



City of Bristol
Office of Town and City Clerk
Bristol, Connecticut

CERTIFIED MOTION

I, Tina K. Bunnell, Assistant Town and City Clerk of the City of Bristol, **DO HEREBY CERTIFY** That the following is a true and correct copy of a motion duly adopted at a meeting of the City Council of the City of Bristol, duly held and convened on October 12, 2004 at which a constituted quorum of the City Council was present and acting throughout and such motion has not been modified, rescinded or revoked and is at present in full force and effect:

To amend Section 15-16 through Section 15-40 of the Bristol Code of Ordinances. It will be effective upon the expiration of fourteen days of its newspaper publication, and approval by the Connecticut DEP per Sec. 22a-73 of the Connecticut General Statutes, and reads as follows:

ARTICLE II NOISES

Sec. 15-16. Declaration of policy.

The City Council of the City of Bristol finds and declares that excessive noise is a serious hazard to the health, welfare and quality of life of the citizens of the City; exposure to certain levels of noise can result in physiological, psychological and economic damage; a substantial body of science and technology exists by which excessive noise may be substantially abated; the primary responsibility for control of noise rests with the state and the political subdivisions thereof, which political subdivisions include the City of Bristol; and each person has a right to an environment free from noise that may jeopardize his health, safety or welfare. It is therefore the declared policy of the City of Bristol to promote an environment free from noise that jeopardizes the health and welfare of its citizens. Now, therefore, pursuant to the authority granted to it in its Charter and in Sec. 7-148 General Municipal Powers, of the Connecticut General Statutes to preserve the public peace and good order, and to prevent disturbing noise, this Article is hereby enacted.

Sec. 15-17. Definitions.

"Background noise" shall mean noise that exists at a point where it is discerned resulting from the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level that is exceeded 90% of the time (L90) during which the measurement is taken.

"Business zone" shall mean those areas so designated under Section VI of the Zoning Regulations of the City of Bristol.

"Construction" shall mean the assembly, erection, substantial repair, alteration, demolition, or site-preparation for or of public or private rights-of-way, buildings or other structures, utilities, or property.

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

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

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

"Excessive noise" shall mean any sound, the intensity of which exceeds the standards set forth in Section 15-21(b) of this Article.

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

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

"Industrial zone" shall mean those areas so designated under Section VII of the Zoning Regulations of the City of Bristol.

"Motor vehicle" shall mean a vehicle as defined in Chapter 246, Section 14-1, of the Connecticut General Statutes.

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

"Noise level" shall mean a frequency weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

"Person" shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.

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

"Property maintenance equipment" shall mean all engine or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawnmowers, riding tractors, wood chippers, power saws, leaf blowers.

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

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

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

"Residential Zone" shall mean those areas so designated under Section V of the Zoning Regulations of the City of Bristol.

"Sound" shall mean a transmission of energy through solid, liquid or gaseous media in the form of vibrations that constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

"Sound level meter" shall mean an instrument used to measure sound levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for Sound Level Meters S1.4.

"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 microneutons per square meter (20×10^{-6} Newtons/m²) and is expressed in decibels (dB).

"Mayor" shall mean the duly elected Mayor of the City of Bristol or his designee.

Sec. 15-18. Exclusions from this Article.

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

- (a) Natural phenomena.
- (b) The unamplified sound made by any wild animal.
- (c) A bell or chime from any building clock, school or church.
- (d) A public emergency sound signal.
- (e) Farming equipment or farming activity.
- (f) An emergency.
- (g) Snow removal.

Sec. 15-19. Exemptions.

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

- (a) Noise created by the operation of property maintenance equipment during daytime hours.
- (b) Noise generated by any construction equipment operated during daytime hours.
- (c) Noise created by any recreational activities that are sanctioned by the City, including but not limited to parades, sporting events, concerts, and fireworks displays.
- (d) Noise created by blasting provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from state or local authorities.
- (e) Noise created by refuse and solid waste collection and processing, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.
- (f) Noise created by a fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten minutes when such alarm is attached to a vehicle or thirty minutes when attached to any building or structure.
- (g) Noise created by public facility maintenance during daytime hours.

Sec. 15-20. Noise Level Measurement Procedures.

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

- (a) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- (b) Instruments used to determine sound level measurements meet American National Standards Institutes (ANSI) standard S1.4.

(c) The following steps shall be taken when preparing to take sound level measurements:

1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
2. Measurements to determine compliance with Sec. 15-21 of this Article shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and within the receptor's premises.

Sec. 15-21. Unlawful Noise Levels. Standards.

(a) Noise Levels.

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

(b) Noise level standards.

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

	Zone in which EMITTER is located		Zone in which RECEPTOR is located	
	Industrial	Business	Residential Daytime Hours	Residential Nighttime Hours
Industrial	70dBA	66dBA	61dBA	51dBA
Business	62dBA	62 dBA	55 dBA	45 dBA
Residential	62 dBA	55 dBA	55 dBA	45 dBA

(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 5 dBA, provided that no source subject to this article shall emit noise in excess of 80 dBA at any time, and provided that this paragraph shall not be interpreted as decreasing the noise level standards set forth in the remainder of Sec. 15-21 (b) 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) Motor Vehicle Noise

1. All motor vehicles operated within the limits of the City of Bristol shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, Section 14-80a-1a(a-1) entitled "Maximum Permissible Noise Levels For Vehicles."

2. No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the remainder of Sec.15-21 (b) of this Article.

(e) Recreational vehicle noise

1. 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 Ordinance when the noise so generated exceeds the noise level standards in Sec. 15-21 (b) of this Article.

Sec. 15-22. Variance.

(a) Any person residing or doing business in the City of Bristol may apply to the Mayor for a variance from one or more of the provisions of this Article which are more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the Mayor at least twenty (20) days prior to the state 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, and,
4. Any other information required by the Mayor.

(b) 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 Connecticut Department of Environmental Protection regulations.
2. The noise levels generated by the proposed activity will not constitute a danger to the public health, and

3. Compliance with this article constitutes an unreasonable hardship on the applicant.

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

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

Sec. 15-23. Hindering compliance; allowing prohibited noises on premises; intentionally removing or rendering noise reduction design elements inoperative -- Prohibited.

(a) No person shall hinder or interfere with by force or otherwise, the performance by any duly authorized agent or employee of the City of Bristol of any duty to comply with or enforce the provisions of this Article.

(b) No person shall allow on any property or premises owned or leased by him the creation, continuance or maintenance of any noise, or allow the installation, use or operation of any stationary noise source that violates or fails to comply with this Article, or the terms or conditions of any permit, variance or order issued pursuant to this Article.

(c) No person shall intentionally remove or render inoperable, other than for purposes of normal maintenance, repair or replacement, any device or element of design installed into any noise source to achieve compliance with the provisions of this Article or the statutes or regulations of the State of Connecticut, or to use or operate said noise source after such device or element of design has been removed or rendered inoperable with knowledge of such removal or of such rendering inoperable of such device or element of design.

Sec. 15-24. Enforcement.

(a) Any person aggrieved by any act constituting a violation of this Article may complain to the Bristol Police Department, which shall enforce these provisions.

(b) The Bristol Police Department also is authorized to enforce this Article without any such complaint.

Sec. 15-25. Penalties, Enforcement.

(a) Any person responsible for any noise source that fails to meet the requirements set forth in this Article or who violates any other provision of this Article commits a misdemeanor and upon conviction shall be fined \$90.

(b) Whenever a Bristol police officer determines that any noise source fails to meet the requirements set forth in this Article, said police officer, in accordance with existing Police Department procedure, may arrest the person responsible. In lieu of arrest and issuance of a summons said police officer may issue and serve upon the violator an infraction that is designated a "noise ticket." Payment of the fine prescribed by said noise ticket within fifteen (15) days of its issuance shall constitute a plea of nolo contendere (no contest) and shall save the violator harmless from prosecution for the offense cited

(c) Each day a violation continues after arrest or issuance of a noise ticket shall constitute a continuing violation, and the amount of the fine for the second day shall be two hundred dollars (\$200), increasing to four hundred dollars (\$400) for the third day, and four hundred dollars (\$400) for each and every day said violation continues thereafter.

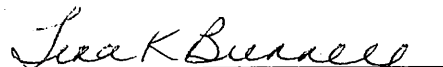
(d) The provisions and remedies under this section are not exclusive and shall be in addition to any other provisions and remedies provided for in any section of the Connecticut General Statutes or common law.

Sec. 15-26. Severability

All provisions of the Zoning Regulations of the City of Bristol that are more stringent than those set forth herein, 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.

Secs. 15-27 -- 15-40. Reserved.

IN WITNESS THEREOF, the undersigned has affixed her signature and the corporate seal of the City of Bristol this 22nd day of October, 2004.



Tina K. Bunnell
Assistant Town and City Clerk