

SHERMAN LAKE NOISE CONTROL ORDINANCE

PURPOSE

Pursuant to the general authority of Conn. Gen. Stat. § 7-148, and the specific authority of Conn. Gen. Stat. § 22a-73(c), it is hereby resolved that, to preserve and promote the health, safety and general welfare of the citizens of the Town of Sherman (the “Town”), it is in the common interest to enact reasonable regulations pertaining to the reduction, control, and/or prevention of noise so as to promote a general environment free from excessive noise and vibration.

DEFINITIONS

When used in this ordinance, and future revisions thereto, the terms below shall have the meanings set forth thereafter. Terms not defined below shall have the meanings set forth in the regulations of the State of Connecticut, Department of Environmental Protection, Regulations of Connecticut State Agencies (“RCSA”).

Boat - A vessel for floating upon and/or travelling over water, propelled by oars, sails, or an engine.

Daytime – The hours between 7:00 a.m. and 8:59 p.m.

Decibel – A logarithmic unit of measurement used in determining magnitude of sound. The symbol is dB.

Dock- A structure extending alongshore or out from the shore into Candlewood Lake, to which boats may be moored, a free-floating structure setting upon and anchored in Candlewood Lake.

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emitter – Any person who creates, causes to be created or allows the Noise.

Impulse Noise – Noise of short duration (generally less than one second) of high intensity, abrupt onset and rapid decay, and often rapidly changing composition.

Nighttime – The Hours between 9:00 p.m. and 6:59 a.m.

Noise – Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in this ordinance.

Noise Level – The sound pressure level, in Decibels, as measured with a Sound Level Meter, using the A Weighting network. The level so read is designated dB(A) or dBA.

Person – Any individual, firm, partnership

Receptor – The Person who receives the Noise impact.

Residential Zone – All land in Town 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, auditory response when impinging on the ear.

Sound Level Meter – An instrument 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.

NOISE LEVELS

(a) Noise Levels and Guidelines. It shall be unlawful for any Person to emit or cause to be emitted any Noise beyond the Dock, Boat or natural structure on or within Candlewood Lake on which he or she is situated in excess of the following Noise Levels.

	RECEPTOR	
	Day	/ Night
Residential Zone emitter to:	55dBA/45dBA	55dBA/45dBA

Measurements shall be taken at a point that is located approximately one (1) foot from the Dock, Boat or natural structure on or within Candlewood Lake from which the Noise emanates and/or a point that is located approximately one (1) foot within the boundary of the Receptor's Premises.

(b) Impulse Noise. In the case of Impulse Noise, the permitted Noise Levels, regardless of the type of Emitter or Receptor, shall be 100 dB DAYTIME and 80 dB NIGHTTIME.

EXCLUSIONS

This ordinance shall not apply to noise emitted by or related to:

(1) The unamplified human voice, except Noise generated by the congregation of voices on a Dock or Boat or natural structure on, within or adjacent to Candlewood Lake

(2) Activities that are not conducted on a Dock, Boat or natural structure on or within Candlewood Lake adjacent or contiguous to the Town.

(3) Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, as authorized by subsection (d) of Section 14.80 and Section 14.1a of Chapter 246 of the General Statutes and all amendments thereto, or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness provided; however, that no person shall cause, suffer, allow or permit the operation of any intrusion alarm which, from time of activation of audible signal, emits noise for a period of time exceeding ten minutes when attached to any vehicle, or thirty minutes when attached to any building or structure. 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 not be permitted hereunder.

(4) Activities specifically licensed or sanctioned by, or under permit of the Town, including, but not limited to, fireworks, historical reenactments, concerts and sporting events.

(5) Actions necessitated by emergency.

STANDARDS –MEASUREMENT INSTRUMENTS

Acoustic measurements and equipment to ascertain compliance with, or violation of, this ordinance shall be in substantial conformity with the standards and practices established by professional organizations such as the American National Standards Institute. Instruments shall be of standard design, properly calibrated and maintained for the purposes of noise regulation. Instruments shall be of standard design, properly calibrated and maintained for the purposes of Noise regulation. Instruments shall conform, at a minimum, to the standards of the American National Standards Institute for Sound Level Meters.

ENFORCEMENT

(a) The Town's Constable Police Department shall be responsible for investigating and documenting, through acoustic measurements, violations of this ordinance. Violators may be served with an ordinance citation, which shall be known as a "Noise Ticket". Payment of the fine prescribed herein and imposed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Fines shall be in the amount of \$XXXX for the first offense, and \$XXXX for each subsequent offense. Nothing in this ordinance shall preclude or prevent the sworn Constable or any Connecticut State Trooper, in his or her discretion in lieu of issuing a Noise Ticket, from taking other action pursuant to the provisions of Conn. Gen. Stat. § 53a-181, § 53a-181a and § 53a-182, as such may be amended from time to time, which sections relate to, among other things, unreasonable noise, disorderly conduct, breach of peace, and/or any other applicable statutory violation.

An appeal process relative to Noise Tickets is established below. The First Selectman shall appoint a hearing officer who shall serve at his/her discretion to hear appeals from the issuance of Noise Tickets. A Person shall have thirty (30) days from the date of the Noise Ticket to deliver a written application for a hearing. The Hearing Officer shall hold a hearing within five (5) days of the receipt of the application, and his/her decision shall be final.

SEVERABILITY

Any provision of this ordinance held to be unconstitutional or superseded by state law or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this ordinance shall serve to validate any activity otherwise prohibited by state or local law or lawfully enacted planning and zoning regulation.

EFFECTIVE DATE:

This ordinance shall be effective 15 days after notice of passage is published.