

FAIRFIELD

SECTION 1: INTENT - GOVERNMENT IS INSTITUTED TO PROTECT LIFE, LIBERTY AND PROPERTY. LOUD, EXCESSIVE AND UNREASONABLE NOISE DURING THE NIGHT-TIME HOURS IS AN INTERFERENCE WITH A PERSON'S RIGHT TO THE USE AND ENJOYMENT OF HIS PROPERTY, ESPECIALLY IN RESIDENTIAL AREAS WHERE HUMAN BEINGS SLEEP OR AREAS WHERE SERENITY AND TRANQUILITY ARE ESSENTIAL TO INTENDED USE OF THE LAND. THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE AN OBJECTIVE STANDARD AND PROCEDURE FOR ENFORCING PROPERTY RIGHTS.

SECTION 2: DEFINITIONS AS USED IN THIS CHAPTER, THE FOLLOWING ITEMS SHALL HAVE THE MEANINGS INDICATED:

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.

BUSINESS DISTRICT: SHALL MEAN ANY BUSINESS DISTRICT INCLUDING BUSINESS DISTRICT #1, BUSINESS DISTRICT #2, BUSINESS DISTRICT #3, DESIGNED BUSINESS DISTRICT #1, DESIGNED BUSINESS DISTRICT #2, DESIGNED BUSINESS DISTRICT #3, DESIGNED BUSINESS DISTRICT #4, AS DEFINED IN ZONING REGULATIONS OF THE TOWN OF FAIRFIELD.

DECIBEL: SHALL MEAN A LOGARITHMIC UNIT OF MEASURE IN MEASURING MAGNITUDES OF SOUND. THE SYMBOL IS dB.

EMERGENCY: SHALL MEAN ANY OCCURENCE OR SET OF CIRCUMSTANCES INVOLVING ACTUAL OR IMMINENT PHYSICAL OR PROPERTY DAMAGE WHICH DEMANDS IMMEDIATE ACTION.

EMITTER: SHALL MEAN A PERSON WHO CREATES, CAUSES TO BE CREATED OR ALLOWS THE NOISE.

IMPULSE NOISE: SHALL MEAN SOUND OF SHORT DURATION (GENERALLY LESS THAN ONE SECOND) WITH AN ABRUPT ONSET AND RAPID DECAY.

INDUSTRIAL DISTRICT: SHALL MEAN ANY INDUSTRIAL DISTRICT INCLUDING INDUSTRIAL DISTRICT #1, INDUSTRIAL DISTRICT #2, DESIGNED INDUSTRIAL DISTRICT #1, DESIGNED INDUSTRIAL DISTRICT #2, DESIGNED RESEARCH DISTRICT AS DEFINED IN THE ZONING REGULATIONS OF THE TOWN OF FAIRFIELD.

MOTOR VEHICLE: SHALL BE DEFINED AS PER SECTION 14-1(26) OF THE CONNECTICUT GENERAL STATUTES (REVISION OF 1958 AS AMENDED.)

NIGHT-TIME HOURS: SHALL MEAN THE HOURS BETWEEN 10 p.m. and 7 a.m. SUNDAY THROUGH THURSDAY AND 11 p.m. to 8 a.m. FRIDAY AND SATURDAY. DURING ANY STATE OR NATIONAL HOLIDAY, THE WEEKEND SCHEDULE WILL BE IN EFFECT FROM THE PREVIOUS EVENING THROUGH THE END OF THE HOLIDAY.

NOISE: SHALL MEAN ANY SOUND, THE INTENSITY OF WHICH EXCEEDS THE STANDARDS SET FORTH IN SECTION 5 OF THIS ORDINANCE.

NOISE LEVEL: SHALL MEAN THE SOUND PRESSURE LEVEL AS MEASURED WITH A SOUND LEVEL METER.

PERSON: SHALL MEAN ANY INDIVIDUAL INCLUDING THE SINGULAR AND PLURAL, FIRM, PARTNERSHIP, ASSOCIATION, SYNDICATE, COMPANY, TRUST, CORPORATION, MUNICIPALITY, AGENCY, OR POLITICAL 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 AND SHALL INCLUDE YARDS, LOTS, COURTS, INNER YARDS, AND REAL PROPERTIES WITHOUT BUILDINGS OR IMPROVEMENTS, OWNED OR CONTROLLED BY A PERSON. THE EMITTER'S PREMISES INCLUDES CONTIGUOUS PUBLICLY DEDICATED STREET AND HIGHWAY RIGHTS-OF-WAY AND WATERS OF THE STATE.

PROPERTY LINE: SHALL MEAN THAT REAL OR IMAGINARY LINE ALONG THE GROUND SURFACE AND ITS VERTICAL EXTENSION WHICH (A) SEPARATES REAL PROPERTY OWNED OR CONTROLLED BY ANOTHER PERSON,

AND (B) SEPARATES REAL PROPERTY FROM THE PUBLIC RIGHT-OF-WAY.

RESIDENTIAL DISTRICT; SHALL MEAN ANY RESIDENTIAL DISTRICT INCLUDING RESIDENTIAL DISTRICTS AAA, AA, R-3, R-2, A, B, C, DESIGNED RESIDENCE DISTRICT #1, DESIGNED RESIDENCE DISTRICT #2, AS DEFINED IN THE ZONING REGULATIONS OF THE TOWN OF FAIRFIELD AND ALL USES PERMITTED THEREWITH EITHER AS A RIGHT OR AS A SPECIAL USE.

RECEPTOR: SHALL MEAN THE PERSON WHO RECEIVES THE NOISE IMPACT.

SOUND: SHALL MEAN THE 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 THE 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 TAKE SOUND LEVEL MEASUREMENTS AND WHICH SHOULD CONFORM, AS A MINIMUM, TO THE OPERATIONAL SPECIFICATIONS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE FOR SOUND LEVEL METERS (TYPE s2A).

SECTION 3: IT SHALL BE UNLAWFUL FOR ANY PERSON TO EMIT OR CAUSE TO BE EMITTED ANY NOISE FROM SUCH PERSON'S PROPERTY BEYOND THE BOUNDARIES OF HIS PROPERTY LINES IN EXCESS OF THE NOISE LEVELS SET FORTH IN SECTION 5 DURING THE NIGHT-TIME HOURS EXCEPT IN THOSE INCIDENCES PROVIDED FOR IN SECTIONS 8 AND 9. NIGHT TIME HOURS SHALL MEAN THE HOURS BETWEEN 10 P.M. AND 7 A.M. SUNDAY THROUGH THURSDAY AND 11 P.M. AND 8 A.M. FRIDAY AND SATURDAY.

SECTION 4: NOISE LEVEL MEASUREMENT PROCEDURES - FOR THE PURPOSE OF DETERMINING NOISE LEVELS AS SET FORTH IN THIS ORDINANCE, THE FOLLOWING GUIDELINES SHALL BE APPLICABLE:

A. INSTRUMENTS USED TO DETERMINE NOISE LEVELS SHALL CONFORM, AS A MINIMUM, TO THE OPERATIONAL SPECIFICATIONS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE FOR SOUND LEVEL METERS (TYPE s2A), MAINTAINED IN CALLIBRATION AND GOOD WORKING ORDER, AND INSTRUMENT MANUFACTURER'S INSTRUCTIONS FOR USE OF THE INSTRUMENTS SHALL BE FOLLOWED.

B. ALL PERSONNEL CONDUCTING SOUND MEASUREMENTS SHALL BE TRAINED IN THE CURRENT TECHNIQUES AND PRINCIPLES OF SOUND MEASURING EQUIPMENT AND INSTRUMENTATION.

C. MEASUREMENTS SHALL BE TAKEN AT A POINT THAT IS LOCATED AT LEAST ONE FOOT BEYOND THE BOUNDARY OF THE EMITTER'S PROPERTY LINE WITHIN THE PREMISES OF THE COMPLAINING RECEPTOR. THE EMITTER'S PREMISES INCLUDES HIS/HER INDIVIDUAL UNIT OF LAND OR GROUP OF CONTIGUOUS PARCELS UNDER SAME OWNERSHIP AS INDICATED BY PUBLIC LAND RECORDS.

SECTION 5: NOISE LEVEL STANDARDS - NO PERSON SHALL EMIT NOISE EXCEEDING THE LEVELS STATED HEREIN DURING NIGHT-TIME HOURS EXCEPT IN THOSE INCIDENCES PROVIDED FOR IN SECTIONS 8 AND 9 OF THIS ORDINANCE:

<u>ZONE IN WHICH EMITTER IS LOCATED</u>	<u>INDUSTRIAL</u>	<u>ZONE IN WHICH RECEPTOR IS LOCATED</u>	<u>BUSINESS</u>	<u>RESIDENTIAL</u>
INDUSTRIAL	70 dBA	BUSINESS	66 dBA	51 dBA
BUSINESS	62 dBA	RESIDENTIAL	62 dBA	45 dBA
RESIDENTIAL	62 dBA		55 dBA	45 dBA

A. BACKGROUND NOISE AND IMPULSE NOISE: IN THOSE INDIVIDUAL CASES WHERE THE AMBIENT OR BACKGROUND NOISE LEVELS CAUSED BY SOURCES NOT SUBJECT TO THIS ORDINANCE EXCEED THE STANDARDS CONTAINED HEREIN, A SOURCE (IMPULSE OR SUSTAINED) 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 ORDINANCE SHALL EMIT IN EXCESS OF 80 dBA AT ANY TIME WITH THE EXCEPTIONS OF THOSE SOURCES REFERENCED IN SECTION 5B. AND PROVIDED THAT THIS PARAGRAPH SHALL NOT BE INTERPRETED AS DECREASING THE NOISE LEVEL STANDARDS OF SECTION 5 OF THIS ORDINANCE.

B. ALL MOTOR VEHICLES OPERATED WITHIN THE LIMITS OF THE TOWN OF FAIRFIELD 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, SECTIONS 14-80a-1a THROUGH 14-80a-10a, "MAXIMUM PERMISSIBLE NOISE LEVELS FOR VEHICLES."

SECTION 6: ADMINISTRATION AND ENFORCEMENT - THE CHIEF OF POLICE SHALL BE RESPONSIBLE FOR ENFORCING THE PROVISIONS OF THIS ORDINANCE UPON THE COMPLAINT OF ANY PERSON AND SHALL, UPON SUCH COMPLAINT, CARRY OUT THE INTENT OF THIS ORDINANCE AS SPECIFIED IN SECTION 3. UPON RECEIVING THE FIRST COMPLAINT, THE POLICE SHALL MAKE THE REQUIRED SOUND LEVEL READING. IF THE SOUND LEVEL EXCEEDS THE STANDARDS

ENUMERATED IN SECTION 5, A VERBAL WARNING SHALL BE GIVEN TO THE EMITTER. IF SUCH NOISE DOES NOT CEASE, AND UPON RECEIVING A SECOND COMPLAINT THE POLICE SHALL FOLLOW THE PROCEDURES AS SET FORTH IN SECTION 7. NOTWITHSTANDING THAT ENFORCEMENT OF THIS ORDINANCE SHALL BE INITIATED BY SUCH COMPLAINT, NO SIGNED COMPLAINT SHALL BE REQUIRED BY THE POLICE DEPARTMENT TO ENFORCE OR ADMINISTER ANY OF THE PROVISIONS OF THIS ORDINANCE.

SECTION 7: PENALTIES - ANY PERSON FOUND IN VIOLATION OF THE PROVISIONS OF THIS ARTICLE SHALL BE GIVEN AN INFRACTION NOTICE WHICH INCORPORATES A FIFTY (50) DOLLAR FINE FOR THE FIRST OFFENSE AND NINETY (90) DOLLARS FOR EACH ADDITIONAL OFFENSE WITHIN A TWENTY-FOUR HOUR PERIOD. FAILURE TO PAY THE FINE IN THE TIME PRESCRIBED IN THE INFRACTION NOTICE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN SUPERIOR COURT.

SECTION 8: EXCLUSIONS - THE NOISE LEVEL STANDARDS DEFINED IN SECTION 5 SHALL NOT APPLY TO ANY 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 EMERGENCY SITUATIONS PROVIDED, HOWEVER, THAT BURGLAR OR FIRE ALARMS NOT TERMINATING WITHIN THIRTY (30) MINUTES AFTER BEING ACTIVATED SHALL BE UNLAWFUL.
- D. WARNING DEVICES REQUIRED BY O.S.H.A. OR OTHER STATE OR FEDERAL SAFETY REGULATIONS.

SECTION 9: EXEMPTIONS - THE FOLLOWING SHALL BE EXEMPT FROM THESE REGULATIONS SUBJECT TO SPECIAL CONDITIONS AS SPELLED OUT:

- A. NOISE CREATED AS A RESULT OF, OR RELATING TO AN EMERGENCY.
 - B. NOISE CREATED BY SNOW REMOVAL EQUIPMENT.
 - C. NOISE CREATED BY CERTIFICATED AIRCRAFT OPERATING UNDER THE CONTROL OF THE F.A.A.
 - D. NOISE CREATED AS A RESULT OF, OR RELATING TO MAINTENANCE AND REPAIRS CONDUCTED BY PUBLIC UTILITIES.
 - E. NOISE GENERATED FROM SWIMMING POOL PUMPS, AIR-CONDITIONING SYSTEMS, AND HEATING SYSTEMS WHICH ARE IN GOOD WORKING ORDER AND WHICH MEET THE SPECIFICATIONS ACCEPTED BY FEDERAL, STATE AND TOWN AGENCIES DESIGNATED TO GOVERN THEIR INSTALLATION AND STANDARDS OF PERFORMANCE.
 - F. NOISE CREATED BY PUBLIC CELEBRATIONS AND ON-SITE RECREATIONAL OR SPORTING ACTIVITIES WHICH ARE SANCTIONED BY THE STATE OF CONNECTICUT OR THE TOWN OF FAIRFIELD.
 - G. ANY PERSON WHO OWNS OR OPERATES ANY STATIONARY NOISE SOURCE GRANTED A VARIANCE PURSUANT TO SECTION 22a-69-7.1 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES SHALL BE EXEMPT FROM PROVISIONS OF THIS ORDINANCE BY SAID VARIANCE. ANY PERSON SEEKING A VARIANCE PURSUANT TO SECTION 22a-69-7.1 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS ORDINANCE WHILE THE VARIANCE APPLICATION IS PENDING.
- SECTION 10
EXISTING NOISE SOURCES PURSUANT TO SECTION 22a-69-3.7 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES SHALL BE ENTITLED TO THE ALLOWANCES CONTAINED IN SAID SECTION.

SECTION 11: SEVERABILITY--IF, FOR ANY REASON, ANY WORD, CLAUSE, PARAGRAPH, OR SECTION OF THIS ORDINANCE SHALL BE HELD TO MAKE THE SAME UNCONSTITUTIONAL OR SUPERCEDED BY ANY STATE LAW OR REGULATION, THIS ORDINANCE SHALL NOT THEREBY BE INVALIDATED AND THE REMAINDER OF THE ORDINANCE SHALL CONTINUE IN EFFECT.

SECTION 12: THIS ORDINANCE IS NOT INTENDED TO EXCLUDE OR LIMIT OTHER REMEDIES AVAILABLE BY LAW.

SECTION 13: THIS ORDINANCE SHALL BECOME EFFECTIVE 14 DAYS AFTER APPROVAL BY THE R.T.M. and ON THE DATE OF ITS APPROVAL BY THE NOISE CONTROL OFFICE, DIVISION OF ENVIRONMENTAL QUALITY OF THE STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION.