

267-14

**The Town of Rocky Hill Adopted the Following Ordinance Titled "Noise Ordinance",
which will replace the current Noise Ordinance, Chapter 180.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ROCKY HILL THAT:

Chapter 180 of the Town Code is hereby rescinded and replaced as follows:

Chapter 180: NOISE

§ 180-1. Legislative findings; purpose.

- A. The making and creation of unreasonably loud, unnecessary or disturbing noises within the limits of the Town of Rocky Hill is a condition which has existed for some time and the extent and volume of such is increasing.
- B. The making, creation or maintenance of such unreasonably loud, unnecessary or disturbing noises affects and is a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of Rocky Hill.
- C. The need for noise regulation is a matter of legislative determination and public policy, and this chapter is adopted in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, peace and quiet of the Town of Rocky Hill and the people therein.
- D. Nothing in any portion of these regulations shall be construed in any manner as authorizing or legalizing the creation or maintenance of a nuisance. Compliance with these regulations is not a bar to a claim of a nuisance by any person. A violation of any portion of these regulations shall not be deemed to create a nuisance per se. This regulation shall not limit or supersede any zoning approval and/or condition of approval for any such property.

§ 180-2. Definitions.

When used in this chapter, the terms below shall have the following meanings:

Agricultural District: Those areas that allow appropriate and compatible agricultural uses consistent with historic uses while protecting important river and flood plain resources as designated in Section 5.1.2 of the current Zoning Regulations and on the current Zoning Map of the Town of Rocky Hill.

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;

Background Noise: 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.

Business Park District: Those areas that primarily consist of light industrial uses so designated in Section 4.1.4 of the current Zoning Regulations and on the current Zoning Map of the Town of Rocky Hill.

Commercial District: Those areas that primarily consist of less intensive retail and service type activities so designated in Section 4.1.2 of the current Zoning Regulations and on the current Zoning Map of the Town of Rocky Hill.

Construction: The assembly, erection, substantial repair, alteration, demolition, or site-preparation for public or private right-of-ways, buildings or structures, utilities or property.

Daytime Hours: The hours between 7:00 a.m. to 9:00 p.m., Monday through Saturday; and the hours between 9:00 a.m. and 8:00 p.m. on Sundays and legal holidays.

dba: The sound level as measured using the fast "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 (R2006) or its successors, or meeting the standards set forth in IEC 61672-1-2002 or its successors.

Decibel: A logarithmic unit of measurement of the sound level, the symbol for which is dB. In this ordinance, the decibel level is expressed in terms of dBA,

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

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

Emergency Vehicle: Any motor vehicle that has a sound warning device, such as sirens and bells, which can lawfully be used when responding to an emergency.

Excessive Noise: Any sound, the intensity of which exceeds the standards set forth in this Chapter.

Holiday(s): New Year Day, Easter, Memorial Day, Labor Day, Christmas Day, and Thanksgiving Day.

Impulse noise: Any sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Intrusion Alarm: Devices with an audible signal which, when activated, indicate intrusion by an unauthorized person. Such alarm may be attached to, or within, any building, structure, property or vehicle.

Motor Vehicle: A vehicle as defined in the Connecticut General Statutes § 14-1(53), as amended, and Motorcycles as defined in the Connecticut General Statutes § 14-1 (54).

Nighttime Hours: All the hours not defined as Daytime.

Noise Level: A frequency weighted sound pressure level as measured with a sound level meter using the fast A-weighting Network. The level so read is designated dBA.

Off-road motorcycle: Any motorcycle which does not have a current certificate of motor vehicle registration and plates for use on highways. An off-road motorcycle is a subclass of All Terrain Vehicles.

Office Park District: Those areas that primarily consist of large-scale office and light industrial uses so designated in Section 4.1.3 of the current Zoning Regulations and on the current Zoning Map of the Town of Rocky Hill.

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 other real property, including all parts thereof and appurtenances thereto owned or controlled by a person.

Property Line: The 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 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.

Public emergency sound signal: A device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property, which demands immediate action.

Public facility maintenance: All activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

Recreational vehicle: A portable vehicle built on a chassis and designed to be used as a temporary dwelling for travel and recreational purposes. Recreational vehicles shall include campers, travel trailers, boats trailers and motor homes, but shall not include mobile homes.

Regional Commercial District: Those areas that primarily consist of more intensive retail and service type activities so designated in Section 4.1.1 of the current Zoning Regulations and on the current Zoning Map of the Town of Rocky Hill.

Residential District: Those areas that primarily consist of residential and multi-family dwellings so designated in Section 3.2 of the current Zoning Regulations and on the Zoning Map of the Town of Rocky Hill.

Sound: A transmission of energy through solid, liquid or gaseous media in the form of vibrations that 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.

Safety and Protective Devices: Devices designed to be used, and actually used, for the prevention of the exposure of any person or property to imminent danger, including, but not limited to, unregulated safety relief valves; circuit breakers; protective fuses; back-up alarms required by OSHA or other state or federal safety regulations; horns, whistles or other warning devices associated with pressure buildup.

Sound level meter: An instrument used to measure sound levels. A sound level meter shall conform to standards set forth in ANSI S1.4-1983 (R2006) or its successors, or conform to the standards set forth in IEC 61672-1-2002 or its successors.

Sound Pressure Level: Twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} Newtons/m²) and is expressed in decibels (dB).

Waterfront District: Those areas that primarily consist of mixed uses, retail and services that are compatible with and appropriate to Connecticut River proximity and access so designated in Section 4.1.5 of the current Zoning Regulations and on the current Zoning Map of the Town of Rocky Hill.

§ 180-3. Measurement.

- A. The use of the property shall determine the scale limits to be applied. The designation on the current Zoning Map of the Town of Rocky Hill shall apply.

- B. A person conducting sound measuring shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- C. Instruments used to determine sound level measurements meet American National Standards Institutes (ANSI) standard ANSI S1.4-1983 (R2006) or its successors, or meet the standards set forth in IEC 61672-1-2002 or its successors.
- D. The instrument used to measure the loudness of a noise shall be placed at the loudest location any point beyond the boundary of the property line of the emitter.
- E. In measuring sound-pressure levels for the purpose of enforcing this chapter, an allowance of two decibels shall be made.

§ 180-4. Unlawful Noise Level. Standards.

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. Noise in Excess of the Following Noise Levels.

It shall be unlawful for any person to emit, cause or permit to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this Chapter. If more than one noise level may be applicable to the activity, in the case of conflicting levels only, the most restrictive level may be applied to the activity or conduct causing the noise.

1) Noise Level Standards:

- (a.) No person shall emit and/or permit noise exceeding the levels stated herein beyond the property line of the emitting noise source.

Property Use Emitter	Property Use Receptor				
	Residential (dBA)	Commercial (dBA)	Business Park (dBA)	Office Park (dBA)	Waterfront (dBA)
Residential	Day 55 Night 45	55	62	55	55
Commercial	Day 61 Night 51	62	62	62	62
Business Park	Day 61 Night 51	62	62	62	62

Office Hours	Day 61 Night 51	62	62	62	62
Weekdays	Day 61 Night 51	62	62	62	62
Weekends	Day 61 Night 51	62	62	62	62

(b.) No person shall emit and/or permit noise exceeding the levels contained in Sections 22a-69-2.1 to 22a-69-3.6, inclusive, of the Regulations of Connecticut State Agencies, beyond the property line of the emitting noise source.

C. Motor Vehicle Noise in Excess of State Limits

- 1) All motor vehicles and motorcycles operating within the limits of the Town of Rocky Hill 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."

D. Off Road Motorcycle Noise in Excess of EPA limits

- 1) 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.

E. All-Terrain Vehicle Noise that is Plainly Audible at 500 feet.

- 1) No All-Terrain Vehicle shall be operated in such a manner that it is plainly audible at a distance of 500 feet or more in any direction from the vehicle. No person shall permit, on property owned and/or controlled by such person, the operation of one or more All-Terrain Vehicles which are plainly audible at a distance of 500 feet or more from the property line.
- 2) All-Terrain Vehicles must have the registration plate of the ATV affixed to the rear of the vehicle. In addition, each ATV must display the registration number on each side of its front section, midway between the top and bottom of the front section, in letters or numbers at least three inches high and made of reflective material. The registration must be available for inspection whenever the vehicle is being transported or operated.

F. Motor Vehicle Amplified Devices that Are Plainly Audible at 100 Feet.

No sound amplifying devices on or within a motor vehicle shall be operated in such a manner that it is plainly audible at a distance of 100 feet or more in any direction from the vehicle.

G. Personal Amplification Devices that Are Plainly Audible at 100 Feet.

Personal amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of 100 feet or more in any direction from the operator.

H. Recreational Vehicle Noise Exceeding Noise Limits

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 Ordinance when the noise so generated exceeds the noise level standards in Section 135-4 B of this Chapter.

I. Construction Noise between 7 p.m. and 6:45 a.m., on Sundays, and Official State Holidays

- 1) 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 or demolition work between the hours of 7:00 p.m. and 6:45 A.M. Monday through Saturdays or at any time on Sundays and official state holidays.

J. Property Maintenance between the Hours of 9 p.m. and 7 a.m.

- 1) No person shall cause construction or maintenance noise that is plainly audible at 100 feet or more between 9 p.m. and 7 a.m.

§ 180-5. Exemptions.

The following shall be exempt from the provisions of this chapter:

- 1) Noise created by the operation of domestic construction and property maintenance equipment between 7 a.m. and 9 p.m., except on Holidays.
- 2) Noise created by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 9:00 p.m. provided

that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

- 3) 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.
- 4) Noise created by parades, school sporting events, Town Park & Recreation events, concerts, and firework displays that are sanctioned by the Town.
- 5) Noise created by blasting provided that the blasting is conducted between 9:00 a.m. and 3:00 p.m. local time and provided that a permit for such blasting has been obtained from the state or local authorities, except on weekends and Holidays.
- 6) Noise created by refuse and solid waste collection and processing, provided that such activity is conducted between 7:00 a.m. and 9:00 p.m., except on Holidays.
- 7) Noise from fuel oil delivery vehicles and other delivery trucks serving residences and businesses between the hours of 7:00 a.m. and 9:00 p.m.
- 8) Noise created by a fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding ten minutes when such alarm is attached to vehicle or thirty minutes when attached to any building or structure.
- 9) Noise created by emergency activities or emergency vehicles, sounds giving warning of emergencies or sounds customarily signaling particular time(s) of the day.
- 10) Noise from equipment of the Town or State constructing or maintaining public infrastructure.
- 11) Noise created by products undergoing test, where one of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken, except on Holidays.
- 12) Emergency work which is required for the protection or preservation of property or health, safety, life or limb of a person.
- 13) Noise created by emergency or portable generators during periods of power outages.

180-7. Variance.

- A. Any person residing or doing business in the Town of Rocky Hill may apply to the Town Council or its designated representative for a variance for not more than one year from

one or more of the provision of this Chapter, provided that the applicant, at least thirty (30) days prior to the date of said activity, provides the Town Manager with a written request for a variance to be acted on by the Town Council 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 controls 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 application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of 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.
- E. The Council or its designated representative may impose reasonable conditions on the granting of any variance within its sole discretion.

§ 180-8. Hindering compliance; allowing prohibited noises on premises; intentionally removing or rendering noise reduction design elements inoperative—Prohibited.

- A. No person shall hinder or interfere with by force or otherwise, the performance by any duly authorized agent or employee of the Town of Rocky Hill of any duty to comply with or enforce the provisions of this Chapter.
- B. No person shall allow on any property or premises owned or leased by him the creation, continuance or maintenance of any noise, or allow the installation, use or operation of any stationary noise source that violates or fails to comply with this Chapter, or the terms or conditions of any permit, variance or order issued pursuant to this Chapter.
- C. No person shall intentionally remove or render inoperable, other than for purposes of normal maintenance, repair or replacement, any device or element of design installed into any noise source to achieve compliance with the provisions of this Chapter of the statutes or regulations of the State of Connecticut, or to use or operate said noise source after such device or element of design has been removed or rendered inoperable with knowledge of such removal or of such rendering inoperable of such device or element of design.

§ 180-9. Penalties for offenses.

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 \$200. Subsequent violations of any provision of this chapter shall be punished by a fine of \$500.

§ 180-10. Enforcement.

- A. Any person aggrieved by any act constituting a violation of this Chapter may complain to the Rocky Hill Police Department and Zoning Department staff, which shall enforce these provisions.
- B. The Rocky Hill Police Department and Zoning Department staff also is authorized to enforce this Chapter without any such complaint.
- C. This Chapter shall be enforced by citations issued by designated municipal officers or employees.
- D. The citation hearing procedure established by Chapter 5, Sections 5-3 to 5-6, inclusive, of the Rocky Hill Code shall be followed, provided however that members of the Rocky Hill Police Department may issue citations and/or provide notices pursuant to this Chapter. The amount of fines will also be governed by this Chapter.

§ 180-11. Severability

All provisions of the Zoning Regulations of the Town of Rocky Hill which are more stringent than those set forth herein shall remain in force. If any section, paragraph, sentence, clause or phrase of this ordinance or any part thereof, is for any reason held to be

unconstitutional or invalid, or ineffective by any court of a competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portion of this ordinance or any part thereof.

This ordinance will take effect in accordance with the Town Charter.

Introduced- 7/7/2014
Advertised- 9/9/2014
Public Hearing- 9/15/2014
Adopted- 9/ 15/ 2014
Published- 9/23/2014
Effective- 10/23/2014

270-14

AN ORDINANCE ESTABLISHING AN "EXEMPTION FOR HORSES AND PONIES"

Be it ordained by the Town Council of the Town of Rocky Hill that the following Ordinance be accepted and adopted:

**Article VIII
Exemption for Horses and Ponies**

223-28

There is hereby created, pursuant to the provisions of subdivision (68) of section 12-81 and section 12-91 of the Connecticut General Statutes, as amended by public act 14-33, an exemption from personal property taxation any horse or pony commencing on October 1, 2014 and thereafter.

This Ordinance will take effect in accordance with the Town Charter.

Introduced – 10/20/2014
Advertised – 11/12/2014
Public Hearing – 11/17/2014
Adopted – 11/17/2014
Published – 11/21/2014
Effective – 12/21/2014