

SPECIAL MEETING
BOARD OF ALDERMEN
PUBLIC HEALTH & SAFETY COMMITTEE
WEDNESDAY, NOVEMBER 8, 2006
7:00 P.M. IN ROOM 104
SHELTON CITY HALL, 54 HILL STREET, SHELTON, CT

◆ **CALL OF THE MEETING/PLEDGE OF ALLEGIANCE**

Alderman Papa called the meeting to order at 7:00 P.M. All in attendance pledged allegiance to the flag.

IN ATTENDANCE : **ALDERMAN JOHN PAPA, CHAIRMAN**
 ALDERMAN JOSEPH LANZI

ABSENT: **ALDERMAN JOHN "JACK" FINN**

ALL IN ATTENDANCE: **CHIEF JOEL HURLIMAN**

◆ **PUBLIC PORTION**

Frank Salvio – 261 Soundview Avenue states he was here to see what was being done so far on his street. He sent paper work from the Engineer to the Clerk . Alderman Papa states he did not get that. Alderman Papa would like the new clerk to obtain this packet from Mr. Salvio and send it to the committee members. Mr. Salvio would like a couple of signs made. Alderman Papa states there is correspondence relating to this issue.

◆ **CORRESPONDENCE**

The letters are being read into the records and will be attached to the copy that is filed in the City/Town Clerk's Office:

1. Soundview Ave.
2. Old Stratford Rd at Exit 12 Route 8
3. Street Painting

◆ **AGENDA ITEMS**

1. APPROVAL OF MINUTES

1. REGULAR MEETING SEPTEMBER 6, 2006

ALDERMAN LANZI MOVED TO RECOMMEND TO THE FULL BOARD TO WAIVE THE READING AND APPROVE THE MINUTES OF THE PUBLIC HEALTH & SAFETY MEETING OF SEPTEMBER 6, 2006. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0

2. NEW BUSINESS

2.1 REQUEST FOR STREET LIGHT AT 36 SAGAMORE ROAD

ALDERMAN LANZI MOVED TO REFER THE REQUEST FOR STREET LIGHT AT 36 SAGAMORE ROAD TO CHIEF OF POLICE FOR REVIEW AND RECOMMENDATION. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0

Alderman Papa would like the clerk to forward to the Chief the new letter from Dr. Miller with the petition and signatures.

2.2 REQUEST FOR STOP SIGN AT CORNER OF FAIRMONT PLACE & UNION STREET

ALDERMAN LANZI MOVED TO REFER THE REQUEST FOR STOP SIGN AT CORNER OF FAIRMONT PLACE & UNION STREET TO CHIEF OF POLICE FOR REVIEW AND RECOMMENDATION. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED.

Alderman Lanzi explains that he has lived on Union for many years. The problem is Fairmont Place goes straight ahead. If you turn onto Union from Fairmont there is no problem. He was almost in a bad accident because he was turning and someone was traveling straight through on Fairmont to dead end. Who has the right of way?

Chief Hurliman will examine this traffic problem.

2.3 REQUEST FOR TREE BRANCHES TO BE CUT ON MONTGOMERY STREET & RIVER ROAD

ALDERMAN LANZI MOVED TO REFER THE REQUEST FOR TREE BRANCHES TO BE CUT BEHIND UI POLE 1361 ON MONTGOMERY STREET AND RIVER ROAD TO HIGHWAY & BRIDGES/PARKS & RECREATION FOR ACTION. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED. ALL IN FAVOR. 2-0.

Alderman Lanzi asks if this is the right department to refer this to.

Alderman Lanzi states coming in from River Road taking left at Montgomery Street – sometimes you can miss that corner because of the low street branches (shadow). Chief Hurliman states he will contact them to do the work.

3. OLD BUSINESS

3.1 AMENDMENT TO NOISE ORDINANCE

ALDERMAN LANZI MOVED TO RECOMMEND TO THE FULL BOARD TO AMEND ORDINANCE 787 WITH CHANGES AS PROVIDED TO THE BOARD. SECONDED BY ALDERMAN PAPA.

Discussion:

Alderman Papa has stated that there are some changes. He has discussed this with Alderman Anglace and Corporation Counsel. They are grammatical errors. He feels it is not fair unless the other aldermen read it. It can not pass tomorrow. It is too close.

Alderman Papa is amending the motion.

ALDERMAN PAPA MOVED TO RECOMMEND TO THE FULL BOARD TO AMEND ORDINANCE 787 WITH CHANGES AS APPROVED TO THE BOARD AT THE NEXT DECEMBER MEETING ALLOWING THE BOARD AND THE PUBLIC TO REVIEW IT. SECONDED BY ALDERMAN LANZI. ALL IN FAVOR. MOTION CARRIED 2-0

Alderman Papa would like the clerk to send the new draft to all the aldermen for review.

Alderman Anglace will go over the ordinance at the meeting.

The ordinance Draft #2 is as following

Ordinance #

AMENDMENT TO ORDINANCE #311,679,682, 787

NOISE ORDINANCE

Adopted by the Board of Aldermen: _____

Date

Approved by the Mayor:

Date

Mayor's Signature

Attested to: _____
City/ Town Clerk

NOISE POLLUTION ORDINANCE

NOISE POLLUTION-STANDARDS, MEASUREMENTS, CONTROL, VIOLATIONS, AND PENALTIES

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON:

SECTION 1. GENERAL PROHIBITION

1. No person shall make, create or maintain unreasonably loud, unnecessary or disturbing noises in excess of the noise zone standards , as defined in this ordinance, that effect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the City of Shelton:
2. No person shall cause to make, create or maintain unreasonably loud, unnecessary or disturbing noises in excess of the noise zone standards, as defined in this ordinance, that effect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the City of Shelton:
3. No person shall create, cause to be created or allow the emission of sound beyond the boundaries of their property so as to cause noise pollution in excess of the noise zone standards as defined in this ordinance in the City of Shelton, or so as to violate any provisions of the ordinance.
4. **All construction activities not specifically excluded or exempt herein shall be prohibited on Sundays and Holidays as observed by the City of Shelton.**

SECTION 2. DEFINITIONS

When used in this ordinance, the terms below shall have the following meanings:

"DAY" shall be from 8:00 a.m. to 9:00 p.m., local time.

"NIGHT" shall be from 9:00 p.m. until midnight, and from midnight until 8:00 a.m., local time.

"DECIBEL" shall mean a unit measuring the volume of sound, equal to 20 times the

logarithm to the base 10 of the ratio of the root mean square of the pressure of the sound

measured to a reference pressure of 20 micropascals.

"SOUND LEVEL" shall mean the A-weighted sound pressure level, expressed in decibels

(dBA), measured on a sound level meter using the A-weighting network and set to the slow response.

"OVERALL SOUND LEVEL" shall mean the overall sound pressure level, expressed in

decibels (dB), measured on a sound level meter using the C-weighting network and set to the slow response.

which measurement was made.

"SOUND LEVEL METER" shall mean an instrument which includes a microphone,

amplifier, RMS detector, integrator or averager, output meter and weighing networks

all conforming to the requirements set forth in the American National Standards Institutes

"American National Standard for Sound Level Meters" (ANSI S1.4-1974) for a Precision

(type 1) Sound Level Meter.

"L-10" shall mean the "A" weighted sound level exceeded 10% of the time period during

which the measurement was made.

"L-50" shall mean the "A" weighted sound level exceeded 50% of the time period during

which the measurement was made.

"PERSON" shall be any individual, firm, partnership, company, corporation, association

trust, syndicate, agency, or other legal entity of any kind.

"EMITTER" shall be the person who creates, causes to be created or allows the noise.

"RECEPTOR" shall be the person who receives the noise impact.

SECTION 3. CLASSIFICATION OF NOISE ZONES

Noise zones within the City of Shelton shall be classified in accordance with the applicable zone for that parcel or tract of land and the surrounding parcels or tracts, as detailed by the "Standard Land Use Classification Manual of Connecticut", hereafter referred to as "SLUCONN". Noise zone specified herein shall correspond to the following zoning descriptions in the zoning regulations and zoning map of the City of Shelton.

<u>ZONE</u>	<u>ACTUAL OR INTENDED USE</u>	<u>CURRENT ZONING**</u>
A R5	Residential	R1A, R-1, R2, R3, R4,
B CB2	Commercial	CA1, CA2, CA3, CB1,
C LB2, LIP	Industrial	IA1, IA2, IA3, IB1,

* Based on Zoning Regulations & Zoning Map of the City of Shelton

**A PDD shall comply with the foregoing based upon the use of the land.

Lands designated as "Class A Noise Zone" 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 specific SLUCONN categories in Class A shall include:

1. Residential
 - 11 Household Units*
 - 12 Group Quarters
 - 13 Mobile Home Parks and Courts
 - 19 Other Residential

- 2.. Trade
 - 583 Residential Hotels
 - 584 Hotels, Tourist Courts and Motels
 - 585 Transient Lodgings

3. Services
 - 651 Medical & Other Health Services; Hospitals

674 Correctional Institutes
691 Religious Activities

4. Cultural

711 Cultural Activities
712 Nature Exhibits
713 Historic and Monument Sites

5. Undeveloped, Unused and Reserved lands and Water Areas

92 Reserved Lands
941 Vacant Floor Area-Residential

(*) Mobile Homes are included whether or not on foundation.

Lands designated as "Class B Noise Zone" shall generally be commercial in nature, areas where human beings converse and such conversation is essential to the intended use of the land.

The specific SLUCONN categories in Class B shall include:

1. Transportation, Communication and Utilities

46 Automobile Parking
47 Communication
49 Other Transportation, Communication and Utilities

2. Trade

51 Wholesale Trade
52 Retail-Building Materials
53 Retail-General Merchandise
54 Retail-Food
55 Retail-Automotive Dealers & Gasoline Service Stations
56 Retail-Apparel & Accessories
57 Retail-Furniture, Home Furnishings and Equipment
58 Retail-Eating, Drinking & Lodging, except 583, 584, 585
59 Retail- Not Elsewhere Classified

3. Services

61 Finance, Insurance & Real Estate Services
62 Personal Services
63 Business Services, except 637
64 Repair Services
65 Professional Services, except 651
67 Government Services, except 672, 674, 675
68 Educational Services

- 69 Miscellaneous Services, except 691
- 4. Cultural, Entertainment & Recreational
 - 71 Cultural Activities & Nature Exhibits, except 711, 712, 713
 - 72 Public Assembly
 - 73 Amusements
 - 74 Recreational Activities
 - 75 Resorts & Group Camps
 - 76 Parks
 - 79 Other, Not Elsewhere Classified
- 5. Agricultural
 - 81 Agriculture
 - 82 Agricultural Related Activities
- 6. Undeveloped, Unused and Reserved Lands & Water Areas
 - 91 Undeveloped & Unused Land Area
 - 93 Water Areas
 - 94 Vacant Floor Areas, except 941
 - 99 Other Undeveloped Land & Water Areas, Not Elsewhere Classified

Lands designated as "Class C Noise Zone" shall generally be industrial where protection against damage to hearing is essential and the necessity for conversation is limited. The specific SLUCONN categories in Class C shall include:

- 1. Manufacturing- Secondary Raw Materials
- 2. Manufacturing-Primary Raw Materials
- 3. Transportation, Communications & Utilities, except SLUCONN categories # 46, 47, 49
- 4. Services
 - 637 Warehousing & Storage Services
 - 66 Contract Construction Services
 - 672 Protective Functions & Related Activities
 - 675 Military Bases & Reservations
- 5. Agriculture
 - 83 Forestry Activities & Related Services
 - 84 Commercial Fishing Activities & Related Services
 - 85 Mining Activities & Related Services
 - 89 Other Resource Production & Extraction, Not Elsewhere Classified

SECTION 4. NOISE ZONE STANDARDS

No person shall emit or cause to be emitted sound exceeding the sound levels stated herein when measured at any point on a tract or parcel of land not under their ownership or control. The determination of allowable sound shall be in accordance with the following objective numerical standards for the respective Noise Zone Classes:

		<u>C</u>		<u>B</u>	
<u>A-Day</u>	<u>A-Night</u>				
Class C Emitter to		70 dB A	66 dB A	61 dB A	51 dB A
Class B Emitter to		62 dB A	62 dB A	55 dB A	45 dB A
Class A Emitter to		62 dB A	55 dB A	55 dB A	45 dB A

Sound levels determined by the **Police Department or Planning & Zoning Administrator** to be in excess of these values shall constitute proof of violation of this ordinance. Further, it shall be a violation for any person to:

a. Use or operate any construction equipment singly or in combination with other equipment on any construction or demolition site if such use or operation results in the emission of noise, measured at any boundary of the nearest receptor in any noise zone in excess of the values listed below:

<u>Zone</u>	<u>L-50</u>	<u>L-10</u>	<u>**Maximum Level of Sound</u>
A	70 dB A	80 dB A	
B	75 dB A	85 dB A	
C	80 dB A	90 dB A	

(**) The minimum level shall not be exceeded for longer than six (6) minutes in any one hour period.

b. Conduct a utility street work installation or repair, paving work or sewer cleaning which produces a sound level exceeding 80 dBA at a distance of fifty (50) feet from the operation:

The provisions of this ordinance directly preceding this paragraph (a and b above) shall not apply to those construction devices commonly referred to as "impact tools", including but not limited to grinders, pile drivers, paving breakers, jack hammers, rock drills or well drilling rigs, provided that such impact tools

shall have intake and exhaust mufflers recommended by the manufacturer thereof, installed and working.

In addition to the above objective standards, no person shall emit noise exceeding an overall sound level of 70 dB.

The Chief of Police and Planning & Zoning Administrator shall be responsible for developing the measurement methodology to determine compliance with this ordinance.

SECTION 5 EXCLUSIONS

This ordinance shall not apply to:

- a. Sound generated by natural phenomena including, but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.
- b. The un-amplified sound of the human voice.
- c. The un-amplified sound made by wild or domestic animals.
- d. Sound created by bells, carillons or chimes associated with specific religious observances
- 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 an alarm relating to fire or civil preparedness.
- f. Sound created by safety and protective devices provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.
- g. Sound created by intrusion alarm provided that the emission of noise from such devices does not exceed 10 minutes when attached to any vehicle or thirty minutes when attached to any building or structure.
- h. Backup alarms required by OSHA or other Municipal, State or Federal safety regulations,
- I. Farming equipment or farming activity.

SECTION 6. EXEMPTIONS

The following noise shall be exempted from the provisions of this ordinance:

- a. Noise created by signal testing, principally siren-testing by city fire departments and civil preparedness units.
- b. Noise created by the regularly scheduled signaling of a specific time of day.
- c. 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.
- d. Noises created by snow removal equipment at any time provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- e. Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. at specified hours previously announced to the local general public or hours as determined by the Fire Marshal or Planning & Zoning Commission for approved projects.
- f. Noise created by on-site recreational or sporting activity which is sanctioned by city government.
- g. Patriotic or public celebrations, such as parades, carnivals and firework displays, are exempted provided that a permit has been obtained in advance from the Chief of Police.
- h. Noise created by aircraft, or components designed for, or utilized in the development of aircraft.
 - i. The Chief of Police may permit that the "day" noise standards may be applicable during "night" hours in industrial and commercial zones under circumstances which will not adversely effect the adjoining landowners as determined by the Chief of Police.

SECTION 7. VIOLATIONS AND ENFORCEMENT

The Police Department under the direction of the Chief of Police shall be responsible for investigating complaints of noise pollution.

The Police Department or Planning & Zoning Personnel shall be responsible for making acoustic measurements to determine that a violation has in fact occurred at the request of the Chief of Police or his designee.

The Chief of Police shall formulate a schedule, based upon economically reasonable and technologically feasible noise control procedures that will bring the noise emitter into compliance with this ordinance.

Any person violating this ordinance shall be subject to a fine of \$100.00 for each offense in accordance with Section 1-11.1 of the City Ordinance.

Each separate instance shall be considered a separate violation

SECTION 8. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions or application; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

4. REPORTS OF THE EMERGENCY SERVICES

A. REPORT OF THE CHIEF OF POLICE

Chief Hurliman submits a report of Traffic Enforcement Statistics for September & October 2006. Alderman Papa and Lanzi state that this is a good report for the public to know. (A copy is attached to the minutes submitted to the City/ Town Clerk.) He will do this at each meeting.

He will probably submit this report in the future in electronic form for the public to access on the web site.

The report was discussed as to the different reasons that tickets were issued.

Alderman Papa asked about fines being given to the State. Chief Hurliman states there are a few – a small surcharge that will be returned to the municipality. Chief Hurliman states it is a small percentage on a few fines.

Alderman Lanzi states the report is amazing. He commends Chief Hurliman on this report. Chief Hurliman states when you see no fine – that means that ticket had to go to court.

Alderman Papa states it is great documentation.

Chief Hurliman states he has reports on the following:

1. Click It or Ticket – an enforcement wave will be starting Nov. 13. It is in conjunction with Derby, Ansonia & Seymour. You will see police from those towns. It will be local streets.
2. DWI Enforcement
3. There are new Sergeants at the PD.

B. EMERGENCY MEDICAL SERVICES

No one is present to report

C. FIRE SERVICES

No one is present to report

◆ ADJOURNMENT

ALDERMAN LANZI MOVED TO ADJOURN THE MEETING OF THE PUBLIC HEALTH & SAFETY COMMITTEE AT 7:25 P.M. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

RESPECTFULLY SUBMITTED,

**MARGARET WEBER, CLERK
PUBLIC HEALTH & SAFETY COMMITTEE**