringent than the state 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 20 days prior to the date of the activity:

- (1) The location and nature of activity;
- (2) The time period and hours of operation of the activity;
- (3) The nature and intensity of the noise that will be generated;
- (4) A plan to be implemented which will correct the noise problem requiring the temporary variance; and
- (5) Any other information required by the town manager.

(b) *Conditions for issuance.* No variance from this article shall be issued unless it has been demonstrated that:

- (1) The proposed activity will not violate any provisions of the state department of environmental protection regulations;
- (2) The noise levels generated by the proposed activity will not constitute danger to the public health; and
- (3) Compliance with this article constitutes an unreasonable hardship on the applicant.

(c) *Review; approval or rejection.* The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of the 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.* Failure to rule on the application in the designated time shall constitute approval of the temporary variance.

(Ord. No. 145, § 6, 12-15-97)

Sec. 50-70. Reserved.

ARTICLE II. NOISE*

***State law references:** Municipal noise regulation programs, G.S. § 22a-73.

Sec. 12-31. Purpose of article.

It is recognized that people 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 article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the residents of the town.

(Ord. No. 09-20-93-186, § 1, 9-20-1993)

Sec. 12-32. Construction activities.

(a) No person 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, payloaders, compressors, or other heavy equipment other than between the hours of 6:00 a.m. and 8:00 p.m., Monday through Saturday, and other than between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and legal holidays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the director of public works, which permit may be granted for a period of not to exceed three days while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues.

(b) The director of public works, in deciding whether to issue or renew any such permit shall consider the following criteria:

- (1) The reasons for the requested permit as they relate to the public health and safety;
- (2) The requested hours for construction activities;
- (3) The type of construction activities to take place and the type of construction equipment to be utilized;
- (4) The noise reasonably likely to be generated from the construction activities and equipment;
- (5) The area where the construction activities are to be performed, with consideration to residential versus commercial uses, density of population, and the number of people to be affected by the activities and noise;
- (6) The number of days for which the permit or renewal is requested.

(Ord. No. 09-20-93-186, § 2, 9-20-1993)

Cross references: Buildings and building regulations, ch. 6.

Sec. 12-33. Refuse hauling.

No person shall collect, remove or transport refuse or recyclables in any residential district except between the hours of 6:00 a.m. and 8:00 p.m. Monday through Saturday, or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or any legal holiday. The term "refuse" is defined as unwanted and discarded solid materials, excluding semisolid, liquid materials collected and treated in a municipal sewer system. The term "recyclables" is defined as mandated recyclables as set forth in section 24-82.

(Ord. No. 09-20-93-186, § 3, 9-20-1993)

Sec. 12-34. Mobile loudspeakers.

No person shall use, play or operate, for any purpose whatever, any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached to or on any vehicle moving or standing on any highway or public place in the town, or in any place where the sound therefrom is cast directly upon any of the highways or public places in the town, or in any place where the sound therefrom is cast directly upon any of the highways or public places, without first obtaining a permit from the chief of police or his designee; provided, however, that:

- (1) Permits shall not be granted for advertising or commercial use;
- (2) Such device shall only be operated from 9:00 a.m. to 6:00 p.m. on weekdays and from 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and legal holidays;
- (3) Such device shall not be operated in the vicinity of hospitals, convalescent or nursing homes or schools while in session, or churches while services are being conducted.

Nothing in this article shall prohibit the use of such devices on vehicles of the town while engaged in necessary public business, or on emergency vehicles.

(Ord. No. 09-20-93-186, § 4, 9-20-1993)

Sec. 12-35. Fixed loudspeakers.

No person shall use, play or operate any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached from any stand, platform or any other structure or part of any structure which abuts or is adjacent to a public place or street, or to use, play or operate a loud speaker or sound amplifying device which is attached to the outside of any building or premises abutting or adjacent to a public place or street, without first obtaining a permit from the chief of police or his designee and paying an annual permit fee of \$50.00, except for public functions or emergency use. The permit obtained shall list specific days and hours of operation as determined by the chief of police or his designee considering the needs of the applicant and the comfort of the public.

(Ord. No. 09-20-93-186, § 5, 9-20-1993)

Sec. 12-36. Residential activities.

No person shall engage in the operation of lawn mowers, chain saws, lawn tractors or similar devices except between the hours of 6:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. on Sunday or any legal holiday. No person shall use, play or operate any radio, phonograph, tape player, musical instruments, compact disc player, loudspeaker or other sound amplifying device at a volume which shall disturb the occupants of adjacent residences or units at any time.

(Ord. No. 09-20-93-186, § 6, 9-20-1993)

Sec. 12-37. Enforcement.

The chief of police or his designee shall enforce the provisions of this article. The police department or its members may inspect private premises and shall make all reasonable efforts to prevent violations of this article.

(Ord. No. 09-20-93-186, § 7, 9-20-1993)

Sec. 12-38. Civil remedies.

This article may be enforced by injunction, action for abatement, or other appropriate civil remedy.

(Ord. No. 09-20-93-186, § 8, 9-20-1993)

Sec. 12-39. Criminal penalties.

Every person who violates any provision of this article shall be fined not more than the maximum dollar amount permitted by the provisions of the General Statutes. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

(Ord. No. 09-20-93-186, § 9, 9-20-1993)

Sec. 12-40. Exemptions.

The following are exempt from the provisions of this article:

- (1) Sanding and snow removal operations by state, municipal or private contractors;
- (2) Noises made by alarm systems;
- (3) Grounds maintenance activities at Crestbrook Park and Watertown Golf Club golf courses.

(Ord. No. 09-20-93-186, § 10, 9-20-1993)

Chapter 9.06 NOISE CONTROL

Sections:

[9.06.010 Purpose.](#)

[9.06.020 Legislative references.](#)

[9.06.030 Definitions.](#)

[9.06.040 Classification of noise zones by land use.](#)

[9.06.050 Noise zone standards.](#)

[9.06.060 Exclusions.](#)

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[9.06.080 Noise level measurement procedures.](#)

[9.06.090 Enforcement--Violation--Penalty.](#)

[9.06.100 Variance.](#)

9.06.010 Purpose.

The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this chapter, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the town. The purpose of this chapter is to protect, preserve and promote the public health, safety and welfare insofar as they are affected by the creation and maintenance of excessive or unnecessary noise as defined by this chapter. This chapter prescribes a minimum and uniform standard governing the creation and maintenance of noise levels in the community.

(R.T.M. 8-2-93 (part))

9.06.020 Legislative references.

This chapter is adopted pursuant to the provisions of Section 22a-73 of the Connecticut General Statutes. This chapter is intended to conform to Section 22a-69 of the Connecticut General Statutes, except that this chapter may prescribe a more stringent noise standard as permitted in Section 22a-73(c) of the Connecticut General Statutes.

(R.T.M. 8-2-93 (part))

9.06.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Where terms are not defined under the provisions of this chapter and are defined in the noise regulations of the Connecticut Department of Environmental Protection (Sections 22a-69-1.1 and 22a-69-1.2), 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 as the context herein may imply.

"Construction" means any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

"Daytime hours" means the hours between seven a.m. and nine p.m., Monday through Saturday, and the hours between nine a.m. and nine p.m. on Sunday (local time).

"Excessive noise" means emitter noise zone levels from noise sources exceeding the standards set forth in Section 9.06.050 of this chapter beyond the boundary of the emitters noise zones.

"Mobile sources of noise" shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

"Nighttime hours" means the hours between nine p.m. and seven a.m., Sunday through Friday, and the hours between nine a.m. Saturday and nine a.m. Sunday (local time).

"Noise zone" means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, water bodies, and waters of the state.

"Site" means the area bounded by the property line on or in which, a source of noise exists.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971.

(R.T.M. 8-2-93 (part))

9.06.040 Classification of noise zones by land use.

A. General.

1. Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as detailed herein and described on the zoning map and in the zoning regulations of the town.

2. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards specified in subsection A of Section 9.06.050 of these regulations.

B. Class A Noise Zone/Uses. Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves and vacant land zoned for residential or related uses requiring such protection. Residential zoning districts R-20, R-40, RU-120, VR, OS, R-MF, C-MF, CT MF, I-MF.

C. Class B Noise Zone/Uses. Lands designated Class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, personal, business and legal services, educational institutions, government services, amusements, agricultural activities, and vacant lands zoned for such commercial or institutional uses. Commercial zoning districts NB, NBPO, CT, CG, WD, CR.

D. Class C Noise Zone/Uses. Lands designated Class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses. Industrial zoning districts zoned IP1, IP3, IG, IC.

(R.T.M. 8-2-93 (part))

9.06.050 Noise zone standards.

A. No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

TABLE INSET:

Receptor Noise Zone Class				
	C	B	A-Day	A-Night

Class C emitter to	70 dBA	66 dBA	61 dBA	51 dBA
Class B emitter to	62 dBA	62 dBA	55 dBA	45 dBA
Class A emitter to	62 dBA	55 dBA	55 dBA	45 dBA

Sound levels determined by the police department to be in excess of these values shall constitute proof of violation of this chapter.

B. Intrusion Alarms.

1. No person shall cause, suffer, allow, or permit the operation of any intrusion alarm which, from time of activation of audible signal, emits noise for a period of time exceeding ten minutes when attached to any vehicle or thirty minutes when attached to any building or structure.

2. 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.

C. High Background Noise Areas. In those individual cases where the background noise levels caused by sources not subject to these regulations 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 level by five dBA, provided that no source subject to the provisions of subsection A of this section shall emit noise in excess of eighty dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this regulation.

D. Impulse Noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty dB peak sound pressure level during nighttime hours.

2. No person shall cause or allow the emission of impulse noise in excess of one hundred dB noise sound pressure level at anytime.

E. Noise Excursions. In measuring compliance with noise zone standards of subsection A of this section, the following short-term noise level excursions over the noise level standards established by this chapter shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith.

TABLE INSET:

Allowable levels above standards (dBA)	Time period of such levels (minutes per hour)
3	15
6	7.5
8	5

F. Existing Noise Sources. All existing noise sources shall be provided twenty-four months in order to achieve compliance with these regulations if a notice of violation has been, or may be, issued to the source. This time period begins with the effective date of the ordinance codified in this chapter, not with the date of the notice of violation.

G. Prohibited Noise Activities. The following are prohibited noise activities:

Truck Idling: No person shall operate any standing motor vehicle with a weight in excess of ten thousand pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises. This prohibition shall not apply to vehicles operated by utility companies and the town while maintaining, repairing, or installing utilities, or road work including pumps

and generators needed to support the work. Vehicles involved in building operations shall be governed by the provisions of subsection C of Section 9.06.070.

(R.T.M. 8-2-93 (part))

9.06.060 Exclusions.

These regulations shall not apply to:

- A. Sound generated by natural phenomena;
- B. The unamplified sounding of the human voice;
- C. The unamplified sound made by any wild or domestic animal;
- D. Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations;
- E. Sound created by 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. Sound created by safety and protective devices;
- G. Farming equipment or farming activity;
- H. Back-up alarms required by OSHA or other state or federal safety regulations;
- I. Sound created by mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle. Nor shall it apply to the operation of equipment or vehicles used in the processing, including destruction of bottles, boxes, crates and containers, junk or other waste material, excepting waste collection. Mobile sources shall include noise from motor vehicles participating in speed or endurance events sanctioned for such use by the town and state Department of Motor Vehicles;
- J. Sound created by construction activities on or uses of state or federal facilities, lands or rights of ways.

(R.T.M. 8-2-93 (part))

9.06.070 Exemptions.

Exempted from this chapter are:

- A. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of eight a.m. and nine p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom;
- B. Noises created by snow removal equipment at any time shall be exempted, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled, to prevent loud and/or explosive noises therefrom;
- C. Building Operations. The erection including excavating, demolition, alteration or repair of any building, or the excavation of streets and highways, between the hours of seven a.m. to nine p.m. on weekdays, and eight a.m. to nine p.m. on weekends; provided, that the building operations or operation of construction equipment after the hours listed herein shall not exceed the maximum noise levels as specified in subsection A of Section 9.06.050. Except in case of urgent necessity in the interest of public safety, or hardships and then only with a permit from the first selectman, which permit may be granted and renewed for a period not to exceed five days, which allows these hours to be extended;
- D. Patriotic or public celebrations, such as parades, carnivals and fireworks displays, not extending beyond eleven p.m. are exempted, provided that a permit has been obtained in advance from the planning and zoning commission, or board of selectmen as applicable;

E. Noise created by blasting when the blasting is conducted between eight a.m. to five p.m., and provided that a permit for such blasting has been obtained from the Waterford fire marshal, except in case of urgent necessity in the interest of public safety, or hardships and then only with a permit from the first selectman, which permit may be granted and renewed for a period not to exceed five days which allows these hours to be extended;

F. Noises created by emergency generators at any time when they are being used because of power outages, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(R.T.M. 8-2-93 (part))

9.06.080 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guide-lines shall be applicable:

A. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation;

B. Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this chapter;

C. The general steps listed below shall be followed 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. The sound level meter shall be calibrated before and after each set of measurements,

3. 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 feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements,

4. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises as measured by triangulation and/or public land records. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(R.T.M. 8-2-93 (part))

9.06.090 Enforcement--Violation--Penalty.

A. Enforcement.

1. A police officer shall be responsible for making noise level measurements to determine that a violation of Section 9.06.050 has in fact occurred. Whenever the police officer determines that any of these regulations have been violated or there has been a failure to comply therewith, the officer shall make and serve upon the person(s) responsible for the violation a written order specifying the nature of the violation or failure, and affording a reasonable time for its correction or remedy. Prior to the issuance of such order, such officer shall make a reasonable effort in light of the circumstances to correct a violation or achieve compliance by means of conference, conciliation and persuasion. Unless the person(s) against whom an order has been served files a written answer thereto within thirty days after the date of service of the order and requests a hearing thereon, such order shall become final and effective.

2. The Waterford police department shall be responsible for the enforcement of any prohibited activity listed in subsection G of Section 9.06.050, and conducting any activity listed in Section 9.06.070 outside of the hours during which these activities may be conducted. When it has been determined that a violation has occurred it shall constitute an infraction of a local ordinance and shall be prosecuted as such.

B. Penalty for Violation. Any person in violation of any of the provisions of this chapter shall be fined in an amount not to exceed ninety five dollars. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed or after thirty days from the date of service of the order, whichever is later, shall be considered a separate violation of these regulations.

(R.T.M. 8-2-93 (part))

9.06.100 Variance.

A. Any person living or doing business in the town may apply to the planning and zoning commission for a variance from one or more of the provisions of this chapter which are more stringent than the state Department of Environmental Protection regulations for the control of noise provided that the applicant supplies all the following information to the planning and zoning commission:

1. The location and nature of the activity;
2. The time period and hours of operation of the activity;
3. The nature and intensity of the noise that will be generated;
4. Any other information required by the planning and zoning commission.

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 state 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 the regulations constitutes an unreasonable hardship on the applicant.

C. The application for variance shall be reviewed and either approved or rejected within sixty-five days of receipt by the planning and zoning commission. The approval or rejection shall be in writing and shall state the reasons for the action taken on the variance. The planning and zoning commission may establish conditions of approval of a variance including a schedule for compliance. The planning and zoning commission shall cause to have published in a newspaper of local circulation a notice of action on the variance request indicating the nature of the variance, action taken, location, owner, and applicant making the variance application.

D. In the case of variance applications involving requests to vary the standards in these regulations that are equivalent to the State Noise Regulations, the application must be made to the State Commissioner of the Department of Environmental Protection. Any variances issued by the Commissioner shall not be required to be submitted to the planning and zoning commission. Any variance issued by the Commissioner of the Department of Environmental Protection shall be considered a variance from compliance with the applicable provisions of these regulations.

(R.T.M. 8-2-93 (part))

Sec. 17-11. Noise--Loud, disturbing, and excessive noise prohibited.

The creation of any loud, disturbing, and excessive noise in the City of Ansonia is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or such noise as disturbs the quiet and peace of residents of the city. Such loud, disturbing, or excessive noise shall be defined to be such noise levels which are in excess of the noise levels as set forth in section 17-14.

(Ord. of 3-13-2001)

Editor's note: An ordinance adopted March 13, 2001, repealed §§ 17-11, 17-12 of the Code, renumbered §§ 17-13--17-18.1, 17-19--17-26 of the Code as 17-22--17-36, and added new provisions to the Code as §§ 17-11, 7-11.1, 7-12--17-21. Former §§ 17-11, 17-12 pertained to loud and boisterous noises, etc., prohibited and hand organs, etc., playing on the streets, etc., respectively and derived from §§ 14, 16 of an ordinance adopted April 26, 1994.

Sec. 17-11.1. Same--Definitions.

For the purpose of sections 17-11 through 17-21 the following terms, words, and phrases shall have the following meaning unless the context clearly indicates otherwise.

(a) *Commercial zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as NR, RR, C, and SC.

(b) *Emergency* shall mean any occurrence or act or circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

(c) *Emitter* shall mean the person who creates, causes to be created, or allows the noise.

(d) *Industrial zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as LI, HI, CP.

(e) *Loud, disturbing, or excessive noise* shall be defined as noise in excess of the noise levels as set forth in section 17-14.

(f) *Muffler* shall mean a device designed and properly maintained in good working order to prevent loud, disturbing, or excessive exhaust noise by an engine or a motor. Mufflers shall include interior baffle plates or other effective muffling devices.

(g) *Receptor* shall mean the person who receives the noise impact.

(h) *Day* and *daytime* and *the hours of day* shall be defined as the hours between 7:00 a.m. and 9:00 p.m. local time.

(i) *Night* and *night-time* and *the hours of night* shall be defined as the hours between 9:01 p.m. and 6:59 a.m. local time.

(j) *Sound level meter* shall mean 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 4-1971,

(k) *Recreational vehicle* shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

(l) *Residential zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as AA, A, B, GA, BB, and MM, as may be amended from time to time.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-12. Same--Enumeration of acts declared loud and disturbing.

The following acts among others are declared to be loud, disturbing, or excessive noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- (a) *Blowing horns.* The sounding or blowing of any horn or signal device on an automobile, motorcycle, motorbus, or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable length of time.
- (b) *Radios, phonographs, etc.* The playing of any radio, television set, phonograph, tape, compact disc, or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling or other residence.
- (c) *Animals.* The keeping of any animal or bird which, by making frequent or long-continued noise, shall disturb the comfort, or repose of persons in the vicinity.
- (d) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger.
- (e) *Muffler.* Each motor vehicle operated by an internal combustion engine shall be provided with a muffler designed to prevent loud, disturbing, or excessive exhaust noise, which muffler shall be maintained by the owner in good working order and in constant operation consistent with applicable state law.
- (f) *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- (g) *Building operations.* The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district, other than between the hours of 7:00 a.m. and 9:00 p.m., except in cases of necessity, or in the interest of public safety, and then only with permission from the proper city officials.
- (h) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, hospital, or in any such place or institution; provided that signs shall be displayed in such street indicating that there is a school, church, hospital, library, etc. thereon.
- (i) *Loading and unloading operations.* The creation of loud and excessive noises in connection with the loading and/or unloading of any vehicle, or the opening or disposition of bales, boxes, crates, and containers.
- (j) *Hawking, peddling, or soliciting.* Shouting, loud talking, crying, or soliciting by peddlers, hawkers, and other vendors which disturbs the quiet and peace of the neighborhood or persons therein.
- (k) *Advertising.* The use of any drum, or loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or to the display or advertisement of merchandise, by the creation of noise.
- (l) *Business establishments.* The operation of any business establishment between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to create loud and disturbing noises, of such frequency or volume as to annoy or disturb the quiet and comfort of any neighborhood or of persons therein, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, repose or peace of persons in any dwelling, boardinghouse, or other type of residence. Disturbing noises shall be defined as those which are in excess of the noise levels as set forth in section 17-14.
- (m) The acts set forth in section 17-12(b), (c), (e), (g), (h), (i), (j), (k), (l), (m) and (n) shall be deemed loud, disturbing, and excessive if they shall be at a noise level exceeding the noise levels as set forth in section 17-14.
- (n) The acts set forth in section 17-12(a) shall be subject to standards as set forth in section 17-16(A) and the acts set forth in section 17-12(d) and (f) shall be subject to standards set forth in section 17-14.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-13. Same--Noise level measurement procedures.

For the purpose of determining noise levels as set forth in sections 17-11 through 17-21, the following guidelines shall be applicable:

- (a) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
- (b) Instruments used to determine sound-level measurements shall conform to the sound level meters as defined by sections 17-11 through 17-21.
- (c) The general steps listed below shall be followed 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) The sound level meter shall be calibrated before and after each set of measurements.
 - (3) 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.
 - (4) 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.
 - (5) Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/hers individual unit of land or ground of contiguous parcels under the same ownership, as indicated by public land records.
- (d) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form #101".
(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-14. Same--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 regulations.
- (b) Noise level standards.
 - (1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Residential	Industrial	Commercial	Residential/day
	62dBa	55dBa	55dBa (day)
			45dBa (night)

- (2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or residential zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Commercial	Industrial	Commercial	Residential

	62dBa	62dBa	55dBa (day)
			45dBa (night)

(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Industrial	Industrial	Commercial	Residential
	70dBa	66dBa	61dBa (day)
			51dBa (night)

(c) High background noise levels and impulse noise.

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excess noise if the noise emitted by such source exceeds the background noise levels by five (5) decibels, provided that no source subject to the provisions of sections 17-11 through 17-21 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 provisions of sections 17-11 through 17-21.

(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 at any time in any zone.

(d) Exclusions. These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) Any bell or chime from any building clock, church or school.

(3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that intrusion alarms not terminating after being activated within ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure shall be unlawful. Repetition of activation of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

(4) Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations.

(5) Farming equipment or farming activity.

(e) Exemptions and special conditions. The following shall be exempt from these regulations subject to special conditions as may be spelled out:

(1) Noise generated by construction activities during daytime hours (7:00 a.m. to 9:00 p.m.), it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m. or after 9:00 p.m. on Monday through Sunday.

(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. provided the noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

(4) Noise from snow removal equipment provided the equipment is maintained in good repair so as to minimize noise, and noise discharged from exhaust shall be adequately muffled to prevent loud and/or explosive noises therefrom.

- (5) Noise from demolition activities conducted during daytime hours, it being the express intention of this provision to prohibit the use of equipment and machinery used in demolition work before the hour of 7:00 a.m. or after 9:00 p.m.; provided that when considered emergency work demolition shall be exempt from the noise levels set in this regulation.
- (6) Noise created by aircraft flight operations, which is specifically preempted by the Federal Aviation Administration.
- (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts, and firework displays.
- (8) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (9) Sound created by any motor vehicle shall be subject to Connecticut General Statute § 14-80(a).
- (10) Conditions caused by natural phenomena, strike, riot, catastrophe, or other condition over which the apparent violator has no control.
- (11) Noise created by the use of property for purposes of conducting speed or endurance events involving motor vehicles shall be exempted but such exemption is effective only during the specific period(s) of time within which such use is authorized by the political subdivision or governmental entity having lawful jurisdiction to sanction such use.
- (12) Construction noise during daytime hours.
- (13) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting has been obtained from the local authorities.
- (14) Noise created by on-site recreational or sporting activity which is sanctioned by the state or local government provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom
- (15) Patriotic or public celebrations not extending longer than one (1) calendar day.
- (16) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.
- (17) Noise created by products undergoing test, where one (1) of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken.
- (18) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, 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.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-15. Same--Prohibited noise activities.

The following activities are prohibited:

- (a) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- (b) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds, manufacturer's gross weight (GVW), for a period in excess of three minutes when such vehicle is parked on a residential premise or on a city street next to a residential premise.
- (c) *Exhaust discharge.* No person shall discharge into the ambient air the blowdown of any steam vent, or the exhaust of any stationary internal-combustion engine or air compressor

equipment, unless such discharge is through a muffler as previously defined or through an apparatus providing equal noise reduction.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-16. Same--Motor vehicle noise.

(a) All motor vehicles operated within the limits of the City of Ansonia shall be subject to the noise standards and decibel levels set forth in the regulations authorized in § 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.

(b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 17-14(b).

(c) This section with motor vehicle noise shall be enforced by the chief of police.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-17. Same--Recreational vehicle noise.

No person shall create or cause to be created any unreasonable loud or disturbing noise due to the operation of a recreational vehicle not participating in a speed or endurance event, involving a motor vehicle, authorized by the City of Ansonia. Recreational vehicle noise shall be deemed to be loud, disturbing, or excessive and a violation of sections 17-11 through 17-21 when the noise so generated exceeds 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 then exceeds to the noise level standards set forth in section 17-14(b) hereof.

(a) For the purpose of determining compliance with the provisions of sections 17-11 through 17-21, the chief of police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise as it 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 or inspections indicate a violation of sections 17-11 through 17-21, the violator shall pay the City of Ansonia 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 sections 17-11 through 17-21.

(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 sections 17-11 through 17-21.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-18. Same--Violations and penalties.

(a) Any person in violation of any of the provisions of sections 17-11 through 17-21 shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed fifty dollars (\$50.00) .

(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 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:* Twenty-five dollar (\$25.00) fine.
 - (2) *Second violation:* Fifty dollar (\$50.00) 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 sections 17-11 through 17-21.
- (Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-19. Same--Effective hours.

The effective hours of sections 17-11 through 17-21 shall be all hours of the day, subject to the provisions and appropriate time periods set forth herein.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-20. Same--Variances.

(a) Any person residing or doing business in the City of Ansonia may apply to the board of aldermen for a variance from one or more of the provisions of sections 17-11 through 17-21 for the control of noise, provided that the applicant supplies all the following information to the city clerk for distribution to the board of aldermen at least thirty (30) days prior to the start of the activity:

- (1) The location and nature of the activity.
 - (2) The time period and hours of operation of the activity.
 - (3) The nature and intensity of the noise that will be generate.
 - (4) Any other information required by the board of aldermen.
- (b) No variance from sections 17-11 through 17-21 shall be issued unless it has been demonstrated that:
- (1) The proposed activity will not violate any provision of the Connecticut Department of Environmental Protection Regulations.
 - (2) The noise levels generated by the proposed activity will not constitute a danger to public health.
 - (3) Compliance with sections 17-11 through 17-21 constitutes an unreasonable hardship on the applicant.
- (c) The application for variance shall be received and either approved or rejected at a regularly scheduled meeting of the board of aldermen. The approval or rejection shall be communicated in writing by the city clerk to the applicant and shall state the condition of approval, if any, or the reasons for rejection.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 14-3. Noises.

(a) It shall be unlawful for any person to use, play or operate, for any purpose whatever, any loudspeaker or sound-amplifying device attached to or on any vehicle moving or standing on any highway or public place in the city, or in any place where the sound therefrom is cast directly upon any of said highways or public places, without first obtaining a permit from the chief of police or his designee; provided, however, that:

(1) Permits shall not be granted for advertising or commercial use.

(2) Such devices shall only be operated from 9:00 a.m. to 9:00 p.m. on weekdays and Saturday and 1:00 p.m. to 5:00 p.m. on Sunday.

(3) Sound volume shall be controlled so that it is not heard beyond one hundred (100) feet.

(4) Such devices shall not be operated in the vicinity of hospitals, or schools while in session, or churches while services are being conducted.

(5) Nothing in this section shall be deemed to prohibit the use of such devices on vehicles of the City of New London while engaged upon necessary public business or on emergency vehicles.

(b) It shall be unlawful for any person to use, play or operate any loudspeaker or sound-amplifying device from any stand, platform or any other structures or part of any structure which abuts or is adjacent to a public place or street or to use, play or operate any loudspeaker or sound-amplifying device which is attached to the outside of any building, or premises abutting or adjacent to a public place or street, without first obtaining a permit from the chief of police or his designee, except for public functions or emergency use. Permits shall list the specific days and hours of operation as determined by the needs of the applicant and the comfort of the public.

(c) It shall be unlawful for any person to use, play or operate any loudspeaker or sound-amplifying device from any airplane, or any other device or machine used for flying over the city or anywhere over or on the public streets, without obtaining a permit from the chief of police or his designee.

(d) It shall be unlawful for any person to use, play or operate any portable device, radio or apparatus or any sound-producing device on any public transportation, public beach, street, park or place or in any public building, which can be heard by other than the person using such instrument.

(e) It shall be unlawful for any person in a residential area to permit any sound, music, activity or noise caused by work, amusement or other reason, or resulting from a sound-producing device or apparatus for reproduction or amplification of the human voice or instrument, to be heard within the confines of another's home or premises, and it shall be unlawful for such sounds to be heard within the scope of any other person's property line before 8:00 a.m. and after 11:00 p.m., Monday through Friday, before 8:00 a.m. Saturday and after 1:00 a.m. Sunday, and before 10:00 a.m. Sunday and after 11:00 p.m. on Sunday.

(f) It shall be unlawful for any person residing or doing business in a commercial area to cause or permit any sound, music, activity or noise created by work, amusement or other reason, or resulting from a sound-producing device or apparatus from the reproduction or amplification of the human voice or instrument, to be heard within the confines of another's home or premises before 8:00 a.m. and after 11:00 p.m., Monday through Thursday, before 8:00 a.m. and 1:00 a.m. on Friday and Saturday, and from 10:00 a.m. through 11:00 p.m. on Sundays. At all times the controlled so that it is not heard beyond fifty (50) feet from the outside of such premises.

Places of public amusement under the supervision and control of the city shall be exempt from this subsection.

(g) It shall be unlawful for any person in control of a vehicle, whether inside or outside of such vehicle, to park on a public street, highway, park or place and use, play or operate the car radio, or any device producing sound, which can be heard outside the vehicle.

(h) When emergency conditions exist due to gas leaks, water main breaks, etc., necessary repairs may be made at any time to contain the emergency condition until such situation can be corrected properly within acceptable hours. In situations where repairs may produce excessive noise in conflict with this section, a special permit may be issued.

(i) Violation of any provision of this section shall be deemed a misdemeanor and shall be punishable by a fine of not more than two hundred dollars (\$200.00).

(Ord. of 12-3-62, §§ 1--4; Ord. of 9-15-80, § 1)

Sec. 14-3.5. Noise pollution.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this ordinance. Where terms are not defined under this section and are defined in the noise regulations of the state department of environmental protection (sections 22a-69-1.1, et seq.), they shall have the same meaning ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings.

Construction shall mean any and all physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

Daytime hours shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. on Sunday (local time).

Excessive noise shall mean emitter noise zone levels from noise sources exceeding the standards set forth in subsection (c) beyond the boundary of the emitter's noise zones.

Mobile sources of noise shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

Nighttime hours shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday through Friday, and between 10:00 p.m. and 8:00 a.m. Saturday (local time).

Noise zone shall mean an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, water bodies, and waters of the state.

Site shall mean the area bounded by the property line on or in which a source of noise exists.

Sound level meter shall mean any instrument that is capable of measuring sound levels. The sound level meter shall conform to all applicable state and federal standards.

(b) *Classification of noise zones.*

(1) Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as described on the zoning map and in the zoning regulations of the town. Where multiple uses exist within a given noise zone, the least restrictive land use category for the emitter and receptor shall apply regarding the noise standards specified in subsection (c).

(2) Class A Noise zone/uses. Lands designated class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves, historic and monument sites, and vacant land zoned for residential or related uses requiring such protection.

(3) Class B noise zone/uses. Lands designated class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, government services, educational institutions, amusements, agricultural activities, automotive dealers and gasoline service stations, restaurants, bars and nightclubs, marinas and other water dependent uses, and vacant lands zoned for such commercial or institutional uses.

(4) Class C noise zone/uses. Lands designated class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses.

(c) *Noise zone standards.* No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

Receptor Noise Zone Class

TABLE INSET:

	C	B	A-Day	A-Night
Class C emitter to	70 dBA	66dBA	61dBA	51dBA
Class B emitter to	62 dBA	62dBA	55dBA	45dBA
Class A emitter to	62dBA	55dBA	55dBA	45dBA

(d) *Exclusions.* These regulations shall not apply to the following:

- (1) Sound generated by natural phenomena.
- (2) The unamplified sounding of the human voice.
- (3) The unamplified sound made by any wild or domestic animal.
- (4) Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations.
- (5) Sound created by 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.
- (6) Sound created by safety and protective devices.
- (7) Farming equipment or farming activity.
- (8) Back-up alarms required by OSHA or other state or federal safety regulations.
- (9) Sound created by a mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle.

(e) *Exemptions.* Exempted from this ordinance are the following:

- (1) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted during daytime hours provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (2) Noises created by snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.
- (3) Noise created as a result of, or relating to, an emergency.
- (4) Construction noise.
- (5) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00

p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.

(6) Patriotic or public celebrations not extending longer than one calendar day.

(7) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, 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.

(f) *Measurement procedures.* All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed. The sound level meter shall be calibrated before and after each set of measurements. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises.

(g) *Enforcement--Penalty.*

(1) The city police department shall be responsible for making noise level measurements and enforcing this ordinance. Whenever the responsible police officer makes a determination that there has been a violation of any provision of this ordinance, he shall issue a written order to such person(s) responsible for the violation specifying the nature of the violation and affording a reasonable time for its correction or remedy. If said order is not complied with as directed by the officer, the officer shall issue a citation.

(2) Any person in violation of any of the provisions of this ordinance shall be fined in an amount not to exceed \$100.00. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed shall be considered a separate violation of this ordinance.

(Ord. No. 02-07-05-1, § 1)

ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 38-51. Noise.

(a) *Noise prohibited.* Noise levels that exceed the standards established by the state under regulations set forth in sections 22a-69-1--22a-69-7.4 shall be prohibited in the town.

(b) *Administration and enforcement.* This section shall be enforced by the town police department with the assistance of the town health department for measuring noise levels.

(c) *Violations and penalties.* Any person found in violation of the provisions of this section shall be fined under section 1-8.

(Code 1972, § 31-7(b)--(d); Ord. of 9-27-1995)

State law references: Noise pollution control, G.S. § 22a-67 et seq.; local noise ordinance, G.S. § 22a-73; penalties for ordinance violations, G.S. § 7-148(c)(10)(A).



Volume 14, Issue ?

BULLETIN

ATV's

CCM's Research and Information Service has recently received requests for information regarding municipal ordinances regulating the operation of all-terrain vehicles. We believe this may also be of interest to you and your municipality.

Section 14-390 of the Connecticut General Statutes grants municipalities the ability to regulate, by ordinance, the operation and use of all-terrain vehicles. Sec. 14-379 defines an all-terrain vehicle as a self-propelled vehicle designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Chapter 246.

Prior to the implementation of Public Act 13-154, a violation of such ordinance could result in a fine not exceeding \$250. Public Act 13-154 increases the maximum penalties for violations of municipal ordinances regulating the operation of all-terrain vehicles, dirt bikes, and snowmobiles. Municipalities are now authorized to fine an ATV operator who is using his/her ATV on public property against ordinance regulations no more than:

1. \$1,000 for the first violation
2. \$1,500 for the second violation, and
3. \$2,000 for the third or subsequent violation.

This bulletin provides examples of municipal ordinances from towns/cities that have adopted such ordinances in order to regulate the operation of all-terrain vehicles.

We have provided the links to the ordinances pertaining to the operation of ATVs from the following municipalities:

- [Danbury](#)
- [East Haven](#)
- [Hartford](#)
- [New Haven](#)

For additional information or questions, please contact CCM's Research and Information Services at (203) 498-3000 or by email at research@ccm-ct.org

The information provided in this bulletin is not intended to be legal advice or opinion.

Sec. 17-11. Noise--Loud, disturbing, and excessive noise prohibited.

The creation of any loud, disturbing, and excessive noise in the City of Ansonia is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or such noise as disturbs the quiet and peace of residents of the city. Such loud, disturbing, or excessive noise shall be defined to be such noise levels which are in excess of the noise levels as set forth in section 17-14.

(Ord. of 3-13-2001)

Editor's note: An ordinance adopted March 13, 2001, repealed §§ 17-11, 17-12 of the Code, renumbered §§ 17-13--17-18.1, 17-19--17-26 of the Code as 17-22--17-36, and added new provisions to the Code as §§ 17-11, 7-11.1, 7-12--17-21. Former §§ 17-11, 17-12 pertained to loud and boisterous noises, etc., prohibited and hand organs, etc., playing on the streets, etc., respectively and derived from §§ 14, 16 of an ordinance adopted April 26, 1994.

Sec. 17-11.1. Same--Definitions.

For the purpose of sections 17-11 through 17-21 the following terms, words, and phrases shall have the following meaning unless the context clearly indicates otherwise.

(a) *Commercial zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as NR, RR, C, and SC.

(b) *Emergency* shall mean any occurrence or act or circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

(c) *Emitter* shall mean the person who creates, causes to be created, or allows the noise.

(d) *Industrial zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as LI, HI, CP.

(e) *Loud, disturbing, or excessive noise* shall be defined as noise in excess of the noise levels as set forth in section 17-14.

(f) *Muffler* shall mean a device designed and properly maintained in good working order to prevent loud, disturbing, or excessive exhaust noise by an engine or a motor. Mufflers shall include interior baffle plates or other effective muffling devices.

(g) *Receptor* shall mean the person who receives the noise impact.

(h) *Day* and *daytime* and *the hours of day* shall be defined as the hours between 7:00 a.m. and 9:00 p.m. local time.

(i) *Night* and *night-time* and *the hours of night* shall be defined as the hours between 9:01 p.m. and 6:59 a.m. local time.

(j) *Sound level meter* shall mean 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 4-1971,

(k) *Recreational vehicle* shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

(l) *Residential zone* shall mean those areas so designated in the zoning regulations of the City of Ansonia as AA, A, B, GA, BB, and MM, as may be amended from time to time.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-12. Same--Enumeration of acts declared loud and disturbing.

The following acts among others are declared to be loud, disturbing, or excessive noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- (a) *Blowing horns.* The sounding or blowing of any horn or signal device on an automobile, motorcycle, motorbus, or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable length of time.
- (b) *Radios, phonographs, etc.* The playing of any radio, television set, phonograph, tape, compact disc, or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling or other residence.
- (c) *Animals.* The keeping of any animal or bird which, by making frequent or long-continued noise, shall disturb the comfort, or repose of persons in the vicinity.
- (d) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger.
- (e) *Muffler.* Each motor vehicle operated by an internal combustion engine shall be provided with a muffler designed to prevent loud, disturbing, or excessive exhaust noise, which muffler shall be maintained by the owner in good working order and in constant operation consistent with applicable state law.
- (f) *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- (g) *Building operations.* The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district, other than between the hours of 7:00 a.m. and 9:00 p.m., except in cases of necessity, or in the interest of public safety, and then only with permission from the proper city officials.
- (h) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, hospital, or in any such place or institution; provided that signs shall be displayed in such street indicating that there is a school, church, hospital, library, etc. thereon.
- (i) *Loading and unloading operations.* The creation of loud and excessive noises in connection with the loading and/or unloading of any vehicle, or the opening or disposition of bales, boxes, crates, and containers.
- (j) *Hawking, peddling, or soliciting.* Shouting, loud talking, crying, or soliciting by peddlers, hawkers, and other vendors which disturbs the quiet and peace of the neighborhood or persons therein.
- (k) *Advertising.* The use of any drum, or loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or to the display or advertisement of merchandise, by the creation of noise.
- (l) *Business establishments.* The operation of any business establishment between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to create loud and disturbing noises, of such frequency or volume as to annoy or disturb the quiet and comfort of any neighborhood or of persons therein, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, repose or peace of persons in any dwelling, boardinghouse, or other type of residence. Disturbing noises shall be defined as those which are in excess of the noise levels as set forth in section 17-14.
- (m) The acts set forth in section 17-12(b), (c), (e), (g), (h), (i), (j), (k), (l), (m) and (n) shall be deemed loud, disturbing, and excessive if they shall be at a noise level exceeding the noise levels as set forth in section 17-14.
- (n) The acts set forth in section 17-12(a) shall be subject to standards as set forth in section 17-16(A) and the acts set forth in section 17-12(d) and (f) shall be subject to standards set forth in section 17-14.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-13. Same--Noise level measurement procedures.

For the purpose of determining noise levels as set forth in sections 17-11 through 17-21, the following guidelines shall be applicable:

- (a) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
- (b) Instruments used to determine sound-level measurements shall conform to the sound level meters as defined by sections 17-11 through 17-21.
- (c) The general steps listed below shall be followed 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) The sound level meter shall be calibrated before and after each set of measurements.
 - (3) 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.
 - (4) 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.
 - (5) Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/hers individual unit of land or ground of contiguous parcels under the same ownership, as indicated by public land records.
- (d) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form #101".
(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-14. Same--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 regulations.
- (b) Noise level standards.
 - (1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Residential	Industrial	Commercial	Residential/day
	62dBa	55dBa	55dBa (day)
			45dBa (night)

- (2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or residential zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Commercial	Industrial	Commercial	Residential

	62dBa	62dBa	55dBa (day)
			45dBa (night)

(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

TABLE INSET:

Emitter's Zone	Receptor's Zone		
Industrial	Industrial	Commercial	Residential
	70dBa	66dBa	61dBa (day)
			51dBa (night)

(c) High background noise levels and impulse noise.

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excess noise if the noise emitted by such source exceeds the background noise levels by five (5) decibels, provided that no source subject to the provisions of sections 17-11 through 17-21 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 provisions of sections 17-11 through 17-21.

(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 at any time in any zone.

(d) Exclusions. These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) Any bell or chime from any building clock, church or school.

(3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that intrusion alarms not terminating after being activated within ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure shall be unlawful. Repetition of activation of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

(4) Warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations.

(5) Farming equipment or farming activity.

(e) Exemptions and special conditions. The following shall be exempt from these regulations subject to special conditions as may be spelled out:

(1) Noise generated by construction activities during daytime hours (7:00 a.m. to 9:00 p.m.), it being the express intention of this provision to prohibit the use of construction equipment and machinery before the hour of 7:00 a.m. or after 9:00 p.m. on Monday through Sunday.

(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. provided the noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

(4) Noise from snow removal equipment provided the equipment is maintained in good repair so as to minimize noise, and noise discharged from exhaust shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(5) Noise from demolition activities conducted during daytime hours, it being the express intention of this provision to prohibit the use of equipment and machinery used in demolition work before the hour of 7:00 a.m. or after 9:00 p.m.; provided that when considered emergency work demolition shall be exempt from the noise levels set in this regulation.

(6) Noise created by aircraft flight operations, which is specifically preempted by the Federal Aviation Administration.

(7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts, and firework displays.

(8) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(9) Sound created by any motor vehicle shall be subject to Connecticut General Statute § 14-80(a).

(10) Conditions caused by natural phenomena, strike, riot, catastrophe, or other condition over which the apparent violator has no control.

(11) Noise created by the use of property for purposes of conducting speed or endurance events involving motor vehicles shall be exempted but such exemption is effective only during the specific period(s) of time within which such use is authorized by the political subdivision or governmental entity having lawful jurisdiction to sanction such use.

(12) Construction noise during daytime hours.

(13) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting has been obtained from the local authorities.

(14) Noise created by on-site recreational or sporting activity which is sanctioned by the state or local government provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom

(15) Patriotic or public celebrations not extending longer than one (1) calendar day.

(16) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.

(17) Noise created by products undergoing test, where one (1) of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken.

(18) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, 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.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-15. Same--Prohibited noise activities.

The following activities are prohibited:

(a) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

(b) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds, manufacturer's gross weight (GVW), for a period in excess of three minutes when such vehicle is parked on a residential premise or on a city street next to a residential premise.

(c) *Exhaust discharge.* No person shall discharge into the ambient air the blowdown of any steam vent, or the exhaust of any stationary internal-combustion engine or air compressor

equipment, unless such discharge is through a muffler as previously defined or through an apparatus providing equal noise reduction.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-16. Same--Motor vehicle noise.

(a) All motor vehicles operated within the limits of the City of Ansonia shall be subject to the noise standards and decibel levels set forth in the regulations authorized in § 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.

(b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 17-14(b).

(c) This section with motor vehicle noise shall be enforced by the chief of police.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-17. Same--Recreational vehicle noise.

No person shall create or cause to be created any unreasonable loud or disturbing noise due to the operation of a recreational vehicle not participating in a speed or endurance event, involving a motor vehicle, authorized by the City of Ansonia. Recreational vehicle noise shall be deemed to be loud, disturbing, or excessive and a violation of sections 17-11 through 17-21 when the noise so generated exceeds 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 then exceeds to the noise level standards set forth in section 17-14(b) hereof.

(a) For the purpose of determining compliance with the provisions of sections 17-11 through 17-21, the chief of police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise as it 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 or inspections indicate a violation of sections 17-11 through 17-21, the violator shall pay the City of Ansonia 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 sections 17-11 through 17-21.

(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 sections 17-11 through 17-21.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-18. Same--Violations and penalties.

(a) Any person in violation of any of the provisions of sections 17-11 through 17-21 shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed fifty dollars (\$50.00) .

(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 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:* Twenty-five dollar (\$25.00) fine.
 - (2) *Second violation:* Fifty dollar (\$50.00) 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 sections 17-11 through 17-21.
- (Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-19. Same--Effective hours.

The effective hours of sections 17-11 through 17-21 shall be all hours of the day, subject to the provisions and appropriate time periods set forth herein.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

Sec. 17-20. Same--Variances.

(a) Any person residing or doing business in the City of Ansonia may apply to the board of aldermen for a variance from one or more of the provisions of sections 17-11 through 17-21 for the control of noise, provided that the applicant supplies all the following information to the city clerk for distribution to the board of aldermen at least thirty (30) days prior to the start of the activity:

- (1) The location and nature of the activity.
 - (2) The time period and hours of operation of the activity.
 - (3) The nature and intensity of the noise that will be generate.
 - (4) Any other information required by the board of aldermen.
- (b) No variance from sections 17-11 through 17-21 shall be issued unless it has been demonstrated that:

- (1) The proposed activity will not violate any provision of the Connecticut Department of Environmental Protection Regulations.
- (2) The noise levels generated by the proposed activity will not constitute a danger to public health.
- (3) Compliance with sections 17-11 through 17-21 constitutes an unreasonable hardship on the applicant.

(c) The application for variance shall be received and either approved or rejected at a regularly scheduled meeting of the board of aldermen. The approval or rejection shall be communicated in writing by the city clerk to the applicant and shall state the condition of approval, if any, or the reasons for rejection.

(Ord. of 3-13-2001)

Case law annotations: See the editor's note following § 17-11.

ARTICLE II. NOISE**Sec. 11-41. 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 or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 4-3-00, § 1)

Sec. 11-42. Definitions.

When used in this chapter, the terms below shall have the following meaning:

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.

Background noise. Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone. Those areas so designated for commercial use under the zoning regulations of the town.

Chief of police. The first selectman of the town or his or her designee, provided that, should the town establish a town police force, the first selectman shall designate the chief of the town's police force to enforce and administer the provisions of this ordinance.

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.

Construction equipment. Any equipment or device operated by fuel or electric power used in construction or demolition.

Continuous noise. Ongoing noise, the intensity of which remains at a measurable level (which may vary) without interruption over an indefinite period or a specified period of time.

Daytime hours. The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel. A unit of measurement of the sound level, the symbol for which is dB.

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

Emergency. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

Emergency vehicle. Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Excessive noise. Any sound, the intensity of which exceeds the standards set forth in section 11-45.

Impulse noise. Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, the level of which is measured with a sound-level meter, which shall conform with ANSI S2.7-1986 (R1993).

Industrial zone. Those areas designated for industrial use under the zoning regulations of the town.

Intrusion alarm. A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle. A vehicle as defined in Subdivision (47) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

Nighttime hours. The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level. The sound-pressure level as measured with a sound-level meter.

Noise level, A-weighted . The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated dBA.

Octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

One-third octave band sound-pressure level. The sound-pressure level for the sound contained within the specified preferred one-third octave band, stated in dB, as described in ANSI S1.6-1984 (R 1994).

Peak sound-pressure level (SPL) . The absolute maximum value of the instantaneous sound pressure level occurring in a specified time period.

Person . 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. Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise receptor's "premises" shall include all publicly dedicated street and highway rights-of-way, road rights-of-way and waters of the state lying between the property lines of the noise receptor and a noise emitter whose property line would abut the noise receptor's but for such street, right-of-way, or waters of the state.

Prominent discrete, tone. The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound-pressure level greater than that of either adjacent one-third octave, and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than that shown below, for the one-third octave band containing the concentration of acoustic energy.

TABLE INSET:

1/3 Octave Band Center Frequency (Hz)	average exceedence (dB)
100	16
125	14
160	12
200	11
250	9
315	8
400	7
500	6

630	6
800	5
1000	4
1250	4
1600	4
2000	3
2500	3
3150	3
4000	3
5000	4
6300	4
8000	5
10000	6

Property line. 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 and controlled by another person and which separates real property from the public right-of-way.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

Residential zone. Those areas designated for residential use in the zoning regulations of the town.

Sound . A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alteration in pressure or position of 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 analyzer. A device, generally used in conjunction with a sound level meter, for measuring the sound-pressure level of a noise as a function of frequency, expressed in hertz (Hz), in octave bands, one-third octave bands or other standard ranges. The sound analyzer shall conform, as a minimum, to Type E, Class II, as specified in ANSI S1.11-1986 (R 1993).

Sound-level meter. An instrument used to measure sound levels. A sound-level meter shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1983 (R 1994).

Sound-pressure level, A-weighted. The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

Sound-pressure level (SPL) . Equals twenty (20) times the logarithm to the base ten of the ratio of the sound pressure in question to the standard reference pressure of twenty (20) micro-Pascals, expressed in decibel (dB) units.

Sec. 11-43. Noise measurement procedures.

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

- (1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
 - (2) Instruments used to determine sound-level measurement shall be sound-level meters and analyzers as defined by this chapter.
 - (3) The following steps should be taken when preparing to take sound-level measurements.
 - (a) The instrument manufacturers specific instructions for the preparation and use of the instrument shall be followed.
 - (b) Measurements to determine compliance with section 11-45 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitters premises and within the noise receptors premises.
- (Ord. of 4-3-00, § 3)

Sec. 11-44. Classification of noise zones.

Noise zones within the town shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received; provided that any parcel whose use is lawfully nonconforming to its zone at the time this section is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use.

TABLE INSET:

Zone	Use	Current Zoning*
A	Residential	MR, FR
B	Commercial	C-1, C-2
C	Industrial	HI, LI, DDD

Note: *Based on the zoning regulations and zoning map of the Town of Durham.
(Ord. of 4-3-00, § 4)

Sec. 11-45. Noise zone standards.

(a) A-weighted noise level standards.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Zone Class of Noise Receptor			
	A-Day (dBA)	A-Night (dBA)	B (dBA)	C (dBA)
Class A	55	45	55	62
Class B	55	45	62	62
Class C	61	51	66	70

(b) Octave band noise standards.

(1) Class A receptor, daytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during daytime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

(2) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class A Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40
1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25

(3) Class B or Class C Receptor, at anytime.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises, to a Class B or Class C receptor noise zone at anytime, in excess of the following noise levels:

TABLE INSET:

Octave Band Center	Octave Band Sound-Pressure Levels (dB) Emitted to Class B or Class C Receptor by Emitters in the Following Zones:		
Frequency (Hz)	Class C	Class B	Class A
31.5	80	79	72
63	79	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39
4000	48	41	34
8000	45	39	32

(c) Impulsive noise standards.

(1) Class A receptor, nighttime.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to a Class A receptor noise zone during nighttime hours, in excess of 80 dB peak sound pressure level.

(2) Any receptor, at any time.

It shall be unlawful for any person to emit or cause to be emitted any impulse noise beyond the property lines of his/her premises, to any receptor noise zone at any time, in excess of 100 dB peak sound pressure level.

(d) Prominent discrete tone noise standards.

It shall be unlawful for any person to emit or cause to be emitted any continuous noise beyond the property lines of his/her premises, which possesses one or more audible prominent discrete tones, in excess of the following noise levels:

TABLE INSET:

EMITTER NOISE ZONE	Receptor C (dBA)	Noise B (dBA)	Zone Class A-Day (dBA)	A-Night (dBA)
Class A	57	50	50	40
Class B	57	57	50	40
Class C	65	61	56	46

(Ord. of 4-3-00, § 5)

Sec. 11-46. Delivery trucks.

In addition to the noise prohibitions in Section 11-45, no person shall unload or cause to be unloaded delivery trucks within two hundred (200) feet of a residential district between one (1) hour after sundown and 7:00 a.m.

(Ord. of 4-3-00, § 6)

Sec. 11-47. Exceptions.

(a) This chapter 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 system in an emergency situation.
- (4) A public emergency sound system.
- (5) Warning devices required by the occupational safety and health administration or other state or federal safety regulations.
- (6) Farming equipment or farming activity.
- (7) Emergency work or sounds from emergency vehicles responding to an emergency.

(b) The following shall be exempt from this chapter, subject to special conditions as specified.

- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in Section 11-5 of this chapter.
- (2) Noise from domestic power equipment during daytime hours.
- (3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
- (4) Noise created by aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (5) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, concerts and fireworks displays, provided that noise discharged from exhausts is adequately muffled to prevent food and/or explosive noises therefrom.
- (6) Noise created by blasting other than that conducted in connection with construction activities, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, and provided that a permit for such blasting has been obtained from local authorities.
- (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (8) Noise created by a fire or intrusion alarm, from the time of activation of the audible signal 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.
- (9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- (10) Public-address systems used in assemblies on public space or for election campaign activities, during daytime hours only.
- (11) 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.

(Ord. of 4-3-00, § 7)

Sec. 11-48. Vehicle noise restrictions.

The following activities are prohibited:

- (1) *Motor vehicle noise.* All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in C.G.S. § 14-80a.
- (2) *Motor vehicle sound-amplifying devices.* No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 11-45.
- (3) *Unregistered recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operations of an unregistered 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 set forth in section 11-45.
(Ord. of 4-3-00, § 8)

Sec. 11-49. Violations and penalties.

Any person in violation of any of the sections of this chapter shall be fined in an amount not to exceed one hundred (\$100.00) dollars. Each day that such violation continues after the time for correction of the violation given in an order shall constitute a separate violation subject to a fine not to exceed one hundred (\$100.00) per day.
(Ord. of 4-3-00, § 9)

Sec. 11-50. Variances.

- (a) Any person living or doing business in the town may apply to the chief of police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the state department of environmental protection regulations for the control of noise, provided that the applicant supplies all of the following information to the chief of police at least thirty (30) days prior to the start of the time period for which the variance is sought:
 - (1) The location and nature of the activity for which the variance is sought.
 - (2) The time period and hours of operation of said activity.
 - (3) The nature and intensity of the noise that will be generated.
 - (4) The reasons for which the variance is requested, including the economic and technical justifications.
 - (5) A description of noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
- (b) No variance from this chapter shall be granted unless it has been demonstrated that:
 - (1) The proposed activity will not violate any provisions of the state department of environmental protection noise regulations;
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - (3) Compliance with this ordinance constitutes an unreasonable hardship on the applicant.
- (c) The application for a variance shall be reviewed and approved or rejected at least seven (7) days prior to the start of the period for which the variance is sought. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection. The chief of police may attach reasonable conditions to any variance granted including, without limitation, the requirement that noise control measures be taken by the applicant to minimize noise during the period of the variance, and that the applicant submit reports relating to noise and to compliance with any other conditions under which the variance was granted.
- (d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 4-3-00, § 10)

Sec. 11-51. Conflict with other provisions of law.

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 or federal law or regulation, this chapter shall not thereby be invalidated, and the remainder of this chapter shall continue in effect.

(Ord. of 4-3-00, § 11)

Sec. 11-52. Administration.

(a) Unless otherwise stated, all notices and fines required or permitted by this ordinance shall emanate from the chief of police. Fines shall be paid to the chief of police.

(b) Interest shall accrue at the rate of one and one-half (1.5) percent per month on all fines outstanding for periods in excess of thirty (30) days.

(c) Fines and interest payable under this section shall be deposited into the town's general fund.

(Ord. of 4-3-00, § 12)

Sec. 11-53. Appeal.

(a) The board of selectmen shall serve as an appeals board for fines imposed under this section.

(b) Whenever a fine is imposed under this section, the person fined, may, within ten (10) days from the date of the noise emission appearing on the notice of the fine, appeal by filing a written notice of appeal with the first selectmen. The board of selectmen shall begin hearing the appeal no later than thirty (30) days from its receipt by the first selectman. The board of selectmen shall render a written decision on the appeal within seven (7) days of conclusion of the hearing. The filing of an appeal shall stay collection of any fine imposed until such time as a decision is rendered on the appeal.

(c) The board of selectmen may designate a panel of three (3) persons to serve as an appeal board for any fine or fines appealed from under this section 11-53. Any such panel shall follow the schedule in subsection (b) for hearing and deciding appeals.

(Ord. of 4-3-00, § 13)

Sec. 11-54. Enforcement.

(a) The board of selectmen may choose to enforce the provisions of this ordinance by citation and hearing as permitted by C.G.S. 7-152(c). The citation hearing procedure will then serve as the appeals procedure in lieu of that set forth in section 11-53.

(b) The first selectman is authorized to institute civil or criminal proceedings as necessary to enforce the provisions of this section.

(Ord. of 4-3-00, § 14)

Snowmobiles & All Terrain Vehicles
TOWN OF EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on September 27, 2007.

ORDINANCE ENTITLED "TOWN ORDINANCE REGULATING THE USE OF
SNOWMOBILE AND ALL TERRAIN VEHICLES IN THE TOWN OF EAST WINDSOR,
HARTFORD COUNTY, CONNECTICUT"

Be it ordained and enacted by the town meeting of East Windsor in the state of Connecticut per Connecticut general statutes, chapter 255, section 14-390 as follows:

ARTICLE I

The Town of East Windsor regulates the use of snowmobiles and all-terrain vehicles in accordance with the Connecticut General Statutes, Chapter 255, Sections 14-379 through 14-390 including the modifications and additions found in the following Articles.

ARTICLE II

Definitions:

- a) "Town" means the Town of East Windsor in Hartford County, Connecticut.
- b) "All-terrain vehicle" is further defined to include *motorcycles, motorized dirt bikes, motorized go-karts, or any other motor vehicles, registered or unregistered, which are being used for off road recreational purposes.*
 - 1) "Motorcycle" means a two-wheeled motor vehicle resembling a heavy bicycle, sometimes having two saddles and a sidecar with a third wheel. This Ordinance refers to motorcycles when they are being used off-road.
 - 2) "Motorized dirt bike" means a lightweight motorcycle equipped with rugged tires and suspension; an off-road motorcycle designed for riding cross country or over unpaved ground.
 - 3) "Motorized go-kart" means a small low motor vehicle with four wheels and an open framework used for racing and recreation.
- c) "Commissioner" means the Commissioner of Motor Vehicles in the State of Connecticut.
- d) "Operate" means to control the course of or otherwise use a snowmobile or all-terrain vehicle.
- e) "Operator" means the person who controls the course of and operation of the snowmobile or all-terrain vehicle.
- f) "Owner" means the owner of the snowmobile or all-terrain vehicle. "C.G.S." means Connecticut General Statutes.
- g) "db(A)" means the standard abbreviation for "A weighted sound level in decibels".
- h) "Soft test site" means any test site having the ground surface covered with grass, other ground cover, or similar acoustically absorptive material.
- i) "R.P.M." means revolutions per minute.

ARTICLE III

Section 1 –(MODIFICATIONS TO C.G.S., CH. 255, SEC. 14-380, *in bold and italics*)

The provisions of this sections shall not apply (1) to the operation of a snowmobile or all-terrain vehicle on premises owned or leased by the owner of such snowmobile or all-terrain vehicle or (2) to the operation of a snowmobile *or all-terrain vehicle* in any organized contest as long as such snowmobile *or all-terrain vehicle* holds a valid, effective registration awarded by this state or by another state or the United States.

ARTICLE I

ENFORCEMENT: CARRYING OF VEHICLE REGISTRATION AND WRITTEN LANDOWNER'S PERMISSION.

The written permission of the landowner or his agent shall be carried on such snowmobile or all-terrain vehicle and shall be available for inspection whenever such vehicle is being operated.

No person operating a snowmobile or all-terrain vehicle shall refuse upon request to produce to an authorized law enforcement officer, *per C.G.S. Ch. 255, Sec. 14-386*, the registration of the vehicle and the written permission of the landowner or his agent upon whose property such snowmobile or all-terrain vehicle is being operated. *The use of snowmobiles or all-terrain vehicles on private land without the owner's permission constitutes unlawful trespass.*

Upon request by an authorized law enforcement officer and upon the failure of the operator to produce said registration and/or written permission of the landowner or his agent upon whose property such vehicle is being operated, the authorized law enforcement officer making such request shall stop the operator from any further use of his snowmobile or all-terrain vehicle and shall escort the operator with his vehicle to a location accessible to a commercial *towing service*. From this location the snowmobile or all-terrain vehicle shall be moved at the vehicle owner's expense to a central location designated by the East Windsor Police Department.

The snowmobile or all-terrain vehicle shall remain at this designated location until the owner of the vehicle will claim said vehicle *by providing* valid proof of ownership of the vehicle, paying *all applicable* towing charges and storage fees, and signing for the return of the vehicle. (*Some minor rewording of sentence for clarification.*)

With the failure of the operator of the snowmobile or all-terrain vehicle to produce to an authorized law enforcement officer a valid registration of said vehicle and/or written permission of the landowner or his agent upon whose property such vehicle is being operated, such an operator or the parents or the guardian of the operator, when the operator is a minor, shall pay a fine of:

- a) Fifty (50) dollars for the first offense,
- b) Seventy-five (75) dollars for the second or subsequent offenses,
exclusive of towing charges, storage fees, or any other charges that may have *been incurred as a result of the vehicle having been impounded*

ARTICLE V

Section 1 OPERATING HOURS, MINORS ACCOMPANIED BY GUARDIANS, MINIMUM DISTANCE FROM ADJACENT PROPERTY LINES.

The operation of a snowmobile or all-terrain vehicle *within* the Town of East Windsor shall be in compliance with the following regulations:

- a) The hours of operating a snowmobile or all-terrain vehicle shall be *from 8:00 AM until*

9:00 PM.

b) No person under sixteen (16) years of age shall operate a snowmobile or all-terrain vehicle unless accompanied by a parent or guardian or unless the said vehicle is operated on property *owned or leased by the vehicle owner.*

c) No person shall operate a snowmobile or all-terrain vehicle less than twenty-five (25) feet from any adjoining property line, except for *an authorized law enforcement officer, per C.G.S. Ch. 255, Sec. 14-386,* while on duty and acting within the scope of his/her employment.

ARTICLE VI

Section 1 --NOISE POLLUTION

No person operating a snowmobile or all-terrain vehicle within the boundary lines of East Windsor shall exceed or be the cause of exceeding the maximum noise levels established by this ordinance.

a) Sound Level Measurements: Sound level measurements shall be taken at least a minimum of one (1) foot outside of the emitter's and inside of the receptor's property line and a minimum of four (4) feet off the surface of the ground. *All tests will be considered being done on a "soft test site". The vehicle being tested will operate its motor in its normal full R.P.M. range while the sound level measurements are being taken.* The sound level measurement at the said location shall not exceed the "Noise Level Standards" established by Section 3c of this ordinance. *The person conducting such sound measurement shall have been trained in the proper operating technique of the sound measuring instrument.*

b) Sound Level Meter shall be a sound level measuring instrument which will conform, at a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters ST. 4-1971 (Type s2A).

c) Noise Level Standards – The following are the noise level standards applicable to this ordinance: *Mixed zones will use the lower of the applicable db(A)s. (Night hours have been eliminated and the agricultural zone was added to Business. Emitter zones were eliminated as irrelevant.)*

Zone in Which Receptor is Located

Industrial dB(A) 70

Business & Agricultural dB(A) 66

Residential dB(A) 61

Section 2 --MUFFLERS

Each snowmobile or all-terrain vehicle operated by an internal combustion engine shall be provided with muffler(s) designed to prevent excessive, unusual, or unnecessary exhaust noise.

Said muffler(s) shall be maintained by the snowmobile or all-terrain vehicle owner in good working order and in constant operation.

No person, including a snowmobile or all-terrain vehicle dealer or repairer, shall install or use upon said vehicle a muffler(s) lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cut-out, a straight exhaust, or any other mechanical device which will amplify the noise emitted by such vehicle. In addition, all mufflers *shall* be equipped with spark arrestors.

ARTICLE VII

Section 1 --FINES

Noncompliance with ARTICLE V and ARTICLE VI, of this ordinance shall each constitute a violation and shall carry a fine of fifty (50) dollars for each violation.

ARTICLE VIII

Section 1 --DISCLAIMER CLAUSE

If any article or section or portions of this ordinance be found in conflict with federal and/or state statutes and/or declared invalid by a court of competent jurisdiction, such conflict or invalidity shall not affect the balance of this ordinance.

ARTICLE IV. NOISE**Sec. 38-101. 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.

(Ord. No. 01-5, § 6A-1, 5-7-2001)

Sec. 38-102. Definitions.

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

Background noise means noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90 percent of the time (L 90) in which the measurement is taken.

Business zone means those areas so designated under the zoning regulations of the town.

Chief of police means the duly appointed chief of police of the town or his designee.

Construction means 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 means the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

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

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

Excessive noise means any sound, the intensity of which exceeds the standards set forth in section 38-106.

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

Industrial zone means those areas so designated under the zoning regulations of the town in appendix B.

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

L 90 means the A-weighted sound pressure level exceeded 90 percent of the time period during which measurement was made.

Motor vehicle means a vehicle as defined in G.S. § 14-1(47).

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

Noise level means 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 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, owned or controlled by a person.

Property maintenance equipment means 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 means 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 means all activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

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

Residential zone means those areas so designated under the zoning regulations of the town.

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 measure sound pressure levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for sound level meters ANSI S1.4-1983 (R 1997) (Type 1).

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of 20 micropascals, expressed in decibels (dB) units.

Town manager means the duly appointed town manager of the town or his designee. (Ord. No. 01-5, § 6A-2, 5-7-2001)

Sec. 38-103. Exclusions.

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

- (1) Natural phenomena.
- (2) The unamplified sound made by any wild animal.
- (3) A bell or chime from any building clock, school or church.
- (4) A public emergency sound signal.
- (5) Warning devices required by OSHA or other state or federal safety regulations.
- (6) Farming equipment or farming activity.
- (7) An emergency.
- (8) Snow removal.

(Ord. No. 01-5, § 6A-3, 5-7-2001)

Sec. 38-104. Exemptions.

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

- (1) Noise created by the operation of properly maintained and properly functioning property maintenance equipment during day-time hours.
- (2) Noise generated by any construction equipment operated during day-time hours.
- (3) Noise created by any recreational activities which are sanctioned by the town, including, but not limited to, parades, sporting events, concerts and firework displays. Any equipment related to such recreational activities shall be properly maintained and properly functioning.
- (4) 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.
- (5) Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.

(6) Noise created by a properly maintained and properly functioning fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten minutes when such alarm is attached to a vehicle or 30 minutes when attached to any building or structure.

(7) Noise created by public facility maintenance during day-time hours.

(Ord. No. 01-5, § 6A-4, 5-7-2001)

Sec. 38-105. Noise level measurement procedures

For the purpose of determining noise levels as set forth in this article, and as set forth in Connecticut Regulations G.S. § 22a-69-4, the following procedures shall be applicable:

(1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.

(2) Instruments used to determine sound level measurements shall be sound level meters as defined in this article.

(3) The following steps shall be taken 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. Measurements to determine compliance with section 38-106, in those cases where a receptor is an abutter to the emitter, shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and at a point within the receptor's premise. In those cases where the receptor is not an abutter to the emitter, measurements to determine compliance with section 38-106 shall be taken at a point that is located more or less one foot within the boundary of the receptor's premises.

c. The person conducting the testing shall prepare a written report to include, but not necessarily be limited to, such information as date, time, location, observation of conditions of the environment such as identification of noise source, weather, traffic and other pertinent data.

(4) The zoning enforcement officer is charged with assisting in training efforts and with assisting emitters in their efforts to comply with the standards set forth herein.

(5) The director of planning and community development and the zoning enforcement officer are charged with the review of development proposals during the administrative review process to determine the potential for violation of this article and to assist potential emitters in their efforts to comply with the standards set forth herein.

(Ord. No. 01-5, § 6A-5, 5-7-2001)

Sec. 38-106. 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 premises in excess of the noise levels established in this article.

(b) *Noise level standards.* No person shall emit noise exceeding the levels stated herein.

TABLE INSET:

	Zone in Which Receptor is Located>			
Zone in Which Emitter is Located	Industrial (dBA)	Business (dBA)	Residential Day-time Hours (dBA)	Residential Night-time Hours (dBA)
Industrial	70	66	61	51
Business	62	62	55	45

Residential	62	55	55	45
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(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 dBA, provided that no source subject to this article shall emit noise in excess of 80 dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this article.

(2) No person shall cause or allow the emission of impulse noise in excess of 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 100 dB peak sound pressure level at any time.

(d) *Short term noise.* In measuring compliance with the noise level standards, the following short term noise level excursions over the noise level standards established by this article shall be allowed, and measurements within these ranges of established standards shall constitute compliance therewith:

TABLE INSET:

Allowable Levels Above Standards (dBA)	Time Period of Such Levels (Minutes/Hour)
3	15
6	7
8	5

(e) *Existing noise sources.* Existing noise sources constructed between January 1, 1960, and June 15, 1978, shall be provided a permanent five dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source. Existing noise sources constructed prior to 1960 shall be provided a permanent ten dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source.

(f) *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-4a 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 article.

(g) *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 article.

(h) *Existing state law.* Nothing in this article shall be construed to limit the powers of the police to enforce applicable state laws, including, but not limited to, breach of the peace, motor vehicle noise, or recreational vehicle noise.

(Ord. No. 01-5, § 6A-6, 5-7-2001)

Sec. 38-107. Enforcement.

Violations of this article shall be enforced by the chief of police. The chief of police may develop procedures consistent with this article, including, but not limited to: Metering, training, and issuance of violation notices.

(Ord. No. 01-5, § 6A-7, 5-7-2001)

Sec. 38-108. Violations and penalties.

(a) Any person found to be in violation of any sections of this article for the first time, who is willing to correct the violation, shall be given a two-week grace period in which to correct the violation. The chief of police shall refer the person found to be in violation to the director of planning and community development and the zoning enforcement officer to receive direction for corrective action. Provided all necessary applications related to the corrective action are filed with the relevant land use agency within the two-week grace period, the town manager may extend the grace period pending the review of the applications.

(b) Any person found to be in violation of any sections of this article: After the grace period referred to in subsection (a); or, who is unwilling to correct the violation; or, for the second or successive times, shall be fined in an amount not to exceed \$50.00 per day that such violation continues. The chief of police shall continue to meter the violation.

(c) In the event that the violation is not corrected and/or the fine is not paid, the chief of police may request that the town attorney determine appropriate legal or equitable action or proceeding before the superior court against the person or persons responsible for the violation. The remedies sought may include, but are not limited to, judicial enforcement of the fines and/or injunctive relief.

(Ord. No. 01-5, § 6A-8, 5-7-2001)

Sec. 38-109. Variance.

(a) Any person residing or doing business in the town 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 state 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 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 state 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 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.

(Ord. No. 01-5, § 6A-9, 5-7-2001)

Sec. 38-110. Zoning regulations.

All provisions of the zoning regulations (in appendix B) which are more stringent than those set forth herein, shall remain in force.

(Ord. No. 01-5, § 6A-10, 5-7-2001)

Secs. 38-111--38-140. Reserved.

ARTICLE III. NOISE

Sec. 8-46. Short title.

The title of this article shall be "The Town of Seymour Noise Control Ordinance."
(Ord. of 6-27-83, § 1)

Sec. 8-47. 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 or safety or welfare or degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.
(Ord. of 6-27-83, § 2)

Sec. 8-48. Definitions.

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

Ambient noise or *background noise* shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Commercial zone shall mean commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use. Central commercial: CBD-1 central business district; general commercial C-2; recreational commercial RC-3.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition of public or private rights-of-way, structures, utilities, or similar property.

Construction equipment shall mean any equipment or device operated by fuel or electric power used in construction or demolition.

Daytime hours shall mean the hours between 7:00 a.m. and 9:00 p.m. Monday through Sunday, and the hours between 7:00 a.m. through 9:00 p.m. on holidays which fall into these parameters.

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound which symbol is dB.

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

Domestic power equipment shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle shall mean any motor vehicle authorized by the state to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

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

Industrial zone shall mean industrial district as defined by the zoning regulations of the town, limited and general: Limited industrial LI-1; general industrial GI-2.

Motor vehicle shall be defined as per section 14-1(26) of the general statutes.

Muffler shall mean a device for abating sounds such as escaping gases.

Nighttime hours shall mean the hours between 9:00 p.m. and 7:00 a.m. Monday through Sunday, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 8-52.

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

Premises shall mean any building, structure, land, or portion thereof, including all appurtenances, and shall include 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 shall mean 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 from the public right-of-way.

Public right-of-way shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

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

Residential zone shall mean residential district as defined in zoning regulations of the town. Residence R-40 residential, 40,000 square feet; residence R-15 residential 15,000 square feet; residence TH-townhouses; residence GA-garden apartment. The boundaries are established in the zoning regulations of the town as shown on the zoning map.

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 take sound level measurements and which should conform, as a minimum to the operational specifications of the American National Standards Institute for sound level meters St. 4-1971 (Type S2A).

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

(Ord. of 6-27-83, §§ 3.1--3.27)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 8-49. Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this article, the following guidelines shall be applicable:

- (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 sound level meters as defined by this article.

(Ord. of 6-27-83, § 4.2)

Sec. 8-50. Sound level measurements.

The general steps listed below shall be followed 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) The sound level meter shall be calibrated before and after each set of measurements and shall be approved by the department of environmental protection;
- (3) 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;
- (4) 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 feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements;
- (5) Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's premises within the receptor's noise zone. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(Ord. of 6-27-83, § 4.3)

Sec. 8-51. Noise levels--Generally.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this article.

Sec. 8-52. Same--Standards.

(a) No person and/or property owner in a residential zone shall emit noise beyond the boundaries of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

(b) No person and/or property owner in a commercial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zone:

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Commercial				
62 dBA	62 dBA	55 dBA	45 dBA	

(c) No person and/or property owner in an industrial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones.

TABLE INSET:

Receptor's Zone				
Emitter's Zone	Industrial	Commercial	Residential/Day	Residential/Night
Industrial				
70 dBA	66 dBA	61 dBA	51 dBA	

(Ord. of 6-27-83, § 5.2)

Sec. 8-53. High background noise levels and impulse noise.

(a) In those individual cases where the background noise levels caused by sources not subject to this article, exceed the standards contained in section 8-52, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the provisions of this article shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this article.

(b) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any residential noise zone.

(c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.

(Ord. of 6-27-83, § 5.3)

Sec. 8-54. Exclusions.

The levels enumerated in sections 8-52 and 8-53 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 situations, provided, however, that burglar alarms not terminating within 30 minutes after being activated shall be unlawful;
- (4) Warning devices required by OSHA or other state or federal safety regulations;
- (5) Farming equipment or farming activity.

(Ord. of 6-27-83, § 5.4)

Sec. 8-55. Exemptions.

The following shall be exempt from the provisions of this article, subject to special conditions as spelled out:

- (1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 8-52;
- (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, grinder, lawn and garden tools or similar devices operated during daytime hours with proper muffler equipment;
 - (4) Noise from snow-removal equipment with proper muffler equipment;
 - (5) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this article;
 - (6) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
 - (7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including, but not limited to parades, sporting events, concerts, and firework displays; limiting time to be included on permit;
 - (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
 - (9) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.
- (Ord. of 6-27-83, § 5.5)

Sec. 8-56. Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall, at any time, sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) *Truck idling.* No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten minutes when such vehicle is parked on a residential premise or on a town road next to a residential premise.
 - (3) *Exhaust discharge.* No person shall discharge into the ambient air the blowdown of any steam vent of the exhaust of any stationary internal-combustion engine or air compressor equipment unless such discharge be through a muffler, as defined by section 8-48 or through an apparatus providing equal noise reduction.
- (Ord. of 6-27-83, § 6.3)

Sec. 8-57. Motor vehicle noise.

- (a) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the general statutes.
 - (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 8-52.
- (Ord. of 6-27-83, § 7.2)

Cross references: Traffic and motor vehicles, Ch. 16.

Sec. 8-58. Recreational vehicle noise.

No person shall create or cause to create any unreasonable loud or disturbing noise due to the operation of the 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 set forth in section 8-52.

(Ord. of 6-27-83, § 8.1)

Sec. 8-59. Inspections.

(a) For the purposes of determining compliance with the provisions of this article, the Chief of Police or his authorized agent, is hereby authorized to make inspections of all noise sources and take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or [or] restricts entry and free access to any part of a premises or refuses inspection, testing, or noise measurements of any activity, or process where inspection is sought, the Chief of Police or his authorized agent, through the town, may seek from the appropriate court a warrant or other appropriate order for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his authorized agent, free access to any premises when the Chief of Police or his authorized agent, is acting in compliance with a warrant or other order for inspection.

(c) 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.

(d) 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 duties under this article.

(Ord. of 6-27-83, §§ 9.1--9.5; Ord. approved 1-20-09(2), eff. 1-27-09)

Sec. 8-60. Contracts.

Any written agreement, purchase order or contract whereby the town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactures without violating the provisions of this article.

(Ord. of 6-27-83, § 11.1)

Sec. 8-61. Penalties.

(a) The Chief of Police or his authorized agent, whenever he finds, after investigation, that any person is causing, engaging in or maintaining any condition or activity which, in his judgement, constitutes a violation of these regulations may, without hearing, issue a written warning to such person to discontinue, abate or alleviate such condition or activity. Such person or persons issued a written warning may appeal within ten days. The appeal shall be made in compliance with the town ordinance of March 2, 2004, which establishes a hearing procedure. Any subsequent fine or penalty imposed by this ordinance may be appealed in a manner provided by said appeal ordinance. If such person or persons continue after receiving a written warning, section (b) of this penalty section will be implemented.

(b) Any person in violation of any of the provisions of this article shall be fined in the amount of \$100.00. Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation and the amount of the fine shall be doubled for each day the violation continues, such fine shall not exceed \$400.00 per day.

(Ord. of 6-27-83, §§ 10.1, 10.2; Ord. approved 1-20-09(2), eff. 1-27-09)

ARTICLE III. NOISE*

***State law references:** Municipal authority to enforce noise control ordinances, G.S. § 22a-73.

Sec. 13-46. Short title.

This article may be cited as the "Town Noise Control Ordinance".
(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-47. Purpose.

Pursuant to the general authority of G.S. § 7-148, and the specific authority of G.S. § 22a-73(c), it is hereby resolved that, to preserve and promote the health, safety and general welfare of the citizens of the Town of Trumbull (the "Town"), it is in the common interest to enact reasonable regulations pertaining to the reduction, control and or prevention of noise so as to promote a general environment free from excessive noise and vibration.
(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-48. Definitions.

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

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

Chief of Police shall mean the Chief of Police of the Town of Trumbull or a duly authorized officer subject to his orders.

Commercial zone shall mean all commercial zones and business zones, (B-C) as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

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

Decibel shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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

Domestic power equipment shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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

Emergency vehicle shall mean any motor vehicle authorized by the Town to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency work shall mean 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 shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone shall mean all industrial zones (I-L, I-L2, I-L3), as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone which corresponds to the actual use.

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

Motor vehicle shall be defined as per G.S. § 14-1(47).

Muffler shall mean a device for abating sounds such as escaping gases.

Night shall mean the hours between 9:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 9:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise shall mean any sound, the intensity of which exceeds the standards set forth in section 13-50 of this chapter.

Noise level shall mean the sound pressure level as measured with a sound level meter using the A-weighted network. The level so read is designated dB(A) or 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, and shall include 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 shall mean that real or imaginary line along the ground surface and its vertical extension which:

- (a) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; and
- (b) Separates real property from the public right-of-way.

Public right-of-way shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad, or similar place, which is owned or controlled by a governmental entity.

Recreational vehicle shall mean any internal combustion engine powered vehicle which is being used for recreational purposes.

Residential zone shall mean all residential zones, (AAA, AA, A, PRCZ, PAHZ), as defined in the zoning regulations of the Town. Any use, which is nonconforming, shall be deemed to be in the zone, which corresponds to the actual use.

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 take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4-1971 (Type S2A), or latest revision.

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) micronewtones per square meter (20×10^{-6} Newtons/meter²), and is expressed in decibels (dB).
(Res. No. TC11-57, 8-4-86; Res. No. TC17-3, 1-5-98; Res. No. TC20-157, 11-9-04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-49. Noise level measurement procedures.

For the purpose of determining noise level as set forth in this article, the following guidelines shall be applicable.

- (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 sound level meters, as defined in this article.
- (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 windscreen 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 at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements;
 - e. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-50. Noise levels.

(a) *[Unlawful.]* 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.

(b) *Noise level standards.*

(1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial, or industrial zones:

Emitter's zone: Residential

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	55dBA
Residential/day	55dBA
Residential/night	45dBA

(2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's zone: Commercial

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	62dBA
Commercial	62dBA
Residential/day	55dBA
Residential/night	45dBA

(3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

Emitter's zone: Industrial

TABLE INSET:

Receptor's zone:	Maximum level:
Industrial	70dBA
Commercial	66dBA
Residential/day	55dBA
Residential/night	45dBA

(4) Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use.

(c) *High background noise levels and impulse noise.*

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations 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 the provisions of this article shall emit noise in excess of eighty (80) dBA at any time, and provided that this section, does not decrease the permissible levels of other sections of this article.

(2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB 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) dB peak sound pressure level at any time to any zone.

(d) *Exclusions.* These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) The unamplified human voice.

(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 on motor vehicles not terminating within ten (10) minutes or on buildings not terminating within thirty (30) 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.

(4) Warning devices required by OSHA or other state or federal safety regulations.

- (5) Farming equipment or farming activities.
 - (6) Home and commercial generators during periods of lost power.
 - (7) Nighttime public road maintenance and line painting.
 - (8) Sound created by bells, carillons or chimes associated with specific religious observances.
 - (e) *Exemptions.* The following shall be exempt from these regulations, subject to special conditions as spelled out:
 - (1) Noise generated by any construction equipment, which is operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays.
 - (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., Monday through Saturday, and between the hours of 9:00 a.m. and 8:00 p.m. on Sundays, provided that noise discharge from exhaust is adequately muffled.
 - (4) Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled.
 - (5) Noise from demolition work conducted between the hours of 7:00 a.m. and 6:00 p.m., provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
 - (6) Noise created by any aircraft flight operations that are specifically preempted by the Federal Aviation Administration.
 - (7) Noise created by any religious or recreational activities which are permitted by law and for which a lease, license or permit has been granted by the Town, including but not limited to outdoor evangelistic meetings and preaching or parades, sporting events, concerts and firework displays.
 - (8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m., local time, at specific hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
 - (9) Noise created by solid waste and recycling collection between the hours of 7:00 a.m. and 6:00 p.m.
- (Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-51. Prohibited noise activities.

The following activities are prohibited:

- (1) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle, unless it is necessary as a warning to prevent or avoid a traffic accident.
 - (2) *Advertising.* No person shall at anytime use any drum, bell or other instrument or device for purpose of attracting attention to any performance, show or sale, or to the display or advertisement of merchandise.
- (Res. No. TC11-57, 8-4-86; Res. No. TC19-28, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-52. Motor and recreational vehicle noise.

- (a) All motor and recreational vehicles within the limits of the Town shall be subject to the noise standards and decibel levels as found in G.S. Title 14, § 14-80a.
 - (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection 13-50(b).
- (Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Motor vehicles and traffic, Ch. 12.

Sec. 13-53. Inspections.

(a) For the purpose of determining compliance with the provisions of this article, the Chief of Police or his designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests, whenever necessary, to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises, or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Chief of Police or his designated representative may seek from the appropriate court a warrant, without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

(b) It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative free access to any premises, when the Chief of Police or his designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

(c) 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.

(d) 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 article.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Cross references: Motor vehicles and traffic, Ch. 12.

Sec. 13-54. Enforcement.

(a) Any person aggrieved by any act constituting a violation of this article may complain to the Police Department who shall enforce this article.

(b) The police are also authorized to enforce this article without any such complaint.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Sec. 13-55. Penalties.

(a) Violators may be served with an infraction notice, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offence cited. Fines shall be in the amount of seventy-five dollars (\$75.00) for the first offence, and one hundred dollars (\$100.00) for each subsequent offence.

(b) Said fine amounts as may be levied may be adjusted without further municipal action so as to be in conformity with the State of Connecticut, Superior Court, Mail in Violations and Infractions Schedule, as it may be amended from time to time. Nothing in this article shall prevent the Police Department, because of the perceived nature of the offence, from proceeding not under the terms of this article, but under the provisions of G.S. §§ 53a-181, 53a-181a, 53a-182, and 53l-181, as they may be amended from time to time, which sections relate, generally to breach of peace, creating a public disturbance, and disorderly conduct, etc.

(Res. No. TC11-57, 8-4-86; Res. No. TC13-100, 10-7-91; Res. No. TC19-26, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-56. Variances and contracts.

(a) *Variances.*

(1) Any person living or doing business in the Town may apply to the Trumbull Monroe Regional Health District for a variance from one (1) or more of the provisions of this article, which are more stringent than the State Department of Environmental Protection regulations for

the control of noise, provided that the applicant supplies all of the following information to the Director of Health:

- a. The location and nature of the activity;
- b. The time period and the hours of operation of the activity;
- c. The nature and intensity of the noise that will be generated; and
- d. Any other information required by the Director of Health.

(2) No variance from this article shall be issued unless it has been demonstrated that:

- a. The proposed activity will not violate any provisions for the State Department of Environmental Protection regulations;
- b. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
- c. Compliance with this article constitutes an unreasonable hardship on the applicant.

(3) The application for the variance shall be reviewed and either approved or rejected within fifteen (15) days of the receipt by the Director of Health. The approval or rejection shall be in writing and shall state the conditions of approval of the variance.

(4) Failure to rule on the application in the designated time shall constitute approval of the variance.

(b) *Recourse.* Any person aggrieved by the decision of the Director of Health with the respect to any variance may appeal same to the Zoning Board of Appeals within a period of ten (10) days of receipt of the Health Director's decision.

(c) *Contracts.* Any written agreement, purchase order or contract whereby the Town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this article will be operated, constructed, conducted or manufactured without violating the provisions of this article.

(Res. No. TC11-57, 8-4-86; Res. No. TC19-28, 6-3-02; Res. No. TC20-157, 11-9-04)

Sec. 13-57. Conflicting provisions.

All provisions of the zoning regulations of the Town which are more stringent than those set forth in this article shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional, this article shall hereby be invalidated and the remainder of this article shall continue in effect. Any provision herein which is in conflict with the state statutes or the public health code of this state are hereby repealed, it being understood that such statutes and code shall take precedence over this article.

(Res. No. TC11-57, 8-4-86; Res. No. TC20-157, 11-9-04)

Town of Westbrook
Code of Ordinances

Chapter 12 NOISE*

***State law references:** Authority to prevent disturbing noises, G.S. § 7-148(c)(7)(H)(viii).

Sec. 12-1. Short title.

This chapter shall be known as the town noise control ordinance.
(Ord. of 6-22-81(5), § 1)

Sec. 12-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Commercial zone means commercial district, commercial boating, turnpike interchange commercial district, as defined in the zoning regulations of the town and all uses associated therewith either permitted as a right or as a special use.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

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

Daytime hours means the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours of 9:00 a.m. through 10:00 p.m. on Sundays.

Decibel means logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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, but is not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

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 the town 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 sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone means industrial district as defined by the zoning regulations of the town.

Motor vehicle means that term as defined in section 14-1(26) of the General Statutes.

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

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

Noise means any sound, the intensity of which exceeds the standards set forth in section 12-5(b).

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

Premises means any building, structure, land or portion thereof, including all appurtenances, and shall include 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.

Residential zone means all residential districts, R.R., L.R., M.L.R., M.H.R., H.R. and commercial where used for residential purposes, as defined in the zoning regulations of the town and all uses associated therewith either permitted 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, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters SI. 4--1971 (Type S2A).

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 is expressed in decibels (dB). (Ord. of 6-22-81(5), § 3)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 12-3. 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 or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the

health, safety, welfare and quality of life for the citizens of the town through the reduction, control and prevention of noise.

(Ord. of 6-22-81(5), § 2)

Sec. 12-4. Noise level measurement procedures.

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

- 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 sound level meters as defined by this chapter.
- 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 at least four (4) feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.
 - e. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
- 4) The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled Connecticut Noise Survey Data Form No. 101.

(Ord. of 6-22-81(5), § 4)

Sec. 12-5. Noise levels.

- a) Generally. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his premises in excess of the noise levels established in this section.
- b) Noise *level standards*.
 1. No person in a residential zone shall emit noise beyond the boundaries of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone
--	-----------------

Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/Night
Residential	62 dBA	55 dBA	55 dBA	45 dBA

2. No person in a commercial zone shall emit noise beyond the boundary of his premises exceeding the levels, stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/Night
Commercial	62 dBA	62 dBA	55 dBA	45 dBA

3. No person in an industrial zone shall emit noise beyond the boundary of his premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:

TABLE INSET:

	Receptor's Zone			
Emitter's Zone	Industrial	Commercial	Residential/ Day	Residential/Night
Industrial	70 dBA	66 dBA	61 dBA	51 dBA

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

1. In those individual cases where the background noise levels caused by sources not subject to these regulations 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 the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter.
2. No person shall cause or allow the emission of impulse noise in excess of eighty-(80) dB 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) dB peak sound pressure level at any time to any zone.

d) Exclusions. These 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 thirty (30) minutes after being activated shall be unlawful;

4. Warning devices required by OSHA or other state or federal safety regulations;
 5. Farming equipment or farming activity.
- e) Exemptions. The following shall be exempt from these regulations subject to special conditions as spelled out:
1. Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in subsection (b) of this section;
 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 during daytime hours;
 4. Noise from snow removal equipment;
 5. Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation;
 6. Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
 7. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades, sporting events, concerts and firework displays;
 8. Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
 9. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(Ord. of 6-22-81(5), § 5)

Sec. 12-6. Prohibited noise activities.

The following activities are prohibited:

- 1) Vehicle *horns*. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- 2) Truck *idling*. No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a town road next to a residential premises.
- 3) Exhaust *discharge*. No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or

air compressor equipment, unless such discharge is through a muffler as defined by section 12-2 or through an apparatus providing equal noise reduction.
(Ord. of 6-22-81(5), § 6)

Sec. 12-7. Motor vehicle noise.

- a) All motor vehicles operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the General Statutes.
- b) No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in section 12-5(b).

(Ord. of 6-22-81(5), § 7)

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 12-8. 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 set forth in section 12-5(b).

(Ord. of 6-22-81(5), § 8)

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 12-9. Inspections.

- a) For the purpose of determining compliance with the provisions of this chapter, the board of selectmen is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. If any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the board of selectmen may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- b) It shall be unlawful for any person to refuse to allow or permit the board of selectmen free access to any premises when the board of selectmen is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- c) 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.
- d) 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 duties under this section.

(Ord. of 6-22-81(5), § 9)

Sec. 12-10. Penalties.

Any person in violation of any of the provisions of this chapter shall be deemed guilty of a violation and upon conviction thereof shall be fined in an amount not to exceed twenty-five dollars (\$25.00). Each day such violation continues after the time for correction of

the violation has been given in an order shall constitute a continuing violation and the amount of the fine shall be doubled for each day the violation continues, such fine not to exceed four hundred dollars (\$400.00) per day.

(Ord. of 6-22-81(5), § 10)

Sec. 12-11. Variance and contracts.

a) Variances.

- a. Any person living or doing business in the town may apply to the board of selectmen for a variance from one (1) or more of the provisions of this chapter, which are more stringent than the state department of environmental protection regulation for the control of noise, provided that the applicant supplies all of the following information to the board of selectmen at least twenty (20) days prior to the start of the activity:
 - i. The location and nature of the activity;
 - ii. The time period and hours of operation of the activity;
 - iii. The nature and intensity of the noise that will be generated;
 - iv. Any other information required by the board of selectmen.
- b. No variance from this chapter shall be issued unless it has been demonstrated that:
 - i. The proposed activity will not violate any provisions of the state department of environmental protection regulations.
 - ii. The noise levels generated by the proposed activity will not constitute a danger to the public health.
 - iii. 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 prior to the proposed start of the 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.

- b) Contracts. Any written agreement, purchase order or contract whereby the town is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such agreement, purchase order or instrument 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 the provisions of this chapter.

c) (Ord. of 6-22-81(5), § 11)

Sec. 12-12. Effect of zoning regulations.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this chapter shall remain in force.

(Ord. of 6-22-81(5), § 12)

Noise Control Ordinances:

Authority, Scope and Implementation

Since the first day of operation, the nearby residents have been hearing the many effects emanating from the sound mechanism. These are as varied as the ingenuity of man to create them. They consist of laughter in all its varied expression, conversation in all its range, song and music in all their gamut, and all those other indescribable sounds from the wail of an agonized soul to the uproar of roller skaters upon a wooden floor.

- *Buchanan v. Milford Drive-In Theatre Corp.*, 7 Conn. Supp. 324, 1939 WL 944 (1939).

Why?

- Provides uniform standards for measurement of violations.
 - Useful for guiding zoning commissions regarding cases where noise is a concern.
- Violation establishes negligence per se in public/private nuisance actions.

Legal Authority:

- General Statutes Ch. 442: Noise Pollution Control. CGS §22a-67 through 22a-76 adopted in 1974.
- General Statutes §22a-73(b):
 - Municipality may adopt a noise control ordinance.
- General Statutes §22a-73(c):
 - No ordinance shall be effective until such ordinance has been approved by the DEP Commissioner.
 - No ordinance shall be approved unless it is in conformity with any state noise control plan.
 - Municipality may adopt more stringent noise standards than those adopted by the commissioner, provided such standards are approved by the Commissioner.

Implementing Regulations:

- RCSA §§22a-69-1 through 22a-69-7.4
- <http://www.ct.gov/dep/lib/dep/regulations/22a/22a-69-1through7.pdf>
- Try to keep your ordinance as consistent with the regulations as possible.
- West Hartford Code of Ordinances Ch. 123.
<http://www.westhartford.org>

Format of Ordinance

- Definitions – Refer to Regulations
- Exceptions
- Noise District Classifications
- Standards
- Testing Methodologies
- Administration/Enforcement

Exceptions

- Exceptions are numerous under regulations and are very important unless you want to be citing everyone every day.
 - Safety signals/backup alarms
 - Lawn care equipment/construction activity (between set hours).
 - Church bells (during services)
 - Snow removal equipment
 - Public celebrations/sporting events

Noise Districts

- Noise district classifications based on zoning classification
- Residential/Business/Industrial Noise Districts.
- Within a Noise District, the noise emitter's zone includes contiguous parcels under the same ownership as indicated by the public land records and contiguous street and highway rights-of-way, railroad rights-of-way and waters.

Specific District Standards

- Example:
 - Industrial Emitter to:
 - Industrial Receptor: 70 dBA
 - Business Receptor: 66 dBA
 - Residential Receptor (Day): 61 dBA
 - Residential Receptor (Night): 51 dBA

Decibel Ranges

- 0 dB the quietest sound you can hear.
- 30 dB whisper, quiet library.
- 60 to 70 dB Normal conversation at 3-5 feet
- 60 dB normal conversation, sewing machine, typewriter.
- 90 dB lawnmower, shop tools, truck traffic; 8 hours per day is the maximum exposure.
- 90 to 95 dB Level at which sustained exposure may result in hearing loss
- 100 dB chainsaw, pneumatic drill, snowmobile; 2 hours per day is the maximum exposure.
- 115 dB sandblasting, loud rock concert, auto horn; 15 minutes per day is the maximum exposure.
- 120 to 135 dB Symphonic music peak, level at which sound can produce pain
- 140 dB gun muzzle blast, jet engine; noise causes pain and even brief exposure injures unprotected ears; maximum allowed noise with hearing protector.
- 150 dB Rock music peak
- 180 dB Death of hearing tissue

Special Circumstances

- Impulse noise.
 - 80/100 dBA
- Infrasonic and ultrasonic sound.
 - 100 dBA
- Prominent Discrete Tones
 - Reduce otherwise allowed dBA level by 5.
- High background noise areas
 - May exceed background noise by up to 5 dBA with a cap of 80 dBA

Motor Vehicle Noise

- CGS 14-80a:
 - (a) No person shall operate a vehicle or combination of vehicles... in such a manner as to exceed the decibel levels established under subsection (c)...
 - (b) No person shall sell or offer for sale a new vehicle which... exceeds the decibel levels established under subsection (c)...
 - Implementing Regulations: RCSA 14-80a-1 through 14-80a-10a.

...*But*

- No power equipment and no sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels specified in this chapter.
- *State v. Riviere*, Superior Court of Connecticut, Docket No. CR060155887S, 2006 WL 3114419 (Nigro, JTR).

Testing

- Testing is performed according to very precise protocols.
 - Requires proper equipment and training.
 - Requires frequent calibration.
 - Testing usually must be planned in advance.

Administration

- Who is your administration/enforcement authority?
 - Cross-Training
 - Risk of Implied Approval
 - Do you need night time enforcement?
 - Can the noise be recreated during the day for testing purposes?
 - Daily/seasonal temperature fluctuations
 - Background noise levels

Variance Procedure

- Despite exemptions, a variance procedure is critical.
 - Night time Road Work.
 - Long-term activities extending into night.
- Important to establish detailed and objective process.
- Variances don't have to run with the land.

Enforcement

- Notice of Violation specifying:
 - The noise source where the violations are alleged to exist.
 - The alleged violations.
 - An appropriate or acceptable method of correction.
 - A specific date for the correction of any violation alleged.
- Served upon the owner, occupant, operator or agent of the noise source personally or by registered mail, return receipt requested.
 - Posting the notice in or about the noise source described in the notice or by causing such notice to be published in a newspaper of general circulation for a period of five consecutive days.
- If no compliance by cure date, penalties commence.
- Appeal process

*Go placidly amidst the noise and
waste, and remember what
comfort there may be in owning a
piece thereof.*

Deteriorata

(National Lampoon)

MEMORANDUM FROM THE LAW OFFICES OF
HALLORAN & SAGE LLP
225 Asylum Street
Hartford Connecticut 06103

TO:	John Elsesser, Town Manager
FROM:	Michael C. Collins Duncan J. Forsyth
DATE:	5/17/2016
RE:	Senior Tax Abatement Proposal

You have requested our guidance regarding a proposed program of tax relief for senior residents of the Town of Coventry concerning the taxes on their homes. The proposal ("Senior Tax Option Plan"), which is currently in the form of a conceptual draft only, is attached. We have reviewed pertinent statutes as well as background information that you provided to us.

It must be stated as a general proposition that a municipality's power regarding taxation comes from the state. Only through express statutory authority may a municipality levy, exempt or abate taxes.

There are certain state statutes that provide for tax relief for elderly taxpayers. See, for example, General Statutes § 12-170aa to §12-170cc which provides a state-reimbursed tax reduction to homeowners who are at least 65 years old and who meet certain income limits. See, also, General Statutes §12-170v to §12-170w, which provides municipalities with the option to provide real property relief to homeowners who are at least 70 years of age and who meet certain income limits. However, the relief programs provided by these statutes, and the requirements necessary to qualify for the programs, are specific and do not provide authority to implement the type of relief plan that we have been asked to review.

General Statutes §12-129n provides municipalities with the authority to provide tax relief to elderly homeowners with more flexibility than the statutes cited above. The flexibility provided in this statute provides authority to address most, but not all, of the proposed qualifications for the program being considered.

General Statutes §12-129n provides that any municipality may, by vote of its legislative body on recommendation of its board of finance or equivalent body, provide property tax relief to residents of such municipality, with respect to real property owned and occupied by such residents as their principal residence, or held in trust for and occupied by such residents as their principal residence, who are:

(1) sixty-five years of age and over, or (2) whose spouses, living with them, are sixty-five years of age or (3) over sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death or (4) with respect to real property on which such residents or their spouses are liable for taxes under section 12-48 (life estates), or (5) under age sixty-five and eligible in accordance with certain requirements for total disability benefits.

Any of these individuals are eligible for a program established under the statute “provided such residents or their spouses under [the] subdivisions above have been taxpayers of such municipality for one year immediately preceding their receipt of tax benefits under this section....” (emphasis added).

The statute provides authority for the town to exercise the option to create a program that provides additional property tax relief to certain of its citizens. However, the group of citizens who would be eligible under the statute is larger than that contemplated by the draft plan, as certain individuals (cited above) under the age of sixty-five would be entitled to participate pursuant to the statute. Perhaps more significantly, the statute does not authorize restricting such a tax relief program to applicants who have owned and paid taxes on the residence for a minimum of 30 years, as the statute specifically provides for a one year period. However, it may be possible to at least partially address this issue in an indirect manner.

Eligibility for a program established pursuant to General Statutes §12-129n also requires that the residents “meet the requirements which may be established by such municipality with respect to maximum income allowable during the calendar year preceding the year in which application is made for the tax relief provided in this section.” (emphasis added). This portion of the statute provides that a municipality, while not required to establish income limitations, may do so. While the statute does not directly provide the authority to limit participation in a program established pursuant to its authority based upon a more lengthy time period of ownership than one year, a graduated income limitation scale could be established whereby it is easier to qualify as one owns the residence for a longer period of time. For example, for residents who have owned the property for less than 20 years, the maximum income allowable is X; for those who have owned the property for more than 20 years, but less than 30 years, the maximum income allowable is 2X; for those who have owned the property for more than 30 years, the maximum income allowable is 3X (or even waived altogether).

General Statutes §12-129n also includes a requirement that prior to the initial approval of a plan of property tax relief provided pursuant to the statute, the executive authority of the town “shall appoint a committee consisting of not less than five resident taxpayers of such municipality” to conduct “a study and investigation with respect to such property tax relief” and present a report to the Board of Finance or equivalent body. This report shall include (1) the fiscal impact of such property tax relief on property tax revenue for the town; (2) recommendations with respect to the form and extent of such property tax relief. This provides flexibility to the town in determining what the tax relief program will entail. This flexibility does provide the authority, once

the necessary process has been complied with, to establish a program which freezes residential property tax at current levels for qualified taxpayers.

Review of the proposed tax relief plan is somewhat complicated by the fact that the Town of Coventry already has a local tax referral program that appears to invoke the authority of General Statutes §12-129n. The Code of Ordinances of the Town of Coventry, Article III, Sec. 94-91 through 94-104 provides for a Local Tax Deferral Program (see attached). While the ordinance does not specifically cite the statute, the qualifications for the program and the nature of the relief follow the provisions of the General Statutes §12-129n. The nature of the relief provided is a tax deferral, as stated in the title of the article. It would be necessary to consider whether the proposed new program would be offered in place of, or as an alternative to, the existing program.¹ It does not appear that the terms of the proposed new program could be accommodated together with the terms of the existing deferral program.

Another factor that must be considered in establishing a tax relief program pursuant to the authority provided by General Statutes §12-129n, is that the statute establishes limits on the amount of relief that can be granted on both an individual basis and on an aggregate basis for the town. The statute provides, regarding individual taxpayers, that no relief provided pursuant to the statute, "together with any relief received by any such resident under the provisions of sections 12-129b to 12-129d, inclusive, and 12-170aa shall exceed in the aggregate to total taxes which would otherwise have been laid against the taxpayer. Further, General Statutes §12-129n provides the municipality with an option to place a lien on the property for which property tax relief is granted pursuant to the statute. The statute makes such a lien mandatory if the relief provided pursuant to the statute, "together with any relief received by any such resident under the provisions of sections 12-129b to 12-129d, inclusive, and 12-170aa shall exceed in the aggregate seventy-five percent of the total taxes which would otherwise have been laid against the taxpayer.

There is also a limit pursuant to the statute for the town-wide total abatement of property tax revenue pursuant to the statute. Such relief "shall not exceed an amount equal to ten per cent of the total real property tax assessed in such municipality in the preceding tax year."

This memorandum addresses the issues presented with the proposed Senior Tax Option Plan in its current conceptual form. Please advise if you have any questions regarding this memorandum, or if you would like to discuss the issues in more detail.

¹ See the attached ordinance of the City of Stamford for an example of a tax relief program which provides two options of relief to qualified taxpayers.

Senior Tax Option Plan (CONCEPTIAL DRAFT ONLY)

The Connecticut General Statutes (C.G.S.) provide guidelines for municipally-funded elderly tax relief. Local options for elderly tax relief are not mandated by the state, however the state provides minimum criteria for applicants to qualify for the programs as well as guidelines for implementation.

Coventry as a community recognizes the importance and significance of the long term contributions our past generations have made to establish and build the quality of life we enjoy today as citizens of this great community. It was through their vision, hopes, dreams, and hard work that Coventry has become the Town we enjoy and call home today.

It is in tribute and appreciation to them that we recognize their contribution and establish a **Senior Tax Option Plan (STOP)** hereafter referred to as **STOP**. A plan for citizens above the age of 65 that have been long-term residents and currently have limited resources to continue to support increased government taxation.

STOP will allow a citizen to freeze their residential property tax at current levels, **STOP** is for citizens that qualify, based on past contribution and continued length of residence. **STOP** will provide assurance for citizens with limited funds to have some protection from government taxation increases that would erode or eliminate what income qualifying citizens do receive.

To qualify for **STOP** a person or couple must meet the following qualifications:

1. All of the persons or person holding interest or title to the subject property must be at least 65 years of age at the time of application. (reference section 12-48 C.G.S.)
2. The subject property must be a residential home within the Town of Coventry for which the applicant(s) are solely responsible for the payment of property tax to the Town of Coventry.
3. The applicant(s) must provide evidence that they have owned and paid property tax on a residence within the Town of Coventry for a minimum of 30 years.
4. The applicant(s) must not owe back taxes or have previously received any property tax forgiveness during their time of residency within the Town of Coventry.
5. The subject property may not be occupied by anyone other than the applicant(s). The only exception to this stipulation shall be a single (1) individual residing on the premises providing residential and/or medical care.
6. Full application would be required for the initial enrollment in **STOP** and an annual reaffirmation of information would be required each year to continue enrollment in the program.
7. Once the **STOP** is approved residential property tax would freeze at current levels however if for any reason **STOP** is not renewed the property would be placed back on the grand list at current levels of taxation and a new basis for any future application would be established at the new current rate of tax due on the property. The applicant would not

however be liable to repay any past forgiveness of taxes that may have been granted under STOP during any previous years.

8. **STOP** shall only be granted to residents for property used as a primary residence without additional income generated from use of the property. Any income generated from use of the property shall exclude the property from consideration even if the income is assigned to another individual(s) or entity. The intent of **STOP** is to protect a homestead and shall not be construed or used as a subsidy or an instrument of tax avoidance for activity that shall provide income from use of property subject to qualify as the primary residence under **STOP**.
- ~~9. **STOP** shall be granted for a single budget year and be valid for the entire budget year~~ except in cases where the eligibility is no longer valid due to death, change of title or change of occupants at which time the eligibility for **STOP** shall cease immediately.
10. **STOP** shall not apply to any special tax assessment or emergency tax assessment due to acts of God or emergency funds required by the Town of Coventry. **STOP** shall apply to any supplemental tax that may be levied to augment a previously passed budget.
11. The Finance Director shall prepare a report annually to the Town Council prior to September 1 that includes the number of properties under **STOP** and the total cost to the Town under the last passed budget.
12. **STOP** applications and renewals for the budget year that starts in July shall be submitted between October 1 and December 31 of the previous year.
13. The income limits shall be as follows: **NONE** if **STOP** is limited to tax increases only.

Town of Coventry

Adopted May 7, 2012

ARTICLE III. LOCAL TAX DEFERRAL PROGRAM

Sec. 94-91. Short title.

This article shall be known and may be cited as the "Local Tax Deferral Program."

Sec. 94-92. Qualifying.

All residents who have been taxpayers in the town for one year immediately preceding their receipt of tax deferral benefits under this section and meet the other requirements in this article may apply for the town local tax deferral program on real property owned and occupied as their principal residence. Principal residence shall include the house and lot on which the house is situated but shall not include excess acreage as determined by the assessor. Unit owners of a cooperative, condominium or other common interest ownership unit will also qualify if they meet the other requirements of this program.

Sec. 94-93. Requirements.

All applicants must be 65 years of age by December 31 of the preceding year or reside with spouses who are 65 years of age or older by December 31 of the preceding year, or be eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits thereunder, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government related teacher's retirement plan in which requirements with respect to such qualifications for such permanent total disability benefits are comparable to such requirements under Social Security as of December 31 preceding application with the town.

Sec. 94-94. Declaration of income; income ceilings.

All applicants must declare all sources of income* received during the prior calendar year as part of the application process. The income ceilings for program qualification shall be the same as those approved by the state office of policy and management for the homeowners' - elderly/disabled (circuit breaker) tax relief program, and shall be adjusted annually to reflect each year's current income standards, which are normally predicated on the cost of living index provided by the Social Security Administration.

Note—*Total income includes earned and unearned income including but not limited to all income derived from wages, Social Security, bank interest, interest and dividends from stocks and bonds, etc.

Sec. 94-95. Time period to file application.

All property owners who wish to apply for this tax deferral may do so from February 1 through May 15 annually by filing an application with the assessor. Upon application, all applicants must complete all of the information on a form prepared by the assessor and provide proof of all forms of income from the prior calendar year. All approved applicants will be required to re-file biennially with the assessor.

Sec. 94-96. Lien filing upon approval of application.

Upon approval of the application by the assessor, a lien shall be filed annually by the collector of revenue with the town clerk. This lien will be for the amount of tax annually deferred with no interest charge. This lien shall have priority in the settlement of the applicant's estate.

Sec. 94-97. Tax adjustment based on sliding scale.

After the processing of all other exemptions that the eligible applicant may also qualify for (e.g., veterans exemption, circuit breaker, additional veteran's exemption, etc.), the eligible applicant shall receive a tax adjustment for the local tax deferral program based on the sliding scale used by the circuit breaker program.

Sec. 94-98. When tax deferral prorated.

In cases where title to real property is recorded in the name of the taxpayer or his or her spouse who is eligible for tax deferral and any other person or persons, the tax deferral under this article shall be prorated to allow a tax deferral equivalent to the fractional share in the property of such taxpayer or spouse, and the persons not otherwise eligible for tax deferral shall not receive any tax deferral.

Sec. 94-99. Applicants who are not record owners of the property.

Applicants who are not the record owners of property but have a deeded life use to their residence which requires the applicant to pay the property taxes may qualify for a benefit under this program provided that the record owner consents to the requested tax deferral and lien upon the property and that applicants comply with all other requirements.

Sec. 94-100. Death of beneficiary—Surviving spouse to re-file biennially.

Upon the death of a beneficiary of this program who is elderly, the surviving spouse may continue to receive this tax deferral if he/she is 60 years of age or older as of the date of the primary applicant's death. The surviving spouse will be required to re-file biennially with the assessor and meet all other program eligibility guidelines. Should a surviving spouse not qualify for the local tax deferral program for any reason other than age, he/she shall not be eligible to continue to receive this tax deferral. The surviving spouse may apply as a primary applicant if totally disabled prior to reaching age 65 or upon reaching age 65 as specified in [section 94-103](#).

Sec. 94-101. Same—No surviving spouse.

Upon the death of a qualified applicant, or upon the recording of any instrument with the town clerk indicating that the local tax deferral program beneficiary is no longer the primary recipient of the local tax deferral benefit, (such as a transfer of the title of the property) and there is no surviving spouse eligible to assume continuation of the benefit, the tax deferral status shall be removed and the current assessment for that assessment year shall be prorated.

Sec. 94-102. Assessor to determine eligibility and calculate deferral.

The assessor shall determine the eligibility of each person who has applied for the program and shall calculate the tax deferral for all eligible persons except that a lesser deferral shall be made when and to the extent required to ensure that:

(1) Any person may receive a property tax deferral, even if such deferral entirely eliminates/postpones payment of current taxes, when combined with any such other tax relief for which such taxpayer may be eligible in accordance with G.S. §§ 12-129b, 12-129d inclusive, 12-129h, or 12-170aa.

(2) The total of all deferrals granted under the provisions of this article for any tax year shall not exceed an amount equal to one-half of one percent of the town's current adopted operating budget in effect as of February 1. In the event it exceeds one-half percent of the budget, the tax deferrals given to eligible persons shall be prorated uniformly to keep the total amount of town tax deferral within the statutory limit using the following formula:

FORMULA = one-half of one percent of total operating budget = Prorate percent cost of program.

Sec. 94-103. Duration of deferral; exceptions.

The amount deferred shall be determined by the taxes on the grand list preceding the application period and remain in effect for two years unless one of the following occurs:

(1) In the event that under a revaluation, and by applying the current mill rate, the tax owed on a property under this article is less than the deferred figure granted under this article, then the assessor shall re-set the deferred tax at the lower figure.

(2) If there are improvements, changes, alterations, or additions that result in an increase in the assessed value of the deferred residential property, the property shall be reevaluated at the deferred mill rate.

(3) In the event the total deferral of taxes of all eligible residents exceeds an amount greater than or equal to one-half of one percent of the total budget and a prorate is implemented as per section 94-102(2), the deferred tax for each recipient will be prorated to reflect the new amount.

Sec. 94-104. Applicability.

This article shall apply to annual real property taxes as are due and payable for the fiscal year beginning July 1, 2011, and all subsequent fiscal years.

City of Stamford

ARTICLE IV. SENIOR CITIZENS TAX ABATEMENT

Adopted July 1, 1996

Sec. 220-8. Eligibility requirements.

To be eligible for the real property tax relief provided herein, an applicant shall meet the following requirements:

A. ~~State of Connecticut basic statutory requirements pursuant to C.G.S. § 12-129n.~~

(1)(a) An applicant shall be a resident of Stamford and sixty-five (65) years of age or over, or a resident whose spouse, living with said resident, is sixty-five (65) years of age or over, or a resident sixty (60) years of age or over and the surviving spouse of a taxpayer qualified in Stamford under this Article at the time of his or her death; or

(b) Under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits there under, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security.

(2) Such residents or their spouses eligible under subsection (1)(a) or (b) above, shall:

(a) Own and occupy the subject real property as a principal residence; or

(b) As life tenant or tenant for years, be liable for taxes for the subject real property under C.G.S. § 12-48; or

(c) Reside in a cooperative unit owned and occupied by the applicant as a principal residence.

(3) Further, such residents or their spouses, eligible under subsections A(1) and (2) above, shall:

(a) Have been taxpayers of Stamford for one (1) year immediately preceding their receipt of tax benefits under this Article; and

(b) Shall meet the additional local eligibility requirements established below.

B. Additional local eligibility requirements promulgated pursuant to C.G.S. § 12-129n(a).

(1) The maximum income allowable during the calendar year preceding the year in which application is made for local tax relief shall be:

(a) Eighty-five thousand dollars (\$85,000.00) for a single resident.

(b) One hundred thousand dollars (\$100,000.00) for a married resident or qualified spouse.

2. With respect to subsection 220-9.A, the net worth of an unmarried resident shall not exceed two hundred fifty thousand dollars (\$250,000.00), or, if married, of a resident and his or her spouse, shall not exceed three hundred thousand dollars (\$300,000.00) exclusive of an exemption of one million dollars (\$1,000,000.00) on the fair market value of the residence for which the tax relief is sought.

3. With respect to subsection 220-9.B, the net worth of an unmarried resident or, if married, of a resident and his or her spouse shall not exceed four hundred thousand dollars (\$400,000.00), exclusive of an exemption of one million dollars (\$1,000,000.00) on the fair market value of the residence for which the tax relief is sought.

Sec. 220-9. Municipal programs of property tax relief available.

Those residents who meet the requirements set forth in §§ 220-8 and 220-10 shall have the choice to receive relief pursuant to this Article under either Option 1 or Option 2, as follows:

A. Option 1: Abatement of Property Tax.

(1) Those residents choosing abatement of property taxes as the form of municipal tax relief shall be entitled to an amount of relief based upon their income as provided in § 220-9.1, below.

(2) With respect to any amount of taxes properly abated, there shall be no payment or collection of such amount.

B. Option 2: Deferral of Property Tax.

(1) Those residents choosing deferral of property taxes as the form of municipal tax relief shall be entitled to an amount of relief, interest free, based upon their income as provided in § 220-9.1, below.

(2) With respect to any amount of taxes properly deferred:

In accordance with C.G.S. 12-129n(f), the City of Stamford may establish a lien on such property each year that such taxes are deferred in the amount of the relief granted, provided that if the total amount of such property tax relief, when combined with any such tax relief received by such taxpayer in accordance with sections 12-129b to 12-129d, inclusive, or 12-170aa, exceeds in the aggregate seventy-five percent of the property tax for which such taxpayer would be liable, the City shall be required to establish a lien on such property in the amount of the total tax relief granted, plus interest applicable to the total of such unpaid taxes at a rate to be recommended by the Board of Finance and approved by the Board of Representatives.

Sec. 220-9.1. Schedule of qualifying income and corresponding tax abatements and deferrals.

A schedule of qualifying income and corresponding tax abatements and deferrals shall be set each year in the following manner:

A. Annually, in March, the Board of Finance shall recommend to the Board of Representatives a limit for the total benefits under this senior citizen tax relief program.

B. On or before its April meeting, the Board of Representatives shall, by resolution, set a limit for the total benefits. Based upon said limit, the Tax Assessor shall prepare a schedule of qualifying income and corresponding tax abatements and deferrals. In the event that the number and income of eligible applicants would exceed said limit, the Tax Assessor shall reduce the benefits proportionally.

C. Said schedule of qualifying income and corresponding tax abatements and deferrals shall be approved by the Board of Finance and adopted by the Board of Representatives by resolution.

D. The following schedule of qualifying income and corresponding tax abatements and deferrals is adopted by the Board of Representatives:

Benefit for Single Applicants

Income From	Income To	Abatement Amount	Deferral Amount
\$ 0.00	\$10,000.00	\$1,200.00	\$1,200.00
10,001.00	20,000.00	900.00	900.00
20,001.00	30,000.00	650.00	750.00
30,001.00	40,000.00	450.00	625.00
40,001.00	50,000.00	250.00	500.00
50,001.00	60,000.00	250.00	500.00
60,001.00	70,000.00	250.00	500.00
70,001.00	85,000.00	250.00	500.00

Benefit for Married Applicants

Income From	Income To	Abatement Amount	Deferral Amount
\$ 0.00	\$25,000.00	\$1,200.00	\$1,200.00
25,001.00	35,000.00	800.00	850.00
35,001.00	45,000.00	600.00	650.00
45,001.00	60,000.00	500.00	500.00
60,001.00	70,000.00	400.00	500.00
70,001.00	80,000.00	300.00	500.00
80,001.00	90,000.00	250.00	500.00
90,001.00	100,000.00	250.00	500.00

Sec. 220-10. Application procedure.

Eligible residents shall apply:

A. Between February 1 and May 15, and biennially thereafter as required by state statute.

B. At the office of the Tax Assessor of the City of Stamford.

C. On forms provided by the Assessor, and be accompanied by documentation of all qualifying income, including a copy of the applicant's most recent federal tax returns for the calendar year preceding the fiscal year for which tax relief is being requested.

Sec. 220-11. Miscellaneous provisions.

A. The property tax relief provided for in this Article may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse or and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse, or if such property is a multiple-family dwelling, such relief may be prorated to reflect the fractional portion of such property occupied by the qualified taxpayer or his or her spouse.

B. If any person entitled to tax relief pursuant to this Article sells property with respect to which such tax credit is or has been granted, no additional tax credit shall be allowed for his/her interest in such property for any fiscal year commencing after the date of the sale of such property, and the purchaser of such property shall pay the City of Stamford a prorated share of such tax credit as provided by C.G.S. § 12-81a.

Sec. 220-11.1. Amendments to tax relief program; procedure.

Pursuant to C.G.S. § 12-129n, The Optional Tax Relief Program for eligible homeowners age sixty-five (65) and over may be amended from time to time by vote of the Board of Representatives on recommendation of the Board of Finance.

Sec. 220-12. Authority to enforce.

The Mayor, Tax Assessor and Tax Collector are authorized to do what is necessary to effectuate this Article.

Sec. 220-12.1. When effective.

This article shall take effect upon enactment.

Elderly Tax Relief Program Issues for Consideration

- Future tax impact
- What happens in revaluation?
- What happens when property improvements are made?
- Home offices
- Issues regarding living trusts
- Staff time to process applications
- Concerns regarding unequal protections if qualify by age rather than income
- Concerns regarding discrimination if qualify by long-term residency

Elderly Tax Relief Program Issues for Consideration

Future tax impact – referred to the Finance Committee for this consideration

What happens in revaluation?

Since the amount of tax is frozen at current levels revaluation would not have any impact. Remember in the original concept re-certification would be annual and any person may withdraw from the program at the end of any year by not taking any action to renew. The revaluation value would still appear on the land records just as it currently does. The act of revaluation would not directly impact a beneficiary of STOP but a beneficiary may find that revaluation could result in a lower tax bill than the amount at which their tax was originally frozen. In the year of revaluation as in any other year an applicant has the option and must make their own decision concerning the opportunity to enroll or re-enroll in STOP.

What happens when property improvements are made? The act of revaluation does not raise or lower taxes it merely redistributes the obligation of tax payments based on current values for the purpose of equality.

Home offices

Home offices are by their nature part of a business and used for income producing activities, hence under the original draft such property would not qualify for a STOP enrollment.

Issues regarding living trusts

As originally drafted the concept was for "individuals" and would not apply to corporations, LLC, or trusts. However this is an area that may have to be examined in more detail

Staff time to process applications

This does not have to be complicated and can rely on the applicant to a great degree to accept responsibility for certifying the accuracy of the application. That being said, any knowingly false statement to receive the benefit of STOP would be considered fraudulent. During the initial application period the Steering Committee could perhaps act as a clearing house for verification or review of the applications to not only reduce the burden on staff but to also better monitor the program for future refinement.

Concerns regarding unequal protections if qualify by age rather than income

This was a concern when the concept of senior citizen discounts were first popularized however much of that concern was put aside with the opinion that an age qualification was in fact equal since everyone has an equal opportunity to reach the age. This has been the justification voice in discount programs and housing set asides for age restricted living.

Concerns regarding discrimination if qualify by long-term residency

This is a concern not based on residency but on length of residency since State Statute requires a length of residency in enabling legislation it is well established some term is permissible. It is hard to argue that STOP is any more discriminatory than the longevity bonus given to employees in State Union contracts. The benefit is accrued over time and everyone is eligible to earn that benefit provided they comply with all other qualification factors of the program one need only stay alive to qualify.