



General Assembly

January Session, 2015

**Raised Bill No. 6729**

LCO No. 3332



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT CONCERNING THE USE OF CERTAIN NOISE-MAKING DEVICES FOR AGRICULTURAL PURPOSES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-26g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) No person may use any noise-making device to scare or repel  
4 wildlife in order to prevent the damage and destruction of agricultural  
5 crops unless such person obtains a permit for each such device from  
6 the Commissioner of Agriculture. Notwithstanding any provision of  
7 the general statutes or any provision of a municipal ordinance, which  
8 ordinance is adopted after June 21, 1967, a person engaged in  
9 agriculture may make written application to the commissioner for such  
10 a permit on forms prescribed by the commissioner. The commissioner,  
11 or [his] the commissioner's designee, [shall] may make an on-site  
12 inspection prior to making a final determination regarding an  
13 application for such permit. Prior to the issuance of such permit, the  
14 applicant shall provide evidence of the need for protection of [his] the  
15 applicant's crops, [and] a description of other methods employed to

16 prevent crop damage and an estimate of the potential loss, as a  
17 percentage of the crop, attributed to wildlife damage. The term of the  
18 permit shall be for the period for which protection of the crops  
19 specified in the application is necessary.

20 (b) The application shall state (1) the type of noise-making device to  
21 be used, (2) the location of the farm where such device will be used, (3)  
22 the locations on the farm where such device will be used, (4) the  
23 animal causing damage, (5) the crops to be protected, (6) the hours and  
24 interval of operation, (7) the period for which protection is needed, and  
25 (8) the name, address and signature of applicant or landowner, if  
26 different.

27 (c) The commissioner may authorize the use of the following in  
28 permits issued under this section: Propane exploders, acetylene  
29 exploders, carbide exploders, electronic noisemakers and similar noise-  
30 making devices. The use of fire crackers and similar explosives is  
31 prohibited. No permit shall be issued for the use of any noise-making  
32 device for a property of less than five acres in area or for use within  
33 five hundred feet of any dwelling, other than the dwelling of the  
34 applicant for such permit, without the written consent of the occupants  
35 of such dwelling.

36 (d) No person may operate or allow the operation of noise-making  
37 devices pursuant to this section in excess of 80 dB peak sound pressure  
38 level from ten o'clock p.m. to seven o'clock a.m. local time or in excess  
39 of 100 dB peak sound pressure level from seven o'clock a.m. to ten  
40 o'clock p.m. local time. Such sound level shall be as measured from the  
41 property line of any receptor residential property. Any noise-making  
42 device authorized pursuant to this section shall be operated in  
43 accordance with the recommendations of the manufacturer of such  
44 device and any written conditions contained in the permit that the  
45 commissioner or the commissioner's designee deems appropriate.

46 (e) No noise-making device shall be used in any manner or in any

47 location that may endanger public safety. Any noise-making device  
48 permitted under this section to repel or scare birds may only be  
49 operated from one-half hour before sunrise to one-half hour after  
50 sunset. Any such noise-making device used to repel or scare nocturnal  
51 or crepuscular marauding wild animals may be operated between  
52 sunset and sunrise.

53 (f) Any noise-making device used pursuant to this section shall bear  
54 a weather-resistant tag that shall state the name, address and phone  
55 number of the operator of the noise-making device. At all times, such  
56 tag shall be securely affixed to the noise-making device and shall be  
57 legible.

58 ~~[(f)]~~ (g) If the legislative body of any municipality adopts a  
59 resolution [which] that states that there is undue hardship on nearby  
60 residents as a result of the use of any device permitted under this  
61 section, and [which] that requests that the commissioner deny or  
62 cancel the right to use such device, the commissioner, in accordance  
63 with the provisions of chapter 54, may deny or cancel a permit to use  
64 such device if [he] the commissioner determines that its use creates, or  
65 will create, an undue hardship on nearby residents. In making any  
66 such decision, the commissioner may consult with experts in wildlife  
67 damage to crops and any county or state-wide advisory group [he] the  
68 commissioner deems appropriate.

69 ~~[(g)]~~ (h) The Commissioner of Agriculture, [may revoke a permit  
70 issued pursuant to this section] or the commissioner's designee, shall  
71 issue a warning notice for any violation of any provision of this  
72 section. [provided the] The commissioner shall revoke such permit for  
73 not less than one year upon the third violation of this section in any  
74 twelve-month period by any such permittee. Any person who has his  
75 or her permit revoked by the commissioner or the commissioner's  
76 designee may appeal such order provided such person requests a  
77 hearing, in writing, to the commissioner and such request is received  
78 by the commissioner not later than fifteen days after the date of such

79 order. During any such appeal, such order shall remain in effect until a  
80 final decision is rendered. The commissioner may appoint a hearing  
81 officer to hear such appeal and render a final decision, as the  
82 commissioner deems appropriate. In any such appeal, the only  
83 consideration shall be whether the violation or violations alleged  
84 actually occurred.

85 (i) Any person who operates a noise-making device without a  
86 permit, during an appeal period for a permit revocation or after a  
87 permit is revoked shall be fined one hundred dollars for the first  
88 offense and three hundred dollars for a second and any subsequent  
89 offense. Each noise-making device operated in violation of this section  
90 shall constitute a separate offense.

91 Sec. 2. Subsection (b) of section 51-164n of the general statutes is  
92 repealed and the following is substituted in lieu thereof (*Effective*  
93 *October 1, 2015*):

94 (b) Notwithstanding any provision of the general statutes, any  
95 person who is alleged to have committed (1) a violation under the  
96 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
97 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
98 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,  
99 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
100 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
101 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
102 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
103 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
104 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
105 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
106 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
107 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
108 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
109 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
110 14-153 or 14-163b, a first violation as specified in subsection (f) of

111 section 14-164i, section 14-219 as specified in subsection (e) of said  
112 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
113 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
114 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
115 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-  
116 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
117 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,  
118 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,  
119 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,  
120 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,  
121 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-  
122 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,  
123 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,  
124 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,  
125 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-  
126 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-  
127 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-  
128 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or  
129 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63  
130 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,  
131 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of  
132 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, as  
133 amended by this act, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-  
134 39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-89, 22-90, 22-98, 22-99, 22-  
135 100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326  
136 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-  
137 366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
138 section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or  
139 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,  
140 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)  
141 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a)  
142 of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31,  
143 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59,  
144 subdivision (1) of subsection (d) of section 26-61, section 26-64,

145 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,  
146 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-  
147 138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,  
148 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-  
149 230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-  
150 288, 26-294, 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a,  
151 subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-  
152 161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277,  
153 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,  
154 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,  
155 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52,  
156 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-  
157 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-  
158 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-  
159 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of  
160 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-  
161 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-  
162 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344,  
163 subsection (c) of section 53-344b, or section 53-450, or (2) a violation  
164 under the provisions of chapter 268, or (3) a violation of any regulation  
165 adopted in accordance with the provisions of section 12-484, 12-487 or  
166 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any  
167 town, city or borough, except violations of building codes and the  
168 health code, for which the penalty exceeds ninety dollars but does not  
169 exceed two hundred fifty dollars, unless such town, city or borough  
170 has established a payment and hearing procedure for such violation  
171 pursuant to section 7-152c, shall follow the procedures set forth in this  
172 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	22-26g
Sec. 2	<i>October 1, 2015</i>	51-164n(b)

**Statement of Purpose:**

To provide additional requirements for the operation of noise-making devices used to prevent damage to crops and to provide enhanced enforcement authority concerning such requirements, including the ability to fine violators.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*