

Proposed Noise Control

Section 1 Declaration of Policy

Inadequately controlled noise presents a growing danger to the public health and welfare of persons within the Town of Greenwich. The policy of the Board of Health is to promote an environment free from noise that jeopardizes the health and welfare of persons within the Town of Greenwich.

Section 2 DEFINITIONS

- 2.1 BOARD OF HEALTH: is that board authorized by Section 25 of Number 444 of the Special Acts of 1939, as amended.
- 2.2 BUSINESS ZONE: shall include, BEX-50, WB, LB, LBR, CGB, CGBR, GB, GBO, and P zones as so designated in the current zoning regulations and zoning map of the Town of Greenwich.
- 2.3 CONSTRUCTION: is any, and all, physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property, and shall include, but not be limited to, land clearing, grading, excavating, filling and paving.
- 2.4 DAYTIME: is 7:00 a.m. to 10:00 p.m. local time.
- 2.5 DIRECTOR: is the Director of Health as defined in the Special Acts of the Town of Greenwich, or his/her authorized representative.
- 2.6 EMERGENCY: is any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.
- 2.7 FIRE HORN: is a sound producing device activated by compressed air or electronics, located at a Fire Station, to alert fire fighting personnel.

- 2.8 LEGAL HOLIDAY: shall include all legal holidays designated by the Town of Greenwich.
- 2.9 MOTOR BOAT: is defined as any vessel, not more than sixty-five feet in length and propelled by machinery, whether or not such machinery is the principal source of propulsion.
- 2.10 MOTOR VEHICLE: is defined as per Section 14-1 (26) of the Connecticut General Statutes.
- 2.11 MOTORCYCLE: is defined as per Section 14-1 (25) of the Connecticut General Statutes.
- 2.12 MUFFLER: is a device for abating sounds such as escaping gasses.
- 2.13 NIGHTTIME: is 10:01 p.m. to 6:59 a.m. local time.
- 2.14 PERSON: is any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.
- 2.15 PREMISES: is 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 publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.
- 2.16 PROPERTY LINE: is that real or imaginary line along the ground surface and its vertical extension which a) separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and b) separates real property from the public right-of-way.

- 2.17 PUBLIC RIGHT-OF-WAY: is any street, avenue, boulevard, highway, alley, sidewalk, park, waterway, railroad or similar place which is owned, maintained or controlled by a government entity over which the public in general has a right of passage.
- 2.18 RESIDENTIAL ZONE: shall include RA-4, RA-2, RA-1, R-20, R-12, R-7, R-6, R-MF, RC, PHD-E, PHD-N, RPHD-TH, RPHD-SU, R-PR zones as so designated in the current zoning regulations and zoning map of the Town of Greenwich.
- 2.19 WEEKDAY: is any day Monday through Friday which is not a Legal Holiday.

Section 3 ACOUSTIC TERMINOLOGY AND DEFINITIONS

- 3.1 All accoustical terminology used in these Regulations shall be in conformance with the American National Standards Institute (ANSI), "Accoustical Terminology", contained in publication S1.1 as it now exists and as it may be hereafter modified. The definitions below shall apply if the particular term is not defined in the aforesaid ANSI publication.
- 3.2 AMBIENT OR BACKGROUND NOISE: is noise of a measureable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
- 3.3 DECIBEL (dB): is a unit of measurement of the sound level.
- 3.4 IMPULSE NOISE: is noise of short duration (generally less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.
- 3.5 EXCESSIVE NOISE: is any sound, the intensity of which exceeds the standards set forth in Section 5 of this Ordinance.

- 3.6 PEAK SOUND PRESSURE LEVEL: is the absolute maximum value of the instantaneous sound pressure level occurring in a specified period of time.
- 3.7 SOUND: is a transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.
- 3.8 SOUND LEVEL METER: is an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to ANSI Specifications for Sound Level Meters S1.4-1971.
- 3.9 SOUND PRESSURE LEVEL (SPL): is twenty times the logarithm to the base ten of the ratio of the sound pressure in question to the standard reference pressure of 0.00002 N/M^2 . It is expressed in decibel units.

Section 4 Measurements and Instruments

- 4.1 For the purpose of determining noise levels as set forth in this Ordinance, the following shall be applicable.
- (a) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
 - (b) Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.
- 4.2 The general steps listed below shall be followed when preparing to take sound level measurements.
- (a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

- (b) The sound level meter shall be calibrated before and after each set of measurements.
- (c) When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instructions.
- (d) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
- (e) Measurements shall be taken at a point that is located about one foot beyond the property line of the emitter's premises within the receptor's premises. 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.
- (f) While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources shall be made to insure that the measurements are due to the sound being investigated. The sound levels of extraneous sound sources shall be recorded.
- (g) The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned or used by or for the Director, provided such device or the immediate area is clearly labelled, to warn of the potential illegality shall be a violation of this ordinance.

Section 5 ALLOWABLE NOISE LEVELS

5.1 GENERAL PROHIBITION

No person shall, except as provided in Section 6, cause, allow or permit the creation, continuance or maintenance of any noise beyond the property lines of his/her premises in excess of the noise levels established in these regulations.

5.2 IMPULSE NOISE

No person shall, except as provided in Section 6, cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime to any Residential Noise Zone.

No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any Business or Residential Zone.

5.3 NOISE LEVEL STANDARDS

- (a) No person in a Residential Zone shall emit noise, except impulse, beyond the property lines of his/her premises exceeding the levels stated herein:

| EMITTER'S ZONE | <u>RECEPTOR'S ZONE</u> | | |
|----------------|------------------------|-----------------|-------------------|
| | BUSINESS | RESIDENTIAL/DAY | RESIDENTIAL/NIGHT |
| RESIDENTIAL | 55 dBA | 55 dBA | 45 dBA |

- (b) No person in a Business Zone shall emit noise except impulses beyond the property lines of his/her premises exceeding the levels stated herein:

| EMITTER'S ZONE | <u>RECEPTOR'S ZONE</u> | | |
|----------------|------------------------|-----------------|-------------------|
| | BUSINESS | RESIDENTIAL/DAY | RESIDENTIAL/NIGHT |
| BUSINESS | 62 dBA | 55 dBA | 45 dBA |

- (c) Non-conforming uses shall comply with the limits applicable to the district within which the non-conforming use is located.

5.4 HIGH BACKGROUND NOISE LEVELS

In those individual cases where the background noise levels caused by sources not subject to these Regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of 80 dBA at any time, and provided that this Section does not decrease the permissible noise levels of other Sections of this Ordinance.

5.5 Motor Vehicle Noise.

All motor vehicles operated within the limits of the Town of Greenwich, shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.

No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 5.

5.6 Recreational Motorized Vehicles Operating Off Public Rights-of-Way:

(a) Except as permitted under Section 8.1 (b), no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in this section 5.3.

(b) This section shall apply to all recreational motorized vehicles whether or not duly licensed and registered, including but not limited to commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

Section 6 Prohibited Noise Activities.

In addition to the foregoing, the following acts, and the causing thereof, are declared to be in violation of this ordinance:

6.1 CONSTRUCTION:

(a) No person shall operate or permit the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 6 PM and 7 AM the following day, on weekdays and before 9 AM and after 5 PM on Saturdays or at any time on Sundays or holidays such that the sound therefrom exceeds the limits set forth in Section 5.

(b) Section 6.1 does not apply to the use of domestic power tools subject to Section 6.5.

6.2 REFUSE: No person shall operate a refuse collection vehicle between the hours of 9:00 p.m. and 5:00 a.m. unless otherwise approved by the Director of Health.

6.3 MOTORBOATS: All motorboats operated on any waterway within the jurisdiction of the Town of Greenwich shall be subject to the noise level standards set forth in Section 15-129 of the Connecticut General Statutes.

6.4 EXHAUST DISCHARGE: No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler as defined by Section 2.10 of this Ordinance or through an apparatus providing equal noise reduction.

6.5 DOMESTIC POWER TOOLS/EQUIPMENT:

(a) No person shall operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or other tool

between the hours of 9 PM and 8 AM the following day such that the sound therefrom exceeds the limits set forth in Section 5.

(b) Section 6.5 does not apply to the use of snow removal equipment.

Section 7 EXCLUSIONS

7.1 These Regulations shall not apply to:

- a) Sound generated by natural phenomena, including, but not limited to, wind, storms, insects, amphibious creatures, birds, and water flowing in its natural course.
- b) The unamplified sounding of the human voice.
- c) The unamplified sound made by any wild or domestic animal.
- d) Sound created by bells, carillons, or chimes associated with specific religious observances.
- e) Sound created by safety and protective devices.
- f) Farming equipment or farming activity.
- g) Back-up alarms required by OSHA or other State or Federal safety regulations.

Section 8 SPECIAL EXEMPTION

8.1 The following shall be exempt from the provisions of this ordinance:

- (a) Sounds created by emergency activities, as authorized by the proper authorities, or emergency vehicles, sounds giving warning of emergencies, or sounds customarily signaling particular times of the day. Sounds created by the utilization of fire horns shall not come within this exemption unless a variance has first been obtained pursuant to Section 9 of this ordinance.

- (b) Sound created by parades, carnivals, and other special public social events or celebrations after having attained a valid permit from the town.
- (c) Noise generated by Construction activities between the hours of 7 AM and 6 PM weekdays, and between 9 AM and 5 PM Saturdays.
- (d) Noise created by Domestic Power Tools between the hours of 8 AM and 9 PM.
- (e) Noise generated by snow removal equipment.

Section 9 Variance

9.1 The Board of Health may, on written application and after review, grant a variance from any provision or provisions of this ordinance which is more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, where such variance is justified by overriding interests affecting the public safety, health and welfare. The variance may be granted subject to appropriate conditions which may include a time schedule for compliance. The Board of Health shall hold a public hearing on all variance applications submitted to it. Said hearing shall be held within thirty days from the receipt of the variance application by the Board of Health. Notice of the time and place of such hearing shall be given by mail to the applicant at least ten business days before the date of the hearing. Notice of the time, place and application or applications to be discussed shall also be posted in the Office of the Town Clerk at least ten business days before the date of the hearing. The Board of Health shall render a written decision setting forth the reasons for the grant or denial of the variance within ten business days after said hearing. Where the decision is to grant a variance, the Board of Health shall set forth those conditions or circumstances which it finds justify the grant of the variance.

SECTION: 10 PENALTIES

10.1 Unless otherwise provided, any person who violates any provision of this Ordinance shall be fined not more than One Hundred Dollars (\$100.00) for each violation.

10.2 It shall be the responsibility of the offender to abate the violation as ordered by the Director. Each day's violation shall be deemed a separate offense.

SECTION 11 SEVERABILITY

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 12 APPLICABILITY

This Ordinance shall be in full force and effect sixty (60) days after publication.