

Town of Fairfield, CT / Part II General Legislation
Chapter 78 Noise

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 6-25-1985. Amendments noted were applicable.]

GENERAL REFERENCES

Alarms producing exterior audible sound — See Ch. [45](#), § [45-5](#).

§ 78-1 Legislative intent.

§ 78-2 Definitions.

§ 78-3 Excessive noise prohibited.

§ 78-4 Noise level measurement procedures.

§ 78-5 Noise level standards.

§ 78-6 Administration, enforcement and penalties.

§ 78-7 Exceptions.

§ 78-8 Specific prohibitions.

§ 78-9 Variances.

§ 78-10 Conflict with other regulations.

§ 78-11 Severability.

§ 78-1 Legislative intent.

Government is instituted to protect life, liberty and property. Loud, excessive and unreasonable noise is an interference with a person's right to the use and enjoyment of his/her property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life in Fairfield through the reduction, control and prevention of noise.

§ 78-2 Definitions.

As used in this chapter, the following items shall have the meanings indicated:

BUSINESS DISTRICT

Any business district, including Business District No. 1, Business District No. 2, Business District No. 3, Designed Business District No. 1, Designed Business District No. 2, Designed Business District No. 3 and Designed Business District No. 4, as defined in the Zoning Regulations of the Town of Fairfield.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Friday; and the hours between 8:00 a.m. and 10:00 p.m. on Saturday, Sunday and during any state or national holiday.

DECIBEL

A logarithmic unit of measurement of the sound level. In this chapter, the decibel level is expressed in terms of dBA (A-weighted decibels).

EMERGENCY

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

EMITTER

A person who creates, causes to be created or allows the noise.

IMPULSE NOISE

Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

INDUSTRIAL DISTRICT

Any industrial district, including Industrial District No. 1, Industrial District No. 2, Designed Industrial District No. 1, Designed Industrial District No. 2 and 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).[1]

NIGHTTIME HOURS

[Amended 9-25-2017]

A. The hours between 10:00 p.m. and 7:00 a.m., Sunday night through Friday morning (weekday schedule); and the hours between 10:00 p.m. and 8:00 a.m., Friday night through Sunday morning (weekend schedule).

Weekday Schedule:

10:00 p.m. Sunday through 7:00 a.m. on Monday

10:00 p.m. Monday through 7:00 a.m. on Tuesday

10:00 p.m. Tuesday through 7:00 a.m. on Wednesday

10:00 p.m. Wednesday through 7:00 a.m. on Thursday

10:00 p.m. Thursday through 7:00 a.m. on Friday

Weekend Schedule:

10:00 p.m. Friday through 8:00 a.m. on Saturday

10:00 p.m. Saturday through 8:00 a.m. on Sunday

B.

During any state or national holiday, the weekend schedule will be in effect the night before the holiday through the morning of the holiday.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 78-5 of this chapter.

NOISE LEVEL

The sound pressure level, as measured with a sound level meter.

PERSON

Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PLAINLY AUDIBLE

Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level standards provided for in § 78-5.

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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE

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.

RECEPTOR

The person who receives the noise impact and initiates the noise complaint.

RESIDENTIAL DISTRICT

Any residential district, including Residential Districts AAA, AA, R-3, R-2, A, B, C, Designed Residence District No. 1 and Designed Residence District No. 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.

SOUND

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

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).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound and is electronically amplified, including, but not limited to, any loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.

[1]

Editor's Note: See now C.G.S. § 14-1(54).

§ 78-3 Excessive noise prohibited.

[Amended 9-25-2017]

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 § 78-5 during daytime or nighttime hours as defined in § 78-2, except in those incidences provided for in §§ 78-7 and 78-8.

§ 78-4 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

When measuring with a sound level meter:

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 calibration 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 the same ownership as indicated by public land records.

When measuring Sound Production Devices that are plainly audible:

D. Noise produced by Sound Production Devices are plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measured by approximation from the source of the noise, and determination of a violation is solely within the enforcement agent's discretion.

§ 78-5 Noise level standards.

A. No person shall emit noise exceeding the levels stated herein, except in those incidences provided for in §§ 78-7 and 78-8 of this chapter:

Property Use:	Noise Measured by Sound Level Meter (Applicable to all noise): <i>Measured in A-Weighted Decibels (dBA)</i>		Plainly Audible Noise (Applicable only to noise produced by Sound Production Devices):
Receptor	Time	Sound Level dBA	Plainly Audible at:
Residential	Nighttime	45 dBA	100 feet
Residential	Daytime	55 dBA	150 feet
Business	At all times	60 dBA	200 feet
Industrial	At all times	65 dBA	250 feet

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.[1]

[1]

Editor's Note: See now C.G.S. § 14-80a, Maximum noise levels.

§ 78-6 Administration, enforcement and penalties.

A. The Police Department shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter as specified in § 78-3. Upon receiving the first complaint, the police shall make the required sound level reading or plainly audible determination as specified in § 78-5.

B. If the sound level exceeds the standards enumerated in § 78-5, or is specifically prohibited under § 78-8, a verbal warning shall be given to the emitter for the first offense; a citation notice of \$100 may be given for the second offense; and a citation notice of \$250 may be given for each subsequent offense within ~~one year~~six (6) months of the last offense.

C. Each violation shall constitute a separate offense.

D. Refusing, hindering or interfering with enforcement of any provision in this chapter is a separate offense.

E. Failure to pay the fine in the time prescribed in the citation notice will result in the issuance of a summons to appear in Superior Court.

F. Notwithstanding that enforcement of this chapter 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 chapter.

G. Nothing in this chapter shall prevent the Police Department, because of the perceived nature of the offense, from proceeding not under the terms of this chapter but under the provisions of C.G.S. §§ 53a-182, which sections relate generally to breach of peace and public disturbance.

H. The Chief of Police, or his/her designee, will report annually to the Representative Town Meeting at its January meeting on the full list of all noise complaints received including location, date and the disposition of all noise complaints processed.

§ 78-7 Exceptions.

The noise level standards defined in § 78-5 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 30 minutes after being activated shall be unlawful.[1]

[1]

Editor's Note: See Ch. 45, Alarms.

D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

E. Noise created as a result of or relating to an emergency, including but not limited to, home and commercial generators during periods of lost power.

F. Noise created by snow-removal equipment.

G. Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.

H. Noise created as a result of or relating to maintenance and repairs conducted by public utilities.

I. 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.

J. 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, including, but not limited to, parades, sporting events, concerts, and block parties. This exception does not apply to private rentals of town-owned buildings.

K. Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.

- L. The unamplified sounding of the human voice.
- M. Noise created by public school construction.
- N. Noise created by road maintenance activities of the Department of Public Works and the Water Pollution Control Agency.
- O. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours between the hours of 6:00 a.m. and 8:00 p.m. on weekdays.
- P. Permitted fireworks conducted after sunset and completed by 10:00~~30~~ p.m. Fireworks conducted by the Town of Fairfield or its designee(s) for the Independence celebration are fully excluded from these noise regulations at all times.
- Q. Noise created by public demonstrations and/or protests, provided that the activity is conducted during daytime hours.
- R. Construction, demolition, power tools and home maintenance tools ~~operated~~ shall not be operated between the hours of 7:00 a.m. p.m. and 7:00 p.m. a.m. on weekdays, and between 9:00 a.m. 5:00 p.m. and 5:00 p.m. 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, these activities shall be subject to the nighttime noise level standards specified in § 78-5 does not apply.
- S. Blasting authorized by the State of Connecticut or the Town of Fairfield shall not be conducted between 8:00 a.m. 5:00 p.m. and 5:00 p.m. 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.
- T. Landscaping and/or yard maintenance equipment operated between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, and between 8:00 a.m. and 8:00 p.m. on weekends or state/federal holidays. At all other times, these activities shall be subject to the nighttime noise level standards specified in § 78-5.
- U. Maintenance of town playing fields and public and private golf courses shall not be subject to this prohibition.

V. 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 chapter 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 chapter while the variance application is pending.

§ 78-8. Specific Prohibitions.

The following shall be specifically prohibited:

~~A. Construction, demolition, power tools and home maintenance tools shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between 5:00 p.m. and 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply.~~

~~B. A. Blasting shall not be conducted between the hours of 5:00 p.m. and 8:00 a.m. Blasting shall not be conducted between 5:00 p.m. and 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.~~

~~C. Landscaping and/or yard maintenance equipment shall not be operated between the hours of 8:30 p.m. and 7:00 a.m. on weekdays, and between 8:00 p.m. and 8:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply. Maintenance of town playing fields shall not be subject to this prohibition.~~

~~D. B.~~ Impulse noise such as vehicle backfiring, engine racing, and unnecessary vehicular horn blowing that annoys or disturbs the quiet, comfort or repose of persons. No impulse noise from any source may exceed 80 dBA during nighttime hours. No impulse noise may exceed 100 dBA at any time.

~~E. C.~~ Igniting fireworks after 10:~~30~~00 p.m., except by the Town of Fairfield or its designee(s) for the Independence Day celebration. Special permits must be obtained to ignite fireworks in the Town of Fairfield. See CGS § 29-357.

~~F. D.~~ Refusing, hindering or interfering with enforcement of any provision in this chapter.

§ 78-9 Variances.

A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:

1. The location and nature of the activity.
2. The time period and hours of operation of said activity.
3. The nature and intensity of noise that will be generated.

B. No variance from this chapter shall be granted 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.

C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 78-10 Conflict with other regulations.

In the event that any standards in this chapter conflict with regulations or standards set by the Town of Fairfield and/or the State of Connecticut Department of Environmental Protection, the stricter standard shall apply.

§ 78-11 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part thereof.

Town of Fairfield, CT / Part II General Legislation
Chapter 78 Noise

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 6-25-1985. Amendments noted were applicable.]

GENERAL REFERENCES

Alarms producing exterior audible sound — See Ch. [45](#), § [45-5](#).

§ 78-1 Legislative intent.

§ 78-2 Definitions.

§ 78-3 Excessive noise prohibited.

§ 78-4 Noise level measurement procedures.

§ 78-5 Noise level standards.

§ 78-6 Administration, and enforcement and penalties.

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§ 78-1 Legislative intent.

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§ 78-2 Definitions.

As used in this chapter, the following items shall have the meanings indicated:

BUSINESS DISTRICT

Any business district, including Business District No. 1, Business District No. 2, Business District No. 3, Designed Business District No. 1, Designed Business District No. 2, Designed Business District No. 3 and Designed Business District No. 4, as defined in the Zoning Regulations of the Town of Fairfield.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Friday; and the hours between 8:00 a.m. and 10:00 p.m. on Saturday, Sunday and during any state or national holiday.

DECIBEL

A logarithmic unit of measurement of the sound level. In this chapter, the decibel level is expressed in terms of dBA (Aweighted decibels).

EMERGENCY

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

EMITTER

A person who creates, causes to be created or allows the noise.

IMPULSE NOISE

Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

INDUSTRIAL DISTRICT

Any industrial district, including Industrial District No. 1, Industrial District No. 2, Designed Industrial District No. 1, Designed Industrial District No. 2 and 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).[1]

NIGHTTIME HOURS

[Amended 9-25-2017]

A. The hours between 10:00 p.m. and 7:00 a.m., Sunday night through Friday morning (weekday schedule); and the hours between 10:00 p.m. and 8:00 a.m., Friday night through Sunday morning (weekend schedule).

Weekday Schedule:

10:00 p.m. Sunday through 7:00 a.m. on Monday

10:00 p.m. Monday through 7:00 a.m. on Tuesday

10:00 p.m. Tuesday through 7:00 a.m. on Wednesday

10:00 p.m. Wednesday through 7:00 a.m. on Thursday

10:00 p.m. Thursday through 7:00 a.m. on Friday

Weekend Schedule:

10:00 p.m. Friday through 8:00 a.m. on Saturday

10:00 p.m. Saturday through 8:00 a.m. on Sunday

B.

During any state or national holiday, the weekend schedule will be in effect the night before the holiday through the morning of the holiday.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 78-5 of this chapter.

NOISE LEVEL

The sound pressure level, as measured with a sound level meter.

PERSON

Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PLAINLY AUDIBLE

Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level standards provided for in § 78-5.

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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE

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.

RECEPTOR

The person who receives the noise impact and initiates the noise complaint.

RESIDENTIAL DISTRICT

Any residential district, including Residential Districts AAA, AA, R-3, R-2, A, B, C, Designed Residence District No. 1 and Designed Residence District No. 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.

SOUND

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

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).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound and is electronically amplified, including, but not limited to, any loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.

[1]

Editor's Note: See now C.G.S. § 14-1(54).

§ 78-3 Excessive noise prohibited.

[Amended 9-25-2017]

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 § 78-5 during daytime or nighttime hours as defined in § 78-2, except in those incidences provided for in §§ 78-7 and 78-8.

§ 78-4 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

When measuring with a sound level meter:

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 calibration 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 the same ownership as indicated by public land records.

When measuring Sound Production Devices that are plainly audible:

D. Noise produced by Sound Production Devices are plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measured by approximation from the source of the noise.

§ 78-5 Noise level standards.

A. No person shall emit noise exceeding the levels stated herein, except in those incidences provided for in §§ 78-7 and 78-8 of this chapter:

Property Use:	Noise Measured by Sound Level Meter (Applicable to all noise): <i>Measured in A-Weighted Decibels (dBA)</i>		Plainly Audible Noise (Applicable only to noise produced by Sound Production Devices):
Receptor	Time	Sound Level dBA	Plainly Audible at:
Residential	Nighttime	45 dBA	100 feet
Residential	Daytime	55 dBA	150 feet
Business	At all times	60 dBA	200 feet
Industrial	At all times	65 dBA	250 feet

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.[1]

[1]

Editor's Note: See now C.G.S. § 14-80a, Maximum noise levels.

§ 78-6 Administration, enforcement and penalties.

A. The Police Department shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter as specified in § 78-3. Upon receiving the first complaint, the police shall make the required sound level reading or plainly audible determination as specified in § 78-5.

B. If the sound level exceeds the standards enumerated in § 78-5, or is specifically prohibited under § 78-8, a verbal warning shall be given to the emitter for the first offense; a citation notice of \$100 for the second offense; and \$250 for each subsequent offense within one year of the last offense.

C. Each violation shall constitute a separate offense.

D. Refusing, hindering or interfering with enforcement of any provision in this Chapter is a separate offense.

E. Failure to pay the fine in the time prescribed in the citation notice will result in the issuance of a summons to appear in Superior Court.

F. Notwithstanding that enforcement of this chapter 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 chapter.

§ 78-7 Exceptions.

The noise level standards defined in § 78-5 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 30 minutes after being activated shall be unlawful.[1]

[1]

Editor's Note: See Ch. 45, Alarms.

D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

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

F. Noise created by snow-removal equipment.

G. Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.

H. Noise created as a result of or relating to maintenance and repairs conducted by public utilities.

I. 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.

J. 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, including, but not limited to, parades, sporting events, concerts, and block parties. This exception does not apply to private rentals of town-owned buildings.

K. Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.

L. The unamplified sounding of the human voice.

M. Noise created by public school construction.

N. Noise created by road maintenance activities of the Department of Public Works and the Water Pollution Control Agency.

O. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

P. Permitted fireworks conducted after sunset and completed by 10:30 p.m. Fireworks conducted by the Town of Fairfield or its designee(s) for the Independence celebration are fully excluded from these noise regulations at all times.

Q. Noise created by public demonstrations and/or protests, provided that the activity is conducted during daytime hours.

R. 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 chapter 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 chapter while the variance application is pending.

§ 78-8. Specific Prohibitions.

The following shall be specifically prohibited:

A. Construction, demolition, power tools and home maintenance tools shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between 5:00 p.m. and 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply.

B. Blasting shall not be conducted between 5:00 p.m. and 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.

C. Landscaping and/or yard maintenance equipment shall not be operated between the hours of 8:30 p.m. and 7:00 a.m. on weekdays, and between 8:00 p.m. and 8:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply. Maintenance of town playing fields shall not be subject to this prohibition.

D. Impulse noise such as vehicle backfiring, engine racing, and unnecessary vehicular horn blowing that annoys or disturbs the quiet, comfort or repose of persons.

E. Igniting fireworks after 10:30 p.m., except by the Town of Fairfield or its designee(s) for the Independence Day celebration. Special permits must be obtained to ignite fireworks in the Town of Fairfield. See CGS § 29-357.

F. Refusing, hindering or interfering with enforcement of any provision in this chapter.

§ 78-9 Variances.

A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:

1. The location and nature of the activity.
2. The time period and hours of operation of said activity.
3. The nature and intensity of noise that will be generated.

B. No variance from this chapter shall be granted 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.

C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 78-10 Conflict with other regulations.

In the event that any standards in this chapter conflict with regulations or standards set by the Town of Fairfield and/or the State of Connecticut Department of Environmental Protection, the stricter standard shall apply.

§ 78-11 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part thereof.

Chapter 78 Noise

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 6-25-1985. Amendments noted were applicable.]

GENERAL REFERENCES

Alarms producing exterior audible sound — See Ch. 45, § 45-5.

§ 78-1 Legislative intent.

§ 78-2 Definitions.

§ 78-3 Excessive noise prohibited.

§ 78-4 Noise level measurement procedures.

§ 78-5 Noise level standards.

§ 78-6 Administration, ~~and~~ enforcement and penalties.

§ 78-7 ~~Penalties for offenses~~ Exclusions.

§ 78-8 ~~Exceptions~~ Specific prohibitions.

§ 78-9 ~~Exemptions~~ Conflict with other regulations Variances.

§ 78-10 ~~Existing noise sources~~ Conflict with other regulations.

§ 78-11 Severability.

§ 78-1 Legislative intent.

Government is instituted to protect life, liberty and property. Loud, excessive and unreasonable noise ~~during the nighttime hours~~ is an interference with a person's right to the use and enjoyment of his/her property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. ~~The purpose of this chapter is to provide an objective standard and procedure for enforcing property rights.~~ This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life in Fairfield through the reduction, control and prevention of noise.

§ 78-2 Definitions.

As used in this chapter, the following items shall have the meanings indicated:

~~AMBIENT NOISE or BACKGROUND NOISE~~

~~Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.~~

BUSINESS DISTRICT

Any business district, including Business District No. 1, Business District No. 2, Business District No. 3, Designed Business District No. 1, Designed Business District No. 2, Designed Business District No. 3 and Designed Business District No. 4, as defined in the Zoning Regulations of the Town of Fairfield.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Friday; and the hours between 8:00 a.m. and 10:00 p.m. on Saturday, Sunday and during any state or national holiday.

DECIBEL

A logarithmic unit of measurement of the sound level. ~~measure in measuring magnitudes of sound. The symbol is "dB."~~ In this chapter, the decibel level is expressed in terms of dBA (A-weighted decibels).

EMERGENCY

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

EMITTER

A person who creates, causes to be created or allows the noise.

IMPULSE NOISE

Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

INDUSTRIAL DISTRICT

Any industrial district, including Industrial District No. 1, Industrial District No. 2, Designed Industrial District No. 1, Designed Industrial District No. 2 and 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).^[1]

NIGHTTIME HOURS

[Amended 9-25-2017]

- A. The hours between 10:00 p.m. and 7:00 a.m., Sunday night through Friday morning (weekday schedule); and the hours between ~~10~~11:00 p.m. and 8:00 a.m., Friday night through Sunday morning (weekend schedule).

Weekday Schedule:

10:00 p.m. Sunday through 7:00 a.m. on Monday

10:00 p.m. Monday through 7:00 a.m. on Tuesday

10:00 p.m. Tuesday through 7:00 a.m. on Wednesday

10:00 p.m. Wednesday through 7:00 a.m. on Thursday

10:00 p.m. Thursday through 7:00 a.m. on Friday

Weekend Schedule:

~~10~~11:00 p.m. Friday through 8:00 a.m. on Saturday

~~10~~11:00 p.m. Saturday through 8:00 a.m. on Sunday

- B. During any state or national holiday, the weekend schedule will be in effect the night before the holiday through the morning of the holiday.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 78-5 of this chapter.

NOISE LEVEL

The sound pressure level, as measured with a sound level meter.

PERSON

Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PLAINLY AUDIBLE

Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level standards provided for in § 78-5.

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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE

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.

RECEPTOR

The person who receives the noise impact and initiates the noise complaint.

RESIDENTIAL DISTRICT

Any residential district, including Residential Districts AAA, AA, R-3, R-2, A, B, C, Designed Residence District No. 1 and Designed Residence District No. 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.

SOUND

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

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).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound and is electronically amplified, including, but not limited to, any musical instrument, loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.

[1] *Editor's Note: See now C.G.S. § 14-1(54).*

§ 78-3 **Excessive noise prohibited.**

[Amended 9-25-2017]

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 § 78-5 during ~~the daytime or~~ nighttime hours as defined in § 78-2, except in those incidences provided for in §§ ~~78-7 78-8~~ and ~~78-8 78-9~~.

§ 78-4 **Noise level measurement procedures.**

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

When measuring with a sound level meter:

- A. Instruments used to determine noise levels shall conform, ~~at~~^{as} a minimum, to the operational specifications of the American National Standards Institute for sound level meters (Type s2A), maintained in calibration and good working order, and used in accordance with the manufacturer's instructions. ~~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 the same ownership as indicated by public land records.

When measuring Sound Production Devices with normal hearing acuity that are plainly audible:

- D. Noise produced by Sound Production Devices will be plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measured by approximation from the source of noise.

§ 78-5 Noise level standards.

A.

No person shall emit noise exceeding the levels stated herein during daytime or nighttime hours, except in those incidences provided for in §78-7 and §78-8 of this chapter:

Property Use:	<u>Noise Measured by Sound Level Meter</u> <u>(Applicable to ALL noise):</u> <i>Measured in A-Weighted Decibels (dBA)</i> Daytime: Hours <u>not</u> defined as nighttime. Nighttime: 10:00 p.m. through 7:00 a.m. Sunday—Friday; 11:00 p.m. through 8:00 a.m. Friday—Sunday; the evening before and morning of state and national holidays		<u>Plainly Audible Noise</u> <u>(Applicable ONLY to</u> <u>noise produced by</u> <u>Sound Production</u> <u>Devices):</u>
Receptor	Time	Sound Level dBA	Plainly audible at...
Residential	Nighttime	45 dBA	100 feet
Residential	Daytime	55 dBA	150 feet
Business	At all times	60 dBA	200 feet
Industrial	At all times	65 dBA	250 feet

Zone in Which Emitter is Located

Industrial
Business

Zone in Which Receptor is Located

Industrial

70 dBA
62 dBA

Business

66 dBA
62 dBA

Residential

51 dBA
45 dBA

Zone in Which Emitter is Located	Zone in Which Receptor is Located		
	Industrial	Business	Residential
Residential	62 dBA	55 dBA	45 dBA

~~B. Background noise and impulse noise. In those individual cases where the ambient or background noise levels caused by sources not subject to this chapter 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 five dBA, provided that no source subject to this chapter shall emit in excess of 80 dBA at any time, with the exceptions of those sources referenced in Subsection C, and provided that this subsection shall not be interpreted as decreasing the noise level standards of §78-5 of this chapter.~~

~~C.~~ 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.^[1]

[1] *Editor's Note: See now C.G.S. § 14-80a, Maximum noise levels.*

§ 78-6 ~~Administration, and enforcement~~ and penalties.

A. The ~~Chief of Police~~Police Department shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter as specified in § 78-3. Upon receiving the first complaint, the police shall make the required sound level reading or plainly audible determination as specified in § 78-5.

B. If the sound level exceeds the standards enumerated in § 78-5, or is specifically prohibited under § 78-8, a verbal warning shall be given to the emitter for the first offense; an infraction notice of \$100 for the second offense; and \$250 for each subsequent offense within one year of the last offense. ~~If such noise does not cease, and upon receiving a second complain, the police shall follow the procedures as set forth in § 78-7.~~

C. Each violation shall constitute a separate offense.

D. Refusing, hindering or interfering with enforcement of any provision in this Chapter is a separate offense.

E. 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. ~~[old 78-7]~~

~~A.F.~~ Notwithstanding that enforcement of this chapter shall be initiated by ~~such any noise~~ complaint ~~made~~, no signed complaint shall be required by the Police Department to enforce or administer any of the provisions of this chapter.

~~§ 78-7 Penalties for offenses.~~

~~Any person found in violation of the provisions of this chapter shall be given an infraction notice which incorporates a fine of \$50 for the first offense and \$90 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.~~ ["Failure to pay the fine . . ." moved to 78-6]

~~§ 78-8-7~~ ExceptionsExclusions.

The noise level standards defined in § **78-5** 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 30 minutes after being activated shall be unlawful.^[1]
- D. [1] *Editor's Note: See Ch. 45, Alarms.*
- E. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
- F. Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.
- G. The unamplified sounding of the human voice.
- ~~G.H.~~ Noise created by public school construction.

~~§ 78-9 Exemptions.~~

~~The following shall be exempt from these regulations, subject to special conditions as spelled out:~~

~~A.~~

~~H.I.~~ Noise created as a result of or relating to an emergency.

~~B.~~

~~I-J.~~ Noise created by snow-removal equipment.

~~J-K.~~ Noise created by road maintenance activities of the Department of Public Works and the Water Pollution Control Agency.

~~K-L.~~ Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours. (Norwalk Chapter 68, Noise, 2020)

~~G.~~

~~L-M.~~ Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.

~~D.~~

~~M-N.~~ Noise created as a result of or relating to maintenance and repairs conducted by public utilities.

~~E.~~

~~N-O.~~ 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.~~

~~P.~~ 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, including, but not limited to, parades, sporting events, concerts, and block parties and are open to the public. This exclusion does not apply to private rentals of town-owned buildings.

~~Q-Q.~~ Permitted fireworks conducted after sunset and completed by 10:30 p.m. Fireworks conducted by the Town of Fairfield or its designee(s) for the Independence Day celebration are fully excluded from these noise regulations at all times.

~~P-R.~~ Noise created by public demonstrations and/or protests, provided that the activity is conducted during daytime hours.

~~G.~~

S. 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 chapter 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 chapter while the variance application is pending.

§ 78-8 Specific Prohibitions.

The following shall be specifically prohibited:

A. Construction, demolition, power tools and home maintenance tools shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between 5:00 p.m. and 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply.

B. Blasting shall not be conducted between 5:00 p.m. and 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.

A.C. Landscaping and/or yard maintenance equipment shall not be operated between the hours of 8:30 p.m. and 7:00 a.m. on weekdays, and between 8:00 p.m. and 8:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply. Maintenance of town playing fields shall not be subject to this prohibition.

D. Impulse noise such as vehicle backfiring, engine racing, and unnecessary vehicular horn blowing that annoys or disturbs the quiet, comfort or repose of persons.

E. Igniting fireworks after 10:30 p.m., except by the Town of Fairfield or its designees for the Independence Day celebration. Special permits must be obtained to ignite fireworks in the Town of Fairfield. See CGS § 29-357.

F. Refusing, hindering or interfering with enforcement of any provision in this Chapter.

§ 78-10 Existing noise sources.

§ 78-9 Variances.

A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:

1. The location and nature of the activity.
 2. The time period and hours of operation of said activity.
 3. The nature and intensity of noise that will be generated.
-

B. No variance from this Chapter shall be granted 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.
-

- C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
 - D. Failure to rule on an application within the designated time shall constitute approval of the variance.
-

§78-10 Conflict with other regulations.

~~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.~~

In the event that any standards in this chapter conflict with regulations or standards set by the Town of Fairfield and/or the State of Connecticut Department of Environmental Protection, the stricter standard shall apply.

§ 78-11 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by a court of a competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part thereof.

Supporting Documents

Noise Ordinance

Summary of Local Noise Data	% or #	Detail	Count
Towns in CT with a noise ordinance	39%	Of all towns	n=66/169
Fairfield is the only town in CT with a noise ordinance that does not have daytime noise standards	1	Of all towns with a noise ordinance that lack daytime noise standards	n=1/66
Towns in CT with “ plainly audible ” standards in their noise ordinance	8%	Norwalk, Rocky Hill, Hartford, Bloomfield, Torrington	n=5/66
Average number of noise complaints per year in Fairfield	436	Based on 3 years of data 2019-2021	N=1,309
# Noise complaints in 2019	366		N=366
# Noise complaints in 2020	469	28% increase from 2019	N=469
# Noise complaints in 2021	474	30% increase from 2019	N=474
Noise emitters who were issued an infraction	Less than 1%	In the past 3 years	n=10/1309
Loud music complaints	91%	Of all noise complaints (Oct-Nov 2019)	n=30/33
Beach area complaints	30%	Of all noise complaints (Oct-Nov 2019)	n=103/347

Total of 10 infractions (less than 1%) cited under CGS 53a-181a Creating a Public Disturbance in past 3 years:

- | | |
|---|----------------------|
| ○ 6 infractions on Fairfield Beach Road | Music/loud voices |
| ○ 1 infraction on Reef Road | New Year's Eve party |
| ○ 1 infraction on Colonial Drive | Yelling |
| ○ 1 infraction on Black Rock Avenue | Music and screaming |
| ○ 1 infraction on Garden Drive | Yelling |

Connecticut General Statutes, Executive Orders and Local Regulations relating to noise:

- **CGS 53a-181a Creating a Public Disturbance** (aka Breach of Peace, Infraction): “(a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise. (b) Creating a public disturbance is an infraction.
- **CGS 53a-182 Disorderly Conduct** (Class C misdemeanor). “a) A person is guilty of disorderly conduct when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior; or (2) by offensive or disorderly conduct, annoys or interferes with another person; or (3) makes unreasonable noise; or (4) without lawful authority, disturbs any lawful assembly or meeting of persons; or (5) obstructs vehicular or pedestrian traffic; or (6) congregates with other persons in a public place and refuses to comply with a reasonable official request or order to disperse; or (7) commits simple trespass, as provided in section 53a-110a, and observes, in other than a casual or cursory manner, another person (A) without the knowledge or consent of such other person, (B) while such other person is inside a dwelling, as defined in section 53a-100, and not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy.”
- **CGS 22-363 Nuisance** (infraction): “No person shall own or harbor a dog or dogs which is or are a nuisance by reason of vicious disposition or excessive barking or other disturbance, or, by such barking or other disturbance, is or are a source of annoyance to any sick person residing in the immediate vicinity. Violation of any provision of this section shall be an infraction for the first offense and such person shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both for each subsequent offense and the court or judge may make such order concerning the restraint or disposal of such dog or dogs as may be deemed necessary.”
- **Ned Lamont’s Executive Order No. 7MM ii:** “Outdoor Activities” shall not be deemed to include live entertainment, provided that nothing in this order shall be deemed to prohibit an independent approval of live entertainment pursuant to local regulation.”
- **Fairfield Zoning Regulations 12.9.3 Noise** (Performance Standards): “No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.”
- **Fairfield Zoning Regulations 12.9.5 Vibration** (Performance Standards): “No vibration shall be transmitted outside the property where it originates.”

- **Fairfield Zoning Regulations 21.6.2 Noise** (Designed Industrial District): “No noise or vibration which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.”
- **Fairfield Zoning Regulations 22.4.2 Noise** (Designed Research District): “No noise or vibration which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.”
- **Fairfield Zoning Regulations 24.7.7.4** (Land Excavation and Fill): “a schedule to be filed with the Commission showing the following: requirements as to control dust, noise, fumes and lighting, if permitted, so as to prevent results injurious or offensive to the general public and the environment.”
- **Fairfield Zoning Regulations 27.4.9.10** (Special Exception Regulations): “...Such recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light on to abutting properties.”
- **Fairfield Parks and Recreation Contracts:** 20. Sound must be kept at a reasonable level and the source of music must be confined to the interior of building. Speakers must be inside building, not near any open windows and pointing away from neighbor’s homes. Music/Noise must be kept at a moderate level 10pm weeknights; 11pm weekends. (Noise Ordinance)

From: Paul Hammick <p.hammick@bloomfieldpolice.org>

Sent: Tuesday, February 1, 2022 10:59 AM

To: alisrael@sbcglobal.net

Subject: Bloomfield Noise Ordinance

Good morning Ms. Israel,

It was a pleasure speaking with you this morning regarding the Town of Bloomfield Noise ordinance. As I explained in our conversation, Bloomfield developed the noise ordinance after consulting with prosecutors from the local Hartford Community Court, and reviewing neighboring community noise ordinances. After reviewing the available information, we felt that the City of Hartford Noise Ordinance was a good template, and together with the Zoning Enforcement Officer, The Town Manager and the Bloomfield Town Attorney's input, we constructed our ordinance to more effectively address the Bloomfield community. We have applied or enforced our ordinance in many different situations, including late-night gatherings, music and other quality of life issues.

Our "plainly audible" standard was adopted from the City of Hartford Noise Ordinance, and would be applied in situations when a decibel meter is unavailable, or at the discretion of the police officer or shift supervisor, the noise is unreasonable at a distance of 100 feet from its source. The officer would then attempt to record the violation on their body-worn camera, and preserve it as evidence if necessary. I should add, that most violations are addressed by officers through a warning, and a citation is normally reserved for repeated violations. It is our experience that most residents are compliant and want to be good neighbors in the community.

I wish you the very best in your attempts to create a suitable noise ordinance for the Fairfield community.

Paul Hammick

Paul B. Hammick

Chief of Police

Bloomfield Police Department

785 Park Avenue

Bloomfield, CT 06002

Tel. (860) 242-5501

Fax (860) 242-9316

p.hammick@bloomfieldpolice.org

From: Matthew Suplee <m.suplee@bloomfieldpolice.org>
Sent: Monday, June 13, 2022 10:51 AM
To: alisrael@sbcglobal.net
Subject: Noise Ordinance

Alyssa Israel,

Hello, my name is Lt. Matt Suplee. I'm the patrol commander here at the Bloomfield Police Department. I was asked to answer your request for information concerning how our Town Ordinance is enforced concerning noise. I'll try to answer the questions as you asked them in your e-mail.

Plainly Audible at 100 feet from its Source is measured either using a Laser speed device (they also read distance) or by approximation. Walking with a wheel onto someone's property could be questionable depending on where the officer was walking on the property.

The training received for using the sound meter was done through written instructions being given to the officers. The decibel meter is fairly simple to use so no extensive in person training was required.

The use of the noise meter is determined by the nature of the call and the time and circumstances of the complaint. It is used most frequently in cases where the fact there is noise at all does not give probable cause of a violation. It is used a lot for commercial property noise complaints and parties during the day and early evening hours where the decibel level of the noise is the main concern. It is also used for calls at residences where there are many noise complaints.

The main inconvenience is there is one meter so it can't be in every car and must be brought to the scene sometimes.

Our noise ordinance is a town ordinance so it has been upheld. We have been successful in superior court with the breach of peace/ creating a public disturbance enforcement.

Lieutenant Matthew Suplee
Bloomfield Police Department
785 Park Avenue
Bloomfield, CT 06002

(860) 242-5501 ext. 5424
(860) 243-8432 (fax)
m.suplee@bloomfieldpolice.org

Health effects from noise

From Wikipedia, the free encyclopedia 2/17/2022



An [audiologist](#) conducting an [audiometric hearing test](#) in a [sound-proof](#) testing booth

Noise health effects are the physical and psychological [health](#) consequences of regular exposure to consistent elevated [sound levels](#). Noise from traffic, in particular, is considered by the World Health Organization to be one of the worst environmental stressors for humans, second only to [air pollution](#).^[1] Elevated [workplace](#) or [environmental noise](#) can cause [hearing impairment](#), tinnitus, [hypertension](#), [ischemic heart disease](#), [annoyance](#), and [sleep disturbance](#).^{[2][3]} Changes in the [immune system](#) and [birth defects](#) have been also attributed to noise exposure.^[4]

Although age-related health effects ([presbycusis](#)) occur naturally with age,^[5] in many countries the cumulative impact of noise is sufficient to impair the hearing of a large fraction of the population over the course of a lifetime.^{[6][7]} Noise exposure has been known to induce [noise-induced hearing loss](#), [tinnitus](#), [hypertension](#), [vasoconstriction](#), and other [cardiovascular adverse effects](#).^{[8][9]} Chronic noise exposure has been associated with sleep disturbances and increased incidence of diabetes. Adverse cardiovascular effects occur from chronic exposure to noise due to the sympathetic nervous system's inability to habituate. The sympathetic nervous system maintains lighter stages of sleep when the body is exposed to noise, which does not allow blood pressure to follow the normal rise and fall cycle of an undisturbed circadian rhythm.^[2]

Stress from time spent around elevated noise levels has been linked with increased [workplace accident](#) rates and aggression and other anti-social behaviors.^[10] The most significant sources are vehicles, aircraft, prolonged exposure to [loud music](#), and industrial noise.^[11]

There are approximately 10,000 deaths per year as a result of noise in the European Union.^{[12][13]}



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Noise induced hearing loss[\[edit\]](#)

Main article: [Noise-induced hearing loss](#)

Noise-induced hearing loss is a permanent shift in pure-tone thresholds, resulting in sensorineural hearing loss. The severity of a threshold shift is dependent on duration and severity of noise exposure. Noise-induced threshold shifts are seen as a notch on an audiogram from 3000 to 6000 Hz, but most often at 4000 Hz.^[14]

Exposure to loud noises, either in a single traumatic experience or over time, can damage the auditory system and result in hearing loss and sometimes [tinnitus](#) as well. Traumatic noise exposure can happen at work (e.g., loud machinery), at play (e.g., loud sporting events, concerts, recreational activities), and/or by accident (e.g., a backfiring engine.) Noise induced hearing loss is sometimes [unilateral](#) and typically causes patients to lose hearing around the frequency of the triggering sound trauma.^[15]

Tinnitus[\[edit\]](#)

[Tinnitus](#) is an auditory disorder characterized by the perception of a sound (ringing, chirping, buzzing, etc.) in the ear in the absence of an external sound source. There are two types of tinnitus: subjective and objective. Subjective is the most common and can only be heard "in the head" by the person affected. Objective tinnitus can be heard from those around the affected person and the audiologist can hear it using a stethoscope. Tinnitus can also be categorised by the way it sounds in one's ear, pulsatile tinnitus^[16] which is caused by the vascular nature of Glomus tumors and non-pulsatile tinnitus which usually sounds like crickets, the sea and bees.

Though the pathophysiology of tinnitus isn't known, noise exposure can be a contributing factor, therefore tinnitus can be associated with hearing loss, generated by the cochlea and central nervous system (CNS). High frequency hearing loss causes a high pitched tinnitus and low frequency hearing loss causes a roaring tinnitus.^[17] Noise-induced tinnitus can be temporary or permanent depending on the type and amount of noise a person was exposed to.

Cardiovascular effects[\[edit\]](#)

Noise has been associated with important [cardiovascular](#) health problems, particularly [hypertension](#), as it causes an increase in levels of stress hormones and vascular [oxidative stress](#).^{[1][18][19][20]} Noise levels of 50 [dB\(A\)](#) or greater at night may increase the risk of [myocardial infarction](#) by chronically elevating [cortisol](#) production.^{[21][22][23]}

Traffic noise has several negative effects, including increased risk for [coronary artery disease](#), with night-time exposure to noise possibly more harmful than day-time exposure.^[1] It has also been shown to increase blood pressure in individuals within the surrounding residential areas, with railways causing the greatest cardiovascular effects.^{[24][25]} Roadway noise levels are sufficient to constrict arterial blood flow and lead to [elevated blood pressure](#).^{[26][24]} Vasoconstriction can result from elevated [adrenaline](#) levels or through [medical stress](#) reactions. Long-term exposure to noise is correlated to increase in cortisol and angiotensin-II levels which are respectively associated with oxidative stress and vascular inflammation.^[1] Individuals subject to great than 80 dB(A) in the workplace are at increased risk of having increased blood pressure.^{[27][28]}

A 2021 systematic review on the effect of occupational exposure to noise on ischaemic heart disease (IHD), stroke and hypertension, coordinated by the [World Health Organization](#) (WHO) and the [International Labour Organization](#) (ILO) located 17 studies that met the inclusion criteria, comprising a total of 534,688 participants (7.47% females) in 11 countries and in three WHO regions (the Americas, Europe, and the Western Pacific).^[29] The study found the low quality of evidence the effect of occupational exposure to intense noise (≥ 85 dBA), compared to occupational exposure below 85 dBA (< 85 dBA). They concluded that there is an inadequate evidence of harmfulness for the studied outcomes with the exception for the risk of acquiring IHD, which was 29% higher for those exposed to noise in their workplace.^[29]

Other physical health effects[\[edit\]](#)

Traffic noise may also increase the risk of sleep disturbances, stroke, diabetes, and becoming overweight.^[1]

Psychological impacts of noise[\[edit\]](#)

Causal relationships have been discovered between noise and psychological effects such as annoyance, psychiatric disorders, and effects on psychosocial well-being.^[4] Exposure to intense levels of noise can cause personality changes and violent reactions.^[30] Noise has also been shown to be a factor that is attributed to violent reactions.^[31] The psychological impacts of noise also include an addiction to loud music. This was researched in a study where non-professional musicians were found to have loudness addictions more often than non-musician control subjects.^[32]

Psychological health effects from noise also include depression and anxiety. Individuals who have hearing loss, including noise induced hearing loss, may have their symptoms alleviated with the use of hearing aids. Individuals who do not seek treatment for their loss are 50% more likely to have depression than their aided peers.^[33] These psychological effects can lead to detriments in physical care in the form of reduced self-care, work-tolerance, and increased isolation.^[34]

Auditory stimuli can also serve as psychological triggers for individuals with post traumatic stress disorder (PTSD).^[35]

Stress[\[edit\]](#)

Research commissioned by [Rockwool](#), a multi-national [insulation](#) manufacturer headquartered in [Denmark](#), reveals that in the UK one third (33%) of victims of domestic disturbances claim loud parties have left them unable to sleep or made them stressed in the last two years. Around one in eleven (9%)^[36] of those affected by domestic disturbances claims it has left them continually disturbed and stressed. More than 1.8 million people claim noisy neighbours have made their life a misery and they cannot enjoy their own homes. The impact of noise on health is potentially a significant problem across the UK given that more than 17.5 million Britons (38%) have been disturbed by the inhabitants of neighbouring properties in the last two years. For almost one in ten (7%) Britons this is a regular occurrence.^[36]

The extent of the problem of noise pollution for public health is reinforced by figures collated by Rockwool from local authority responses to a [Freedom of Information Act](#) (FOI) request. This research reveals in the period April 2008 – 2009 [UK councils](#) received 315,838 complaints about noise pollution from private residences. This resulted in environmental health officers across the UK serving 8,069 [noise abatement](#) notices, or citations under the terms of the Anti-Social Behaviour (Scotland) Act.^[36]

[Westminster City Council](#)^[37] has received more complaints per head of population than any other district in the UK with 9,814 grievances about noise, which equates to 42.32 complaints per thousand residents. Eight of the top 10 councils ranked by complaints per 1,000 residents were in [London](#).

Annoyance[\[edit\]](#)

Sudden impulse noises are typically perceived as more bothersome than noise from traffic of equal volume.^[38] Annoyance effects of noise are minimally affected by demographics, but fear of the noise source and sensitivity to noise both strongly affect the 'annoyance' of a noise.^[39] Sound levels as low as 40 dB(A) can generate noise complaints^[40] and the lower threshold for noise producing [sleep disturbance](#) is 45 dB(A) or lower.^[41]

Other factors that affect the "annoyance level" of sound include beliefs about noise prevention and the importance of the noise source, and annoyance at the cause (i.e., non-noise related factors) of the noise.^[42] Many of the interpretations of the level of annoyance and the relationship between noise levels and resulting health symptoms could be influenced by the quality of interpersonal relationships at the workplace, as well as the stress level generated by the work itself.^{[41][43]} Evidence for impact on annoyance of long-term noise versus recent changes is equivocal.^[42]

Approximately 35% to 40% of office workers find noise levels from 55 to 60 dB(A) extremely irritating.^[4] The noise standard in Germany for mentally stressful tasks is set at 55 dB(A),^[44] however, if the noise source is continuous, the threshold level for tolerability among office workers is lower than 55 dB(A).^[4]

Child physical development[\[edit\]](#)

The [U.S. Environmental Protection Agency](#) authored a pamphlet in 1978 that suggested a correlation between low-birthweight (using the [World Health Organization](#) definition of less than 2,500 grams (88 oz)) and high sound levels, and also high rates of [birth defects](#) in places where expectant mothers are exposed to elevated sound levels, such as typical [airport](#) environs. Specific birth abnormalities included [harelip](#), [cleft palate](#), and defects in the [spine](#).^[45]

According to Lester W. Sontag of The Fels Research Institute (as presented in the same EPA study): "There is ample evidence that environment has a role in shaping the physique, behavior, and function of animals, including man, from [conception](#) and not merely from [birth](#). The [fetus](#) is capable of perceiving sounds and responding to them by motor activity and cardiac rate change." The effects of noise exposure are highest when it occurs between 15 and 60 days after conception, a period in which major internal [organs](#) and the [central nervous system](#) are formed.^[45]

Later developmental effects occur as vasoconstriction in the mother reduces blood flow and therefore [oxygen](#) and nutrition to the fetus. Low birth weights and noise were also associated with lower levels of certain [hormones](#) in the mother. These hormones are thought to affect fetal growth and to be good indicators of [protein](#) production. The difference between the hormone levels of pregnant mothers in noisy versus quiet areas increased as birth approached.^[45]

In a 2000 publication, a review of studies on birthweight and noise exposure note that while some older studies suggest that when women are exposed to >65 dB aircraft noise a small decrease in birthweight occurs, in a more recent study of 200 Taiwanese women including noise dosimetry measurements of individual noise exposure, the authors found no significant association between noise exposure and birth weight after adjusting for relevant confounders, e.g. social class, maternal weight gain during pregnancy, etc.^[4]

Cognitive development^[edit]

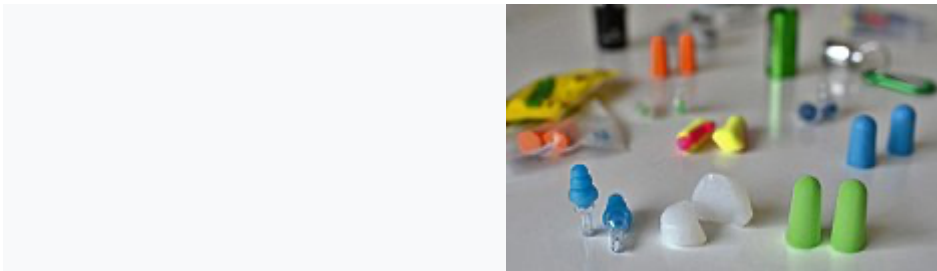
When young children are regularly exposed to levels of noise that interfere with speech, they may develop speech or reading difficulties, because auditory processing functions are compromised. Children continue to develop their speech perception abilities until they reach their teens. Evidence has shown that when children learn in noisier classrooms, they have more difficulties understanding speech than those who learn in quieter settings.^[46]

In a study conducted by Cornell University in 1993, children exposed to noise in learning environments experienced trouble with word discrimination, as well as various cognitive developmental delays.^{[47][48]} In particular, the writing learning impairment [dysgraphia](#) is commonly associated with environmental [stressors](#) in the classroom.^[49]

High noise levels have also been known to damage the physical health of small children. Children from noisy residences often have a heart rate that is significantly higher (by 2 beats/min on average) than those of children from quieter homes.^[50]

Prevention^[edit]

Main article: [Hearing protection device](#)



Different styles of earplugs are pictured. Left, pre-molded earplugs. Center, formable earplugs. Right, roll-down foam earplugs.

A hearing protection device (HPD) is an [ear protection](#) device worn in or over the ears while exposed to hazardous [noise](#) to help prevent [noise-induced hearing loss](#). HPDs reduce (not eliminate) the level of the noise entering the ear. HPDs can also protect against other effects of noise exposure such as [tinnitus](#) and [hyperacusis](#). Proper hygiene and care of HPDs may reduce chances of outer ear infections.^[51] There are many different types of HPDs available for use, including [earmuffs](#), [earplugs](#), electronic hearing protection devices, and semi-insert devices.^[52] One can measure the personal attenuation rating through a [hearing protection fit-testing](#) system.

Earmuff style hearing protection devices are designed to fit over the outer ear, or [pinna](#). Earmuff HPDs typically consist of two ear cups and a head band.^[52] Earplug style hearing protection devices are designed to fit in the [ear canal](#). Earplugs come in a variety of different subtypes.^[52] Some HPDs reduce the sound reaching the [eardrum](#) through a combination of electronic and structural components. Electronic HPDs are available in both earmuff and custom earplug styles. Electronic microphones, circuitry, and receivers perform [active noise reduction](#), also known as [noise-cancelling](#), in which a signal that is 180-degrees out-of-phase of the noise is presented, which in theory cancels the noise.^[52] Canal caps are similar to earplugs in that they consist of soft tip that is inserted into the opening of the ear canal.^[52]

Regulations^[edit]

Main article: [Noise regulation](#)

Environmental [noise regulations](#) usually specify a maximum outdoor noise level of 60 to 65 [dB\(A\)](#), while occupational safety organizations recommend that the maximum exposure to noise is 40 hours per week at 85 to 90 dB(A). For every additional 3 dB(A), the maximum exposure time is reduced by a factor 2, e.g. 20 hours per week at 88 dB(A). Sometimes, a factor of two per additional 5 dB(A) is used, however, these occupational regulations are acknowledged by the health literature as inadequate to protect against [hearing loss](#) and other health effects. In an effort to prevent noise-induced hearing loss, many programs and initiative have been created, like the [Buy Quiet](#) program, which encourages employers to purchase quieter tools and equipment, and the [Safe-In-Sound Award](#), which recognizes organizations with successful hearing loss prevention strategies.^{[53][54]}

With regard to indoor noise pollution in residences, the U.S. [Environmental Protection Agency](#) (EPA) has not set any restrictions on limits to the level of noise. Rather, it has provided a list of recommended levels in its *Model Community Noise Control Ordinance*, which was published in 1975. For instance, the recommended noise level for indoor residences is less than or equal to 45 dB.^{[55][56]}

[Noise pollution](#) control in residences is not funded by the federal government in part because of the disagreements in establishing causal links between sounds and health risks, since the effect of noise is often psychological and also, because it leaves no singular tangible trace of damage on the human body. For instance, hearing loss could be attributed to a variety of factors including age, rather than solely due to excessive exposure to noise.^{[57][58]} A state or local government is able to regulate indoor residential noise, however, such as when excessive noise from within a home causes disturbances to nearby residences.^{[57][59]}

Effects on dogs^[edit]

While people are often educated on the effects of noise exposure in humans, there are also different noise exposure effects in animals as well. An example of this would be in dogs, and the noise exposure levels occurring within kennels. Dogs experience this noise exposure whether it be a long stay at an animal shelter, or a weekend stay at a boarding facility.

Organizations like [NIOSH](#) and [OSHA](#) have different regulations when it comes to the noise exposure levels in industrial workers. Currently there are no regulations related to the noise exposure for dogs even with such damaging effects related to their health. Health risks dogs are exposed to include ear damage and behavioral changes.

The average noise exposure in a kennel is greater than 100 dB SPL. According to OSHA these levels would yield in the use of hearing protection for the workers of those kennels due to the risk of noise induced hearing loss. The anatomical structures of the human and dog ears are very similar, so it is thought that these levels will negatively impact the hearing of canines in kennels. The [ABR](#) can be used to estimate the hearing threshold of dogs, and can be used to show either a temporary threshold shift or permanent threshold shift after being exposed to excessive sound levels.^[60]

Behavioral effects to excessive noise exposure include hiding, urinating, defecating, panting, pacing, drooling, disregard to commands, trembling, and barking.^[61] These behavioral patterns pose a much greater problem to canines than meets the eye. All of these behavioral patterns are characteristics that result in a longer stay at the kennels before being adopted.^[62] A longer stay at the shelter results in a longer duration of noise exposure and therefore more likely to show either a temporary or permanent threshold shift in the canine's hearing.^[60]

These excessive noise levels are not only harming the dogs physical and psychological state, but the workers' and potential adoptive families' physical and psychological state as well. The workers' psychological state could affect the care provided to the dogs. These loud noise exposures also have

the potential to reduce the amount of time that potential adoptive families spend in the facility. This can result in less dogs being adopted and more time being exposed to excessive sound levels.^{[\[63\]](#)}

To reduce the level of noise exposure poses a little more difficulty because the majority of the noise is coming from the dogs (barking), but structural changes can be made to the facilities in order to reduce the noise. Structural changes could include how many dogs are put in one area, more absorbing material rather than metal cages and cement walls and floors, and possibly in the future use of hearing protection devices ([HPD](#)) for the dogs. All of these structural changes would also benefit the humans involved as well as the use of HPD's (ear plugs).

MEMORANDUM

TO: Fairfield RTM's Legislation and Administration Committee

FROM: Jill Vergara (RTM District 7)

Cc: Ordinance revision co-sponsors—Jeff Galdenzi (D3), Jay Wolk (D5), Andrew Graceffa (D6), Dru Georgiadis (D9)
Chief Kalamaras and Captain Weihe
Town Attorney, Jim Baldwin

Re: Revisions to Chapter 78, Noise, of Fairfield's Town Code

DATE: February 14, 2023

We are submitting proposed revisions to the Town's Noise Ordinance with the following goals:

- 1) To give the police department more tools to use to assist in enforcement and to simplify standards applied
- 2) To broaden protections to include daytime hours
- 3) To be responsive to multiple constituent complaints and concerns regarding unregulated noise at town-leased/rented properties, disruptive yard maintenance noise, vehicular engine revving, loud mufflers, and fireworks

I. PLAINLY AUDIBLE STANDARD ADDRESSES THE NEED FOR ADDITIONAL ENFORCEMENT TOOLS

§ 78-2 PLAINLY AUDIBLE—Any sound that can be detected by a person using his or his unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

In reviewing enforcement actions over the past few years, it has become clear that the police need additional enforcement tools. Our current noise ordinance relies exclusively on decibel readings to assess whether violations have occurred. These decibel readings must be taken by a sound level meter but taking these decibel readings at the emitter's property is cumbersome and impractical for our police officers. Not only are patrol cars are not equipped with sound meters, but our police officers already must manage several devices and any additional devices in our police officers' hands may impede them from protecting themselves or others. Rather than issuing infractions pursuant to our local noise ordinance that requires decibel measurement, our police officers issue violations pursuant to Connecticut General Statutes Section 53a-181a, or Creating a Public Disturbance (which uses a reasonableness

standard and requires intent to cause a public disturbance). Fines issued under public disturbance/breach of peace are collected by the State; whereas notice infractions issued pursuant to our local noise ordinance would be collected by the Town.

Several other towns have recognized the need to give their police officers more tools and standards to enforce their noise regulations. Norwalk, Rocky Hill, Hartford, Bloomfield and Torrington have successfully included PLAINLY AUDIBLE standards in their noise ordinances. In these towns, the PLAINLY AUDIBLE standard has proven to be an effective tool for their police officers.

Like these other towns, we have limited application of this standard only to noise produced by a SOUND PRODUCTION DEVICE (“Any device whose primary function is the production of sound, including but not limited to any musical instrument, loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.” §78-2 Definitions). With approximately 90% of noise complaints stemming from loud music, we are hopeful that this new standard will give the police the discretion they need for most complaints.

Under the revised Section 78-4 (Noise level measurement procedures) that we have proposed, “Noise will be plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measure by approximation from the source of noise.” The distances enumerated in Section 78-5 are: 100 feet or inside a residence during nighttime hours when the receptor is in a Residential Zone; 150 feet or inside a residence during daytime hours when the receptor is in a Residential Zone; 200 feet when the receptor is in a Business Zone; and 250 feet when the receptor is in an Industrial Zone. Simplifying and adding clarifying language to the noise level standards in Section 78-5 makes the rules and standards easier to understand for our residents and easier to enforce for our officers. Our current table is complex and confusing.

II. INCLUSION OF DAYTIME HOURS BRINGS OUR ORDINANCE IN LINE WITH ALL OTHER MUNICIPALITIES AND IS RESPONSIVE TO CONSTITUENT COMPLAINTS

§ 78-2 DAYTIME HOURS—Hours not defined as nighttime.

§ 78-3 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 § 78-5 during the daytime or nighttime hours as defined in § 78-2, except in those incidences provided for in § 78-7 and § 78-8.

§ 78-5A—No person shall emit noise exceeding the levels stated herein during daytime or nighttime hours, except in those incidences provided for in § 78-7 and § 78-8 of this chapter: Residential receptor. Daytime. 55 dBA

Over the pandemic, the town experienced a steady increase in noise complaints, with 2021-2022 complaints (474 total) representing a 30% increase over complaints made in 2019-2020 (366). Many residents were working from home and continue to work from home, and constituents began to complain about daytime noise. The failure of our ordinance to specify daytime noise standards created a regulatory gap that was not meeting the needs of our residents and was not meeting the legislative intent to protect people from “[l]oud, excessive and unreasonable noise.” Fairfield Town Code, § 78-1.

Our review of other Connecticut municipalities’ noise ordinances, as well as the baseline state protections (Connecticut Department of Environmental Protection, Title 22a, §§ 22a-69-1—22a-69-7.4), revealed that Fairfield is the only town in Connecticut (of the 66 with their own local ordinances) not to include protections for the daytime hours. Indeed, Fairfield’s definition of nighttime hours is the least restrictive of all towns and exactly mirrors the baseline set by the State’s regulation for weekdays (10:00 p.m. to 7:00 a.m.) and is less restrictive for weekend hours (Fairfield’s extension of protections on the weekend are from 11:00 p.m to 8:00 a.m.). Setting standards for daytime noise is not only responsive to our residents’ complaints but brings Fairfield’s ordinance in line with all other municipalities and state regulatory guidance.

In Section 78-2, we define DAYTIME HOURS as “Hours not defined as nighttime,” which is a common definition used when towns have different weekday and weekend hours;¹ and in Section 78-5, we set the decibel level at 55 dBA only for complaints in residential zones.² We also expanded the activities excluded from regulation in Sections 78-7 and 78-8 to accommodate for the expansion of protections into daytime hours. The additional activities excluded from noise regulation include:

- agricultural activities (§ 78-7(F));
- public school construction (§ 78-7(G));
- road maintenance activities by DPW and WPCA (§ 78-7(I));
- garbage collection during daytime hours (§ 78-7(J));
- public demonstrations and protests during daytime hours (§ 78-7(P)); and
- construction, blasting, demolition, power tools, home maintenance tools, landscaping and yard maintenance conducted 7:00 a.m. to 8:00 p.m. on the weekdays and 8:00 a.m. to 6:00 p.m. on the weekends

III. THE NOISE REVISIONS ARE RESPONSIVE TO SEVERAL CONSTITUENT COMPLAINTS INCLUDING EXCESSIVE NOISE AT THE BURR MANSION, DRAG RACING THROUGH THE STREETS WITH LOUD MUFFLERS AND ENGINE REVVING, DISRUPTIVE YARD MAINTENANCE NOISE AND FIREWORKS

As discussed earlier, daytime noise concerns became more prevalent over the past few years. Constituents have written to RTM members about loud outdoor music (including but not

¹ See Farmington and Rocky Hill noise ordinances.

² 55 dBA is a standard DAYTIME HOURS sound level. See Norwalk, Farmington and Rocky Hill noise ordinances, See also R.C.S.A. § 22a-69-3.5.

limited to rented/leased town properties like the Burr Mansion), yard maintenance noise (mostly leaf blower complaints), building construction, loud mufflers, engine revving and unnoticed fireworks. In response to these complaints, we have sought legislative solutions to include in our proposed revisions.

In Section 78-8, a new section of the ordinance entitled, “Specific Prohibitions,” the following activities are specifically prohibited to address the above-outlined issues:

- Construction, blasting, demolition, power tools, home maintenance tools, landscaping and/or yard maintenance equipment operated between 8:00 p.m and 7:00 a.m. on weekdays and between 6:00 p.m. and 8:00 a.m. on the weekends/ federal holidays unless these activities can meet the limits set forth in § 78-5 for nighttime hours³
- Impulse noise such as vehicle backfiring, engine racing, and unnecessary horn blowing⁴
- Igniting fireworks, except by the Town of Fairfield or its designees
- Private use of town property that exceeds the noise level standards set forth in § 78-5⁵

With regards to leaf blowers specifically, several communities are considering banning gas leaf blowers (Westport successfully passed an ordinance limiting use of gas leaf blowers). Our revisions are a smaller step towards controlling some of the disturbing landscaping noise. Instead of targeting one activity and banning it wholesale, we have broadened nighttime protections to try to ensure more peaceful enjoyment of one’s property at times when people should be able to expect more quiet. If these changes do not achieve the protections necessary for Fairfield’s residents, we recommend further analysis and discussion with the police department and/or conservation (as the environmental concerns are as much, if not more, of a concern with regards to gas leaf blowers as the noise).

IV. CONCLUSION

These revisions are a culmination of much research and analysis regarding noise regulation across the State. Fairfield’s ordinance is outdated and neither meets our residents’

³ Note that these times have been changed since we first submitted the revisions to the Moderator. After receiving input from the police department, we narrowed the times in which these activities are prohibited by one hour in both the morning and night. Also note that after receiving input from both Park and Recreation Director Anthony Calabrese and the Fairfield Athletic Foundation, we have carved out an exception for maintenance of town fields from this prohibition: “Maintenance of town playing fields shall not be subject to this prohibition.” Fairfield Town Code § 78-8(A).

⁴ Note that we removed “leaf blower revving” from the list of impulse noises specifically prohibited in Section 78-8 (B) after receiving input from the police department.

⁵ This prohibition was added to address the issue that arose with Burr Mansion. We wanted to clarify that all events, even those permitted through the town, must abide by the noise level standards established in this ordinance. In addition, we added clarifying language in the exclusion of activities sanctioned by the town, that those excluded public celebrations must be open to the public and not private events. § 78-7 Exclusions: “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 and are open to the public.”

needs nor gives the enforcement agent (our police department) the appropriate tools to enforce the ordinance. While these revisions do not address all problems, they are an important step forward.

WHEREAS, many Stakeholders in Fairfield, including those who live, attend school, work, shop in, vacation in, and visit, increasingly face traffic and traffic-related safety and quality of life issues; and

WHEREAS, a rise in conflicts within the Right-of-Way among and between Users, including motor vehicles and Vulnerable Road Users such as pedestrians and cyclists, has led to an increase in crashes, injuries, fatalities, complaints, and near-misses nationally and in Fairfield; and

WHEREAS, there is increasing demand by Users and would-be Users for safe, shared access to the public Right-of-Way; and

WHEREAS, the term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders; and

WHEREAS, policies and strategies described and applied within Complete Streets rubric represent a shift in traditional road design and construction philosophy, requiring all road construction and Improvement Projects to begin by evaluating how the Right-of-Way can serve all who use it, including Vulnerable Road Users, those with physical disabilities, as opposed to reactively retrofitting automobile-centric Rights-of-Way for safer use by other categories of Users; and

WHEREAS, Complete Streets can provide increased pedestrian use, greater enjoyment and propensity for people of all ages and abilities to exercise and engage with their community, and a clean and attractive framework for robust, sustainable economic development; and

WHEREAS, the State of Connecticut and its Department of Transportation (“ConnDOT”) have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”; and

WHEREAS, the Town of Fairfield has a Bicycle and Pedestrian Committee, and has developed a Bicycle and Pedestrian Master Plan Endorsed by the Board of Selectmen on June 19, 2013 and Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018, that have served as optional, inconsistently-applied guides for relevant Town bodies and departments responsible for the public Right-of-Way; and

WHEREAS, the adoption of this ordinance shall require application of Fairfield’s Complete Streets Policy, as amended from time to time, with a formal exception approval process, improving the scope and pace of Fairfield’s transformation into a safer, more walking, biking, and driving-friendly community, and may increase Fairfield’s eligibility for government grants available for projects; and

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting now hereby approves and adopts the following Safe and Livable Streets Ordinance:

I. Definitions.

- A. “Complete Street” means a Right-of-Way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable, and convenient access by Users. A few examples of features of Complete Streets include: sidewalks; frequent and safe crosswalks; median islands; accessible pedestrian signals; curb extensions; Americans with Disabilities Act (ADA) accessible curb ramps; adequate street drainage facilities; narrower, speed-reducing travel lanes; rumble strips; bike lanes; bicycle detection at intersections; bicycle parking facilities; street trees; street lighting; street furniture; comfortable and accessible public transportation stops; and roundabouts..
- B. “Complete Streets Commission” means the Bicycle and Pedestrian Committee, or its successor Town body, whether elected or appointed, responsible for aspects of Complete Streets, as described in this Ordinance.
- C. “Complete Streets Policy” means the policy for Complete Streets, as adopted by the Town of Fairfield, to be amended from time to time, prepared in accordance with the guidelines established by The National Complete Streets Coalition (NCSC) ensuring that streets are safe for people of all ages and abilities, balancing the needs of different transportation modes, and supporting local land uses, economies, cultures, and natural environments.
- D. “Improvement Project” means new construction, reconstruction, resurfacing, rehabilitation, repair, or maintenance of the existing transportation network located within the Right-of-Way or that may affect it, whether such project is funded wholly, partly, or not at all by the Town. An Improvement Project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as mowing, cleaning, sweeping, spot repair, pothole filling, or signage repair and replacement.
- E. “Ordinance” means this “Safe and Livable Streets Ordinance.”
- F. “Phase” refers to the planning, design, construction, operation, or maintenance Phase of Complete Streets implementation.
- G. “Relevant Complete Streets Town Bodies” means departments, boards, commissions, and committees as listed in Appendix 1, as amended from time to time, that are expected to participate, to varying degrees, in one or more Complete Streets Phase.
- H. “Right-of-Way” means an area, public or private, dedicated for use by pedestrians and vehicles, such as streets, highways, bridges, bike paths and lanes, and walkways.

- I. “Right-of-Way Manual” means the practical, working manual regarding processes, design and materials specifications, choices, preferences, and selection to be applied by the Town of Fairfield and its Relevant Complete Streets Town Bodies for the implementation of Complete Streets, to meet the standards and objectives of the Complete Streets Policy and this Ordinance.
- J. “Stakeholders” means those who (or care about those who) live, visit, attend school, work, shop, and vacation in Fairfield.
- K. “Town” means the Town of Fairfield.
- L. “User” means all people who use or benefit from the Right-of-Way, including but not limited to, pedestrians, bicyclists, public transportation riders, motor vehicle drivers and passengers, emergency vehicle operators, and commercial vehicle operators and includes people of all ages and abilities, including children, senior citizens, and individuals with disabilities.
- M. “Vision Zero” describes a belief that even one life lost in a traffic crash is unacceptable and traffic deaths are preventable, and a commitment to using all available tools to eliminate conditions and behaviors that lead to serious injuries and deaths.
- N. “Vulnerable Road Users”, are pedestrians, cyclists, and people who use wheelchairs, who accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021.

II. Purpose, goals. This Ordinance is meant to achieve the following:

- A. Contribute to the safety, health, fitness, and quality of life of Stakeholders by providing safe, convenient, and efficient connections for Users between homes, schools, work, shopping and dining, recreation, places of worship, and other community destinations.
- B. Improve the Town’s existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network for Users.
- C. Increase Fairfield’s economic vibrance and make it more sustainable in a way that attracts and retains businesses and residents, including retirees and young adults.
- D. Design the Town’s Rights-of-Way to contextually complement and enhance the surrounding land use and neighborhoods. Recognize that Fairfield is made up of multiple commercial cores surrounded by historically significant neighborhoods and ensure that these neighborhoods remain vibrant and livable through context-appropriate design of Rights-of-Way.
- E. Employ development best practices and sustainable design as it relates to streetscapes so that they are considered integral components of the infrastructure of the Town.

- F. Reduce traffic congestion through improved and expanded transportation options for Users.
- G. Reduce the frequency and severity of vehicular, bicycle and pedestrian-related crashes, deaths, near-misses, property damage and complaints by designing and managing Rights-of-Way to encourage travel at appropriate volumes and safe speeds.
- H. Require that the First Selectman appoint a Complete Streets Coordinator with the requisite qualifications and authority, described in Section III.
- I. Require that the Town's policies and objectives for Complete Streets comply with this Ordinance and are incorporated and updated as necessary in the Complete Streets Policy, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- J. Require that the framework and details for implementation and maintenance in compliance with this Ordinance and Complete Streets Policy are incorporated and updated as necessary by the Town in a Right-of-Way Manual, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- K. Require that the Town develop and annually update a detailed Complete Streets Plan and provide capital funding in the annual budget for the implementation of the Complete Streets Plan, as described in Section III, in compliance with the Complete Streets Policy and Right-of-Way Manual, as an essential component of the Town's annual budget.
- L. Align the objectives, expectations, and procedures for and among Relevant Complete Streets Town Bodies and Stakeholders regarding Complete Streets, their implementation, operation, and maintenance.
- M. Ensure transparent, fair procedures for communicating to, and hearing and incorporating feedback from, Stakeholders regarding Complete Streets.

III. Implementation.

- A. A full-time equivalent coordinator (herein referred to as the "Complete Streets Coordinator") responsible for understanding, focusing on, and facilitating the implementation of Complete Streets in Fairfield, including monitoring of and reporting on the Town's compliance with this Ordinance, shall be designated by the Board of Selectmen.
 - a. The Complete Streets Coordinator shall have in-depth knowledge and experience relating to Complete Streets concepts, design, and implementation, as well as the needs of Users, with up-to-date understanding of current design standards and practices, with the minimum qualifications of a Planner II/ Associate/ Junior Planner, or equivalent experience and pursuing the professional qualifications as designated by the American Planning Association.

- b. The Complete Streets Coordinator shall have experience identifying and pursuing relevant potential public and private funding sources to assist in the funding of Complete Streets, including but not limited to grants.
 - c. The Complete Streets Coordinator shall be of appropriate position and authority to coordinate Relevant Complete Streets Town Bodies as well as represent the Town with local, regional, state, and federal authorities, cooperatives and organizations, and Stakeholders for timely analysis, planning, fulfillment, operations, and maintenance of Complete Streets.
 - d. The Complete Streets Coordinator shall have the appropriate position and authority in the Town administration to monitor and report on project-related planning and design, bidding, expenditures, and progress against the Complete Streets Plan and budgets, and to ensure that plans and processes are followed in accordance with the Right-of-Way Manual.
 - e. The Complete Streets Coordinator shall be responsible for ensuring compliance with, and ongoing consistency among, the Complete Streets Policy, annual Complete Streets Plan, and Right-of-Way Manual.
 - f. The Complete Streets Coordinator shall provide a monthly, public written update to the Relevant Complete Streets Town Bodies and shall provide updates to the Complete Streets Commission at each meeting.
 - g. The Complete Streets Coordinator shall remain informed and contribute to the Connecticut Vision Zero Council of Connecticut policy initiatives, remain informed of the USDOT's Complete Streets Policies, The National Complete Streets Coalition's Policy Framework, and any other relevant professional initiatives.
- B. A Right-of-Way Manual shall be developed and periodically updated (as needed but at a minimum every two years) by the Complete Streets Coordinator, working closely with the Town Engineer and Director of the Department of Public Works (DPW), or their department designees, with significant input from other Relevant Complete Streets Town Bodies as applicable, and prepared in accordance with the Vision Zero Council and other relevant guidelines.
- a. The Right-of-Way Manual shall include, but not be limited to, acceptable and minimum design and materials standards, facilities, amenities, and operating standards to be consistently applied in the development of Complete Streets, based on accepted best practices and available data.
 - b. The Right-of-Way Manual shall include a mission statement, policy objectives, and defined performance metrics used to prioritize planned projects required to implement the Complete Streets Policy.

- c. The Right-of-Way Manual shall include thorough descriptions of processes to direct Relevant Complete Streets Town Bodies and decision makers, and to ensure shared understanding of roles, responsibilities, and authorizations, including among Stakeholders, for each Phase, and for seeking and granting exceptions.
 - d. Relevant Complete Streets Town Bodies shall review the Right-of-Way Manual and subsequent updates and notify the Complete Streets Coordinator of any issues or inconsistencies found.
 - e. The Right-of-Way Manual draft shall be completed and posted on the Town website within twelve (12) months of the passage of this Ordinance, with 30 days required for submission of Stakeholder comments, and an additional 30 days for incorporation if applicable, before finalization.
 - f. The Right-of-Way Manual shall be adhered to by all Relevant Complete Streets Town Bodies during any Phase.
 - g. The Right-of-Way Manual shall identify and prioritize implementation of the Complete Streets program by type of improvement and locations within Town based on an agreed upon criteria. This includes, but is not limited to, locations within Town that may have experienced underinvestment or are underserved.
- C. A Complete Streets Plan shall include a list of planned projects, each with priority level, projected timing of work, budget, expected funding sources, risks, benefits, and projected ongoing costs for operations, monitoring, and maintenance (the "Complete Streets Plan").
 - a. The Complete Streets Plan shall include a twelve (12) month fiscal year plan to be incorporated in the annual Town plan and budget. The Complete Streets Plan must be consistent with the Complete Streets Policy and Right-of-Way Manual.
 - b. In conjunction with, and as an essential element of, the Complete Streets Plan, the Town shall maintain an updated, comprehensive map and condition of existing and proposed Complete Streets infrastructure and make it available to the public.
 - c. When updating or revising the Complete Streets Plan, the Town shall review current design standards and standard operating procedures to ensure that the best and latest design standards available are reflected.
- D. The Complete Streets Policy and Complete Streets Plan shall be incorporated into the Town's plan of conservation and development (POCD).
- E. The Town shall apply the Right-of-Way Manual to all Improvement Projects within the Town, except as may be excluded under Section IV of this Ordinance.
- F. All new private development projects, which propose improvements along, adjacent to, or within the Right-of-Way ("Private Projects"), shall comply with the Complete Streets

Policy. Approval of any other necessary permits is contingent upon meeting the requirements of the Complete Streets Policy. Private Projects shall be reviewed by the Complete Streets Commission for consistency with the Complete Streets Policy as part of the existing approval process.

- G. DPW shall be responsible for obtaining all required approvals and coordinate with third parties, including ConnDot, property owners, utility companies, developers, and other agencies, commissions, and departments as necessary to ensure that the design, necessary approvals, adjacent property owner consent, construction, maintenance, and repairs of the public Right-of-Way are carried out in accordance with the specified design, all applicable state and local ordinances, and the Right-of Way Manual, provided there is no statute, settlement agreement, or judicial decision to the contrary. DPW shall also be responsible for obtaining all approvals and coordinating with third parties to minimize conflicts in plans and schedules with the Complete Streets Plan and manage and coordinate appropriate adjustments to either the Complete Streets Plan or schedule of work by third parties.
- H. In recognition of the unique nature of the built environment and the diverse needs of Users, Stakeholder input shall be reasonably considered, but the needs of the community shall be prioritized to achieve the objectives of the Complete Street Policy. This includes providing safety for and balancing the needs of all Users, addressing neighborhood needs, ensuring a strong sense of place, and designing individual streets in a manner that is sensitive to the residential and business area context.
- I. The Town shall encourage relevant professional development for the Complete Streets Coordinator, selected staff in the Engineering Department, and DPW regarding Complete Streets best practices.
- J. The Town shall actively promote public information and education and solicit feedback about Complete Streets from Stakeholders. Feedback sought should include, from time to time, scientifically designed and statistically valid surveys by qualified professionals of well-defined target groups.
- K. The Town and Complete Streets Coordinator shall coordinate Complete Streets planning and construction with relevant regional, state, and federal groups and authorities, including the Connecticut Metropolitan Council of Governments (MetroCOG), the Greater Bridgeport Transit Authority (GBTA), adjacent municipalities, ConnDOT, the ConnDot Zero Vision Council, and the USDOT Safe Streets programs and grants to facilitate effective application of resources.

IV. Exceptions.

- A. The Town recognizes that, under certain circumstances, it may not be feasible or practical to implement one or more elements of the Complete Streets Policy. In such a

case, a petition ("Petition") documenting the reason for an exception ("Exception") shall be made by a petitioner or petitioning body to the Complete Streets Coordinator and Complete Streets Commission, with separate copy sent to the Relevant Complete Streets Town Bodies for informational purposes.

- B. Any Petition for Exception shall be posted to the Town's website and shall be subject to a thirty (30) day public comment period. At the end of this period, comments received shall be compiled and included in the final documentation of Petition for Exception transmitted by the Complete Streets Coordinator to the Complete Streets Commission.
- C. The Complete Streets Commission shall act on the Petition for Exception within sixty (60) days of receipt thereof. If the Complete Streets Commission fails to act on the request within that time, the Petition for Exception shall be deemed denied without prejudice.
- D. Exceptions may include, but are not limited to, the following:
 - a. Improvement Projects on public Rights-of-Way where one or more categories of Users are prohibited, such as interstate freeways or pedestrian malls.
 - b. Facilities that are under the jurisdiction of another entity, such as the federal government or ConnDOT, with such facilities being addressed on an individual basis to achieve improvements that advance the Complete Streets Policy. With reference to the State of Connecticut's Complete Streets policies and laws, the Town shall proactively pursue, and work cooperatively with, ConnDOT to plan and implement Complete Streets improvements within these Rights-of-Way.
- E. Owners of private streets and ways shall also be encouraged to adhere to the Complete Streets Policy.

V. Reporting.

- A. Annually, the Complete Streets Coordinator, the Chairperson of the Complete Streets Commission, the Director of Public Works, and Town Engineer shall jointly present to a joint meeting of the BOS, BOF and RTM at which they will report on, at a minimum, the following:
 - a. Implementation of the Complete Streets Plan including, but not limited to, the performance measures listed in Appendix A of the Complete Streets Policy, as updated from time to time.
 - b. Annually enter and monitor Fairfield's position in Smart Growth America's ranking of National Complete Streets scores on the 100-point scale using the standardized set of ten (10) elements.
 - c. Evaluation of the effectiveness of individual completed projects, including volume of Users, new Users, cost, implementation time, scope compliance, and satisfaction levels.

- d. Evaluation and statistics regarding conflicts within the Right-of-Way in Fairfield, including crashes, injuries, deaths, complaints, and property damage.
- e. Town-wide or Town area-specific survey results, if applicable (and only if conducted according to best statistical practices to achieve a high degree of confidence in results).
- f. Total dollar amounts invested in Complete Streets implementation and improvements, broken out by type.
- g. New developments in regional, national, and international Complete Streets design, engineering, and other best practices.
- h. Descriptions of potential amendments to this Ordinance, the Complete Streets Policy, Plan, and Right-of-Way Manual under consideration for any reason.

VI. Effective Date

This Ordinance shall take effect upon adoption.

APPENDIX 1: Relevant Complete Streets Town Bodies

To be amended from time to time:

- Complete Streets Commission, currently the “Bicycle and Pedestrian Committee”
- Engineering
- Department of Public Works (DPW)
- Community and Economic Development
- Town Plan and Zoning (TPZ)
- Conservation
- Finance and Budgeting
- Parks and Recreation
- Health
- Police
- Fire
- Emergency Management
- Education
- Senior Activities
- Human Services
- Housing Authority

Suggested reading, to be updated from time to time:

[Complete Streets | US Department of Transportation](#)

[Complete Streets in the Southeast Presentation - AARP](#)

[Complete Streets | FHWA \(dot.gov\)](#)

[10 Elements of a Complete Streets Policy - Smart Growth America](#)

[Smart Growth America The Best Complete Streets Policies 2023](#)

[Complete Streets Policies at the Local Level | ChangeLab Solutions](#)

[Case Studies in Delivering Safe, Comfortable and Connected Pedestrian and Bicycle Networks \(dot.gov\)](#)

[The Benefits of Street-Scale Features for Walking and Biking \(planning-org-uploaded-media.s3.amazonaws.com\)](#)

[Pedestrian Infrastructure - Streetsmart \(thinkstreetsmart.org\)](#)

[U.S. Department of Transportation National Roadway Safety Strategy](#)

[Vision Zero Network](#)

[Comprehensive-Pedestrian-Safety-Strategy---JanFeb-2021.pdf \(ct.gov\)](#)

[What Is The Vision Zero Council \(ct.gov\)](#)

[New Haven CSManualFINAL.pdf](#)

[Madison Complete Streets Policy 201807110838184454.pdf](#)

[Hartford complete streets final 2016.pdf](#)

[Montgomery-County-CSDG Approved-2021.pdf \(montgomeryplanning.org\)](#)

[Traffic Crashes Cost America Billions in 2019 | NHTSA](#)

[State-Specific Costs of Motor Vehicle Crash Deaths | Transportation Safety | Injury Center | CDC](#)

[Report: Connecticut had most pedestrian deaths in over 40 years](#)

[Complete Streets Policy.pdf \(fairfieldct.org\)](#)

[Fairfield Bicycle & Pedestrian Master Plan Draft 7 \(fairfieldct.org\)](#)

[American Planning Association Junior Planner Job Descriptions](#)

MEMORANDUM

TO: Josh Garskof, Chair, Fairfield RTM Legislation and Administration Committee
CC: Betsy Brown, Town Clerk
Mark McDermott, RTM Moderator

FROM: Bill Gerber (District 2)

Co-sponsors: Bill Gerber (D2), Cynthia Perham (D2), Jeff A. Galdenzi (D3), Tom Lambert (D3), Sharon Pistilli (D3), Laura Karson (D4), Michelle Lapine McCabe (D4), Elizabeth A Zezima (D4), Marcy Spolyar (D4), Jennifer Barahona (D5), Joe Siebert (D5), Jay Wolk (D5), Steve Berecz (D6), Andrew Graceffa (D6), Lisa Havey (D6), John K. Kuhn (D7), Mark McDermott (D7), Jill Vergara (D7), Karen Wackerman (D7), Christine Brown (D9), Dru Mercer Georgiadis (D9), Margaret Horton (D9). *Open to additional co-sponsors.*

Re: Safe and Livable Streets Ordinance

DATE: July 20, 2023

This Safe and Livable Streets Ordinance addresses a demand for safe, shared access to the public right-of-way that is not currently being met. Increasing traffic has exacerbated conflicts within the public right-of-way among and between different types of users, including motor vehicles, pedestrians, and cyclists. This has led to an unacceptable level of crashes, injuries, fatalities, complaints, and near-misses.

The term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are traveling as drivers, pedestrians, bicyclists, or public transportation riders. While policies and strategies described and applied within a Complete Streets rubric represent a shift in traditional road design and construction philosophy, they are not new or experimental. They are, in fact, the new normal in many cities and towns in the United States and around the world. Many of these concepts were adopted by the Town of Fairfield under its Bicycle and Pedestrian Master Plan endorsed by the Board of Selectmen on June 19, 2013, and its Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018. Progress towards Complete Streets has been insufficient, however, in part due to the application being optional and inconsistent.

The State of Connecticut and its Department of Transportation have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”. The adoption of this ordinance will require application of Fairfield’s Complete Streets Policy, as amended from time to time, with a formal exception approval process. This should increase the scope and pace of Fairfield’s transformation into a safer, more walking, biking, and driving-friendly community. Having an ordinance instead of just the current inconsistently followed policy may potentially enhance how Fairfield is scored when applying for applicable grants.

REVISIONS TO FAIRFIELD'S CURRENT NOISE ORDINANCE

Revisions are **required** to bring Fairfield's current noise ordinance into compliance with state law. The proposed updates would be consistent with the typical restrictions in place in other Connecticut towns.

BACKGROUND:

In response to resident complaints about noise, the RTM performed a detailed review of Fairfield's noise ordinance, comparing it with the Connecticut statewide noise regulations and the ordinances of the 65 other towns that, like Fairfield, have opted to implement their own individual ordinances.

WHAT WE FOUND:

- **Fairfield's ordinance is an outlier in the state.**
 - Of the 66 CT towns with local ordinances, Fairfield is the only one without daytime noise protections.
- Connecticut has state noise regulations that apply by default. Towns can choose to adopt their own local ordinances, so long as they are "**at least as stringent**" as the state regulations.⁽¹⁾
- The **state regulations include limits on both daytime and nighttime** noise levels.⁽²⁾
 - Fairfield's current noise ordinance applies only during nighttime hours, and so is out of compliance with state law.⁽³⁾
 - All other towns with local noise ordinances have both daytime and nighttime noise protections.
- **Fairfield's current noise ordinance calls for the use of decibel meters** to determine whether a noise violation has occurred.
 - However, **our police department does not currently carry decibel meters**, and does not wish to carry them in the future, citing training and maneuverability concerns.

HOW THE PROPOSED REVISION WOULD UPDATE OUR CURRENT ORDINANCE:

1

Brings Fairfield into compliance with state law by covering both daytime and nighttime hours. **This is required.**

2

Overcomes decibel meter requirement by giving police the option to use a "**plainly audible**" standard for noise complaints involving amplified music.

Many towns across CT use a plainly audible standard, including Norwalk and Torrington.

3

Includes customary protections to **allow residents flexibility to maintain their properties** as well as exemptions for garbage collection and various other essential activities and provides for a variance procedure for special circumstances and events.

Sources:

- (1) "Any such municipal noise control ordinance shall be at least as stringent as any state noise control plan." (CT Gen Stats § 22a-73)
- (2) Specific limits outlined according to zoning. Residential zoning emitters are limited to 55dBA during the daytime. (R.C.S.A. § 22a-69-3.5)
- (3) Fairfield Town Code Chapter 78, adopted in 1985 and amended and ratified in 2017.

Town of Fairfield, CT / Part II General Legislation
Chapter 78 Noise

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 6-25-1985. Amendments noted were applicable.]

GENERAL REFERENCES

Alarms producing exterior audible sound — See Ch. [45](#), § [45-5](#).

§ 78-1 Legislative intent.

§ 78-2 Definitions.

§ 78-3 Excessive noise prohibited.

§ 78-4 Noise level measurement procedures.

§ 78-5 Noise level standards.

§ 78-6 Administration, and enforcement and penalties.

§ 78-7 ~~Penalties for offenses~~ Exceptions.

§ 78-8 ~~Exceptions~~ Specific prohibitions.

§ 78-9 ~~Exemptions~~ Variances.

§ 78-10 ~~Existing noise sources~~ Conflict with other regulations.

§ 78-11 Severability.

§ 78-1 Legislative intent.

Government is instituted to protect life, liberty and property. Loud, excessive and unreasonable noise ~~during the nighttime hours~~ is an interference with a person's right to the use and enjoyment of his/her property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. ~~The purpose of this chapter is to provide an objective standard and procedure for enforcing property rights. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life in Fairfield through the reduction, control and prevention of noise.~~

§ 78-2 Definitions.

As used in this chapter, the following items shall have the meanings indicated:

~~*AMBIENT NOISE or BACKGROUND NOISE*~~

~~Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.~~

BUSINESS DISTRICT

Any business district, including Business District No. 1, Business District No. 2, Business District No. 3, Designed Business District No. 1, Designed Business District No. 2, Designed Business District No. 3 and Designed Business District No. 4, as defined in the Zoning Regulations of the Town of Fairfield.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Friday; and the hours between 8:00 a.m. and 10:00 p.m. on Saturday, Sunday and during any state or national holiday.

DECIBEL

A logarithmic unit of measurement of the sound level. ~~measure in measuring magnitudes of sound. The symbol is "dB."~~In this chapter, the decibel level is expressed in terms of dBA (Aweighted decibels).

EMERGENCY

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

EMITTER

A person who creates, causes to be created or allows the noise.

IMPULSE NOISE

Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

INDUSTRIAL DISTRICT

Any industrial district, including Industrial District No. 1, Industrial District No. 2, Designed Industrial District No. 1, Designed Industrial District No. 2 and 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).[1]

NIGHTTIME HOURS

[Amended 9-25-2017]

A. The hours between 10:00 p.m. and 7:00 a.m., Sunday night through Friday morning (weekday schedule); and the hours between ~~11~~10:00 p.m. and 8:00 a.m., Friday night through Sunday morning (weekend schedule).

Weekday Schedule:

10:00 p.m. Sunday through 7:00 a.m. on Monday

10:00 p.m. Monday through 7:00 a.m. on Tuesday

10:00 p.m. Tuesday through 7:00 a.m. on Wednesday

10:00 p.m. Wednesday through 7:00 a.m. on Thursday

10:00 p.m. Thursday through 7:00 a.m. on Friday

Weekend Schedule:

~~11~~10:00 p.m. Friday through 8:00 a.m. on Saturday

~~11~~10:00 p.m. Saturday through 8:00 a.m. on Sunday

B.

During any state or national holiday, the weekend schedule will be in effect the night before the holiday through the morning of the holiday.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 78-5 of this chapter.

NOISE LEVEL

The sound pressure level, as measured with a sound level meter.

PERSON

Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PLAINLY AUDIBLE

Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level standards provided for in § 78-5.

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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE

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.

RECEPTOR

The person who receives the noise impact and initiates the noise complaint.

RESIDENTIAL DISTRICT

Any residential district, including Residential Districts AAA, AA, R-3, R-2, A, B, C, Designed Residence District No. 1 and Designed Residence District No. 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.

SOUND

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

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).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound and is electronically amplified, including, but not limited to, any loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.

[1]

Editor's Note: See now C.G.S. § 14-1(54).

§ 78-3 Excessive noise prohibited.

[Amended 9-25-2017]

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 § 78-5 during ~~the daytime or~~ nighttime hours as defined in § 78-2, except in those incidences provided for in §§ 78-7 and 78-8 ~~and 78-9~~.

§ 78-4 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

When measuring with a sound level meter:

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 calibration 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 the same ownership as indicated by public land records.

When measuring Sound Production Devices that are plainly audible:

D. Noise produced by Sound Production Devices are plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measured by approximation from the source of the noise.

§ 78-5 Noise level standards.

A. No person shall emit noise exceeding the levels stated herein ~~during nighttime hours~~, except in those incidences provided for in §§ 78-7 and 78-8 ~~and 78-9~~ of this chapter:

<u>Property Use:</u>	<u>Noise Measured by Sound Level Meter</u> <u>(Applicable to all noise):</u> <u>Measured in A-Weighted Decibels (dBA)</u>		<u>Plainly Audible Noise</u> <u>(Applicable only to</u> <u>noise produced by</u> <u>Sound Production</u> <u>Devices):</u>
<u>Receptor</u>	<u>Time</u>	<u>Sound Level dBA</u>	<u>Plainly Audible at:</u>
<u>Residential</u>	<u>Nighttime</u>	<u>45 dBA</u>	<u>100 feet</u>
<u>Residential</u>	<u>Daytime</u>	<u>55 dBA</u>	<u>150 feet</u>
<u>Business</u>	<u>At all times</u>	<u>60 dBA</u>	<u>200 feet</u>
<u>Industrial</u>	<u>At all times</u>	<u>65 dBA</u>	<u>250 feet</u>

~~Zone in Which Receptor is Located~~

Zone in Which Emitter is Located	Industrial	Business	Residential
Industrial	70 dBA	66 dBA	51 dBA
Business	62 dBA	62 dBA	45 dBA
Residential	62 dBA	55 dBA	45 dBA

~~B. Background noise and impulse noise. In those individual cases where the ambient or background noise levels caused by sources not subject to this chapter 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 five dBA, provided that no source subject to this chapter shall emit in excess of 80 dBA at any time, with the exceptions of those sources referenced in Subsection C, and provided that this subsection shall not be interpreted as decreasing the noise level standards of § 78-5 of this chapter.~~

~~B. C.~~ 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.[1]

[1]

Editor's Note: See now C.G.S. § 14-80a, Maximum noise levels.

§ 78-6 Administration, ~~and~~ enforcement and penalties.

A. The ~~Chief of Police~~ Police Department shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter as specified in § 78-3. Upon receiving the first complaint, the police shall make the required sound level reading or plainly audible determination as specified in § 78-5.

B. If the sound level exceeds the standards enumerated in § 78-5, or is specifically prohibited under § 78-8, a verbal warning shall be given to the emitter for the first offense; a citation notice of \$100 for the second offense; and \$250 for each subsequent offense within one year of the last offense. ~~If such noise does not cease, and upon receiving a second complaint, the police shall follow the procedures as set forth in § 78-7.~~

C. Each violation shall constitute a separate offense.

D. Refusing, hindering or interfering with enforcement of any provision in this Chapter is a separate offense.

E. Failure to pay the fine in the time prescribed in the ~~citation~~ infraction notice will result in the issuance of a summons to appear in Superior Court.

F. Notwithstanding that enforcement of this chapter 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 chapter.

~~§ 78-7 Penalties for offenses.~~

~~Any person found in violation of the provisions of this chapter shall be given an infraction notice which incorporates a fine of \$50 for the first offense and \$90 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.~~

§ 78-~~87~~ Exceptions.

The noise level standards defined in § 78-5 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 30 minutes after being activated shall be unlawful.[1]

[1]

Editor's Note: See Ch. 45, Alarms.

D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

~~§ 78-9 Exemptions.~~

~~The following shall be exempt from these regulations, subject to special conditions as spelled out:~~

~~E. A.~~ Noise created as a result of or relating to an emergency.

~~F. B.~~ Noise created by snow-removal equipment.

~~G. C.~~ Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.

~~H. D.~~ Noise created as a result of or relating to maintenance and repairs conducted by public utilities.

~~I. 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.

~~J. 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, including, but not limited to, parades, sporting events, concerts, and block parties. This exception does not apply to private rentals of town-owned buildings.

K. Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.

L. The unamplified sounding of the human voice.

M. Noise created by public school construction.

N. Noise created by road maintenance activities of the Department of Public Works and the Water Pollution Control Agency.

O. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

P. Permitted fireworks conducted after sunset and completed by 10:30 p.m. Fireworks conducted by the Town of Fairfield or its designee(s) for the Independence celebration are fully excluded from these noise regulations at all times.

Q. Noise created by public demonstrations and/or protests, provided that the activity is conducted during daytime hours.

~~R. 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 chapter 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 chapter while the variance application is pending.

§ 78-8. Specific Prohibitions.

The following shall be specifically prohibited:

A. Construction, demolition, power tools and home maintenance tools shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between 5:00 p.m. and 9:00 a.m.

on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply.

B. Blasting shall not be conducted between 5:00 p.m. and 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.

C. Landscaping and/or yard maintenance equipment shall not be operated between the hours of 8:30 p.m. and 7:00 a.m. on weekdays, and between 8:00 p.m. and 8:00 a.m on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply. Maintenance of town playing fields shall not be subject to this prohibition.

D. Impulse noise such as vehicle backfiring, engine racing, and unnecessary vehicular horn blowing that annoys or disturbs the quiet, comfort or repose of persons.

E. Igniting fireworks after 10:30 p.m., except by the Town of Fairfield or its designee(s) for the Independence Day celebration. Special permits must be obtained to ignite fireworks in the Town of Fairfield. See CGS § 29-357.

F. Refusing, hindering or interfering with enforcement of any provision in this chapter.

§ 78-9 Variances.

A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:

1. The location and nature of the activity.
2. The time period and hours of operation of said activity.
3. The nature and intensity of noise that will be generated.

B. No variance from this chapter shall be granted 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.

C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 78-10 ~~Existing noise sources~~ Conflict with other regulations.

~~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. In the event that any standards in this chapter conflict with regulations or standards set by the Town of Fairfield and/or the State of Connecticut Department of Environmental Protection, the stricter standard shall apply.~~

§ 78-11 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part thereof.

SUPPLEMENTAL MEMORANDUM

TO: Fairfield RTM's Legislation and Administration Committee

FROM: Jill Vergara (RTM District 7 and ordinance co-sponsor)

CC: Co-sponsors—Jeff Galdenzi (D3), Jay Wolk (D5), Andrew Graceffa (D6), Dru Georgiadis (D9)
Police Chief Kalamaras, Police Captain Weihe, Fire Chief McCarthy
Town Attorney Jim Baldwin

RE: Supplemental Revisions to Chapter 78, Noise, of Fairfield's Town Code [original revisions submitted 2/14/23]

DATE: April 24, 2023

This supplemental memorandum is meant to summarize the most recent revisions being proposed, which are a response to RTM colleagues' concerns as well as new issues that have surfaced.

Our original goals 1) to assist in police enforcement, 2) to broaden protections to include daytime hours and 3) to respond to constituent concerns remain the same. With these newest revisions, we hope to clarify the "plainly audible" standard as being a new tool for police officers to use solely for noise produced by "sound production devices" (i.e. music). We also found that our current ordinance conflicts with statewide noise regulations, and so adding "daytime hours" is required to comply with state statute.

I. PLAINLY AUDIBLE STANDARD ONLY APPLIES TO SOUND PRODUCED BY SOUND PRODUCTION DEVICES

During the RTM's March 20, 2023 discussion of the noise ordinance revisions, it became clear that there was a misunderstanding of the newly added "plainly audible" standard. As stated in our original memorandum, the intent of this new standard is to assist the police department in enforcing the ordinance, as the ordinance as currently written is not being enforced. This new standard has helped several other police departments in towns such as Norwalk, Hartford Bloomfield, Rocky Hill and Torrington to more effectively regulate noise complaints. In Fairfield, this new standard would apply ONLY to noise produced by "sound production devices."

To clarify the "plainly audible" standard, we added the following language to the definition in Section 78-2: "Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level

standards provided for in § 78-5.” A “sound production device” is defined in Section 78-2 as “Any device whose primary function is the production of sound, including, but not limited to any musical instrument, loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.” In laymen’s terms, sound production devices are limited largely to electronically amplified music. According to our data, approximately 90% of all noise complaints stem from loud music, so while “plainly audible” applies only to a fraction of all potential noise issues outlined in the ordinance, it will give the police department the necessary discretion and ease of enforcement for a large majority of the complaints they receive.

For clarity, we also added language to the noise level measurement procedures in Section 78-4 to make clear that the measurement procedures for plainly audible noise is only applicable to sound production devices. In addition, we added language to the noise level standards table to better distinguish “Noise Measured by Sound Level Meter” from “Plainly Audible Noise produced by Sound Production Devices.” Whereas sound level meter measurements are applicable to all noise complaints, plainly audible measurements taken at 100, 150, 200 or 250 feet (depending on the land use zone in which the receptor is located; and depending on the time of day) are limited only to complaints related to sound production devices. The enforcement agent may opt to use a plainly audible standard for noise produced by sound production devices or to use the applicable sound level readings. For all other noise, only the sound level measurements specified apply. Also note that we simplified the table to make it easier to read, and we removed “or inside a residence” as a way to determine whether a noise is plainly audible in response to specific comments made at the RTM Committees meeting.

II. FAIRFIELD’S CURRENT ORDINANCE IS OUT OF COMPLIANCE WITH STATE REGULATIONS ON NOISE AND MUST BE REVISED

Connecticut General Statutes section 22a-73 requires that “Any such municipal noise control ordinance shall be at least as stringent as any state noise control plan.” The state noise control plan can be found at 22a-69-1 through 22a-69-7.4 of the Regulations of Connecticut State Agencies. These regulations promulgated by the Department of Environmental Protection outline minimum standards for permissible noise levels during both the daytime and nighttime hours. Daytime hours are defined as 7:00 a.m. to 10 p.m., and permissible noise levels for residential receptors during the daytime hours range from 61 dBA to 55 dBA depending on whether the emitter is industrial (61 dBA), commercial (55 dBA) or residential (55 dBA). Therefore, our current ordinance’s failure to establish daytime noise protections conflicts with the state regulations and must be corrected to be in compliance with at least the minimum standards established by the State.¹ For this reason, regardless of what other

¹ Our original memorandum noted that Fairfield’s noise ordinance is the only municipal noise ordinance not to specify daytime hours. We are likely the only town not to specify daytime hours, because it is not compliant with state law to have no daytime hour noise level standards.

changes are made to the noise ordinance, we must incorporate daytime hour protections that are at least as stringent as the DEEP regulations to be compliant with state law.

Similarly, we must alter our existing nighttime hours so that they are at least as stringent as the state's defined nighttime hours. The State defines nighttime hours to be 10:00 p.m. to 7:00 a.m. local time. Therefore, our current weekend hours setting nighttime protections to span from 11 p.m. to 8:00 a.m. are more liberal than the state's regulations and must be changed to begin at least by 10 p.m.

III. ONE-YEAR RESET FOR THE ADMINISTRATION, ENFORCEMENT AND PENALTIES PROVISION IN SECTION 78-6

Our current section 78-7 (Penalties for offenses) contains a 24-hour reset when issuing violators fines, such that someone who violates the noise provisions first gets issued an infraction notice; then if the police are called back, the violator is fined \$50; and if the police are called back to the same property again, the violator is fined \$90 going forward for each offense within a 24-hour period. Once that 24-hour period elapses, the record is wiped clean, and the person will be issued only an infraction notice if a violation occurs only 25 hours later. This penalty framework is an anomaly within our own Town Code (and well as other town codes), and is not a strong enough deterrent for recidivism. Although most other towns' noise ordinances do not incorporate ANY sort of reset, we have added a reset back in as a compromise for those who feel having no reset is overly harsh. We chose a one-year reset period, because our alarm ordinance, which is also referenced in the noise ordinance, contains a one-year reset period.² In addition, Norwalk's noise ordinance contains a one-year reset period.

IV. SECTION 78-7 EXCLUSIONS

In Subsection B of 78-7, we added a clause specifically excluding the unamplified human voice: "The noise level standards defined in § 78-5 shall not apply to any noise emitted by or related to: The unamplified sounding of the human voice." While we do not believe the noise levels and standards specified in the ordinance revisions could have been applied to children playing or loud conversations, and perhaps some of the concerns expressed stem more from a misunderstanding of the plainly audible standard than anything else, incorporating a specific exclusion seemed to be a direct and easy way to address these concerns.

In Subsection P of 78-7, we clarified the provision regarding exclusions for public celebrations sanctioned by the town. The language "open to the public" was criticized as being overly broad and undefined. The intent was to limit to specific events authorized by the state or the town that are public, and not private, in nature (as the current language already establishes). Parades, sporting events, concerts and block parties that are authorized by the town and open to the community are excluded from the noise provisions; whereas, events in

² Note that Recovery of Costs for Disorderly Conduct (Chapter 61 of the Town Code) has a three-year reset.

which the Town rents its building assets for a profit to private, discrete groups/entities and ultimately acts as a business entity engaging in commercial activity should be subject to our normal zoning laws and town regulations for noise.

In subsection Q of 78-7, we added a fireworks provision to enable Fairfield residents to obtain permits for fireworks displays as long as the displays are completed by 10:30 p.m. The Police Department issues permits for fireworks displays. Approximately 3-4 applications for fireworks permits are received by the town annually. On recommendation by Chief McCarthy, we addressed people's concerns about fireworks by limiting the times that fireworks could occur. Chief McCarthy suggested a 10:30 p.m. cutoff time, and that is what we incorporated into the proposed revisions (as reflected in both section 78-7 and 78-8).

V. SECTION 78-8 SPECIFIC PROHIBITIONS

Due to concerns that weekend hours to do yardwork were too restrictive, we increased the time cut-off for construction, demolition, power tools, home maintenance tools, landscaping and/or yard maintenance equipment to 8:00 p.m. (previously 6:00 p.m. on the weekends). The current proposal would allow for these activities to occur (and exclude these activities from the noise provisions) between 7:00 a.m. and 8:00 p.m. on weekdays and between 8:00 a.m. and 8:00 p.m. on weekends; outside of those times, these activities are prohibited.

Blasting was moved to its own subsection, because state guidelines for blasting seemed to set a more restrictive window for permissible times. Most other towns also have a narrower window to conduct blasting. We are proposing that blasting be conducted between 8:00 a.m. and 5:00 p.m.

Due to RTM colleagues' input and the desire to enable Fairfield residents to obtain fireworks permits, we altered the fireworks prohibition to be a time cutoff instead of a wholesale proscription.

VI. SECTION 78-9 VARIANCES

The state regulations contain variance procedures, as do the majority of town ordinances that we studied. Adding a variance procedure helps to address people's concerns that there be more flexibility in our noise regulation. We used stock language that appeared verbatim in several other town noise ordinances.

§ 78-9 Variances.

-
- A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of

Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:

1. The location and nature of the activity.
 2. The time period and hours of operation of said activity.
 3. The nature and intensity of noise that will be generated.
-

B. No variance from this Chapter shall be granted 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.
-

C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

D. Failure to rule on an application within the designated time shall constitute approval of the variance.

From: Clayton Rowley <clayton53@snet.net>
To: rtm@fairfieldct.com <rtm@fairfieldct.com>
Cc: self <clayton53@snet.net>
Sent: Monday, June 26, 2023 at 10:05:13 AM EDT
Subject: Noise Ordinance

RTM,

Regarding Section 78-8 Specific Prohibitions:

It would be beneficial to combine A & C (Contractors & Landscapers) into the same hourly guidelines as outlined in A.

The hours listed for C (Landscapers) are virtually no restrictions.

All "Contracted" (paid for) work should be well regulated within the stated hours.

The hours listed should also apply to homeowners as they are quite liberal compared to surrounding towns.

Greenwich, Darien & others have strict no work ordinances based on work hours and also include no work holidays & Sundays.

Their ordinances are a lot easier to enforce from a Town and Police perspective.

Best regards,

Clayton Rowley
532 Rowland Rd
Fairfield, CT 06824

From: Ted Luchsinger <tedluchsinger@gmail.com>
Date: Mon, Jun 26, 2023 at 9:41 AM
Subject: Noise Ordinance Support
To: <rtm@fairfieldct.org>

Dear RTM,

We know it's Spring in Fairfield as well as fall and Summer when we hear the unmistakable mating call of the gas blowers, string trimmers and lawn mowers. These obnoxious polluting tools continue to be used in spite of the science detailing the harm they do to the environment, their operators and the peace we aspire to here in Fairfield. This ordinance is a small step in the right direction, although Westport's ban is significantly stronger. I support any and all efforts to limit or ban the use of these destructive tools. There are profitable lawn care companies doing business now in Fairfield (MOWGreen) that use no gas, so I discount the smokescreen from the industry(pun intended) and say get a battery or rake!!!!

Best,

Ted Luchsinger
729 Cascade Dr.
Fairfield, CT 06825

From: ann katis <annrkatis@gmail.com>
Date: Sun, Jun 25, 2023 at 7:21 PM
Subject: Noise ordinance
To: <rtm@fairfieldct.org>

To the RTM:

I am writing to support the proposed noise ordinance. While I can hear the music and noise from the burr homestead parties in my house on Old Post Road it does not bother me. However, I can only imagine how disturbing it would be to live any closer and be unable to relax or enjoy your own house or backyard on a summer weekend evening.

I actually wish the noise ordinance would go farther to ban the use of lawn blowers during the summer months as other towns are doing. On our block noise from these blowers are a summer constant. Hours every day are spent

with the windows closed to try to dampen the noise, it is still loud.

I feel for the people who have to use them every day, breathing the exhaust and experiencing what I am sure is damage to their hearing.

I understand that there is an argument that such a ban could damage the income of landscapers but I suggest the idea of what a summer weekly lawn maintenance should look like could change. Is there truly a need to blow every bit of cut grass off of a driveway, into the street, into a neighbors bushes? I would say no there is not, cut the grass, trim the edges and move on. If there is, there are electric blowers that could easily do the same job without the same noise level.

Blowers are giant nuisances that should be reserved for major yard work such as big fall clean ups or snow removal. They should not be the omnipresent sound of the summer.

Sincerely,
Ann Katis

From: **Kate Schallau** <kateschallau0510@gmail.com>
Date: Mon, Jun 26, 2023 at 12:54 PM
Subject: Noise ordinance
To: <rtm@fairfieldct.org>

> I am opposed to the noise ordinance changes. It puts more nonessential tasks to the work load of the police. With real crime increasing police time is better spent pursuing car thieves than noise complaints.

>

> This also puts unnecessary restrictions on homeowners in maintaining their own homes and the workers we hire to do the work we can not or chose not to do.

>

> I encourage you to vote against the new restrictions.

>

> Kathleen Schallau

> 1135 Jennings Rd.

From: **Jeanne Pacewicz** <jeannepacewicz@gmail.com>

Date: Mon, Jun 26, 2023 at 12:16 PM

Subject: noise ordinance

To: <rtm@fairfieldct.org>

CC: <firstselectwoman@fairfieldct.org>

Dear RTM Members,

Hope you and your family are well.

I'm writing in regards to the proposed noise ordinance.

I've been a Fairfield resident for 30+ years and live on Sigwin Drive. ***In my neighborhood, noise has not been a problem.*** Yes, there are landscapers, This number has increased over the years, as many of my neighbors are elderly or neighbors have hired them. At certain times of the year there are Fireworks/firecrackers set off. There are parties. Sometimes, We do hear noise from Fairfield U's sporting events. I have not called the police to make a complaint.

There are a few points I would like to address;

- We have family members that have worked the overnight shift. They've had to adapt and figure out how to sleep during the daytime hours . It's not easy, but they do it.
- Can generators be used during quiet time hours? After a few storms, many residents purchased them when Fairfield lost power for days/weeks.
- We pay a lot of money in taxes. In this proposal there seems to be too many restrictions on homeowners. They should be able to do household/yard work during the summer time day time hours, especially when the temperature cools off.
- Should this pass, I worry that people may misuse this ordinance to magnify neighborhood disputes. Which would create more work for our already busy police.

I do not support this proposal.

Thank you for your time.

Respectfully,

**Jeanne Pacewicz
355 Sigwin Dr**

From: **Dave Peck** <fpdcop100@aol.com>

Date: Mon, Jun 26, 2023 at 6:30 AM

Subject: Noise Ordinance

To: <rtmd9@fairfieldct.org>, <rtm@fairfieldct.org>, Brenda Kupchick
<BKupchick@fairfieldct.org>, <rtmleadership@fairfieldct.org>

Dear RTM Representatives,

As a life long Fairfield Resident and a former Fairfield Police Chief, I urge you to vote (NO) against the proposed noise ordinance.

The proposed noise ordinance is unnecessary government overreach that we do not need in our town.

The current noise ordinance was and always has been useless and difficult to enforce and the proposed ordinance is even worse.

The Fairfield Police Department already has all the laws and tools that they need to deter

excessive noise and at the same time use officer discretion.

The proposed noise ordinance will put an unrealistic burden on our patrol officers and police supervisors putting them at odds between complainants and perceived violators based on an entitled expectation that the patrol officers can and shall enforce all alleged noise violations.

Respectfully submitted,

Dave Peck
955 South Pine Creek Rd,
Fairfield, CT

From: **Helene Salerno** <helenesalerno@yahoo.com>
Date: Sun, Jun 25, 2023 at 12:32 PM
Subject: Noise
To: <rtm@fairfieldct.org>

Hi

I am a 19 years long town Resident. I am for the Noise ordinance to be aligned with the State mandate. Period. Noise affects quality of Life and here at the Beach translate into safety and disasters (Student partying).

I just think that an officer's car equipped with a Breathalyzer should be able to be given a noise decibel device. Not a big deal !

As to the 24 Hrs reset policy ...that is a slap in the face to our Beach Residents.

Helene Salerno
CEO for NGHH, Licensed Realtor
203 921 9426 | info@newgenerationhealthyhomes.com
<https://newgenerationhealthyhomes.com/>

----- Forwarded message -----

From: **kate braun** <klbesq@gmail.com>
Date: Mon, Jun 26, 2023 at 1:52 PM
Subject: RTM- Noise Ordinance
To: <rtm@fairfieldct.org>

June 26, 2023

To: Town of Fairfield Representative Town Meeting (RTM)
From: Fairfieders Protecting Land and Neighborhoods (FairPLAN)
Re: Proposed Changes to Fairfield Noise Ordinance (Town Code Chapter 78)

Dear Members of the RTM:

Fairfield Protecting Land & Neighborhoods (FairPLAN) is writing in general support of the RTM's proposed changes to Fairfield's current noise ordinance.

FairPLAN is a town-wide grass roots organization with a mission is to support open spaces, natural resources, environmental health, and the character of our neighborhoods. FairPLAN has been engaged for over 20 years at various levels, from hosting forums on environmental issues, to advising and advocating for local neighborhood groups at public hearings and in Court appeals, to filing legal interventions to enhance environmental protection, for example, into the DEEP's Exide/Mill River lead cleanup and the Aquarion water diversion matters.

It is the public policy of the State of Connecticut, acting through the Department of Energy and Environmental Protection (DEEP) to "*promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state*". The State has declared that "*excessive noise is a serious hazard to the health, welfare and quality of life*". In 2022 the State expanded municipal regulation authority over noise pollution by requiring Town noise ordinances to be as stringent as State regulations, to allow Towns to adopt more stringent noise ordinances, and in no longer requiring DEEP approval for such ordinances. (CGS 22a-73)

Aside from the impact of noise pollution on residents, excessive noise is known to adversely impact pets and is also documented to be harmful to wildlife, including the ability to communicate, navigate, mate and forage, all of which can impact the survival of some species.

The good news is that, similar to light pollution, if noise pollution is reduced or simply turned off, it generally removes the issue going forward. This is where enforceable and understood noise ordinances can help protect not just local neighborhoods, but the health and welfare of our pets and the wildlife that depends on our local ecosystem.

The Fairfield Police Department (FPD) has indicated it tends not to enforce the current ordinance, but generally handles excessive noise in the criminal law venue, by charging violators with the infraction known as Creating a Public Disturbance (CGS §53a-181a). Infractions in Connecticut are those minor violations that receive only a fine for a penalty.

The proposed revision to Fairfield's noise ordinance is intended to clarify, enable enhanced enforcement, and provide carve outs for timeframes for certain noise generating activity. This will enable the FPD to expand its enforcement reach regarding excessive noise, which is for the betterment of neighborhood quality of life and the health and safety of pets and wildlife.

However, to ensure success of the revised ordinance, a few suggestions are made:

- (a) The timeframes are quite complex; FairPLAN has attempted to put them onto a more easily understood schematic showing the hours allowed as well as disallowed for each activity. For illustration only, it is being provided.
- (b) The Town should implement a comprehensive communication strategy targeting residents and all businesses that will be governed by the ordinance revision.
- (c) The regulation concerning the FPD's imposing of escalating penalties with each successive infraction should be followed by this clause or similar language: *"nothing herein shall detract from or minimize the discretion normally afforded to the Police Department in carrying out its other state and town enforcement responsibilities"*.
- (d) The escalation for repeat offenders could use some clarification- the timeframe of 1 year seems long to consider a person a repeat offender; and clarification should be made as to what is a repeat offense.

Thank you for your consideration and for your representation of all the residents of our Town.

Very truly yours,

Kathryn L Braun, FairPLAN

RE: Fairfield RTM - Noise ordinance. Source: L&A committee redline							By:	FairPLAN	June 2023
		SU	M	T	W	TH	F	SA	HOL
12	am	impulse: never allowed at any time							
1	am								
2	am								
3	am								
4	am								
5	am								
6	am								
7	am		start landsc; start demo	start landsc; start demo	start landsc; start demo	start landsc; start demo	start landsc; start demo		
8	am	start landsc, start blast	start blast	start blast	start blast	start blast	start blast	start landsc, start blast	start landsc, start blast
9	am	start demo						start demo	start demo
10	am								
11	am								
12	pm								
1	pm								
2	pm								
3	pm								
4	pm								
5	pm	stop blast, stop demo	stop blast	stop blast	stop blast	stop blast	stop blast	stop blast, stop demo	stop blast, stop demo
6	pm								
7	pm		stop demo	stop demo	stop demo	stop demo	stop demo		
8	pm	stop landsc						stop landsc	stop landsc
8:30	pm		stop landsc	stop landsc	stop landsc	stop landsc	stop landsc		
9	pm								
10	pm								
10:30	pm	no firewk	no firewk	no firewk	no firewk	no firewk	no firewk	no firewk	no firewk
11	pm								
12	am								

legend:

daytime

nighttime

definitions:

landscaping: operating landscaing and/or yard maintenance equipment*

demo: operating construction, demo, power tools, home maint tools*

impulse: vehicle backfire, engine racinig, unnecessary horn blowing

** unless can meet night time limits of Ord § 78-5*

Ord § 78-5 noise levels defined:

Receptor	time	sound level dBA	plainly audibl @
Residential	night	45 dBA	100'
Residential	day	55 dBA	150'
Business	all time	60 dBA	200'
Industrial	all time	65 dBA	250'



Fairfield Police Union Local 550

"Protecting Our Own and Their Future"



Raymond Quiles
President

William Koukoulas
Vice-President

Michael Stahl
Secretary

Kevin Wells
Treasurer

To the Members of the Representative Town Meeting:

I write you today on behalf of C.O.P.S. Local 550, which represents the dedicated law enforcement officers of Fairfield, to express our deep concerns regarding the proposed town noise ordinance currently under consideration. While we acknowledge the intent behind maintaining peace and order within our community, we firmly believe that the severe restrictions and mandatory enforcement action outlined in the proposed ordinance undermine the fundamental role of a police officer's discretion and raise significant concerns about potential negative interactions with residents, proper equipment and training, as well as possibly infringing upon private citizens' rights to utilize their property safely and courteously.

Our officers understand the importance of balancing the diverse needs and interests of our community members. We are committed to maintaining harmonious relations and ensuring the well-being of all residents. However, it is crucial to recognize that excessive noise regulations, as proposed, may have unintended consequences that hinder an officer's ability to exercise their professional judgment effectively.

The ability to evaluate each situation individually, considering relevant factors such as the nature of the disturbance, and its impact on the community, is essential to making informed and fair judgments. It allows officers to consider the unique circumstances and exercise appropriate judgment when enforcing noise regulations.

Under Connecticut law, the only violation that mandates an officer to take enforcement action is with regard for Family Violence incidents. Addressing noise violations with mandatory enforcement in a manner which mirrors Family violence incidents is both unreasonable and ill-advised. Domestic violence cases necessitate immediate and decisive action to ensure the safety of the individuals involved due to the inherent risk to human life and well-being. Violations of noise ordinances simply do not justify the same standard of enforcement action and limitation on officers' discretion. We urge you to consider the importance that state legislators have placed on discretion and seeking alternative solutions to resolving noise related incidents. The current statute under which the Department of Energy and Environmental Protection addresses noise violations requires investigators to *"make a reasonable effort in light of the circumstances to correct a violation or achieve compliance by means of conference, conciliation and persuasion"* prior to taking any enforcement action.

One of our primary concerns is the potential for negative interactions between officers and residents arising from the enforcement of harsh noise restrictions. By removing an officer's discretion and relying solely on predetermined decibel levels or a "plainly audible" standard, officers may be required to issue citations without considering the context of the situation. This approach can erode trust and strain community relations, as residents may feel unfairly targeted or subjected to unnecessary punitive measures.

It is important to note that existing state statutes approved by legislation already provide an appropriate standard for the enforcement against excessive noise. These statutes take into account the reasonable expectations of residents while allowing for necessary and customary activities. By relying on these established guidelines, which have been carefully crafted to balance the rights of individuals with the needs of the community, we can ensure consistent and fair enforcement without the need for overly



Fairfield Police Union Local 550

"Protecting Our Own and Their Future"



Raymond Quiles
President

William Koukoulas
Vice-President

Michael Stahl
Secretary

Kevin Wells
Treasurer

restrictive local ordinances. It is crucial that the RTM considers the effectiveness of the existing state statutes and avoids creating additional regulations that may lead to confusion and unnecessary burdens on both the police officers and the residents they serve.

It is also crucial to consider the practical aspects of enforcing noise regulations in compliance with this proposal. Officers are tasked with a wide range of responsibilities that extend beyond noise regulation such as ensuring public safety, responding to emergencies, and addressing criminal activities. Officers are required to utilize and maintain proficiency on an overwhelming quantity of equipment and vast knowledge base to effectively perform the various duties they are tasked with. While addressing noise violations is an important aspect of maintaining peace in the community, there are already appropriate means for addressing such violations and adding the burden of additional training and equipment such as decibel readers and measuring wheels to investigate such is both superfluous and cumbersome. Under current practice, officers need only utilize an adequate understanding of state statute and sound judgment to determine whether or not a noise violation has occurred. The addition of more equipment and proper training to address noise violations, despite existing avenues for enforcement under state statute, is unwarranted. The practical implementation of the proposed noise ordinance places yet another burden on the police department, which is already challenged with adjusting to new legislation in regards to police reform, mandated accreditation, and numerous other additional requirements.

In conclusion, we respectfully request that you carefully consider the concerns we have raised regarding the proposed noise ordinance. We believe that by recognizing and preserving an officer's discretion, we can strike a balance that fosters positive community relations, respects private property rights, and promotes a safe and harmonious environment for all residents.

Thank you for your attention to this matter.

Respectfully,

Raymond Quiles
President
C.O.P.S Local 550

100 Reef Road Fairfield CT 06824
RQuiles@Fairfieldct.org
(203)260-8755

From: Clayton Rowley <clayton53@snet.net>
To: rtm@fairfieldct.com <rtm@fairfieldct.com>
Cc: self <clayton53@snet.net>
Sent: Monday, June 26, 2023 at 10:05:13 AM EDT
Subject: Noise Ordinance

RTM,

Regarding Section 78-8 Specific Prohibitions:

It would be beneficial to combine A & C (Contractors & Landscapers) into the same hourly guidelines as outlined in A.

The hours listed for C (Landscapers) are virtually no restrictions.

All "Contracted" (paid for) work should be well regulated within the stated hours.

The hours listed should also apply to homeowners as they are quite liberal compared to surrounding towns.

Greenwich, Darien & others have strict no work ordinances based on work hours and also include no work holidays & Sundays.

Their ordinances are a lot easier to enforce from a Town and Police perspective.

Best regards,

Clayton Rowley
532 Rowland Rd
Fairfield, CT 06824

From: Ted Luchsinger <tedluchsinger@gmail.com>
Date: Mon, Jun 26, 2023 at 9:41 AM
Subject: Noise Ordinance Support
To: <rtm@fairfieldct.org>

Dear RTM,

We know it's Spring in Fairfield as well as fall and Summer when we hear the unmistakable mating call of the gas blowers, string trimmers and lawn mowers. These obnoxious polluting tools continue to be used in spite of the science detailing the harm they do to the environment, their operators and the peace we aspire to here in Fairfield. This ordinance is a small step in the right direction, although Westport's ban is significantly stronger. I support any and all efforts to limit or ban the use of these destructive tools. There are profitable lawn care companies doing business now in Fairfield (MOWGreen) that use no gas, so I discount the smokescreen from the industry(pun intended) and say get a battery or rake!!!!

Best,

Ted Luchsinger
729 Cascade Dr.
Fairfield, CT 06825

From: ann katis <annrkatis@gmail.com>
Date: Sun, Jun 25, 2023 at 7:21 PM
Subject: Noise ordinance
To: <rtm@fairfieldct.org>

To the RTM:

I am writing to support the proposed noise ordinance. While I can hear the music and noise from the burr homestead parties in my house on Old Post Road it does not bother me. However, I can only imagine how disturbing it would be to live any closer and be unable to relax or enjoy your own house or backyard on a summer weekend evening.

I actually wish the noise ordinance would go farther to ban the use of lawn blowers during the summer months as other towns are doing. On our block noise from these blowers are a summer constant. Hours every day are spent

with the windows closed to try to dampen the noise, it is still loud.

I feel for the people who have to use them every day, breathing the exhaust and experiencing what I am sure is damage to their hearing.

I understand that there is an argument that such a ban could damage the income of landscapers but I suggest the idea of what a summer weekly lawn maintenance should look like could change. Is there truly a need to blow every bit of cut grass off of a driveway, into the street, into a neighbors bushes? I would say no there is not, cut the grass, trim the edges and move on. If there is, there are electric blowers that could easily do the same job without the same noise level.

Blowers are giant nuisances that should be reserved for major yard work such as big fall clean ups or snow removal. They should not be the omnipresent sound of the summer.

Sincerely,
Ann Katis

From: **Kate Schallau** <kateschallau0510@gmail.com>
Date: Mon, Jun 26, 2023 at 12:54 PM
Subject: Noise ordinance
To: <rtm@fairfieldct.org>

> I am opposed to the noise ordinance changes. It puts more nonessential tasks to the work load of the police. With real crime increasing police time is better spent pursuing car thieves than noise complaints.

>

> This also puts unnecessary restrictions on homeowners in maintaining their own homes and the workers we hire to do the work we can not or chose not to do.

>

> I encourage you to vote against the new restrictions.

>

> Kathleen Schallau

> 1135 Jennings Rd.

From: **Jeanne Pacewicz** <jeannepacewicz@gmail.com>

Date: Mon, Jun 26, 2023 at 12:16 PM

Subject: noise ordinance

To: <rtm@fairfieldct.org>

CC: <firstselectwoman@fairfieldct.org>

Dear RTM Members,

Hope you and your family are well.

I'm writing in regards to the proposed noise ordinance.

I've been a Fairfield resident for 30+ years and live on Sigwin Drive. ***In my neighborhood, noise has not been a problem.*** Yes, there are landscapers, This number has increased over the years, as many of my neighbors are elderly or neighbors have hired them. At certain times of the year there are Fireworks/firecrackers set off. There are parties. Sometimes, We do hear noise from Fairfield U's sporting events. I have not called the police to make a complaint.

There are a few points I would like to address;

- We have family members that have worked the overnight shift. They've had to adapt and figure out how to sleep during the daytime hours . It's not easy, but they do it.
- Can generators be used during quiet time hours? After a few storms, many residents purchased them when Fairfield lost power for days/weeks.
- We pay a lot of money in taxes. In this proposal there seems to be too many restrictions on homeowners. They should be able to do household/yard work during the summer time day time hours, especially when the temperature cools off.
- Should this pass, I worry that people may misuse this ordinance to magnify neighborhood disputes. Which would create more work for our already busy police.

I do not support this proposal.

Thank you for your time.

Respectfully,

**Jeanne Pacewicz
355 Sigwin Dr**

From: **Dave Peck** <fpdcop100@aol.com>

Date: Mon, Jun 26, 2023 at 6:30 AM

Subject: Noise Ordinance

To: <rtmd9@fairfieldct.org>, <rtm@fairfieldct.org>, Brenda Kupchick
<BKupchick@fairfieldct.org>, <rtmleadership@fairfieldct.org>

Dear RTM Representatives,

As a life long Fairfield Resident and a former Fairfield Police Chief, I urge you to vote (NO) against the proposed noise ordinance.

The proposed noise ordinance is unnecessary government overreach that we do not need in our town.

The current noise ordinance was and always has been useless and difficult to enforce and the proposed ordinance is even worse.

The Fairfield Police Department already has all the laws and tools that they need to deter

excessive noise and at the same time use officer discretion.

The proposed noise ordinance will put an unrealistic burden on our patrol officers and police supervisors putting them at odds between complainants and perceived violators based on an entitled expectation that the patrol officers can and shall enforce all alleged noise violations.

Respectfully submitted,

Dave Peck
955 South Pine Creek Rd,
Fairfield, CT

From: **Helene Salerno** <helenesalerno@yahoo.com>
Date: Sun, Jun 25, 2023 at 12:32 PM
Subject: Noise
To: <rtm@fairfieldct.org>

Hi

I am a 19 years long town Resident. I am for the Noise ordinance to be aligned with the State mandate. Period. Noise affects quality of Life and here at the Beach translate into safety and disasters (Student partying).

I just think that an officer's car equipped with a Breathalyzer should be able to be given a noise decibel device. Not a big deal !

As to the 24 Hrs reset policy ...that is a slap in the face to our Beach Residents.

Helene Salerno
CEO for NGHH, Licensed Realtor
203 921 9426 | info@newgenerationhealthyhomes.com
<https://newgenerationhealthyhomes.com/>

----- Forwarded message -----

From: **kate braun** <klbesq@gmail.com>
Date: Mon, Jun 26, 2023 at 1:52 PM
Subject: RTM- Noise Ordinance
To: <rtm@fairfieldct.org>

June 26, 2023

To: Town of Fairfield Representative Town Meeting (RTM)
From: Fairfieders Protecting Land and Neighborhoods (FairPLAN)
Re: Proposed Changes to Fairfield Noise Ordinance (Town Code Chapter 78)

Dear Members of the RTM:

Fairfield Protecting Land & Neighborhoods (FairPLAN) is writing in general support of the RTM's proposed changes to Fairfield's current noise ordinance.

FairPLAN is a town-wide grass roots organization with a mission is to support open spaces, natural resources, environmental health, and the character of our neighborhoods. FairPLAN has been engaged for over 20 years at various levels, from hosting forums on environmental issues, to advising and advocating for local neighborhood groups at public hearings and in Court appeals, to filing legal interventions to enhance environmental protection, for example, into the DEEP's Exide/Mill River lead cleanup and the Aquarion water diversion matters.

It is the public policy of the State of Connecticut, acting through the Department of Energy and Environmental Protection (DEEP) to "*promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state*". The State has declared that "*excessive noise is a serious hazard to the health, welfare and quality of life*". In 2022 the State expanded municipal regulation authority over noise pollution by requiring Town noise ordinances to be as stringent as State regulations, to allow Towns to adopt more stringent noise ordinances, and in no longer requiring DEEP approval for such ordinances. (CGS 22a-73)

Aside from the impact of noise pollution on residents, excessive noise is known to adversely impact pets and is also documented to be harmful to wildlife, including the ability to communicate, navigate, mate and forage, all of which can impact the survival of some species.

The good news is that, similar to light pollution, if noise pollution is reduced or simply turned off, it generally removes the issue going forward. This is where enforceable and understood noise ordinances can help protect not just local neighborhoods, but the health and welfare of our pets and the wildlife that depends on our local ecosystem.

The Fairfield Police Department (FPD) has indicated it tends not to enforce the current ordinance, but generally handles excessive noise in the criminal law venue, by charging violators with the infraction known as Creating a Public Disturbance (CGS §53a-181a). Infractions in Connecticut are those minor violations that receive only a fine for a penalty.

The proposed revision to Fairfield's noise ordinance is intended to clarify, enable enhanced enforcement, and provide carve outs for timeframes for certain noise generating activity. This will enable the FPD to expand its enforcement reach regarding excessive noise, which is for the betterment of neighborhood quality of life and the health and safety of pets and wildlife.

However, to ensure success of the revised ordinance, a few suggestions are made:

- (a) The timeframes are quite complex; FairPLAN has attempted to put them onto a more easily understood schematic showing the hours allowed as well as disallowed for each activity. For illustration only, it is being provided.
- (b) The Town should implement a comprehensive communication strategy targeting residents and all businesses that will be governed by the ordinance revision.
- (c) The regulation concerning the FPD's imposing of escalating penalties with each successive infraction should be followed by this clause or similar language: *"nothing herein shall detract from or minimize the discretion normally afforded to the Police Department in carrying out its other state and town enforcement responsibilities"*.
- (d) The escalation for repeat offenders could use some clarification- the timeframe of 1 year seems long to consider a person a repeat offender; and clarification should be made as to what is a repeat offense.

Thank you for your consideration and for your representation of all the residents of our Town.

Very truly yours,

Kathryn L Braun, FairPLAN

From: [Kupchick, Brenda](#)
To: [McDermott, Mark A.](#)
Cc: [Bremer, Tom](#); [Iacono, Pamela](#); [Browne, Betsy](#); [Bertolone, Jackie](#); [Baldwin, James](#); [Schmitt, Jared](#)
Subject: RE: RTM August Committee & Regular Meeting Schedule
Date: Tuesday, August 15, 2023 2:53:48 PM
Attachments: [RE Budget Followup.msg](#)
[ARPA Update.msg](#)
[RE Rooster River Flood Mitigation Plan.msg](#)
[8.15 Response.pdf](#)

Mark,

Please see attached response to your email.

Brenda L. Kupchick

First Selectwoman

Town of Fairfield

203.256.3030

www.fairfieldct.org

From: Mark McDermott <markmcdrtm7@gmail.com>

Sent: Tuesday, August 15, 2023 10:04 AM

To: Kupchick, Brenda <BKupchick@fairfieldct.org>

Cc: Bremer, Tom <TBremer@fairfieldct.org>; Iacono, Pamela <Placono2@fairfieldct.org>; Bertolone, Jackie <JBertolone@fairfieldct.org>; Browne, Betsy <BBrowne@fairfieldct.org>

Subject: RTM August Committee & Regular Meeting Schedule

Hi Brenda,

I will be putting the following items on the RTM August Committee & Regular Meetings.
The presentations can be made on either night.

1. Update on Penfield Pavilion construction, remediation and insurance.
2. Update on VERIP, including job descriptions.
3. Update on ARPA projects.
4. Update on the Rooster River Mitigation projects.
5. Update on Duck Farm Bridge project.

Best, Mark

--

Mark A. McDermott

RTM Moderator

RTM District 7

RTM Ed & Rec Committee

RTM Senior & Disabled Tax Relief Committee
PTA Member - FLHS
Email: markmcdrtm7@gmail.com
Cell Phone: 1-917-744-1479



Town of Fairfield

Office of the First Selectwoman

Brenda Kupchick
First Selectwoman
203-256-3030

725 Old Post Road
Fairfield, CT 06824

August 15, 2023

Mr. Moderator,

Thank you for your email. Historically, the RTM has always coordinated mutually agreed upon dates with department heads and the First Selectperson to provide updates, especially during August when many people take vacation time. Due to the lack of coordination prior, we are unable to attend.

That being said, at my request, town employees dedicate a significant amount of time to share regular updates through their websites and additionally, I share updates through the Town newsletter. The RTM, BOF and BOS are all on the newsletter distribution list, however, for the record, I am happy to provide the following information:

1. Update on Penfield Pavilion construction, remediation and insurance

As previously shared with you, Penfield updates are provided monthly at the BOS meetings where RTM members are welcome to sign on to, ask questions, and as you know, those meetings are all posted online. The next update will take place at Monday's BOS meeting. There is also a website dedicated to providing Penfield updates that the body can view here: <https://www.fairfieldct.org/penfieldpavilion>

If you have specific questions regarding the Penfield Construction project, please ask your members to send an email through you to me and copying CAO, Tom Bremer.

2. Update on VERIP, including job descriptions:

CFO Jared Schmitt had responded with information regarding VERIP in April and also invited Representative Gerber and Representative Pistilli to meet with him to review the program and discuss in detail what specific information they were looking for. Due to the complexity of the program, some of the information requested may require an actuarial analysis, which the Town would have to hire a firm to conduct. To date, Mr. Schmitt has not received a response to that April email and the invitation remains open. (see attached)

3. Update on ARPA projects

The CFO responded to a request regarding ARPA funds and projects in June with the current information (see attached). I welcome any RTM member to sign on to the next Capital Planning Workshop meeting to learn more which is tentatively scheduled for August 29. Please feel free to check with Jennifer Carpenter for details on the meeting.

4. Update on the Rooster River Mitigation projects

The Majority Leader was copied on a response to residents at her condominium complex, and I shared that I would be working with Bill Hurley to schedule a Rooster River update after Labor Day for public and elected officials when residents are back in Town, in coordination with the State Delegation. I welcome RTM members to join us at that meeting. For reference, the email is attached.

5. Update on Duck Farm Bridge project

Our Town Engineering Department posts regular updates on the Town website here <https://www.fairfieldct.org/engineering> and are also shared in my bi-weekly newsletter. If any RTM member has a specific question on the project, have them email you and we will have the appropriate town official respond.

I hope this information is helpful and I am happy to work together to coordinate further updates in the future.

Sincerely,

Brenda L. Kupchick

From: [Schmitt, Jared](#)
To: [Gerber, Bill](#); [McDermott, Mark A.](#)
Cc: [Pistilli, Sharon](#); [Magneri, Frank](#); [Bertolone, Jackie](#)
Subject: RE: Budget Followup
Date: Wednesday, April 26, 2023 3:46:07 PM

Good Afternoon,

Please see my responses below.

Jared

From: William Gerber <gerber_william@yahoo.com>
Sent: Tuesday, April 25, 2023 11:38 PM
To: McDermott, Mark A. <markmcdrtm7@gmail.com>; Schmitt, Jared <JSchmitt@fairfieldct.org>
Cc: Pistilli, Sharon <sbpistilli@gmail.com>; Magneri, Frank <FMagneri@fairfieldct.org>; Bertolone, Jackie <JBertolone@fairfieldct.org>
Subject: Re: Budget Followup

Mr. Moderator, through you to Mr. Schmitt:

Thanks for your response Mr. Schmitt.

VERIP- I'm attaching my amendment to the 12/2020 VERIP approval (unanimously approved)

Please see page 58 of the PDF that was submitted to the RTM as backup for Agenda Item 4 on October 25, 2021. [Backup_October_so_far.pdf \(fairfieldct.org\)](#)

Opioid settlement - As background, please understand that many of us on the RTM did not know we had received any funds yet, and currently do not know who will decide how the funds will be spent . A summary of the important aspects of Fairfield's settlement share would be helpful. Is there a schedule of payments received and a schedule of future payments to be received? Is there a formal process established by Fairfield to determine how funds will be allocated?

To date, we have received payments sporadically. And, there is no schedule for any future payments that may be received. As mentioned, the First Selectwoman and Town administration continue to meet with the Police Department and Health Department to identify opportunities. This revenue is not in the operating fund because it would be more difficult to determine specifically how it was used and whether or not the uses are consistent with the uses mandated by state law. Keeping it in a grant fund allows us to track the specific uses when we file our annual report with the state. Here is a link to the Public Act Summary <https://cga.ct.gov/2022/SUM/PDF/2022SUM00048-R02HB-05044-SUM.PDF>

TFC Budget line item- The budget line item appears to be required per Town Code, Chapter 39A-2(B) "A budget line item shall appear in the Public Works budget."
Here's the link: [Town of Fairfield, CT: Town Facilities Commission](#)



Town of Fairfield, CT: Town Facilities Commission

Ch 39A [HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 7-22-1996. Amendments noted...

The entire subsection of that portion of the Charter reads as follows:

*“The TFC **may** request annual funding for clerical or professional services through the Town budget process or at the point of funding a building project. A budget line item shall appear in the Public Works budget.”*

I interpret that to mean **IF** there is a request and **IF** the funding is included in the budget, then there should be a separate line item in the budget for the funding. As mentioned in my previous email, the Commission has not convened in about seven years, and no funding has been included in the budget for at least the past 10 years. If members would be more comfortable including a line item (presumably with zero dollars) in the budget book, we can make that change in next year’s budget.

Let me know if you have additional questions.

Jared

On Friday, April 21, 2023 at 11:13:44 AM EDT, Schmitt, Jared <jschmitt@fairfieldct.org> wrote:

Mr. Moderator,

I am writing to followup on a few questions from Representative Gerber. See responses below:

* Please provide all details and communications related to the opioid settlement as it relates to Fairfield, including, but not limited to, amounts that have been and will be received by Fairfield (and when), how much / how many amounts have been spent, and what is the process by which it is / will be determined how to use the funds.

o To date the Town has received \$135,000 from opioid settlement fund. Technically, none of the money has been spent yet; however, the First Selectwoman agreed to pay for some expenses related to an opioid education conference organized by Fairfield Police Department at Sacred Heart University this past Saturday (4/15). The total costs will be approximately \$3,200. Generally speaking, the Town's ability

to spend this funding is limited by the grant program itself. (See eligible purposes starting on page 4 - <https://cga.ct.gov/2022/ACT/PA/PDF/2022PA-00048-R00HB-05044-PA.PDF>) The administration will continue to work with the Fairfield Police and our Public Health department to identify cost-effective opportunities that fit within the parameters of the program limits.

o If after receiving this email, Mr. Gerber would still like to receive ALL communications related to the Opioid Settlement, please let me know, and we will refer to HR as a formal foia request.

* Mr. Gerber also requested an analysis of the financial impact of the Voluntary Early Retirement Program (VERIP) implemented in January 2021.

o As a starting point, I would like to invite Representatives Gerber and Pistilli to join me and members of my staff at Town Hall to review the program and discuss in more detail the analysis desired and potential cost to taxpayers related to doing the analysis.

* Background regarding the Town Facilities Commission line item in the budget.

o The last time that the TFC line item was included in the DPW Operating Budget was FY18

o The line was zeroed out since at least FY 14

o Records indicate the Commission has not met since 2016

Let me know if you have any questions.

Thanks,

Jared Schmitt
Chief Fiscal Officer

Town of Fairfield
Sullivan Independence Hall
725 Old Post Road
Fairfield, CT 06824

203.256.3032

From: [Schmitt, Jared](#)
To: [McDermott, Mark A.](#)
Cc: [Kupchick, Brenda](#)
Subject: ARPA Update
Date: Monday, June 26, 2023 9:21:31 AM

Mark,

You requested an update on ARPA projects.

It would be helpful if you could share this email with RTM members, as I believe the links below will answer many questions related to ARPA projects:

See ARPA update beginning on Page 132 of the link below:
[05-23-23_Backup_For_BOE_Quarterly_Review_Mtg.pdf \(fairfieldct.org\)](#)

And, here is a link to the 5/23 Board of Finance meeting, which includes an update on ARPA projects (starting at approximately the 3:20 mark):
<https://www.fairfieldct.org/newonfairtv/?FeedID=5725>

As I mentioned, we are working closely with department heads to monitor the progress of projects. Currently, we anticipate all projects will be committed before the federal deadline – 12/31/24. Additionally, the Town is required to file compliance reports to the federal government on a quarterly basis.

I would encourage RTM members to review the BOF update and watch the 5/23 meeting. I am happy to respond to questions.

Thanks,

Jared Schmitt
Chief Fiscal Officer

Town of Fairfield
Sullivan Independence Hall
725 Old Post Road
Fairfield, CT 06824

203.256.3032

From: [Kupchick, Brenda](#)
To: [Sarah Churchill](#); [Hurley, William](#)
Cc: [Board of Selectmen](#); [Flynn, Thomas](#); [Lefkowitz, Nancy](#); [Rotelli, Bonnie](#); [Michelle McCabe](#); [Zezima, Elizabeth](#); [Spolyar, Marcy](#); [Jcafe91@aol.com](#); [Dylan O'Connor](#); [Strathmoor.president@gmail.com](#); [Baldwin, James](#); [Iacono, Pamela](#); [Jain, Megha](#); [Marsilio, John](#)
Subject: RE: Rooster River Flood Mitigation Plan
Date: Friday, June 16, 2023 5:14:00 PM
Attachments: [07-19-21 Backup for Special ARPA Workshop with BOS BOF RTM.pdf](#)

Sarah,

Thank you for reaching out. I'm not sure you're signed up for my newsletter, but I have shared updates on the Rooster River project through my updates and through email and phone communication with residents who reach out. I apologize if you thought you needed to send a petition when Bill or I would have been happy to respond to you or any residents in the association with an update.

As you may know, the Rooster River Flooding has been a problem for over 20 years and sadly, while a mitigation proposal was on the town's capital project list for a long time, it was never funded by prior administrations. I was very happy to put forward the 3.2 million for the Phase I. However, as you can imagine with any large scale project that involves having to work with state environmental agencies, it takes time to present plans, and obtain permits. We did run into several issues with the state's Department of Environmental Energy and Protection (DEEP), the regulating agency experiencing a lot of turn over in the department due to retirements. Additionally, DEEP requested some of our plans for the detention basins be revised. We also purchased a piece of property along Villa Ave that will host one of the retention basins that took time to negotiate. We are also still waiting on permits and working and some other modifications.

I've included links to prior updates I've shared in my newsletter updates including an attachment to the ARPA presentation in July 2021 and the link to the final that included the 3.2 million for the Rooster River project and minutes.

I was just talking with Bill earlier this week about scheduling a community update after Labor Day when people are back from vacations to share where we are with the project and answer any questions.

Bill is off next week, but is happy to talk with you or anyone from Strathmoor to answer any questions you may have after reviewing the information I've shared below.

I hope you have a nice weekend.

[BOS /BOF/ RTM 7-19-2021 American Rescue Plan Act Allocations - YouTube](#)

[Minutes_07-19-2021_ARPA_Project_Funding_Workshop_Final.pdf \(fairfieldct.org\)](#)

Here's the BOS mtg where BOS is voting on ARPA projects starting at 45:13:

[Board of Selectmen 9-20-2021 Regular Meeting - YouTube](#)

https://www.fairfieldct.org/filestorage/10726/15800/17963/19428/ARPA_BACKUP_FINAL.pdf

[Fairfield News - Town of Fairfield, Connecticut \(fairfieldct.org\)](#)

[Fairfield News - Town of Fairfield, Connecticut \(fairfieldct.org\)](#)

[Fairfield News - Town of Fairfield, Connecticut \(fairfieldct.org\)](#) (Under Engineering Dprpt)

[Fairfield News - Town of Fairfield, Connecticut \(fairfieldct.org\)](#)

[Fairfield News - Town of Fairfield, Connecticut \(fairfieldct.org\)](#) (Under Floodplain Management Plan)

[Fairfield News - Town of Fairfield, Connecticut \(fairfieldct.org\)](#) (Press Release On Action Items That Are Part of the Regional Hazard Mitigation Plan)

Sincerely,

Brenda L. Kupchick
Fairfield First Selectwoman
203-256-3030
Sullivan Independence Hall
725 Old Post Road
Fairfield, CT 06825
www.fairfieldct.org

From: Sarah Churchill <schurchill@drew.edu>

Sent: Thursday, June 15, 2023 8:19 PM

To: Hurley, William <WHurley@fairfieldct.org>

Cc: Board of Selectmen <BOS@fairfieldct.org>; Flynn, Thomas <TFlynn@fairfieldct.org>; Lefkowitz, Nancy <NLefkowitz@fairfieldct.org>; Rotelli, Bonnie <bonnierotelli@gmail.com>; Michelle McCabe <michellemccabe.rtm4@gmail.com>; Zezima, Elizabeth <lizzezimartm@gmail.com>; Spolyar, Marcy <marcy.spolyar@gmail.com>; Jcafe91@aol.com; Dylan O'Connor <Rdylanconnor@gmail.com>; Strathmoor.president@gmail.com

Subject: Rooster River Flood Mitigation Plan

Dear Mr. Hurley;

We, the undersigned residents of the Strathmoor Association, a condominium complex of 70 units located at 160 Fairfield Woods Road in Fairfield, CT, kindly inquire as to the status of the town's Rooster River flood mitigation plan. While we understand that the current plan, consisting of some five planned retention ponds,

is currently held up in permitting (News12, The Bronx, “Fairfield designates \$3.2M to Rooster River remediation,” March 9, 2023), it’s not clear to us precisely what this plan is, where each of the planned retention pools will be positioned, what the timeline for implementation will be, and what are the current challenges to its permitting and implementation. A representative from our community, Mr. Richard Cooper, has repeatedly requested information with respect to this plan and has, to date, not received any satisfactory answer from your office. To that end, we kindly request the following:

- **Greater transparency with respect to the current plan and its timeline.** We have been unable to locate an updated plan and timeline on the city’s website. We ask that this be made publicly available, if it isn’t already, and that it be updated as the situation evolves, with a timestamp, wherever possible.
- **A meeting to discuss concerns specific to the portion of London’s Brook which runs adjacent to our property, located at 160 Fairfield Woods Road.** We have observed the following: visible blockages, overgrowth, significant deterioration of the canal wall and drainage pipes. We’re also concerned about the adequacy of the size of the drainage piping.
- **A plan for ongoing maintenance of the Rooster River.** While we are pleased to hear of the recent clean-up efforts at the Lynnbrook/Kings Highway and Melville locations ([Patch.com](#), “Fairfield And Bridgeport Partner On Rooster River Cleanup Project,” Feb. 14, 2023), we’re concerned that this won’t be sufficient in the long term. Does the town have a long-term plan for river maintenance? We feel that it should.

Our community experienced two unprecedented flooding incidents in the last five years, the first on September 25, 2018 and the second, September 2, 2021. The total cost of both floods is well over \$180,000, not including the losses to personal property experienced by nineteen residences located directly along the Rooster River. We’re still addressing property damage claims and dealing with the long-term implications of these floods. Further, the water from this section of the river, as a Harbor Watch report indicates, is contaminated well beyond acceptable levels, representing a serious health risk to residents (Harbor Watch, Fairfield County River Report, 2022). While we respect that any long-term plan takes time, we’re nonetheless faced with a distressing realization: until such time as these retention ponds are realized, we are your retention pond. We look forward to your timely response, which can be directed to this email or to our board president, Michael Cripps, at Strathmoor.president@gmail.com. (also copied above)

Sincerely,

The residents at the Strathmoor Association

(Enclosure: pdf scan of resident signatures, 3 pages)

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Sarah Churchill

PhD Candidate, Caspersen Fellow and Adjunct Faculty, Drew University

[Office Hours: Book an appointment](#)

American Rescue Plan Act Funding Proposal

Town of Fairfield | July 19, 2021

Presented by First Selectwoman Brenda L. Kupchick

Areas of Focus

MENTAL HEALTH & SOCIAL SERVICES

ECONOMIC DEVELOPMENT

PUBLIC SAFETY

ENVIRONMENT

QUALITY OF LIFE: RECREATION, ARTS & CULTURE

TOWN MODERNIZATION & INFRASTRUCTURE

COVID-19 Recovery Fund - \$200,000

During COVID-19, the Town set up the COVID-19 Relief Fund to provide limited, one-time assistance to Fairfield residents adversely impacted by the COVID-19 pandemic. More than \$150,000 was raised and distributed to Fairfield residents who experienced financial challenges related to COVID-19.

The past year and a half has been a whirlwind of emotions, struggles and also perseverance. As the community begins to move beyond the pandemic, the town is shifting its focus to helping our community to recover from the pandemic by establishing the COVID-19 Recovery Fund. The mission of the Recovery Fund is to provide financial assistance to individuals and families of Fairfield who are unable to meet their basic household needs due to the economic disruption caused by the COVID-19 pandemic. Eligible residents may receive much-needed help with bills such as rent or mortgage, auto expenses, utilities, and food. Social Workers are also available to make sure that residents know about local resources such as health foundations and food banks.

Lifebridge Community Services - \$150,000

Increasing Access to Behavioral Health Care in Fairfield

Resiliency, the ability to understand, handle and move forward after experiencing difficult life events, is a key ingredient to living a complete and happy life. The pandemic has severely tested our collective set of coping skills and shined a bright spotlight on how tentative our resiliency skills are, and always have been. The number of individuals across the country, and particularly in Lower Fairfield County, reporting feelings of depression, anxiety, loneliness, isolation and hopelessness are not new, but have been exacerbated by 18 months of isolation, fear and uncertainty.

The sheer volume of people affected is significant. The latest annual Behavioral Health Risk Factor Surveillance System (BRFSS) survey suggests that 16% of people in Connecticut have reported being depressed, which equates to approximately 9,600 Fairfield residents, of which 1,500 are over the age of 65 and 2,200 are under the age of 18. In addition, over any 30 day period, the average number of days that people in Connecticut feel their mental health is "not good" is almost 3.8 days. In other words, at least one time a week on average, Fairfield residents are focused inward and less able to care for their families, perform at a high level on their jobs, concentrate fully at school or make healthy decisions about their overall well-being.

SOCIAL SERVICES & MENTAL HEALTH

Equally disturbing is that The Household Pulse survey demonstrated that young adults are experiencing symptoms of depression and anxiety at a higher rate than other age groups, with 22% of 18-29-year-olds reporting feeling "down, depressed, or hopeless" nearly every day.

For those who already understand that one's mental health is as important as physical health, Fairfield Counseling Services has been a valuable town resource for more than 30 years, providing quality individual, family and group counselling sessions for families in need. However, over the last few decades, studies consistently demonstrated that at least 1 in 4 people who are suffering with mental health issues do not get treatment. This cohort could benefit from what our agency offers but will require a higher level of outreach. This includes those who understand they need help but are fearful of the stigma, those who believe there is no way out of their current situation and those that make too much money for public healthcare options but not enough to afford treatment.

In order to increase access to care for that still vulnerable cohort, the additional ARPA funds will be used to pay for the following activities:

- Clinical staff will partner with local organizations and places of business to be on site at routine intervals to provide information and connections to clinical help in order to put a friendly, knowledgeable face to mental health recovery.
- A monthly schedule of free, resiliency-focused workshops will be made available to the public in order to promote mental health as a normal, healthy part of the human condition.
- A scholarship program for those who cannot afford treatment, including those with high deductibles and co-pays for whom treatment remains an unattainable idea.

Between the outreach efforts and the scholarship program, the additional ARPA funds will create a pathway to recovery for those families in Fairfield who have been suffering with the effects of behavioral health issues in silence for far too long.

Child & Family Guidance - \$150,000

The Child & Family Guidance Center provides culturally competent, best-practice trauma treatment and care management to Fairfield children, teens and caregivers, regardless of a family's ability to pay. Since 2018, CFGC has served 568 Fairfield children and their families in our Outpatient Clinic, Mobile Crisis Intervention Services, Adolescent Community Reinforcement Approach for substance use recovery and the in-home Functional Family Therapy program. These programs provide both emergency support and the tools for long-term emotional and psychological health. With offices in Bridgeport and Norwalk, CFGC is a Department of Children and Families' (DCF) licensed Outpatient Psychiatric Clinic for Children and has been designated an Enhanced Care Clinic, providing individual and family therapy; psychiatric evaluations; case management; and medication management for children and youth. CFGC's multicultural and diverse team of clinicians and care managers are deeply committed to serving families of all backgrounds and removing the barriers that many ethnic and racial minorities experience in accessing care. More than half of the families we serve identify as persons of color.

The COVID-19 pandemic has had a significant impact on children and teens, leading to higher rates of depression, anxiety and suicidal ideation. A May 2021 report by the Kaiser Family Foundation (KFF) details COVID-19's impact on children's mental health: "Adolescents, young children, LGBTQ youth, and children of color may be particularly vulnerable to negative mental health consequences of the pandemic. During the pandemic, more than 25% of high school students reported worsened emotional and cognitive health; and more than 20% of parents with children ages 5-12 reported their children experienced worsened mental or emotional health." Additionally, KFF reports that the mental health of parents also suffered due to financial and emotional stressors, which could lead to higher rates of child abuse or neglect. KFF adds that "children in low-income households are at greater risk for mental health issues and are less likely to have access to needed mental health care, compared to children in high-income households." Here in Connecticut, suicidal ideation and the numbers of children in crisis has increased, as reported by the CTMirror.org on May 25, 2021: "Increasing numbers of school-aged children are showing up at Connecticut emergency departments — many of them suicidal, out of control, or with hard-to-treat eating disorders — leading to an overflow of young patients in emergency departments."

CFGC provides a continuum of care, in which our Behavioral Health and Family Support Services Units work closely together to ensure a family can achieve long-term success through trauma treatment, education, care management and the building up of support systems.

SOCIAL SERVICES & MENTAL HEALTH

Operation Hope - \$150,000

Never has Operation Hope had the opportunity to demonstrate how important our programs and services are to this community more than this past year. When the pandemic hit, we knew our services were essential. We got to work redesigning how we provide groceries, meals, housing, and compassion. We switched to a drive-thru pantry system, implemented all COVID compliant safety protocols at the community kitchen, and staggered staff to ensure someone would always be present to help a struggling neighbor. While we are just beginning to see the effects of this crisis, we already have experienced an uptick in all emergency related programs – a 40% increase in pantry use, 32% increase in meals served, and a surge in the numbers of callers looking for shelter and housing. Ahead of us is a watershed of evictions and foreclosures, putting more people at risk of homelessness. Funding from APRA will allow us to continue to meet the needs in Fairfield, and will allow us to better align resources and leverage other funding to ensure stability for our neighbors in need.

Food Services Manager: \$70,000

This position will oversee all food service operations, including the community kitchen (serving lunch and dinner Monday through Friday to anyone hungry in our community) and the food pantry (providing groceries and other basic needs to community residents struggling to make ends meet). Duties include supervising the day-to-day operations, maintaining compliance with ServSafe and other safety protocols, tracking usage, record keeping, inventory control, and more. This role is critical to our ability to address food insecurity in our community.

Homeless Resource Center Staff: \$45,000

The HRC is the front door to accessing help if homeless or in need of direction. Our team consists of outreach workers, who go out into the community and meet with people on the streets, helping them access help if they are ready for change, and intake staff (navigators and diversion specialists) who conduct initial assessments, provide information and referral, offer light-touch case management and help clients design plans to end their homelessness and move forward with their lives. Together this team helps get people out of crisis and into stability. With the additional strains on our system since the pandemic, another staff person will allow us to deal with the increasing number of individuals and families seeking assistance.

Homeless Prevention Coordination: \$35,000

With so many people finding it difficult to make ends meet, filed evictions at an all-time high, landlords struggling due to lack of income during the moratorium, loss of income and employment and people struggling to come back after the pandemic, we know assistance is needed. We can offer rental arrearage assistance, foreclosure assistance, help securing social security benefits, relocation assistance and more to our community residents to keep them in housed and help them to get back on track. This position is a necessary piece of the puzzle – coordinating multiple programs, interventions, sources of funds, application processes and more. Preventing people from entering into the homeless system reduces trauma, keep families stable, and is often more cost effective than the alternatives.

ECONOMIC DEVELOPMENT

Plan of Conservation & Development, Zoning Regulation Review \$175,000

The Plan of Conservation and Development (POCD) is the local plan and statement of policy goals for the physical and economic development of the town. The elements of the Plan are defined by State Statute and the plan is required to be updated every ten years. Aside from the statutory requirements, the Plan is important because it helps guide and shape the future of our community from a land use perspective. Absent such planning work, and the community engagement component that is critical to its success, the Town risks allowing others to dictate how and where development should occur.

While the Town completed a partial update to its POCD in 2016, which incorporated new demographic and statistical data as well as elements of the regional plan prepared by MetroCOG, it has not performed a comprehensive review of its land use policies since 2000. Recognizing this, the TPZ Commission and staff began work on a more thorough update utilizing in-house resources due to budgetary constraints. This approach, which has been complicated by a global pandemic and demands on staff to keep pace with increased permit activity, will take at least several more years to complete. Funding to engage a planning consultant will enable the Town to complete an update to its POCD more expeditiously. Moreover, funding will allow for modernization of the Town's zoning regulations to reflect the policy goals outlined in the updated POCD. The zoning regulations have not undergone a similarly thorough review and re-write in more than thirty years. The update of the POCD combined with a regulation update will serve to better guide development activity in a manner consistent with the aspirational goals of the Town.

An updated POCD is critical to the Town's business investment and attraction efforts, since land use policies and regulations are the single biggest determinant of what can be built and where.

Downtown Resiliency Project with Permeable Surfacing \$1,420,000

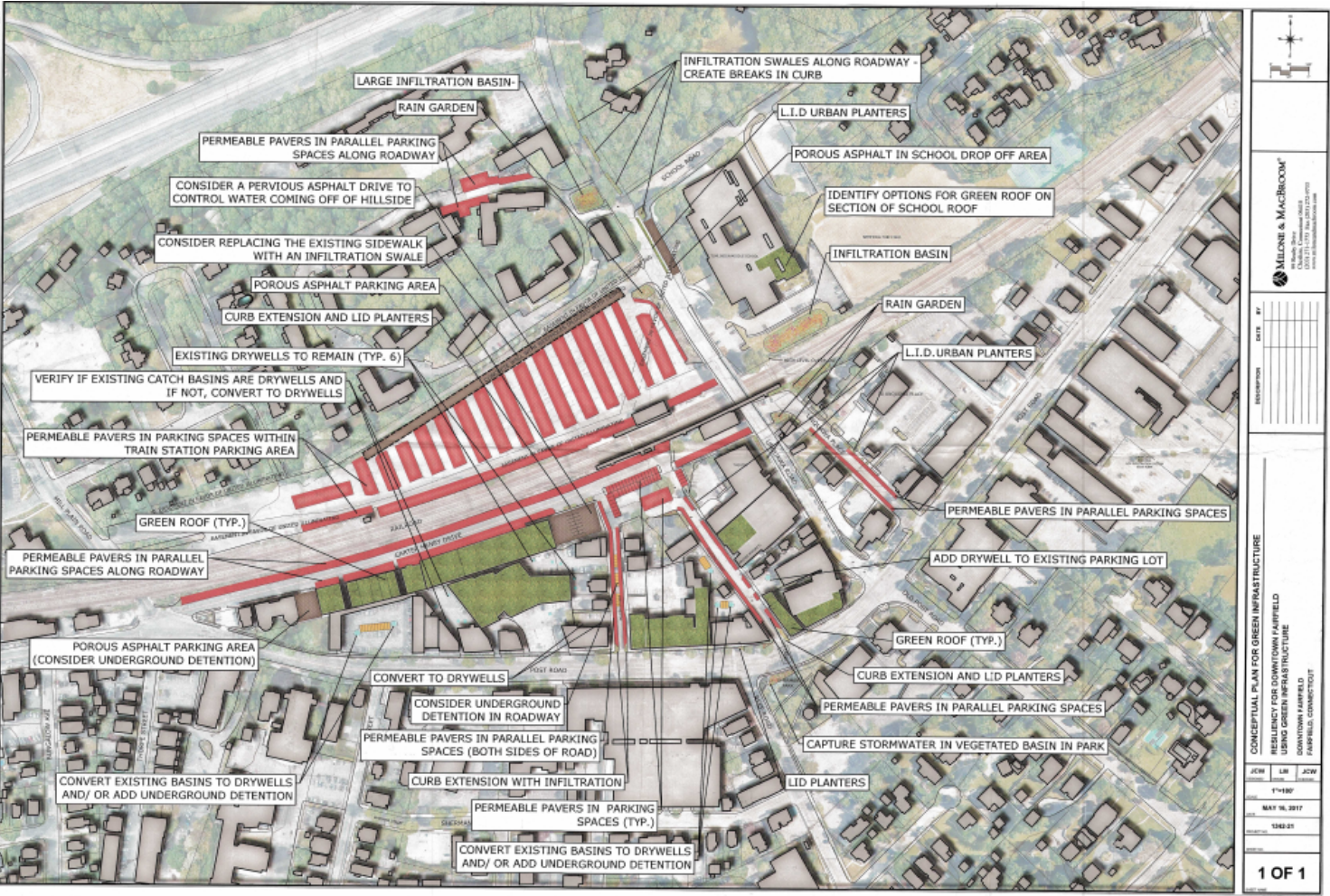
The goal of this project is to utilize and install "green" infrastructure to mitigate flooding and improve resiliency in downtown Fairfield. This project employs a range of strategies to reduce flooding effects on critical infrastructure and key businesses in the central business district by decreasing runoff and peak flows.

Following Superstorms Sandy and Irene, the Town of Fairfield retained Milone and MacBroom to conduct an engineering study to assess the feasibility of using green infrastructure approaches to reduce downtown flooding and to improve the resiliency of key infrastructure. The downtown business district is a key economic hub, which has been increasingly prone to flooding in recent years due to excessive urban storm water runoff in conjunction with an under-sized and tidally influenced storm drainage system.

ECONOMIC DEVELOPMENT

The study concluded that soil and groundwater conditions are favorable and that there are significant opportunities within the downtown core to utilize green infrastructure approaches that could help significantly reduce runoff peak flows and volumes and lessen the severity and frequency of flooding.

The study recommended a range of approaches including the installation of curb extensions and rain gardens, tree boxes, porous pavement and permeable pavers, green roofs and rooftop detention systems, among other strategies. This project intends to build on some of the work that has already been done including the installation of underground galleries to provide additional detention capacity in Sherman Green.



Body Cameras, Dashboard Cameras & Tasers - \$3,700,000

Recognizing legislative changes related to police accountability and the necessity to evolve as a police agency with regard to transparency and accountability as well as the need to improve training surrounding empathy and use of force, the Fairfield Police Department has found Axon Enterprise, Inc, to provide services, and meet those needs. In addition, with understanding that federal funding may be available to assist in this acquisition, the proposed Axon package bundles hardware, software, accessories, training programs, 24/7 customer support, equipment refreshes, and warranties together, to help equip our officers with the technology solutions they need. In addition, this package includes technology and training programs which allow officers to better connect with the public on calls for services as well as prepare to handle situations in the most effective and empathetic way possible while focusing on de-escalation prior to the use of force. As our current technology ages and the need for additional and more advanced technology increases, the Axon platforms provide us with the most reliable, efficient and cost-effective solution to maintain our services at the highest level.

Axon products work together seamlessly as a single network and are designed to give law enforcement the tools they need to focus on what matters, get to the truth faster and make the community a safer place. Axon allows us to keep our community safe and save on critical budget items by bundling products and services. This proposal would provide our agency with next-generation devices and software, delivering seamless integration, budget predictability and automatic upgrades with no additional costs. It is the most cost-effective and fiscally responsible way to equip our personnel with the latest technology.

The total 10 Year Costs for this technology solution which, by investing in it as a bundle, versus a la carte purchases, reflects an overall savings of over \$1,570,000.00 over the span of a 10-year contract.

It should also be noted that currently the Police Department has \$75,000 budgeted annually for Tasers alone. The proposed package includes the Taser program with additional discounts included. Axon further discounted the Fleet 3 Advanced Bundle in an effort to ensure they remained competitive and to offer the most cost-effective solution. This solution typically costs \$208 per vehicle per month. In the attached 10-year quote, they have discounted that to less than \$160 per vehicle per month, a savings of over \$201,000 for the Fleet bundle alone.

Perry's Green Bulkhead - \$1,000,000

Perry's Green Bulkhead is located at Perry's Green Park at Southport Harbor along Harbor Road. The bulkhead system is estimated to be at least 55 years old and probably much older. Replacement of the Bulkheads has been requested as part of the Capital Improvement Plan for decades.

From time to time, DPW has backfilled sinkholes, repaired concrete cap and repointed stones when they have popped out. Unfortunately, the condition of the timber frame and steel bulkhead have deteriorated beyond repair. This has created a potentially dangerous situation. The concrete wall has cracks, timber has blunt ends and steel has corroded with sharp edges that stick up or are very close to existing grade. On the Northwest side of Harbor Road, there is also a stone culvert with associated tide gate structure located at the terminus of Horse Tavern Brook that needs significant repair or replacement.

The purpose of the project is to replace the existing bulkhead with a new bulkhead that will secure the surrounding park area from erosion, prevent sinkholes and remove a potentially dangerous structure. The new bulkhead will improve conditions for the park and park users.

The tide gate structure across the street is now in poor condition. Stones have popped out, tide flap gates are not functioning properly because the gates are hitting the sidewall (as soil pressures have shifted the headwall).

Our previous "band aid" approach to these issues are no longer feasible.

Town Wide Guard Rail & Fence Improvements \$200,000

Engineering has identified guard rails in need of replacements and fence improvements to increase pedestrian and traffic safety, and to adhere to CT DOT letters of deficiencies.

Firehouse Renovations - \$500,000

The Fairfield Fire Department is in the second year of a multi-year fire station rehabilitation project. All Stations are 50 or more years old and have not received much maintenance of building envelopes HVAC and electrical systems or the functional interior spaces. The department coordinates closely with Department of Public works who is responsible for maintaining the building envelope, utilities and core building systems.

The goal of the rehabilitation program is to modernize and extend the serviceable life of these important municipal facilities.

This funding through the American Rescue Plan Act (ARPA) the department will continue with key elements of the rehabilitation master plan. The next projects to be undertaken include:

- 1) Renovation of the Administrative Offices of the second floor of the Reef Rd. Firehouse including ADA accessibility
- 2) Renovation of the 1st Floor living spaces of the Reef Rd Firehouse
- 3) Construction of storage addition to the Reef Rd Firehouse
- 4) Design Reef Rd Elevator for ADA compliance (construction contingent on subsequent funding)
- 5) Design for renovated/construction of Apparatus Maintenance Facilities (construction contingent on subsequent funding)
- 6) Renovation of Jennings Rd living spaces including; watch room, officers' quarters and shop offices.

Fill Pile Remediation - \$1,000,000

The Town's Licensed Environmental Professional, Weston & Sampson, completed the second round of testing at the fill pile/reclamation yard site, pursuant to a work plan developed with and approved by DEEP and EPA staff. The testing results are being compiled and shared with DEEP and EPA for discussion about the next steps in developing a remediation plan for the site. After regulators and the Town's advisors develop an agreed-upon remediation approach, a draft plan will be developed.

Once the Town has a draft remediation plan, I will host a Town meeting with the LEP and DEEP / EPA staff, to share the information with our community. This will be an opportunity for our residents to listen to the details of the remediation plan for the fill pile and ask questions. Following the public meeting which will likely take place this fall, the final remediation plan will be developed in concurrence with both the EPA and DEEP, and we will move forward with remediation of the fill pile.

At this time it is still unknown the full cost to clean up the fill pile but we know additional funds will be required.

Electric/Hybrid Town Vehicles & Charging Stations - \$940,000

The town fleet at Town Hall consists of 29 old Crown Victorias that are old and require continual maintenance. We are proposing to sell and/or dispose of the old vehicles, and replace them with a combination of hybrid and electric vehicles for employees. The cost will also cover upgrading the electric service to Sullivan Independence Hall and installing charging stations for the electric vehicles.

Burr Historical Gardens - \$25,000

The Burr Homestead Gardens is the four-acre public garden behind the Burr Homestead located on the Old Post Road. The historic gardens include a reflecting pond and fountain with weeping cherry trees, a notable arboretum, Summer House, marble exedra and formal garden welcoming visitors to re-live history and make new memories.

The Burr Homestead Gardens are a magnificent representation of our town's rich history. Built in 1730, burned by the British in 1779 and rebuilt in 1790, the Burr mansion and its gardens hosted many founding fathers of our country including George Washington, John Hancock, Samuel Adams, John Adams and Aaron Burr.

A Town grant of \$25,000 to the BGAC in support of site improvements will launch their matching funds campaign. The grant will demonstrate to potential donors the Town's commitment to this historic property. This will also kick-start some of the necessary improvements to the gardens outlined in the Town-approved master plan.

Rooster River Detention Area - \$3,250,000

In 2006, 2007 and 2018 the Rooster River overflowed its banks and flooded several streets and neighborhoods. For a few neighborhoods flooding occurs even more frequently. After holding a handful of neighborhood meetings, Fairfield DPW hired a consultant to perform a hydrologic study of the Rooster River watershed with designs at six strategic locations. This study concentrated on potential detention sites along the Rooster river watershed that would provide some relief for property and homeowners within the watershed. This request includes Construction, property acquisition and Inspection for the project.

The purpose of the project is to reduce flooding potential within the Rooster River watershed. In most cases, holding back storm water runoff through detention reduces the flow rate and reduces the amount of flooding for areas downstream that should benefit most homeowners. These construction improvements should reduce the amount of flooding, reduce the frequency of flooding, reduce property damage, improve access, and in improve, water quality.

The proposal includes construction of the proposed detention areas. In some cases, excavation will be required but in most cases, a berm or dike will be constructed to “hold back the water” and to limit environmental impacts. Local inland wetland permits are required. Depending on size and location, CT DEEP and US Army Corps of Engineers permits will be required. The proposal includes construction of the detention areas, potential property acquisition, wetland mitigation, landscaping, and inspection for the project.

We have also been in discussions with the City of Bridgeport, and they have committed some funds toward detention areas for Rooster River on their side of the river in a coordinated effort to tackle this well-known flooding problem.

Playground Renovations & Upgrades \$925,000

Many of Fairfield's playgrounds are outdated and in need of upgrades or full renovations. This proposal includes a renovation to the following playgrounds:

- Tunxis Hill
- Melville Park
- Lincoln Park
- Dover Park
- Highwood Park

Jennings Beach Concession - \$100,000

The building is in need of a refresh. Funds will include:

- Exterior facelift to Jennings Concession
- Kitchen upgrades
- Improvements to the lifeguard office
- Sunshades and improved seating for guests

Golf Course Maintenance Equipment - \$230,000

There are several machines needed for the upkeep of our golf courses listed in our capital plan for the Town. The proposal is to purchase a new triplex greenways, 5 plex fairway and a range cart with cage. The machines will help keep our golf courses in good shape with over 3,500 residents as season pass holders and a large increase in the number of rounds each year.

Performance Stage & Public Restrooms - \$450,000

The Town and the Fairfield Museum have a long and successful history of collaborating on the restoration of Fairfield's historic properties and revitalization of the Town Green.

Over the last decade the Fairfield Museum has raised \$1.2M in outside funding to match more than 4X the Town's investment of \$250K in those restorations, and the Museum is prepared to raise additional outside funds to complete this performance stage.

The Town Green is one of Fairfield's most important cultural destinations, enjoyed by thousands of residents who attend Halloween on the Green, Jazz Fridays, Fairfield Center Stage performances and much more. This performance building will allow the Town to better support those activities and provide residents with the necessary facilities to enjoy those activities.

Bigelow Center for Senior Activities Upgrades - \$850,000

The existing Oldfield School facility, which is currently home to the Town's Senior Center, was constructed in 1963. Due to the age of the facility, the structure is in need of renovations to update many of the existing functions for use as the Town's current Senior Center. The building still has bathrooms that were used for the former Oldfield School facility, and are antiquated for the senior population that uses the facility on a daily basis. The purpose of the project is to begin to modernize the Senior Center building and to provide much needed upgrades to the buildings infrastructure and make the portions of the building ADA compliant.

This project includes the new bathrooms that are ADA compliant, new HVAC, and update the kitchen. The purpose of the project is to begin to modernize the Senior Center building and to provide much needed upgrades to the buildings infrastructure and make the portions of the building ADA compliant.

Bigelow Center for Senior Activities Patio - \$100,000

To provide seniors with an outdoor patio for lunches, events and other gatherings in an outdoor setting. This will include repairs to the walkways to ensure it is ADA compliant, as well as lighting and electrical outlets.

ADA Consultant - \$75,000

A consultant will carry out an evaluation under the oversight of the ADA Coordinator and newly established Commission on disAbilities.

The consultant will produce a report, which will present the findings and recommendations of an Americans with Disabilities Act compliance evaluation and planning process carried out on behalf of the Town. The purpose of the initiative and the actions recommended in this report are to move the Town towards full compliance with the requirements of ADA Title II by:

- Identifying gaps and omissions in policies and procedures, and architectural barriers limiting access to programs and services;
- Presenting recommendations for adoption by the Town as its compliance and transition plan designed to bring the Town into full compliance and to ensure that qualified persons with disabilities are able to participate in and benefit from all public programs, services, and activities.

Sidewalks - \$700,000

Stratfield Road & Fairfield Woods Four Corner Installation

The Stratfield Village Association and the Town have been working together on the Four Corners Project at the intersection of Stratfield Rd/Rt 59 and Fairfield Woods Rd, the commercial center of Stratfield. The broader project includes streetscape and pedestrian improvements to the Stratfield Village Business District to enhance pedestrian safety and mobility and beautify and renovate the commercial center of the Stratfield neighborhood. Work is expected to include the installation of concrete walks, new curbing, landscaping, ornamental street lights and other appurtenances. The project encompasses the four corner intersection of Stratfield and Fairfield Woods Roads as well as their respective approaches.

The Town retained BL Companies to prepare design and construction plans for the project. BL has completed the semi-final design phase, and is awaiting comments from CT DOT. The estimated cost of the project is \$1.35 million, including design costs. The Town has received a \$650K Urban Act grant, and has committed an additional \$100K. SVNA has committed to raising an additional \$150K. The \$450K in ARPA funds will allow for the completion of the project as designed.

Southport Connectivity Project

The Southport Connectivity project is intended to rehabilitate, enhance and enrich the pedestrian experience along the Post Road corridor in Southport by utilizing consistent streetscape treatments such as new universally accessible and ADA compliant concrete sidewalks and pedestrian ramps, curbs, pedestrian signals, traffic calming bulb outs, pavement markings, minor landscaping, turf establishment and other safety/pedestrian improvements. The project is focused on both sides of Route 1 (Post Road) in Southport, stretching from Exit 19/Pease Avenue to approximately 300 feet west of Hulls Highway intersection.

This area was identified as needing improvement following a State funded Road Safety Audit conducted in 2016 which identified numerous issues regarding the lack of pedestrian amenities and condition of walks and other infrastructure. The project goal is to improve pedestrian safety and connectivity along Post Road (US 1) while improving economic development in the area. The design will connect pedestrians from the surrounding neighborhoods with various businesses, restaurants, doctor offices and mass transit within the Fairfield “Designed Commercial District”.

Diversity & Inclusion Consultant - \$75,000

Working with the Human Resources Director, a consultant will review the blueprint assembled by the Racial, Equity, and Justice Task Force, which outlines goals, actions, and timelines identified by the Task Force as areas of improvement. The Diversity and Inclusion Consultant will then assist with the implementation of recommendations as adopted by the Board of Selectmen.

HVAC for Fairfield Public Schools - \$1,000,000

The administration asked for an HVAC project to fund in the schools and at the request of Superintendent Mike Cummings, this funding will go towards the air conditioning in the sixth grade wing of Fairfield Woods Middle School.

Town & Board of Education Fiber Optic Network - \$2,700,000

The Town-wide fiber-optic Wide Area Network connects twenty Town buildings, and twenty BOE buildings to each other and the Internet. Five additional smaller Town sites are also connected to the Town WAN via cable modem; three Town sites are not connected at all. The Town currently leases the fiber-optic lines through its managed network provider, ChimeNet, who in turn leases the circuits from Crown Castle. Currently, the fiber lease portion of the annual WAN expenses are \$341,673 per year.

This cost goes up every five years at contract renewal. (Some of this cost may be reduced through E-Rate reimbursement for BOE's portion of the network.) Recent one-off additions to the network (i.e., new redundant connection from Police HQ to Fire 2, and the new BOE Maintenance Facility) have been quoted at substantially higher costs than existing circuits that are "grandfathered in" at the existing rates.

This proposal is for the Town to exercise its Municipal Gain rights to attach its own fiber lines to utility poles in order to install its own network infrastructure with far higher capacity. The Town's managed network provider would continue to manage the network and contact the fiber vendor for repair when needed. The payback period is estimated at approximately ten years, after which the annual cost to the taxpayer would drop to just maintenance/repair costs, estimated to be well below \$50,000 per year.

TOWN MODERNIZATION & INFRASTRUCTURE

Paving - \$3,000,000

A town-wide evaluation already is in progress by an outside consultant who will rate every road in the Town in order to develop a prioritization matrix with repair solutions and costs. The paving program will be developed from this engineering document.

A sidewalk evaluation will be conducted in concert with the roadway review, and a matrix will be developed for that as well.

Traffic Lights -\$1,000,000

The Town has 15 intersections that it maintains. These installations were done over many years and as such, obsolete parts and part availability impact repairs. Controllers do not match and present problems for maintenance. A Traffic Engineer will be engaged to determine the most vulnerable locations, prioritize projects and design improvements.

Improvements will include standardization of controllers and all other components, new mast arm where needed, centralized management of operations and design to facilitate future technological improvements and help ease the increasing burdens of traffic throughout the Town.

These changes will help improve traffic safety and the flow of traffic in Town, and enable the Town to keep pace with increasing development.

Hybrid Town Meetings - \$400,000

We are proposing an upgrade to the current live-streaming capabilities of the Town and Board of Education. In order to live-stream meetings and to allow board member and public participation, in person and virtually, and work with Fair TV, the rooms must be equipped with new technology.

The system proposed would consist of ceiling-mounted microphones that would work in tandem with multi-position ceiling-mounted cameras. This system was chosen because of the ease of operation and required no IT support during the meeting.

In addition, the system will allow for easy plug-and-play connectivity to the town's Fair-TV broadcast network.

Locations were chosen for their ease of public access, the building capacity, and working hours to allow for this change with as little disruption to existing operations as possible. Sites selected include two meeting rooms at the town hall, the conference room at the Board of Ed building, and rooms to be identified at a school.

	Item	Proposed/ Approved	CIP	CapEx / OpEx	Cost
Economic					
	Plan of Conservation and Development (POCD)	P		OpEx	\$175,000
	Downtown Resiliency - Permeable Surfacing	P		CapEx	\$1,420,000
Public					
	Body Cam/Dash Cam/Tasers	P		OpEx	\$3,700,000
	Fire Station Rehabilitation	A	CIP	CapEx	\$500,000
	Fill Pile	P	CIP	CapEx	\$1,000,000
Social Serv					
	Non-profit Mental Health	P		OpEx	\$450,000
	COVID Recovery Assistance	P		OpEx	\$250,000
Quality of					
	Senior Center Renovation	P	CIP	CapEx	\$850,000
	Deck/patio behind senior center	P	CIP	CapEx	\$100,000
	Paving throughout Town	P		Both	\$3,000,000
	Rooster River Detention Area	P	CIP	CapEx	\$3,250,000
	Sidewalks	P		CapEx	\$700,000
	Jennings Beach Concession Upgrades	P	CIP	CapEx	\$100,000
	Tunxis Hill Park Playground	P	CIP	CapEx	\$150,000
	Melville Park Playground	P	CIP	CapEx	\$175,000
	Lincoln Park Playground Replacement	P	CIP	CapEx	\$150,000
	Dover Park Playground Replacement	P	CIP	CapEx	\$150,000
	Highwood Park Playground Replacement	P	CIP	CapEx	\$300,000
	Traffic Lights	P			\$1,000,000
	Performance Stage, Public Restrooms	P		CapEx	\$450,000
	Golf Course Maintenance Equipment	P		CapEx	\$230,000
	HVAC	P	CIP	CapEx	\$1,000,000
Environm					
	Electric/Hybrid Vehiclces	P		OpEx	\$740,000
	Electric Car Charging Stations	P		CapEx	\$200,000
	Burr Historical Gardens				\$25,000
Town					
	Town-wide Guard Rail and Fencing	A	CIP	CapEx	\$200,000
	Town and BOE Fiber Optic Network	P		CapEx	\$2,700,000
	Perry's Green Bulkhead	P	CIP	CapEx	\$1,000,000
	ADA Consultant	P		OpEx	\$75,000
	Diversity & Inclusion Consultant	P		OpEx	\$75,000
	Hybrid Meeting Technology	P		CapEx	\$450,000

*CIP: This project is currently included in the Capital Improvement Plan

*OPEX: Operating Expenditure

*CAPEX: Capital Expenditure

\$24,565,000

On Sun, Aug 20, 2023 at 10:27 PM Elizabeth Zezima <lizzezimartm@gmail.com> wrote:
Brenda,

I am in receipt of your response to Mark and subsequent correspondence related to our request for updates at this month's RTM meeting.

I wish to remind you that we are an independent body with oversight powers, and RTM agendas are at our discretion only. They are to be issued by us without undue interference, or lack of cooperation, from other branches of Government, elected bodies or employees of the Town. Separation of powers is fundamental to our political system and Town Government.

We are perfectly amenable to adjusting our schedule to accommodate absences, or for other unforeseen circumstances, but we expect it is understood that the Executive branch answers to us, not the other way around.

The RTM represents almost 62K residents and taxpayers, and as their elected Representatives, we have an obligation to bring necessary business before the RTM. I am not going to direct them to watch other meetings or read your Newsletter in lieu of carrying out our sworn duties. And neither should elected members of any Board be so directed. I also wish to remind you that the Newsletter is a constituent service, and is in no way to be construed as official town business, or a substitute thereof.

I must categorically reject your purported reasons for rejecting our request. We submitted the agenda within the required time prior to our meeting, so the matter of scheduling is moot.

As for the balance of your reasoning, it is not within your purview to decide how we conduct our business, or what we can request. We look to your Administration for respectful compliance in response to reasonable and necessary requests.

You direct us to meetings of other elected boards to "ask questions", which of course is not allowed. After conducting an 18 month forensic analysis of the Charter, I should not need to make the relevant citations on this or any other matter to which we are legally bound or forbidden.

Penfield construction was scheduled to begin in September, therefore asking for critical updates on finalized plans, projected costs, and the status of securing construction insurance is more than warranted. This month. The Penfield section under the First Selectwoman's Office has not been updated since June.

I have reached out to Bill Hurley on his exclusion from our meeting, as the lack of updated information on the Town website about Rooster River projects make it necessary to hear from him. Various written updates, including your Newsletter and email correspondence, make no mention of Owen Fish. It is for this reason residents of Stratfield mistakenly believe the Owen Fish project is not moving forward. I can certainly direct all questions to your office until which time we conduct a proper public review at the RTM table, allowing members of the community

to make public comment. The community meeting slated for September, not yet scheduled, is not a substitute for conducting the business of the RTM.

I am relying on your commitment to transparency as the basis for your full cooperation with this body, and through us to answer to the citizens of this town.

If you have any questions kindly feel free to reach out on my cell below.

As stated by Moderator McDermott, these items will be on the September agenda, and are non negotiable unless there are reasons within our discretion to remove any of them. We will coordinate with all stakeholders accordingly.

With Jackie's return to work I have removed Pam Iacono from this email chain, as she should no longer be working in her temporary position, which kindly confirm.

Betsy, this email is to be added to whatever else Moderator McDermott has directed to be included in our backup this month, including the First Selectwoman's response to his Agenda notification. Thank you in advance.

Respectfully,

Liz Zezima

Elizabeth Zezima
RTM Democratic Majority Leader
Chair SLMC
Representative District 4
Cell: 203.856.4868
lizzezimartm@gmail.com

----- Forwarded message -----

From: **Kupchick, Brenda** <BKupchick@fairfieldct.org>
Date: Fri, Aug 18, 2023 at 1:21 PM
Subject: Re: RTM August Committee & Regular Meeting Schedule
To: McDermott, Mark A. <markmcdrtm7@gmail.com>
CC: Bremer, Tom <TBremer@fairfieldct.org>, Iacono, Pamela <PIacono2@fairfieldct.org>, Browne, Betsy <BBrowne@fairfieldct.org>, Bertolone, Jackie <JBertolone@fairfieldct.org>, Baldwin, James <jbaldwin@cbklaw.net>, Schmitt, Jared <JSchmitt@fairfieldct.org>

Mark,

We can discuss this over the phone next week.

I encourage you and your members to read my newsletter that I just sent out where most of this information is located.

The monthly bos penfield update is scheduled for Monday. Your members are welcome to tune in or watch on fairtv too get a statue update.

A Rooster river update is being scheduled for after Labor Day.

Have a lovely weekend.

Brenda L. Kupchick
First Selectwoman
Sullivan Independence Hall
725 Old Post Road
Fairfield, CT 06824
203.256.3030

[www.fairfieldct.org<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.fairfieldct.org%2f&c=E,1,jrpv0e2WxjAAhoOATLALUHcbk_TLJ597i6ZcaovMfpPKvzTXC_-3fu5CUFIH2DrCfbPJ4Ax9gpQ8l2luspGOoe3tYoKmiPUAofU72-96IA.,&typo=1>](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.fairfieldct.org%2f&c=E,1,jrpv0e2WxjAAhoOATLALUHcbk_TLJ597i6ZcaovMfpPKvzTXC_-3fu5CUFIH2DrCfbPJ4Ax9gpQ8l2luspGOoe3tYoKmiPUAofU72-96IA.,&typo=1)

On Aug 18, 2023, at 1:13 PM, Mark McDermott <markmcdrtm7@gmail.com> wrote:

Hi Brenda,

So you are prepared, these items will be on the agenda for the September 18th RTM meeting.

I will be putting the following items on the RTM August Committee & Regular Meetings. The presentations can be made on either night.

1. Update on Penfield Pavilion construction, remediation and insurance.
2. Update on VERIP, including job descriptions.
3. Update on ARPA projects.
4. Update on the Rooster River Mitigation projects.
5. Update on Duck Farm Bridge project.

Best, Mark

On Wed, Aug 16, 2023 at 9:53 AM Mark McDermott
<markmcdrtm7@gmail.com<<mailto:markmcdrtm7@gmail.com>>> wrote:
Hi Brenda.

Thank you. Considering all of the information you provided in your email, it looks like you would be more than capable to present to the RTM this month. I'm disappointed you can't

accommodate this request for updates on this funding that the RTM has approved over the past year or more. I will share this with the RTM and if they have questions I will advise. Maybe I'm out of the loop, but the only mutually agreed upon dates that I'm aware of are the SOT and Budget Meetings.

Best, Mark

On Tue, Aug 15, 2023 at 3:06 PM Kupchick, Brenda
<BKupchick@fairfieldct.org<mailto:BKupchick@fairfieldct.org>> wrote:
Mark,

Please see attached response to your email.

Brenda L. Kupchick
First Selectwoman
Town of Fairfield
203.256.3030

[www.fairfieldct.org<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.fairfieldct.org&c=E,1,J9KrBq1OkX4_LdPv3cR5Hh63fghkykf3lpkzTNUQHP8ZKZhqz114C34UqGtbeYwMB21UwWY_a4v_K8agNgDJ86rkaL3ZLpb5BSn4YSY36rMqqvYyHSK-yaMpAw,&typo=1>](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.fairfieldct.org&c=E,1,J9KrBq1OkX4_LdPv3cR5Hh63fghkykf3lpkzTNUQHP8ZKZhqz114C34UqGtbeYwMB21UwWY_a4v_K8agNgDJ86rkaL3ZLpb5BSn4YSY36rMqqvYyHSK-yaMpAw,&typo=1)

From: Mark McDermott <markmcdrtm7@gmail.com<mailto:markmcdrtm7@gmail.com>>
Sent: Tuesday, August 15, 2023 10:04 AM
To: Kupchick, Brenda <BKupchick@fairfieldct.org<mailto:BKupchick@fairfieldct.org>>
Cc: Bremer, Tom <TBremer@fairfieldct.org<mailto:TBremer@fairfieldct.org>>; Iacono, Pamela <PIacono2@fairfieldct.org<mailto:PIacono2@fairfieldct.org>>; Bertolone, Jackie <JBertolone@fairfieldct.org<mailto:JBertolone@fairfieldct.org>>; Browne, Betsy <BBrowne@fairfieldct.org<mailto:BBrowne@fairfieldct.org>>
Subject: RTM August Committee & Regular Meeting Schedule

Hi Brenda,

I will be putting the following items on the RTM August Committee & Regular Meetings. The presentations can be made on either night.

1. Update on Penfield Pavilion construction, remediation and insurance.
2. Update on VERIP, including job descriptions.
3. Update on ARPA projects.
4. Update on the Rooster River Mitigation projects.
5. Update on Duck Farm Bridge project.

Best, Mark

--

Mark A. McDermott

RTM Moderator

RTM District 7

RTM Ed & Rec Committee

RTM Senior & Disabled Tax Relief Committee

PTA Member - FLHS

Email: markmcdrtm7@gmail.com<mailto:markmcdrtm7@gmail.com>

Cell Phone: 1-917-744-1479

Date: August 25, 2023

To: First Selectwoman Brenda Kupchick

From: Bill Gerber

Re: Bill Gerber response to First Selectwoman Kupchick's letter dated August 15th, 2023, included in the August 28, 2023, RTM meeting backup.

I suppose that because I am running for First Selectman, you may be more inclined to call me out publicly now. Fortunately, I try to live my life in a way that I can defend my actions, including owning up to - quickly, openly, and decisively - my mistakes. In this instance, I have nothing to own up to except my trust that your administration would have delivered the assessments and reporting on the expensive Volunteer Employee Incentive Buyout Program (VERIP) that you promised. For example, bullet point #4 on your "Goals of VERIP" was "Make government smaller, more efficient, and smarter through technological advancements and managerial improvements." Outsiders to Town Hall do not have visibility into most of your stated VERIP goals, but this is one for which we do, and you have made government materially larger, not smaller.

Please see links to your presentations below, backing your request for BOF and RTM support for the VERIP in late 2020. Your financial and non-financial objectives for the VERIP are laid out. As I believe you are aware - because I made it clear - I based my vote in favor of it on these worthy stated objectives and I placed my faith in your promise to track and report on the actual results/costs versus those you presented. When crossing the aisle to support you, I explained to my Democratic colleagues that I believed, as your first major initiative as First Selectwoman, you had a right to my support if you could make a good case. My clear position on this can be objectively confirmed, on multiple fronts.

The Human Resources Director you hired, James Haselkamp (former director of Personnel and Labor Relations in Norwalk, prior to that Stamford, and after that Waterbury, then Trumbull as Labor Relations Director under First Selectman Tim Herbst) was presented by you as someone who had worked on several employee incentive retirement programs, and you exhibited great faith in his abilities to the RTM. Your administration explained that the cost/benefit of those other VERIP programs he was involved with, or the past one in Fairfield, could not be objectively assessed, but this time would be different. It seems this time is no different, and Mr. Haselkamp has moved on once again.

The objectives in your presentation should have been measured, tracked, assessed, and reported to determine the effectiveness and cost/benefit of your VERIP. As a Town, we need to know whether these VERIP programs provide net value, versus a slower but more long-lasting approach of assessing and documenting personnel performance and pushing out employees with performance/other issues. The latter approach would have been preferred by many of my

colleagues on the RTM. In fact, I would have preferred that approach but gave you the benefit of the doubt.

It is unclear to me why you mentioned my lack of email response to one of your employee's emails offering a **PRIVATE** meeting on a very expensive, **PUBLIC** issue, because I did give my response verbally – and emphatically- prior to his email at the RTM Budget meeting RTM 4-18-2023 23/24 Budget Hearing #2, Timestamp 33:21: [FairTV RTM 4 18 2023 23-24 Budget Hearing 2](#). I am not sure there is much room for interpretation of my request when I referred you to a presentation created by you and your staff, made to the BOS and RTM: Here is a link to your presentation: [First Selectwoman Presentation VERIP](#).

Here are the relevant sections of your letter to RTM Moderator



Town of Fairfield
Office of the First Selectwoman

Brenda Kupchick
First Selectwoman
203-256-3030

725 Old Post Road
Fairfield, CT 06824

August 15, 2023

Mr. Moderator,

/////

That being said, at my request, town employees dedicate a significant amount of time to share regular updates through their websites and additionally, I share updates through the Town newsletter. The RTM, BOF and BOS are all on the newsletter distribution list, however, for the record, I am happy to provide the following information:

/////

2. Update on VERIP, including job descriptions:

CFO Jared Schmitt had responded with information regarding VERIP in April and also invited Representative Gerber and Representative Pistilli to meet with him to review the program and discuss in detail what specific information they were looking for. Due to the complexity of the program, some of the information requested may require an actuarial analysis, which the Town would have to hire a firm to conduct. To date, Mr. Schmitt has not received a response to that April email and the invitation remains open. (see attached)