MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE IS HEREBY GIVEN THAT AT THE REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN HELD ON TUESDAY, JULY 5, 1994, THE FOLLOWING ORDINANCE WAS APPROVED:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN that paragraph I. of Sec. 13-20. Middletown Noise Control Ordinance. of Chapter 13 of the Middletown Code of Ordinances be amended as follows:

I. High Background Noise Areas.

In those individual cases where the background noise levels caused by sources not subject to the provisions of this ordinance 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 5 dBA, provided that no source subject to the provisions of section H shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of this ordinance.

J. [I.] Motor Vehicle Noise

1. All motor vehicles operated within the limits of the City of Middletown shall be subject to the noise standards and the decibel levels as found in Title XIV, Section 14-80a of the Connecticut General Statutes, as amended from time to time.

2. 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.

K. [J.] Measurements

1. Measurements taken to determine compliance with this Chapter shall be taken at any elevation and at any point beyond the boundary of the emitter, noise zone or district and within the receptors noise zone or district.

2. When taking measurements a wind screen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except when such background noise interferes with the primary noise being measured.

3. Continuous measurements shall be taken for determining compliance if it is alleged that the noise is a short term noise level excursion.

L. [K.] Enforcement Authority

The Chief of Police shall be responsible for enforcing the provisions of this chapter and carrying out the intent of this

M. [L.] Inspections

1. The Chief of Police, or his/her designee, is authorized and directed to make inspections, conduct investigations and monitor noise levels in the City of Middletown for the purpose of determining compliance with the provisions of this ordinance and carrying out the intent of this ordinance, as amended.

2. The Chief of Police, or his/her designee, is authorized to make inspections and investigations and conduct monitoring whenever necessary to determine the quantity and character of noise.

3. If any owner, occupant or other person in charge of a parcel of land fails or refuses to permit free access and entry to the premises under his/her control, or any part thereof, with respect to which an inspection or investigation authorized by this chapter is sought to be made, the Chief of Police, or his/her designee, may, upon showing that probable cause exists for the inspection or investigation and for the issuance of an order directing compliance with the inspection or investigation requirements of this section, petition and obtain the necessary order from a court of competent jurisdiction to conduct the inspection or investigation.

N. [M.] Notice of Violation

Whenever the Chief of Police, or his/her designee, determines that any noise source fails to meet the requirements set forth in this Chapter or in applicable rules and regulations issued pursuant thereto, the Chief of Police, or his/her designee, in accordance with existing legislation, shall issue a notice of setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall

1) be in writing;

2) describe the noise source where the violations are alleged to exist or to have been committed;

3) set forth the alleged violations of this chapter or applicable rules and regulations issued pursuant thereto;

4) specify a specific date for the correction of any violation alleged;

5) be served upon the owner, occupant, operator or agent of the noise source personally or by registered mail, return receipt requested, addressed to the owner, occupant, operator or agent.

O. [N.] Violations and Penalties

1. Any owner, occupant, operator or agent of a noise

CITY OF
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EL 344 3422

source who has received a notice to correct a violation of this chapter and who has failed to correct such violation by the date specified in such notice shall be punished by a fine of not less than $20.00 nor more than $99.00. Each day and each night that such violation shall continue shall constitute a separate offense.

2. No penalty shall be due while a reconsideration, hearing or appeal is pending in the matter.

3. The imposition of any fine hereunder shall not prevent the enforced abatement of any unlawful condition by the town.

P. [O.] Appeals

Any person aggrieved by a notice of the Chief of Police, or his/her designee, issued in the connection with any alleged violation of this chapter or of any applicable rule or regulation issued pursuant thereto or by any order requiring repair may apply to the Chief of Police for an administrative hearing for reconsideration of such notice or order, provided that such application is made within five (5) days after the date of notice or order was issued. If the Chief of Police holds an administrative hearing for reconsideration of a notice or order, the Chief of Police shall prepare a summary of the hearing and shall state the decision reached. Such summary and statement shall become part of the public record.

On a motion by Councilman Robinson and a second by Councilwoman Marselli, the vote is unanimous with eleven members present and voting. Council woman Conaway-Raczka was not present for the voting.

ATTEST:

Anthony Sbona

ANTHONY SBONA
City and Town Clerk