

BOARD OF ALDERMEN
PUBLIC HEARING
ORDINANCES

TUESDAY, SEPTEMBER 26, 2006, 7:00 PM
IN the AUDITORIUM
AT SHELTON CITY HALL
54 HILL STREET, SHELTON, CT

AGENDA

- ❖ **CALL OF THE MEETING**
 - ❖ **PLEDGE OF ALLEGIANCE**
 - ❖ **ITEM:**
- 1. AMENDMENT TO ORD. #787 – NOISE ORDINANCE**

ADJOURNMENT

Legal Notice
City of Shelton

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING:

- AMENDMENT TO ORD #787 – NOISE ORDINANCE

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY, SEPTEMBER 26, 2006 AT 7:00 PM IN THE AUDITORIUM AT SHELTON CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO.

SEPTEMBER 2006

1. AMENDMENT TO ORDINANCE #787 – NOISE ORDINANCE

PROPOSED AMENDMENT

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.** The making, creation or maintenance of unreasonably loud, unnecessary or disturbing noises, as prescribed in this ordinance, affect and are a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the City of Shelton: and, as such, shall constitute unlawful acts.
- 2.** Therefore, 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 the City of Shelton, or so as to violate any provisions of the ordinance.
- 3.** **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” (ANI S1.4-1974) for a Precision
NOISE POLLUTION SECTION 2 (Cont)

(type 1) Sound Level Meter.

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

“L-50” shall mean the “A” weighted sound level exceeded 50% of the time period during which 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 as to zoning applicable 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. **Starting times commercial and industrial zones may be flexible with approval from proper authorities but excessive noise is prohibited.**

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

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

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

NOISE POLLUTION SECTION 3 (Cont)

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

- 6. Services
 - 651 Medical & Other Health Services; Hospitals
 - 674 Correctional Institutes
 - 691 Religious Activities

- 7. Cultural
 - 711 Cultural Activities
 - 712 Nature Exhibits
 - 713 Historic and Monument Sites

- 9. Undeveloped, Unused and Reserved lands and Water Areas
 - 92 Reserved Lands
 - 941 Vacant Floor Area-Residential

(*) Mobile Homes are included of on foundations.

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:

- 4. Transportation, Communication and Utilities
 - 46 Automobile Parking
 - 47 Communication
 - 49 Other Transportation, Communication and Utilities

- 5. 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

NOISE POLLUTION SECTION 3 (Cont)

6. 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

7. 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

8. Agricultural
 - 81 Agriculture
 - 82 Agricultural Related Activities

9. 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:

2. Manufacturing- Secondary Raw Materials
3. Manufacturing-Primary Raw Materials
4. Transportation, Communications & Utilities, except 46, 47, 49
6. Services
 - 637 Warehousing & Storage Services
 - 66 Contract Construction Services
 - 672 Protective Functions & Related Activities
 - 675 Military Bases & Reservations

8. Agriculture
 - 83 Forestry Activities & Related Services

NOISE POLLUTION SECTION 3 (Cont)

- 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 the following limits at a distance of fifty (50) feet from the operation:

After January 1, 1977	85 dB A
After January 1, 1980	80 dB A

NOISE POLLUTION SECTION 4 (Cont)

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.

NOISE POLLUTION (Cont)

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 there-from.
- d. Noises created by snow removal equipment at any time provided that noise discharged from exhausts is adequately muffled to prevent loud noises there-from.
- 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.

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.

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.