

SECTION 1. SHORT TITLE: "The Town of Stratford Noise Control Ordinance."

SECTION 2. PURPOSE: It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or degrade the quality of life. This Ordinance is enacted to protect, preserve, and promote the health, safety, welfare and quality of life for the citizens of Stratford through the reduction, control and prevention of noise.

SECTION 3. DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 3.1 AMBIENT NOISE OR BACKGROUND: Shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.
- 3.2 TOWN COUNCIL: Shall mean the Town Council of the Town of Stratford.
- 3.3 COMMERCIAL ZONE: Shall mean any Business Zone, Commercial Districts CA, and LB as defined in the Zoning Regulations of the Town of Stratford. "Industrial Districts" shall consist of zones MA and MB.
- 3.4 CONSTRUCTION: Shall mean any site preparation, assembly erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- 3.5 CONSTRUCTION EQUIPMENT: Shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.
- ✓ 3.6 DAY-TIME HOURS: Shall mean the hours between 8:00 a.m. and 8:00 p.m. Monday morning through Friday evening and the hours 8:00 a.m. to 10:00 p.m. on Saturday and the hours 9:00 a.m. to 8:00 p.m. on Sunday with the Saturday and Sunday hours in effect on the day before and the day of Federal and State Holidays.

Providing, however, that the same shall mean the hours between 8:00 a.m. and 9:00 p.m. Monday morning through Friday evening and the hours 8:00 a.m. to 10:00 p.m. on Saturday and the hours 9:00 a.m. to 9:00 p.m. on Sunday with the Saturday and Sunday hours in effect on the day before and the day of Federal and State Holidays during daylight savings time.

- 3.7 DECIBEL: Shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is DB.

- 3.8 DEMOLITION: Shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surface or similar property.
- 3.9 DOMESTIC POWER EQUIPMENT: Shall mean, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- 3.10 EMERGENCY: Shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- 3.11 EMERGENCY VEHICLE: Shall mean any motor vehicle authorized by the Town of Stratford to have sound warning devices such as signs and bells which can lawfully be used when responding to an emergency.
- 3.12 EMERGENCY WORK: Shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
- 3.13 IMPULSE NOISE: Shall mean sound of short duration (generally less than one second) with an abrupt onset and rapid delay.
- 3.14 INDUSTRIAL ZONE: Shall mean any Industrial Zone including Light Industrial and Heavy Industrial as defined in the Zoning Regulations of the Town of Stratford.
- 3.15 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.
- 3.16 MOTOR VEHICLE: Shall be defined as per Section 14-1(26) of the Connecticut General Statutes (Revision of 1958, as amended).
- 3.17 MOTOR CYCLE: Is defined as per Section 14-1 of the Connecticut General Statutes.
- 3.18 MUFFLER: Shall mean a device for abating sounds such as escaping gases.
- ✓ 3.19 NIGHT-TIME HOURS: Shall mean the hours between 8:00 p.m. and 8:00 a.m. Sunday evening through Saturday morning and the hours 10:00 p.m. to 9:00 a.m. Saturday evening through Sunday morning with the Saturday evening, Sunday morning hours in effect on the night before and day of Federal and State Holidays.

Providing, however, that the same shall mean the hours between 9:00 p.m. and 8:00 a.m. Sunday evening through Saturday morning and the hours 10:00 p.m. to 9:00 a.m. Saturday evening through Sunday morning with the Saturday evening, Sunday morning hours in effect on the night before and day of Federal and State Holidays during daylight savings time.

- 3.20 NOISE: Shall mean any sound, the intensity of which exceeds the standards set forth in Section 5 of this Ordinance.
- 3.21 NOISE LEVEL: Shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- 3.22 PERSON: Shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administration subdivision of the State or other legal entity of any kind.
- 3.23 PREMISES: Shall mean 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 continguous publically dedicated street and highway rights-of-way, all road rights-of-way and waters of the State.
- 3.24 PROPERTY LINE: Shall mean 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.
- 3.25 PUBLIC RIGHT-OF-WAY: Shall mean any street, avenue, boulevard, highway sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.
- 3.26 RECREATIONAL VEHICLE: Shall mean any non-registered/internal combustion engine powered vehicle which is bein used for recreational purposes.
- 3.27 RESIDENTIAL ZONE: Shall consist of zones RS-1, RS-2, RS-3, RS-4, RM-1, ad defined in the Zoning Regulations of the Town of Stratford.
- 3.28 SOUND: Shall mean a transmission of energy through solid, liquid or gasesous media in the form of vibrations which constitute alternations pressure or position of the particles in the medium and which, in the air evoke phsiological sensations, including, but not limited to an auditory response when impinging on the ear.

- 3.29 SOUND LEVEL METER: Shall mean 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 S 1.4--1971 (Type S2A).
- 3.30 SOUND PRESSURE LEVEL: (SPL) shall mean twenty (20) times the logarithm to the base ten (10) of the ration of the pressure of a sound to the reference pressure of twenty micronewtons, per square meter ( $20 \times 10^{-6}$  Newton/meter <sup>2</sup>), and is expressed in decibels (db).
- 3.31 VIBRATION: Means an oscillatory motion of sound bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.
- 3.32 AIRCRAFT: Means any engine-powered device that is used or intended to be used for flight in the air and capable of carrying humans. Aircraft shall include civil, military, general aviation and VTOL/STOL aircraft.
- 3.33 AIRCRAFT, STOL: Means any aircraft designed for and capable of, short take-off and landing operations.
- 3.34 AIRCRAFT, VTOL: Means any aircraft designed for, and capable of, verticle take-off and landing operations such as, but not limited to helicopters.
- 3.35 AIRPORT: Means an area of land or water that is used, or intended to be used, for the landing and takeoff of aircraft and is licensed by the State of Connecticut Bureau of Aeronautics for such use. "Airport" shall include all buildings and facilities if any. "Airport" shall include any facility used, or intended for use, as a landing and take-off area for VTOL/STOL Aircraft, including but not limited to, heliports.

SECTION 4. NOISE LEVEL MEASUREMENT PROCEDURES: For the purpose of determining noise levels as set forth in this Ordinance, the following guidelines shall be applicable.

- 4.1 All Personnel conduction sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- 4.2 Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.

4.3. 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 placed on slow response and shall be calibrated before and after each set of measurements.
- c) 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.
- c) Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's premises within the noise 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.

SECTION 5. NOISE LEVELS:

5.1 It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

5.2 Noise Level Standards:

<u>Emitter's Zone</u>	<u>RECEPTOR'S ZONE</u>		<u>Residential Zone</u>	<u>Residential Zone</u>
	<u>Industrial</u>	<u>Commercial</u>		
Residential	62 dBA	55 dBA	55 dBA	45 dBA
Commerical	62 dBA	62 dBA	55 dBA	45 dBA
Industrial	70 dSA	66 dBA	61 dBA	51 dBA

### 5.3 HIGH BACKGROUND NOISE LEVELS AND IMPULSE NOISE

- a) 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 levels of other Sections of this Ordinance.
- b) No person shall cause the emission of impulse noise in excess of 80 dB peak sound pressure level during the night-time to any Residential Noise Zone.
- c) No person shall cause or allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time to any zone.

### SECTION 5.4 EXCLUSIONS:

These levels shall not apply to noise emitted by or related to:

- a) Natural phenomena.
- b) Any bell or chime from any building clock, schools or church.
- c) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.
- d) Warning devices required by OSHA or other State or Federal safety regulations.
- e) Farming equipment or farming activity operated within an area used strictly for farming.
- f) Sound created by any mobile source of noise. Mobile sources of noise shall include, but are not limited to, such sources as aircraft and trucks. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, has turned off its engine and ancillary equipment, and has begun the physical process of removing the contents of the vehicle.

## 5.5 EXEMPTIONS:

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

- a) Noise created as a result of, or relating to an emergency.
- b) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during day-time hours.
- c) Noise from snow removal equipment operated by the Town.
- d) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town, including, but not limited to, parades, sporting events, concerts and firework displays.
- e) Noise created by refuse and solid waste collection provided that the activity is conducted during day-time hours. "Any activity undertaken by the Town of Stratford in a governmental capacity."
- f) Noise generated by any construction equipment which is operated during day-time hours, provided that operation of construction equipment during night-time hours shall not exceed the maximum noise levels as specified in Section 5.
- g) Noise that originates at airports that is directly caused by aircraft flight operations specifically pre-empted by the Federal Aviation Administration.
- h) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.
- i) Noise created by products undergoing test, where one of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken.

### EXISTING NOISE SOURCES:

- ✓ j) Existing noise sources constructed between June 15, 1978 and January 1, 1960 shall be provided a permanent five (5) dBA Maximum noise level allowance over levels other-

wise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source. (Existing noise sources) constructed prior to 1960 shall be provided a permanent (10) dBA maximum noise level allowance over levels otherwise herein required regardless of subsequent changes in ownership or facility utilization processes at the location of the existing noise source.

✓ k) ADAPTIVE REUSE OF EXISTING BUILDINGS:

Buildings and other structures that exist as of June 15, 1978, which have been remodeled or converted for adoption reuse or which may be remodeled or converted at a future date shall be provided a permanent five (5) dBA maximum noise level allowance above the Emitter Class of the new use of the buildings over levels otherwise herein required.

SECTION 6. PROHIBITED NOISE ACTIVITIES:

6.1 GENERAL PROHIBITION

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. (Rev. Ords. 1959, 45-1).

6.2 ENUMERATION OF PROHIBITED ACTS:

Each of the following acts, among others, is declared unlawful and is prohibited; but this enumeration shall not be deemed to be exclusive:

- a) BLOWING HORNS, ETC. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in



motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

- b) RADIOS, PHONOGRAPHS, ETC. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- c) SHOUTING, SINGING, ETC. Yelling, shouting, hooting, whistling or singing on the public street, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or in any dwelling, hotel or other type of residence, or of any person in the vicinity .
- d) ANIMALS. The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any person in the vicinity.
- e) STEAM WHISTLES. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- f) EXHAUST DISCHARGE. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom .
- g) BUILDING OPERATIONS. The erection (including excavating), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in care of urgent necessity in the interest of public safety, and then only with a permit from the board of building commissioners, which permit may be granted for a period not to exceed three (3) days while the emergency continues.

- h) LOADING AND UNLOADING OPERATIONS. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- i) TRUCK IDLING. No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a City road next to a residential premises.

SECTION 7. MOTOR VEHICLE NOISE:

- 7.1 All motor vehicles operated within the limits of the Town of Stratford shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a.
- 7.2 No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in Sec. 5.
- 7.3 This section dealing with motor vehicle noise shall be enforced by the Chief of Police and/or his designated subordinates.

SECTION 8. RECREATIONAL VEHICLE NOISE:

- 8.1 No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this Ordinance when the noise so generated exceeds the noise level standard set forth in Section 5.

SECTION 9. INSPECTIONS:

- 9.1 For the purpose of determining compliance with the provisions of this ordinance, the Director of Health or his designated representative are hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise from regulated sources.
- 9.2 It shall be unlawful for any person to refuse to allow or permit the Director of Health or his designated representative free access to any premises when the Director of Health or his designated representative is acting in compliance with a warrant for the inspection and order issued by the appropriate court.

9.3 It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

9.4 No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Ordinance.

#### SECTION 10. PENALTIES:

Penalties. Any person who violates any provision of this ordinance shall be fined Twenty-five and no/100 Dollars (\$25.00) for each such offense. Each day that any such violation continues after the time for correction of the violation has been given shall constitute a continuing violation, and the amount of the fine shall be doubled for each such day of such violation, not to exceed \$100 per day.

#### SECTION 11. VARIANCE and CONTRACTS:

##### 11.1 VARIANCES:

- a) Any person living or doing business in the Town of Stratford may apply to the Department of Health for a variance from one or more of the provisions of the Ordinance, which are more stringent than the Connecticut Department of Environmental Protection Regulations for the control of noise, provided that the applicant supplies all the following information to the Director of Health.
  - (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 the noise that will be generated.
  - (4) Any other information required by the Director of Health.
- b) No variance from these regulations shall be issued unless it has been demonstrated that:
  - 1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection Regulations.

- 2) The noise levels generated by the proposed activity will not constitute a danger to the public health.
- 3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.
- c) The application for variance shall be reviewed and either approved or rejected within fifteen (15) days of receipt by the Director of Health. The approval or rejection shall be in writing and shall state the condition(s) of approval of the variance.
- d) Failure to rule on the application in the designated time shall constitute approval of the variance.

11.2 RECOURSE: Any person aggrieved by the decision of the Director of Health with respect to any variances, may appeal to the Town Council, within a period of Ten (10) days of receipt of the Health Director's decision.

11.3 CONTRACTS: Any written agreement, purchase order or contract whereby the Town of Stratford is committed to an expenditure of funds in return for work, labor, services, supplies, equipment, materials or any combination thereof, shall not be entered into unless such agreement purchase order or instrument contains provisions that any equipment or activities which are subject to the provisions of this Ordinance shall be operated, constructed, conducted or manufactured without violating the provisions of this Ordinance.

SECTION 12. SEVERABILITY: All provisions of the Zoning Regulations of the Town of Stratford which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provisions herein which is in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut are hereby repealed, it being understood that said Statutes and Code shall take precedence over this Ordinance.

AN ORDINANCE AMENDING "THE TOWN OF STRATFORD NOISE CONTROL ORDINANCE", as passed by the Stratford Town Council Monday, July 28, 1986.

SECTION 5.5 EXEMPTIONS

(e) Noise created by refuse and solid waste collection provided that the activity is conducted during day time hours, and provided further that for the purposes of this section, "day time hours" shall commence at 7:00 a.m. Any activity undertaken by the Town of Stratford in a governmental capacity.

AN ORDINANCE AMENDING "THE TOWN OF STRATFORD NOISE CONTROL ORDINANCE", as passed by the Stratford Town Council Monday, June 9, 1986

SECTION 11.1 VARIANCES

(e) The filing of an application for a variance shall operate as a stay of prosecution, except that such stay may be terminated by the Director of Health upon application of any party if the Director of Health finds the protection of the public health so requires