



Town of New Fairfield

*Selectmen's Office
4 Brush Hill Road
New Fairfield, Connecticut*

**TOWN OF NEW FAIRFIELD
NOTICE
PUBLIC HEARING TUESDAY,
APRIL 20, 2021 7:30 PM
ZOOM MEETING**

Join Zoom Meeting

<http://zoom.us/j/93100334960>

Meeting ID: 931 0033 4960

Dial In: (929) 205-6099

Notice is hereby given that the Board of Selectmen of the Town of New Fairfield will hold a virtual public hearing on Wednesday, April 20, 2021 at 7:30 P.M. for the review of proposed Ordinance for Noise. The draft ordinance may be reviewed on the New Fairfield website, www.newfairfield.org.

AGENDA

1. Welcome and meeting guidelines
2. Review of Proposed Ordinance for Noise
3. Public Comment and Questions
4. Adjournment

Received by Email on 4/9/2021 @ 12:04 pm
By Pamela J. Dohan, Town Clerk, New Fairfield

§ XX-1

Purpose.

It is the intention of this chapter to carry out and effectuate the public policy of the State of Connecticut, the federal government and the Town of New Fairfield concerning the regulation of those activities causing excessive noise and noise disturbance within the Town of New Fairfield. It is recognized that excessive noise is a serious hazard to the health, welfare and quality of life of all citizens and that each person has a right to an environment free from noise that may jeopardize their health, safety or welfare.

§ XX-2

Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

ALL-TERRAIN VEHICLE. A self-propelled vehicle designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Connecticut General Statutes, Chapter 246.

DAYTIME HOURS. Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 p.m. on Sundays and holidays.

EMERGENCY. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

INTRUSION ALARM. A device with an audible signal which, when activated, indicates intrusion by an unauthorized person. Such alarm may be attached to, or within, a building, structure, property or vehicle.

MOTOR VEHICLE. Shall be given that meaning which is provided for by Connecticut General Statutes, § 14-1(a)(47).

MOTORBOAT. Shall be given that meaning which is provided for by Connecticut General Statutes, §§15-127.

NIGHTTIME HOURS. The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that "nighttime hours" shall mean the hours between 7:30 p.m. Saturday and 10:00 a.m. on Sunday and 7:30 p.m. of the day preceding a recognized national holiday and 10:00 a.m. on said holiday.

PERSON. Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the State or other legal entity of any kind.

PLAINLY AUDIBLE. Any sound that can be detected by a person using his or her unaided hearing faculties. For example, but not limited to, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

PREMISES. 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.

PROPERTY LINE. 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 separates real property from the public right-of-way.

PROPERTY MAINTENANCE EQUIPMENT. All powered or manually operated tools and equipment used in the repair and upkeep of property, including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, and leaf blowers.

SOUND. 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, an auditory response when impinging on the ear.

SOUND REPRODUCTIVE DEVICES. May include but is not limited to speakers, megaphones, horns, or other device that broadcasts and magnifies sound.

VESSEL. Shall be given that meaning which is provided for by Connecticut General Statutes, SS15-127.

XX-3 Prohibited Activities and Noise Levels.

A. Standards. No person shall make, continue and/or permit on property owned and/or controlled by such person any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise or disturbance which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts shall be deemed a violation of this chapter.

B. Motor vehicle noise in excess of state limits. All motor vehicles and motorcycles operating within the limits of the Town of New Fairfield on public highways, streets, drives, boulevards, lanes and avenues and private highways, including streets, drives, boulevards, lanes and avenues generally open to the public, 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, § 14-80a, entitled "Maximum Permissible Noise Levels For Vehicles."

C. Off-road motorcycle noise in excess of EPA limits. No person shall transport or operate an off-road motorcycle manufactured after December 31, 1985, not equipped with an exhaust muffler bearing the federal EPA required labeling applicable to the motorcycle's model year, stating that the exhaust system meets the 82 dBA standard at 50 feet, as set out in Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

D. Noise from all-terrain vehicle. No person shall operate an all-terrain vehicle that it is plainly audible at a distance of 500 feet or more in any direction from the vehicle.

E. Noise from Sound Reproductive Devices on or in a motor vehicle or a motor boat. No person shall operate a sound reproductive device or devices on or within a motor vehicle or

motor boat that are plainly audible at a distance of 100 feet or more in any direction from such vehicle or boat for a duration of more than 5 minutes.

F. Noise from personal Sound Reproductive Devices, whether on land or on a waterbody. No person shall operate personal sound reproduction device or devices that are plainly audible at 100 feet or more in any direction from the operator for a duration of more than 5 minutes.

G. Construction noise during nighttime hours. No person, firm, corporation or other entity shall operate or permit the operation of electric or fuel-powered equipment, including but not limited to pile drivers, backhoes, pneumatic hammers, derricks, trucks of more than 10,000 pounds gross vehicle weight (GVW) on a construction site and hoists required for construction, repair of demolition work during nighttime hours.

H. Property maintenance during nighttime hours. No person shall cause construction or maintenance noise that is plainly audible at 100 feet or more during nighttime hours.

I. Frequent or continued noise from any animal, bird, or fowl. No person shall allow the frequent or continued noise from any animal, bird, or fowl that is plainly audible for more than 15 minutes at a time within 100 feet of its owner's property line.

§ XX-4

Exclusions. Maximum noise levels established pursuant to § **XX-3** hereof 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 system used in an emergency situation. This exclusion does not include, however, intrusion alarms attached to any building, structure, or property not terminating within 30 minutes after being activated or any intrusion alarm attached to a vehicle not terminating within 10 minutes after being activated. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

D. Warning devices required by OSHA or other state or federal safety regulations.

E. Noise created as a result of an emergency, including, but not limited to, the use of emergency generators.

G. Activities sponsored by or specially licensed or under permit from the Town of New Fairfield or the New Fairfield Public Schools, including, but not limited to, parades, sporting events, concerts, recreational activities, the Hahlawah Rifle and Pistol Club, the New Fairfield/Sherman Animal Welfare Society and firework displays. This exclusion applies only if noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noise therefrom. Moreover, patriotic or public celebrations may not extend longer than one calendar day. Shooting from the Hahlawah Rifle and Pistol Club may not run beyond the hours of 10:00 AM-12:30 PM on Sunday mornings.

H. Noise from snow removal equipment, 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.

- I. Noise created by refuse and solid waste collection and processing, provided that such activity is conducted during daytime hours and further provided that such collection and processing equipment is maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be muffled to prevent loud and/or explosive noises therefrom.
- J. Utility maintenance, including, but not limited to, the removal of fallen trees and the installation and repair of utility wires and poles.
- K. Town of New Fairfield construction, road repair, and tree removal operations or tree removal operations under an Emergency Declaration.
- L. Activities conducted by the Town of New Fairfield in a governmental capacity or by the State of Connecticut or by the government of the United States.

§ XX-5

Administration and Penalties for offenses.

- A. Enforcement of this chapter rests with the Chief of Police or his/her delegate. In the case of Candlewood Lake or Squantz Pond State Park, the Connecticut Department of Energy and Environmental Protection may also enforce the requirements of this chapter.
- B. The first violation of any of the provisions of this chapter shall be punished by a fine not to exceed \$100. Each day any such violation shall continue or each act in violation of this chapter shall constitute a separate offense. The second violation by any person or entity of any provision of this chapter shall be punished by a fine of \$150. Subsequent violations of any provision of this chapter shall be punished by a fine of \$250 per day of violation.

§ XX-6

Variances.

- A. Any person living or doing business within the Town of New Fairfield may apply to the Director of Health for a variance from one or more of the provisions of this article, provided that the applicant, at least 60 days prior to the date of said activity, provides the Director of Health with a written request containing all of the following information:
 - (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;
 - (4) Description of interim noise control measures to minimize noise and its impact;
 - (5) Specific schedule of best practical noise control measures or statement of the estimated length of time variance will be required; and
 - (6) Any other information required by the Town Manager.
- B. No variance from this chapter shall be issued unless it has been demonstrated that:
 - (1) The proposed activity will not violate any provisions of the Connecticut Department of Energy and 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 this chapter constitutes an unreasonable hardship on the applicant, provided that such hardship is not the result of the applicant's own actions or inaction.
- C. The Director of Health may impose reasonable conditions on the granting of any variance within his/her sole discretion.