

NOISE ORDINANCE

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Ordinance No. 494, "NOISE ORDINANCE", of the Town of Wallingford is hereby repealed and the following Ordinance, "NOISE ORDINANCE", is substituted in lieu thereof.

SECTION 1. PURPOSE

It is now generally 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 and welfare. This ordinance is enacted, therefore, to attempt to protect, preserve and promote the health, safety and welfare of the citizens of the Town of Wallingford through the reduction, control and prevention of excessive noise.

SECTION 2. DEFINITIONS

- A. "DAYTIME" means 7:00 a.m. to 8:00 p.m.
- B. "NIGHTTIME" means 8:00 p.m. to 7:00 a.m.
- C. "CONSTRUCTION" means any site preparation, assembly, erection, substantial repair, alteration or similar activity, but excluding demolition.
- D. "DEMOLITION" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- E. "DECIBEL (dB)" means a unit of measurement of the sound level.
- F. "EMERGENCY" means any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.
- G. "EMERGENCY VEHICLE" means any motor vehicle authorized by local, state or federal law to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- H. "EXCESSIVE NOISE" means any sound, the intensity of which exceeds the standards set forth in Section 4 of this ordinance.
- I. "IMPULSE NOISE" means sound of short duration, usually less than one (1) second, especially of high intensity, with an abrupt onset and rapid decay.

J. "MOTOR VEHICLE AND MOTORCYCLE" shall be defined as set forth in §14-1(47) and §14-1(46), respectively, of the Connecticut General Statutes.

K. "MUFFLER" means a device for abating sound.

L. "PERSON" means any individual, firm, partnership, association, company, trust, corporation or other legal entity of any kind.

M. "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 which separates real property from the public right of way.

N. "PREMISES" means any building, structure, land or portion thereof, including all appurtenances, and includes yards, lots, courts, inner yards and vacant land owned or controlled by a person. The premises from which sound is emitted includes contiguous public streets and highways, public rights-of-way and waters of the state.

O. "NOISE LEVEL" means the sound pressure level as measured with a sound level meter using the A-weighting network, designated dBA.

P. "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, auditory response when impinging on the ear.

Q. "SOUND LEVEL METER" to 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.

R. "SOUND PRESSURE LEVEL (SPL)" means 20 times the logarithm to the base 10 of the ratio of the sound pressure in question to the standard reference pressure of 0.00002 N/M . It is expressed in decibel units.

S. "RESIDENTIAL DISTRICT" means all Town owned property used for recreational or educational purposes and all residential districts so designated by the zoning regulations and zoning map of the Town of Wallingford, to wit: R-18, R-15, R-11, R-6, RM-40, RM-11, RM-6, RU-160, RU-120, RU-80 and RU-40.

T. "COMMERCIAL DISTRICT" means all business or commercial districts so designated by the zoning regulations and zoning map of the Town of Wallingford, to wit: CLB, CLY, CA-40, CA-12, CA-6, CB-40 and CB-12.

U. "INDUSTRIAL DISTRICT" means all industrial districts so designated by the zoning regulations and zoning map of the Town of Wallingford, to wit: I-40, I-20 and IX.

SECTION 3. NOISE LEVEL MEASUREMENT PROCEDURES

For the purposes of determining noise levels as set forth in this ordinance, the following shall be applicable:

A. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation as regards, especially, the equipment used by the Town of Wallingford.

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

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. 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 about one foot beyond the property line of the emitter's premises within the premises of the receptor. The emitter's premises includes his, her or its individual parcel or lot or group of contiguous parcels or lots under the same ownership. The emitter's premises also includes contiguous public streets and highways, public rights-of-way, railroad rights-of-way and waters of the State.

SECTION 4. NOISE LEVELS

A. *General Prohibition.* No person shall, except as provided in Sections 4D and 4E, cause, allow or permit the creation, continuance or maintenance of any noise beyond the property lines of his, her or its premises in excess of the noise levels established in this ordinance. In the event a particular premises is non-conforming as to the permitted uses of the district in which it is situated, then the allowed noise levels shall be those of the most restrictive district.

B. *Impulse Noise.* No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime in or to any

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

C. Noise Level Standards

1. No person in a residential district shall emit noise, except impulse noise, beyond the property lines of such person's premises exceeding the levels stated herein:

EMITTER'S DISTRICT

RECEPTOR'S DISTRICT

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

2. No person in a commercial district shall emit noise, except impulse noise, beyond the property lines of such person's premises exceeding the levels stated herein:

EMITTER'S DISTRICT

RECEPTOR'S DISTRICT

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

3. No person in an industrial district shall emit noise, except impulse noise, beyond the property lines of such person's premises exceeding the levels stated herein:

EMITTER'S DISTRICT

RECEPTOR'S DISTRICT

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

4. All motor vehicles, motorcycles and snowmobiles operated within the limits of the Town of Wallingford shall be subject to the noise standards and decibel levels set forth in Section 14-80a-4a of the regulations of the Motor Vehicle Department of the State of Connecticut.

D. Exclusions. These regulations shall not apply to:

1. Sound generated by natural phenomena.

2. Sound created by bells, carillons or chimes associated with any building, clock, school or church.

3. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency.

4. Sound created by safety and protective devices.

5. Farming equipment or farming activity.

6. Back-up alarms required by OSHA.

7. The unamplified sounding of the human voice.

8. The unamplified sound made by any wild or domestic animals.

9. Sound generated by natural phenomena, including, but not limited to, insects, amphibious creatures and birds.

E. Exemptions. The following are exempted from these regulations:

1. Noise generated by construction or demolition activities during daytime hours provided, however, they do not commence before 7:00 a.m. on weekdays, before 8:00 a.m. on Saturdays and before 10:00 a.m. on Sundays.

2. Noise created by emergency situations.

3. Noise from domestic power equipment such as power saws, drills, sanders, spray paint compressors or similar devices operated during daytime hours.

4. Noise created by snow removal equipment provided such equipment is properly maintained and adequately muffled to prevent loud and/or explosive noises therefrom.

5. Noise generated by gasoline powered lawn mowers or lawn care equipment during daytime hours provided such equipment is muffled.

6. Noise created by parades, carnivals, celebrations, recreational and sporting events, and other special public events which have been sanctioned by the Town of Wallingford.

7. Noise created by activities preempted or controlled by the State or Federal governments, which includes noise that originates at airports that is directly caused by aircraft flight operations.

8. Noise generated by firing or shooting at the Blue Trails Rifle Range and at the Wallingford Rod and Gun Club, Inc.

9. Noise generated by governmental repair and maintenance operations provided such activities are not regulated by the noise regulations of the State of Connecticut.

10. 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.

11. Noise generated by golf course maintenance equipment being operated on any private or public golf course so long as such equipment is properly muffled and provided that such activities are not regulated by the noise regulations of the State of Connecticut.

SECTION 5. SPECIAL PROHIBITED NOISE ACTIVITIES

In addition to the foregoing regulations, the following acts and the causing thereof are declared to be in violation of this ordinance:

1. No person shall operate or permit the operation of any gasoline or electric powered leaf blowers between sundown, but not later than 9:00 p.m., and 7:00 a.m. on weekdays and weekends.

2. No sound-amplifying device on or within any motor vehicle shall emit noise such that adjoining or nearby motor vehicles or property are caused to vibrate or shake.

3. No person shall discharge into the open air the exhaust from any internal combustion engine or air compressor equipment unless such discharge is properly muffled.

4. No person shall create or cause to be created noise from any recreational vehicle such as dirt bikes, go-carts, dune buggies, jet skies and like vehicles, except snowmobiles, which exceeds the noise level standards set forth in this ordinance.

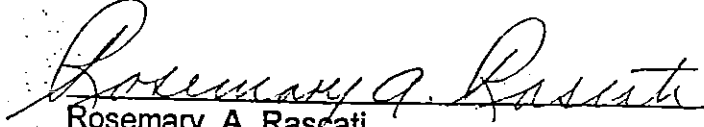
SECTION 6. VIOLATIONS AND PENALTIES

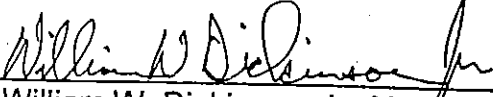
Any person who violates any provision of this ordinance shall be guilty of an infraction and shall be fined \$60.00, or part thereof, for each day that the violation continues and each day's continuation shall constitute a separate and distinct violation.

SECTION 7. ENFORCEMENT

This ordinance shall be enforced by the Chief of Police of the Town of Wallingford and/or his designated subordinates.

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this 10th day of Sept., 2002, in accordance with the provisions of the Charter of the Town of Wallingford.


Rosemary A. Rascati
Town Clerk

APPROVED: 
William W. Dickinson, Jr., Mayor

DATE: 9/16/02

SUBJECT TO THE APPROVAL OF THE STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION