

MAR 23 1983

A REGULATION PROVIDING FOR THE REDUCTION AND ELIMINATION OF NOISE BY ESTABLISHING MAXIMUM NOISE LEVELS UPON AND BETWEEN PREMISES OF CERTAIN NOISE ACTIVITIES, AND PROVIDING FOR INSPECTION, OFFENSES AND PENALTIES IN THE TOWNS OF TORRINGTON, LITCHFIELD, THOMASTON, HARWINTON, BETHLEHEM, MORRIS, GOSHEN, CORNWALL AND WARREN, CONNECTICUT.

Section 1. Short Title: "The Torrington Area Health District (TAHD) Noise Control Regulation".

Section 2. Purpose: It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This regulation is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of the TAHD through the reduction, control, and prevention of noise.

Section 3. Definitions: The following definitions shall apply in the interpretation and enforcement of this regulation.

- 3.1 AMBIENT NOISE OR BACKGROUND NOISE: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.
- 3.2 BOARD OF DIRECTORS: Shall mean the Board of Directors of the TAHD, or a duly authorized officer subject to their orders.
- 3.3 CONSTRUCTION: Shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities, or similar property.
- 3.4 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- 3.5 DAY-TIME HOURS: Shall mean the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.
- 3.6 DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

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- 3.7 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- 3.8 DOMESTIC POWER EQUIPMENT: Shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- 3.9 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 3.10 EMERGENCY VEHICLE: Shall mean any motor vehicle operating in any town within the TAHD which has sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- 3.11 EMERGENCY WORK: Shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
- 3.12 IMPULSE NOISE: Shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
- 3.13 MOTOR VEHICLE: Shall be defined as per Section 14-1 (26) of the Connecticut General Statutes.
- 3.14 MUFFLER: Shall mean a device for abating sounds such as escaping gases.
- 3.15 NIGHT-TIME HOURS: Shall mean the hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that night shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.
- 3.16 NOISE: Shall mean any sound, the intensity of which, exceeds the standards set forth in Section 6.2 of this regulation.
- 3.17 NOISE LEVEL: Shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- 3.18 NOISE ZONE: Shall mean an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as relates to noise emitters, includes contiguous publicly dedicated street and highway right-of-way, railroad rights-of-way and waters of the State.

Section 4. Noise Level Measurement Procedures For the purpose of determining noise levels as set forth in this regulation, the following guidelines shall be applicable.

- 4.1 All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- 4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this regulation.
- 4.3 The general steps listed below shall be followed when preparing to take sound level measurements.
 - a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - b) The sound level meter shall be calibrated before and after each set of measurements.
 - c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.
 - d) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
 - e) Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

Section 5. Classification of land according to use.

5.1 Basis

Noise Zone classifications shall be based on the actual use of any parcel or tract under single ownership as detailed by the Standard Land Use Classification Manual of Connecticut (SLUCONN).

5.2 Multiple uses

Where multiple uses exist within a given Noise Zone, the least restrictive land use category for the Emitter and Receptor shall apply regarding the noise standards specified in Section 6 of these Regulations

5.3 Class A noise zone

Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land.

Class A Land Use Category. The land uses in this category shall include, but not be limited to, single and multiple family homes, hotels, prisons, hospitals, religious facilities, cultural activities, forest preserves and land intended for residential or special uses requiring such protection.

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
 5. Trade
 - 583 Residential Hotels
 - 584 Hotels, Tourist Courts and Motels
 - 585 Transient Lodgings
 6. Services
 - 651 Medical and Other Health Services; Hospitals
 - 674 Correctional Institutions
 - 691 Religious Activities
 7. Cultural, Entertainment and Recreational
 - 711 Cultural Activities
 - 712 Nature Exhibitions
 - 713 Historic and Monument Sites
- *Mobile homes are included if on foundations
9. Undeveloped, Unused and Reserved Lands and Water Areas
 - 92 Reserved Lands
 - 941 Vacant Floor Area-Residential

5.4 Class B noise zone

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

Class B Land Use Category. The land uses in this category shall include, but not be limited to, retail trade, personal, business and legal services, educational institutions, government services, amusements, agricultural activities, and lands intended for such commercial or institutional uses.

The specific SLUCONN categories in Class B shall include:

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

- 5. Trade
 - 51 Wholesale Trade
 - 52 Retail Trade - Building Materials
 - 53 Retail Trade - General Merchandise
 - 54 Retail Trade - Food
 - 55 Retail Trade - Automotive Dealers and Gasoline Service Stations
 - 56 Retail Trade - Apparel and Accessories
 - 57 Retail Trade - Furniture, Home Furnishings and Equipment
 - 58 Retail Trade - Eating, Drinking and Lodging Except 583, 584 and 585
 - 59 Retail Trade - N.E.C.*
- 6. Services
 - 61 Finance, Insurance and 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 and 675
 - 68 Educational Services
 - 69 Miscellaneous Services - Except 691
- 7. Cultural Entertainment and Recreational
 - 71 Cultural Activities and Natural Exhibitions-Except 711, 712 and 713
 - 72 Public Assembly
 - 73 Amusements
 - 74 Recreational Activities
 - 75 Resorts and Group Camps
 - 76 Parks
 - 79 Other, N.E.C.*
- *Not Elsewhere Classified
- 8. Agriculture
 - 81 Agriculture
 - 82 Agricultural Related Activities
- 9. Undeveloped, Unused, and Reserved Lands and Water Area
 - 91 Undeveloped and Unused Land Area
 - 93 Water Areas
 - 94 Vacant Floor Area-Except 941
 - 99 Other Undeveloped Land and Water Areas, N.E.C.*
- *Not Elsewhere Classified

Section 5.5 Class C noise zone

Lands designated Class C shall generally be industrial where protection against damage to hearing is essential, and, the necessity for conversation is limited

Class C Land Use Category. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, military bases, mining, and other lands intended for such uses.

The specific SLUCONN categories in Class C shall include:

2. Manufacturing - Secondary Raw Materials
 3. Manufacturing - Primary Raw Materials
 4. Transportation, Communications and Utilities- Except 46 and 47
 6. Services
 - 637 Warehousing and Storage Services
 - 66 Contact Construction Services
 - 672 Military Bases and Reservations
 8. Agriculture
 - 83 Forestry Activities and Related Services
 - 84 Commercial Fishing Activities and Related Services
 - 85 Mining Activities and Related Services
 - 89 Other Resource Production and Extraction, N.E.C.*
- *Not Elsewhere Classified

Section 6. Noise Levels.

6.1 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 these regulations.

6.2 Noise zone standards

- a) No person in a Class C Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

Receptor

	C	B	A/Day	A/Night
Class C Emitter to	70 dBA	66 dBA	61 dBA	51 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

- b) No person in a Class B Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

Receptor

	C	B	A/Day	A/Night
Class B Emitter to	62 dBA	62 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

- c) No person in a Class A Noise Zone shall emit noise exceeding the levels stated herein and applicable to adjacent Noise Zones:

Receptor

	C	B	A/Day	A/Night
Class A Emitter to	62 dBA	55 dBA	55 dBA	45 dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

6.3 HIGH BACKGROUND NOISE LEVELS AND IMPULSE NOISE

- a) In those individual cases where the background noise levels caused by sources not subject to these regulations 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 the provisions of this regulation shall emit noise in excess of 80 dBA at any time, and provided that this Section does not decrease the permissible levels of other Sections of this regulation.
- b) No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Residential Noise Zone.
- c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure level at any time to any zone.

6.4 EXCLUSIONS

These levels shall not apply to noise emitted by or related to:

- a) Natural phenomena
- b) Any bell or chime from any building clock, school or church
- c) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.
- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity.

6.5 EXEMPTIONS

The following shall be exempt from these regulations subject to special conditions as spelled out:

- a) Noise generated by any construction equipment which is operated during Day-Time Hours, provided that the operation of construction equipment during Night-Time Hours shall not exceed the maximum noise levels as specified in Section 6.2.

- b) Noise created as a result of, or relating to an emergency
- c) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools, or similar devices operated during Day Time Hours.
- d) Noise from snow removal equipment.
- e) Noise from demolition work conducted during Day-Time Hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
- f) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- g) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by any town within the PAHD, including, but not limited to, parades, sporting events, concerts, and firework displays.
- h) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 A.M. and 5:00 P.M. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- i) Noise created by refuse and solid waste collection provided that the activity is conducted during Day-Time Hours.

Section 7. Prohibited Noise Activities. The following activities are prohibited.

- 7.1 VEHICLE HORNS: No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
- 7.2 TRUCK IDLING: No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes, except a diesel engine may idle for up to 60 minutes, when such vehicle is parked on a residential premises or on a road next to a residential premises, or on any property adjacent to a residential premises.

- 7.3 EXHAUST DISCHARGE: No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler as defined by Section 3.14 of this regulation or through an apparatus providing equal noise reduction.

Section 8. Motor Vehicle Noise.

- 8.1 All motor vehicles operated within the limits of the TAHD shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.
- 8.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 6.2.

Section 9. Recreational Vehicle Noise.

- 9.1 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 regulation when the noise so generated exceeds the noise level standards set forth in Section 6.2.

Section 10. Inspections.

- 10.1 For the purpose of determining compliance with the provisions of this regulation, the Board of Directors or their designated representative are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility, or process where inspection is sought, the Board of Directors or their designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- 10.2 It shall be unlawful for any person to refuse to allow or permit the Board of Directors or their designated representative free access to any premises when the Board of Directors or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.
- 10.3 It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

- 10.4 No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this regulation.

Section 11 Penalties

- 11.1 The Board of Directors, whenever it finds after investigation that any person is causing, engaging in or maintaining any condition or activity which, in its judgement, constitutes a violation of these regulations may, without prior hearing, issue a Cease and Desist Order in writing to such person to discontinue, abate or alleviate such condition or activity. Upon receipt of such order, such person shall immediately discontinue, abate or alleviate, or shall refrain from causing, engaging in or maintaining such condition or activity. The Board of Directors shall, within ten (10) days of such order, hold a hearing to provide the person an opportunity to be heard and show that such condition does not exist. Such order shall remain in effect until ten (10) days after the hearing within which time the Board of Directors may take other appropriate action based on the hearing as it deems necessary.

Section 12 Variances and Contracts

12.1 Variances

Any person living or doing business within the TAHD may apply to the Board of Directors for a variance from one or more of the provisions of the regulation, which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise. The Board of Directors may require the applicant to supply any or all of the following information at least thirty (30) days before their taking action.

- 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) A report, certified by a licensed professional engineer, detailing an engineering study of the means and costs to comply with the noise standards as set forth in Section 6.2
 - 5) Any other information required by the Board of Directors.
- b) No variance from these regulations 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 the regulations constitutes an unreasonable hardship on the applicant.
- c) The application for variances 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 or 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.

12.2 Contracts. Any written agreement, purchase order or contract whereby any town within the TAHD is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement, purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this regulation will be operated, constructed, conducted or manufactured without violating the provisions of this regulation.

Section 13 Existing Noise Sources

- a) Existing noise sources constructed or in operation prior to January 1, 1960 shall be given a ten (10) dBA maximum noise level allowance over levels otherwise herein required for a period of five (5) years from the date of this regulation.
- b) Existing noise sources constructed or brought into operation between January 1, 1960 and June 15, 1978 shall be given a five (5) dBA maximum noise level allowance over levels otherwise herein required for a period of five (5) years from the date of this regulation.

Section 14 Severability. All provisions of the Zoning Regulations of any town within the TAHD which are more stringent than those set forth herein, shall remain in force. If, for any reason, any word, clause, paragraph, or section of this regulation shall be held to make the same unconstitutional, this regulation shall not hereby be invalidated and the remainder of this regulation shall continue in effect. Any provision herein which in conflict with the Connecticut Statutes or the Public Health Code of the State of Connecticut are hereby repealed, it being understood that said Statutes and Code shall take precedence over this regulation.