



General Assembly

Substitute Bill No. 6729

January Session, 2015



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 Section 22-26g of the general statutes is repealed and the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] a permit
73 issued pursuant to this section for not less than one year upon the third
74 violation of this section in any twelve-month period by [any] such
75 permittee. Any person who has his or her permit revoked by the
76 commissioner or the commissioner's designee may appeal such order
77 provided such person requests a hearing, in writing, to the
78 commissioner and such request is received by the commissioner not
79 later than fifteen days after the date of such order. During any such
80 appeal, such order shall remain in effect until a final decision is
81 rendered. The commissioner may appoint a hearing officer to hear
82 such appeal and render a final decision, as the commissioner deems
83 appropriate. In any such appeal, the only consideration shall be
84 whether the violation or violations alleged 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,

