

ORDINANCE NUMBER

AN ORDINANCE OF THE CITY OF NEW LONDON, CONNECTICUT, PROVIDING FOR THE CONTROL OF NOISE POLLUTION WITHIN THE CITY OF NEW LONDON.

WHEREAS, the City of New London wishes to regulate noise within its City Limits; and

WHEREAS, Connecticut General Statutes Chapter 442, §22a-67, *et seq.*, authorizes a municipality to regulate noise by local ordinance; and

WHEREAS, exposure to loud, excessive and/or unnecessary noise affects and hinders the public health, safety and welfare of the City's citizens and guests; and

WHEREAS, the City wishes to protect the public health, safety and welfare of all of its citizens and guests.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEW LONDON:

Section 1. That the code of ordinances of the City of New London be amended by adding a section to be numbered _____ to read as follows:

A. Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance. Where terms are not defined under this section and are defined in the noise regulations of the Connecticut Department of Environmental Protection (Sections 22a-69-1.1, *et seq.*), they shall have the same meaning ascribed to them in those regulations. Otherwise, they shall have ascribed to them their ordinarily accepted meanings.

1. "Construction" shall mean any and all physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling, and paving.

2. "Daytime hours" shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. on Sunday (local time).

3. "Excessive noise" shall mean emitter noise zone levels from noise sources exceeding the standards set forth in Section 3 of this ordinance beyond the boundary of the emitter's noise zones.

4. "Mobile sources of noise" shall include, but are not limited to, such sources as aircraft, automobiles, trucks and boats.

5. "Nighttime hours" shall mean the hours between 10:00 p.m. and 7:00 a.m. Sunday through Friday, and between 10:00 p.m. and 8:00 a.m. Saturday (local time).

6. "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 rights-of-way, railroad rights-of-way, water bodies, and waters of the State of Connecticut.

7. "Site" shall mean the area bounded by the property line on or in which a source of noise exists.

8. "Sound level meter" shall mean any instrument that is capable of measuring sound levels. The sound level meter shall conform to all applicable state and federal standards.

B. Classification of Noise Zones

1. Noise zone classifications shall be based on the actual use of any parcel or tract under single ownership, or in the case of vacant lands, based on the zoning district in which a parcel is located as described on the zoning map and in the zoning regulations of the town. 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 3 of this ordinance.

2. **Class A Noise Zone/Uses.** 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. The land uses in this category shall include, but not be limited to, single and multiple-family homes, hotels, motels, religious facilities, hospitals, nursing homes, cultural activities, forest preserves, historic and monument sites, and vacant land zoned for residential or related uses requiring such protection.

3. **Class B Noise Zone/Uses.** Lands designated Class B shall generally be commercial in nature. The land uses in this category shall include, but not be limited to, retail trade, professional offices, government services, educational institutions, amusements, agricultural activities, automotive dealers and gasoline service stations, restaurants, bars and nightclubs, marinas and other water dependent uses, and vacant lands zoned for such commercial or institutional uses.

4. **Class C Noise Zone/Uses.** Lands designated Class C shall generally be industrial. The land uses in this category shall include, but not be limited to, manufacturing activities, transportation facilities, warehousing, earth products excavation, processing and mining, and other lands zoned for such uses.

C. Noise Zone Standards.

No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her noise zone as measured at any point on a receptor's tract or parcel of land, so as to exceed the levels stated herein:

Receptor Noise Zone Class

	C	B	A- Day	A- Night
Class C emitter to	70 dBA	66dBA	61dBA	51dBA
Class B emitter to	62 dBA	62dBA	55dBA	45dBA
Class A emitter to	62dBA	55dBA	55dBA	45dBA

D. Exclusions.

These regulations shall not apply to the following:

1. Sound generated by natural phenomena.
2. The unamplified sounding of the human voice.
3. The unamplified sound made by any wild or domestic animal.
4. Sound created by bells, carillons, or chimes associated with specific religious observances and/or organizations.
5. Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, or located within or attached to a building, pole or other structure for the purpose of sounding or testing an alarm relating to fire or emergency management.
6. Sound created by safety and protective devices.
7. Farming equipment or farming activity.
8. Back-up alarms required by OSHA or other state or federal safety regulations.
9. Sound created by a mobile sources of noise. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, and has begun the physical process of loading or removing the contents of the vehicle.

E. Exemptions.

Exempted from this ordinance are the following:

1. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted during daytime hours provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

2. Noises created by snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

3. Noise created as a result of, or relating to, an emergency.

4. Construction noise.

5. 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.

6. Patriotic or public celebrations not extending longer than one calendar day.

7. 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.

F. Measurement Procedures.

All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed. The sound level meter shall be calibrated before and after each set of measurements. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises within the noise receptor's premises.

G. Enforcement - Penalty.

1. The City of New London Police Department shall be responsible for making noise level measurements and enforcing this ordinance. Whenever the responsible police officer makes a determination that there has been a violation of any provision of this ordinance, he shall issue a written order to such person(s) responsible for the violation specifying the nature of the violation and affording a reasonable time for its correction or remedy. If said order is not complied with as directed by the officer, the officer shall issue a citation.

2. Any person in violation of any of the provisions of this ordinance shall be fined in an amount not to exceed \$100. Each day on which a violation occurs or continues after the time for correction of the violation given in the order has elapsed shall be considered a separate violation of this ordinance.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.